

IN THE MATTER OF the Canterbury Earthquake
(Christchurch Replacement District Plan)
Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a
Christchurch Replacement Plan

Date of decision: 15 December 2016

Hearing Panel: Environment Judge John Hassan (Chair), Ms Sarah Dawson,
Mr Stephen Daysh, Ms Jane Huria

**MINOR CORRECTIONS AND CONSISTENCY CHANGES TO
DECISIONS 11, 23, 24 and 57**

**Chapter 6 General Rules and Procedures – Noise, Airport matters, and Hagley Park
and Chapters 15 (Commercial) and 16 (Industrial)
(and Planning Maps)**

Background

[1] This decision deals with:

- (a) Minor corrections, under cl 16 of Schedule 3 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘OIC’) (‘minor corrections matters’); and
- (b) Changes requested to certain provisions in Decisions 11, 23 and 24 to address:

- (i) some matters of internal drafting inconsistency in regard to provisions those decisions determined for noise sensitive activities within the 50 L_{dn} Air Noise Contour ('drafting inconsistency matters'); and
- (ii) some factual errors in various Planning Maps and associated provisions, concerning National Grid and distribution lines (and some other matters concerning Decision 11 and certain National Grid lines).¹

[2] The minor corrections matters concern Decision 57 (Chapter 6: General Rules and Procedures (Part) – Noise, Airport matters and Hagley Park), issued on 10 November 2016. We received requests for minor corrections from:²

- (a) Christchurch City Council ('the Council');³
- (b) The Crown;⁴
- (c) Christchurch International Airport Limited ('CIAL'); and⁵
- (d) David Lawry (2514), Bruce Campbell (2489), Mike Marra (2054), Vanessa Payne (2191), John Sugrue (2567), Gerrit Venema (2091) ('Submitter Group').⁶

¹ Requested in joint memorandum of counsel on behalf of Transpower New Zealand Limited, Orion New Zealand Limited and Christchurch City Council in relation to Decision 11 – Chapter 15: Commercial (part), dated 13 December 2016 ('joint memorandum'). We record, on this matter, Environment Judge recused from deciding related aspects of Decision 11 given that he had acted for Transpower prior to his appointment to the bench. Given that, at the commencement of the teleconference held on 14 December 2016 with the relevant parties, Judge Hassan specifically reminded parties of this, and asked whether any party took issue with him dealing with the joint memorandum matters. Counsel for each party (Transpower, Orion and the Council) each confirmed they did not have any concerns about him doing so. Therefore, for convenience, we deal with all these matters in this decision.

² Decision [59], a supplementary decision to Decision 57 on General Rules and Procedures, deals with the related matter of Strategic Objective 3.3.12 and the various memoranda filed on that topic. Some memoranda also addressed Decision 56, and we have made a separate minor corrections decision on those matters.

³ Memorandum of counsel for the Christchurch City Council requesting corrections to Decision 57, dated 21 November 2016 ('Council's memorandum'). Memorandum of counsel on behalf of Christchurch City Council in relation to Appendix 21.9.7.1 – Clearwater Resort Development Plan, dated 13 December 2016.

⁴ Memorandum of counsel for the Crown in respect of minor corrections to Decisions 56 & 57; and amalgamation of Central City provisions, dated 25 November 2016 ('Crown's memorandum').

⁵ Memorandum of counsel on behalf of Christchurch International Airport Limited requesting minor corrections to decision 57, dated 25 November 2016 ('CIAL's first memorandum').

⁶ Memorandum of Submitter Group entitled 'Minor Corrections to Decision 57, dated 25 November 2016 ('Submitter Group's first memorandum') ; Memorandum of submitter group in relation [to] amendments to Objective 3.3.12 proposed by Christchurch City Council, dated 29 November 2016 ('Submitter Group's second memorandum'); Submitter Group response to The Honourable Sir John Hansen minutes

[3] The Submitter Group and Paul Francis (5079)⁷ also raised concerns that Decision 57 did not address certain matters they raised in their submissions and representations.

[4] As directed⁸, the Council filed a response to various requests for minor corrections made by other parties ('Council reply memorandum').⁹ On the requests for correction in regard to the bird strike rules, we issued a Minute and convened a conference of those parties who raised issues (the Council, CIAL and Isaac Conservation Wildlife Trust ('ICWT')). We return to this matter at [71].

[5] We address minor corrections matters generally in topic order below. For some of the non-contentious minor corrections supported by the Council, we accept the reasons given by the requesting party and, therefore, do not express further reasons. All corrections we have made to the reasons in Decision 57 are in Schedule 1 ('Corrected Reasons'). All corrections or other minor changes we have made to provisions are in Schedule 2 ('Corrected Provisions').

[6] Schedule 2 also sets out changes we have made to provisions to address the drafting inconsistency matters. These relate to certain provisions from various decisions on noise sensitive activities within the 50 L_{dn} Air Noise Contour.

REASONS

Jurisdiction

[7] Our jurisdiction to make minor corrections to a decision is in cl 16 of Schedule 3 to the OIC, which provides as follows:

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.

on behalf of the Panels that Decided Decisions 56 and 57 relating to applications for minor corrections and other matters, dated 6 December 2016 ('Submitter Group's third memorandum').

⁷ Memorandum on Chapter 6 General Rules, Airport Noise, dated 10 November 2016 ('Mr Francis' first memorandum'), Memorandum on Chapter 6 General Rules, Non-airport noise, dated 18 November 2016 ('Mr Francis' second memorandum').

⁸ Panel Minute dated 30 November 2016.

⁹ Memorandum of counsel for Christchurch City Council responding to minor corrections sought to Decision 57 by other parties, dated 1 December 2016.

- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

[8] As can be noted, the power in Sch 3 cl 16 does not apply once provisions are operative as part of the CRDP.

[9] In the Transpower, Orion and Council joint memorandum concerning Decision 11, those parties ('joint parties') make submissions on the scope provided by cl 16, Sch 3, OIC.¹⁰ This is in a context of their relatively late request. We accept that lateness is not in itself a jurisdictional impediment to their request under that provision, given that Chapter 15 is not yet operative. We also accept the soundness of the principles the joint parties express concerning our jurisdiction. However, we return to those jurisdictional matters at [12] – [27], where we explain why we have rejected one aspect of the joint parties' request (concerning 2 Waterman Place and 987 Ferry Road).

[10] Our jurisdiction to make minor changes to provisions that are already operative is under cl 13, OIC as follows:

- (5) While the hearings panel is considering a proposal, it may reconsider any decision it has already made on another proposal if it considers it is necessary or desirable to do so to ensure that the replacement district plan is coherent and consistent.
- (6) If the hearings panel considers, after reconsidering a decision under subclause (5), that an earlier proposal or a part of the replacement district plan requires change, the panel may direct the council—
 - (a) to make changes of no more than minor effect; or
 - (b) to prepare and notify a new proposal, and invite submissions on the new proposal in accordance with Schedule 1.

[11] We are presently considering the proposal the subject of Decision 57, on the matter of the requested minor corrections. Under cl 13(5), we may reconsider any decision we have already made on another proposal if we consider it is necessary or desirable to do so to ensure that the CRDP is coherent and consistent. The requests by CIAL, supported by the Council, are to address issues of alleged inconsistency in decided provisions. Hence, they fall to be considered under cl 13(5) and (6), OIC.

¹⁰ Joint memorandum, at paras 11 – 16.

The joint parties' request for corrections and clarifications to Decision 11

[12] With one exception, we find the joint parties' requests for changes to Decision 11 within jurisdiction and appropriate.

[13] The exception pertains to the joint parties' request concerning 2 Waterman Place and 987 Ferry Road ('properties'). We traverse our concerns here, although with the rider that, at an urgently convened telephone conference, the parties acknowledged the difficulties we raise and that they would need to approach it in a different way, as we address at [24].

[14] Decision 11 determined that these properties be zoned Commercial Core (a change from the proposed Industrial General zoning of the notified proposal).

[15] For reasons we shortly set out, the joint memorandum makes the following request:¹¹

Transpower respectfully requests that the Panel make a minor correction to the provisions in the Commercial Core zone to include the National Grid corridor rules as included in Appendix A (which are included in other zones traversed by National Grid transmission lines). Transpower apologises for the delay in seeking this request, but has until recently been unaware of the implications of the Panel's minor corrections to Decision 11.

[16] As can be observed, Transpower attributes the cause of difficulty to the Panel's minor corrections decision on Decision 11. That theory is also expressed in the following further statement in the joint memorandum:

It has recently been brought to Transpower New Zealand's ... attention that the Panel's decision to issue minor corrections, including amendments to Planning Map 40, has resulted in the rezoning of the properties at 2 Waterman Place and 987 Ferry Road ... from Industrial General to Commercial Core. These properties are traversed by 220kV National Grid transmission lines. The notified version of the Replacement Plan included National Grid corridor protection rules for the Industrial General Zone which applied to the properties. Transpower's submission supported the relevant permitted activity and non-complying activity rules, subject to some amendments.

[17] However, this matter of zoning was determined in Decision 11 itself, for the reasons given at [339]:

[339] Marriner Investments Limited and Latitude Group Limited requested the Industrial General zoning for 2 Waterman Place and 987 Ferry Road be changed to Commercial Core in recognition of the existing mix of commercial activity. Traffic

¹¹ Joint memorandum, at para 10.

concerns were an issue. However, following expert witness conferencing all outstanding matters were agreed. We are satisfied that those agreed changes are appropriate, and have included them in the Decision Version.

[18] The minor corrections decision on Decision 11, referred to by the joint parties, was issued on 8 April 2016.¹² As that decision explained, it was in response to the Council's provision to the panel, on 29 January 2016 and 2 March 2016, of updated Planning Maps, Figures and Appendices. It also concerned other unrelated memoranda seeking corrections to various unrelated matters. Specifically, the 8 April 2016 correction decision did not bring about the change of zoning and issues Transpower now says it causes. Rather, that was the substantive effect of Decision 11 itself.

[19] On the matter of jurisdiction, and the merits of their request, the following submissions are made in the joint memorandum:¹³

We consider that the correction sought by Transpower relates to the consistency of Decision 11 with other decisions, and does not seek to amend the content (i.e. the merits) of the relevant provisions. It is clear from decisions on the Replacement Plan that the Panel intended to include National Grid corridor provisions in all zones in which National Grid transmission lines exist.

We do not consider that there is any breach of natural justice given that the notified provisions for the Industrial General Zone included the National Grid corridor provisions which applied to the properties and Transpower sought rules for all relevant zones and amendments to the relevant planning maps to clearly indicate the National Grid transmission lines.

Transpower has discussed this matter with Christchurch City Council ... who agree with the minor correction sought and are a party to this memorandum.

[20] In view of the immediate difficulties we identified in those submissions, we convened an urgent teleconference with the joint parties, on 14 December 2016. While Orion was represented at the teleconference by Ms Appleyard, she confirmed that Orion was not interested in this specific matter. The interested joint parties are, therefore, Transpower and the Council. We explained to the parties our concerns as follows:

- (a) As to natural justice, [339] records that the decision to give the properties Commercial Core zoning was in acceptance of the submissions of Marriner Investments Limited and Latitude Group Limited and for the reasons stated.

¹² Decision to make Minor Corrections to Decision and as to Planning Maps, Figures and Appendices Decision 11 Commercial (Part) and Industrial (Part) — Stage 1, dated 8 April 2016.

¹³ Joint memorandum, at paras 15 – 17.

- (b) Transpower did not make a further submission in response to those submissions.
- (c) The joint memorandum does not indicate whether the parties have consulted those submitters and what their positions are.

[21] In addition, we do not find persuasive the comments in the joint memorandum that “Transpower sought rules for all relevant zones and amendments to the relevant planning maps to clearly indicate the National Grid transmission lines” and “...the Panel intended to include National Grid corridor provisions in all zones in which National Grid transmission lines exist”. In particular, Decision 11, at [603](d), records that Transpower specifically sought the deletion of all rules and standards that relate to the National Grid in the Commercial proposal because the National Grid does not traverse any commercial zones. Hence, what would appear to be the true position is that the matters now raised in the joint memorandum were overlooked by Transpower, both in the framing of its joint submission and in the presentation of its case at the hearing. That was essentially acknowledged by Ms Girvan during the teleconference.

[22] It was also acknowledged by Mr Beatson for Transpower that the arguments that no natural justice impediments apply to the granting of the joint parties’ request cannot be sustained in the face of [339] of Decision 11 and the fact that neither of the named submitters were consulted or are party to the joint memorandum. There is a clear potential for the interests of those parties to be prejudiced, given what is sought would impact on their capacity to develop their land.

[23] In view of all those matters, as the parties also conceded during the teleconference, cl 16 Sch 3, OIC does not avail us safe ability to grant the request as matters stand.

[24] In rejecting this request, we do not rule out the potential for Transpower and the Council to file a fresh application, provided it is properly supported and filed in time for the Panel to consider and determine it before we conclude our task on this inquiry. We observe that, for the reasons we have given, it would appear at least necessary to secure the cooperation of Marriner Investments Limited and Latitude Group Limited (or any successor). That is because we presently see no capacity for making such a change to Decision 11 unless it can be clearly shown to be minor, remedial, and having no prejudicial consequence for other submitters or interests. Any fresh application would need to clearly demonstrate why we have jurisdiction.

[25] We leave these matters entirely in the hands of the parties, with the rider that any application would need to be filed by no later than **4pm 17 February 2016**. We do not need to make any associated directions.

[26] We now turn to the remaining matters requested in the joint memorandum. These requests are as follows¹⁴:

- (a) That we make a supplementary decision to Decision 40 (Utilities) directing the Council to show the 220kV, 100kV and 66kV National Grid (Transpower) and the relevant 66kV, 33kV and 11kV electricity distribution lines (Orion) on the Planning Maps in Appendix B to the joint memorandum and update the legend (under ‘Other Notations’);¹⁵ and
- (b) That we direct the Council to correct planning maps 36 and 43 to appropriately reflect that the 66kV line from Islington substation is a 66kV electricity distribution line, not a National Grid line.¹⁶

[27] The joint memorandum provided details of the relevant lines, and these details were corrected by the subsequent email. The joint memorandum also supplied associated corrected planning maps. We are satisfied, on the basis of the explanation in the joint memorandum, that these are minor corrections simply to remediate factual errors and having no prejudicial effect on any other submitter or potential party. As such, we find we have jurisdiction to grant these requests under cl 13, and Sch 3, cl 16. We do so, and make the related directions at [115].

Temporary military training activities

[28] The Crown asks that we clarify an aspect of the noise rules for these activities. It notes that the provisions in 6.1.6.2.2 Table 3 in Schedule 1 (‘Decision Version’) to Decision 57 are consistent with what was agreed between the Council and the Crown, using the Council’s preferred noise limits. However, it says it is unclear what consequential amendments have

¹⁴ We note that, during the teleconference, Ms Scott for the Council alerted us to some typographical errors in this part of the joint memorandum. As directed, she followed this with an email, dated 14 December 2016, to the Secretariat setting out these errors. We accept the corrections, and these are why our explanation of these requests is slightly different from how they are explained in the joint memorandum.

¹⁵ Joint memorandum, at paras 3 and 25, and subsequent above-noted email.

¹⁶ Joint memorandum, paras 3(b) and 25, and subsequent above-noted email.

been made to reflect the ‘flexibility’ that Decision 57 records that it is to allow for weapons firing and explosive events. It asks whether this intended flexibility ought to be clarified, by way of a minor correction to Rule 6.1.6.2.2 Table 3(1), on a similar basis to what is provided for other noise-generating activities. It proposes that this be by way of the following addition to the Noise Standard column in relevant parts of the table:¹⁷

- c. The activity shall meet the decibel noise limits of Table 1 or 2 of Rule 6.1.5.2, except that on up to 10 days per year on any site, activities may exceed the decibel noise limits in Table 1 or 2 of Rule 6.1.5.2 by 10 dB or less.

[29] While the Council records that it opposes flexibility in principle, it acknowledges that the Decision Version does not reflect the flexibility intended by Decision 57.¹⁸

[30] While we note the Council’s philosophical position, it is now our task to be satisfied that the provisions of the Decision Version properly confer the flexibility that Decision 57 intended to confer. We agree with the Crown that there is a need for a minor correction on this matter to give proper effect to Decision 57, and have made this change accordingly.

[31] We have also made some minor non-contentious corrections to some aspects of wording, as requested by the Council.

Rule 6.1.6.2.2 – temporary military training or emergency management activities

[32] The Council has pointed out an omission in this rule in the fact that it does not reference mobile and fixed sources (as is referenced at [258] of Decision 57). We agree that this is a minor drafting error, and have changed the rules as the Council has recommended.

Airport noise and kart club noise related to the ICWT sanctuary

[33] It is convenient to deal with this group of matters together.

¹⁷ Crown memorandum, Appendix A.

¹⁸ Council reply memorandum, Appendix A.

Issues raised by the Submitter Group and Paul Francis concerning matters not covered in Decision 57

[34] The Submitter Group and Paul Francis raise different concerns about whether Decision 57 has overlooked some matters raised by them in their submissions and representations. The OIC requires that our decision must ‘provide reasons for the decision, including the reasons for accepting or rejecting submissions on a proposal’.¹⁹ Therefore, in circumstances where a decision fails to give reasons for accepting or rejecting submissions ‘on a proposal’, it can be said to be incomplete.

[35] While the OIC does not require that we address each submission individually,²⁰ we acknowledge the Submitter Group’s and Mr Francis’s concerns about the apparent silence of Decision 57 on the particular matters they have noted. We assure them of what Decision 57 records, namely that we considered all submissions. Insofar as we have not set out explicit reasons for not accepting the matters they have noted, this was partly a consequence of having to deliver an already lengthy and complex decision. It was also because the particular matters did not relevantly bear upon what we were required to, or able to, decide, as we now explain.

[36] The Submitter Group’s first memorandum expresses concern that Decision 57 (and Decision 56) are totally silent on the following:²¹

... the matter of the Agreement relating to the settlement of an Environment Court Proceeding that has been referred to as the “Noise Experts Agreement”.

[37] It goes on to say:

As explained in our submissions, at the time of that agreement, dated 17 July 2006, the contemplated contour re-evaluation every ten years provided a means of fairness and rebalancing of adjacent land owners land use rights against airport reverse sensitivity activity exclusions, and associated curfew and other risk projections.

[38] It records that, during the hearing, “there was comment from opposing parties that this matter was essentially a Regional Council Matter and not one for the Replacement District Plan”. In relation to this, the memorandum comments:²²

¹⁹ OIC, Sch 3, cl 13(1).

²⁰ OIC, Sch 3, cl 13.

²¹ Page 1, para 3, un-paginated Submitter Group’s first memorandum.

²² Page 1, para 7, un-paginated Submitter Group’s first memorandum.

We note that the panel has addressed the 50dBA rule issue that we indicated should also be viewed as essentially a Regional Council issue if that argument was to be accepted as the contours and any associated rules impact regionally.

[39] The Submitter Group's second memorandum, whilst mainly concerned with Strategic Objective 3.3.12 determined by Decision 59, included the following statement:

The panel is respectfully reminded that the 50dBA Ldn Air Noise Contour encompassed land owners Regionally not just in the Christchurch City Council District and that this was put up by opposing parties as a reason that the panel could not make decisions such as the re-evaluation of the contours in accordance with the Experts Agreement, as that matter was essentially Regional. If that argument is being accepted with regard to that matter then it should equally hold for this 50dBA Ldn Air noise contour noise sensitive avoidance rule.

[40] The Submitter Group's third memorandum again returns to this matter. The essence of the concerns it expresses are as follows:²³

While the [panel] has indicated that it is an evidence based inquiry, it remains a mystery to us as to how the panel has weighted [sic] the evidence relating to the re-evaluation of the contours issue as there has simply been no comment.

Given the wider context, we have submitted that both CCC and CIAL have no intention whatsoever of carrying out this re-evaluation. Its very existence had been hidden, until our submitter group, determined its existence and eventually obtained a copy of it. ...

... It articulates the firm intention of the expert's [sic] to cement in the process by which every 10 years, in recognition of the extreme planning restrictions placed on land owner's [sic] use of their land, encapsulated by the Air Noise Contours, that they would be re-evaluated. The actual process is intentionally prescriptive for obvious reasons. ...

Does a written promise, made as part of an Environment Court hearing agreement hold such little weight that the [panel] refuses to even comment on it at all? ...

There has been an undertaking that all of our submitter group's issues would be addressed. Regardless of our view of the outcomes, they have been addressed with the very obvious exception of this re-evaluation issue. Why is this issue being treated differently?

Our submitter group respectfully requests that the panel be called together to re-consider their current silence on this issue. We seek transparency and therefore written reasoning for their decision relating to this topic. As we have pointed out the silence is in fact a decision that excludes the re-evaluation from the Replacement Plan.

We point out that current inconsistency in the panels [sic] approach to this matter and the noise sensitive activity avoidance rule the panel has decided to create under the '50dBA noise contour' ...

Having determined to create this new rule the continued silence and lack of will to even comment on the re-evaluation of the contours is in our view hypocritical. It exhibits an

²³ The extracts are taken from unpaginated several pages of the Submitter Group's third memorandum.

aggressive motivation to create a new extreme rule, one that did not even form part of the Councils [sic] or CIAL's original submissions, but no will to even articulate reasoning for not implementation [sic] the re-evaluation that has been signaled to it at the very commencement of this process. This is simply not a balanced response to this issue and lacks transparency. ...

Justice delayed is justice denied.

There has been recent comment and debate about world-wide public loss of trust in the institutions that form the fabric of our democracy; bluntly put this decision goes directly to reasoning for such loss of trust.

[41] The matter of Policy 6.3.5 of the Canterbury Regional Policy Statement 2013 ('CRPS') was first addressed in Decision 1 (Strategic Directions). To recap, it relevantly provides as follows:

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by: ... (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 priority area identified for Kaiapoi or residential greenfield priority area identified in Map A (page 64).

[42] As our decisions have also explained, the aforementioned Map A depicts, in a broadly pterodactyl shape, the '50dba Airport Noise Contour'. As we have explained in each of our decisions, including Decision 57, the CRDP must give effect to the CRPS. That includes the objectives and policies of it pertaining to Map A.

[43] That is one reason why Decision 57 is silent on the Submitter Group's request that we re-evaluate the 50 dBA Ldn noise contour. Insofar as this refers to provisions of the CRPS, our obligation was to ensure the CRDP gave effect to the CRPS and we had no jurisdiction to make any changes to the CRPS (including Map A) or make any directions for proposals to be notified in respect to the CRPS. This is plain from a reading of the OIC and, over our several decisions including Decision 57, we have been careful to set out the statutory framework for our role. As we have noted in various decisions, nor is it proper for us to make any observations or findings intended to influence in any way any CRPS change or review processes.

[44] Similarly, nor is it part of the Panel's role to give effect to any Environment Court decision or to supervise or enforce any related settlement between parties to Environment Court proceedings. As we have been clear about in several decisions, and to the parties in the course

of several hearings, we are an independent hearings panel charged with the functions specified in the OIC for the delivery of the CRDP.

[45] A further reason concerns what the Panel has already relevantly decided in relation to the 50 dBA Ldn noise contour including to give effect to the CRPS.

[46] Decision 1 was the first Panel decision to consider the CRPS. It made various findings on its proper interpretation and effect, including in relation to CRPS Policy 6.3.5. Those findings informed that decision's inclusion in the CRDP of Objective 3.3.12, relevantly as follows:

Strategic infrastructure, including its role and function, is protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects, by, amongst other things... avoiding noise sensitive activities within the 50 dBA Ldn noise contour for Christchurch International Airport, except... for permitted activities within the Open Space 3D (Clearwater) Zone of the Christchurch City Plan or activities authorised by resource consent granted on or before 6 December 2013.

[47] That strategic objective is now in effect, in the CRDP, subject to the refinements made to it by Decision 59. As we have explained in various decisions, the statutory role of CRDP policies and rules is to achieve related CRDP objectives, including Objective 3.3.12.

[48] The Panel decided on related policies and rules, in relation to Residential zones, in Decision 10 (Residential). On the matter of CRPS Policy 6.3.5 and noise sensitive activities (as defined) within the 50 dBA Ldn noise contour, we note the decision's findings at [21] and at [173] – [241]. That decision's detailed findings on the legal requirements and evidence plainly inform its determination of the most appropriate set of provisions for noise sensitive activities within the 50dBA L_{dn} airport noise contour.

[49] Those provisions are now in effect as part of the CRDP. In terms of the scope of our jurisdiction, on the proposals and submissions before us, those provisions were not open to being revisited in Decision 57. That is a further reason why Decision 57 did not make any findings that re-evaluate what Decisions 1 and 10 decided, including to give effect to the CRPS on this matter.

[50] In essence, for those reasons, the re-evaluation that the Submitter Group desire was not relevant to what we had to decide in Decision 57. Therefore, in an already lengthy and complex

decision, this matter is not addressed in Decision 57. However, given the strength of concern the Group expresses in its various memoranda, we acknowledge that our silence on this matter may have left the Group with the wrong impression that we were deliberately deciding against this aspect of their requested relief. We can only say, for the reasons we have given, that was not the case. Rather, within the limits of our statutory responsibility, it was not open to us to undertake, or even recommend upon, the re-evaluation that the Group desires.

[51] We have some sympathy for the position that a lay submitter faces in understanding the true legal nature and limits of an inquiry process such as this. In view of that, we have been at pains throughout to endeavour to assist Mr Lawry and other members of the Submitter Group to understand and fully participate in the processes. At times, that has called for considerable patience from all concerned. We note the Submitter Group acknowledges that, other than on this issue of re-evaluation of the 50 dBA Ldn noise contour, their issues were addressed. Indeed, the Group will no doubt observe how the several relevant matters they raised directly contributed to the final outcome.

[52] We would hope that this further explanation of why we could not, and therefore, did not make findings on the matter of re-evaluation of the 50 dBA Ldn noise contour assists the Group's understanding of the nature and purpose of our statutory role in these matters.

[53] Mr Francis' first memorandum, received on the date of issue of Decision 57, invites us to consider "a large double dome concrete hush house for jet engine testing capable of housing an A380 and other wide body aircraft". Whether or not such technology is available and suitable was not tested in evidence before us. In any case, it cannot have any relevant bearing on what we are now considering, namely whether minor corrections are needed to Decision 57.

[54] Mr Francis' second memorandum concerned kart noise and the ICWT, on which he made a submission. The memorandum records that he "requested a nett governance outcome of permitted activity status for kart noise on a particular site across the road from Aviaries owned by [ICWT]". The memorandum notes that he did not agree with a settlement reached between the Council and ICWT and says he was "excluded from mediation and the settlement process". However, those are not matters that can have any relevant bearing on what we are now considering, namely whether minor corrections are needed to Decision 57. The decision records, at [246] – [248], why we determined in favour of the provisions recommended to us

by the parties to the settlement, including in view of the support for it from the Council's noise expert, Mr Camp.

Corrected Reasons

[55] A range of 'minor corrections' to the Airport noise provisions in Sub-chapter 6.1 have been sought by the Council and CIAL. The Council seeks 'minor corrections' to some aspects of the reasons in Decision 57 (on the basis that these do not go to the merits, but rectify mistakes or inaccuracies).²⁴ So does CIAL.²⁵ The Council has responded to some of CIAL's suggestions, and vice versa.²⁶ It is convenient for us to deal with these matters together.

[56] Schedule 1 shows, by tracked change, where we have accepted minor corrections to the reasons in Decision 57. These are at [207], [208], [213] and [214]. In some cases, we have adopted the Council's suggestions and, in other cases, CIAL's. That is because, while those parties make different suggestions on some aspects, these are for materially the same purpose of ensuring due accuracy. As such, we have applied the approach of preferring whichever correction is clearer for the matter in issue. The changes we have accepted are simply to remediate expression and/or correct minor factual errors. They do not alter anything of substance and none is contentious. Decision 57 is to be read subject to these corrections.

Rule 6.1.6.2.6.a.ii. – the number of unplanned engine testing events

[57] We agree with the Council and CIAL that the rule needs to be corrected to reflect the intention in [370] of the decision that there be an allowance of up to 12 unplanned engine testing events per annum. We have corrected the rule to provide for this.

²⁴ Council memorandum, App A.

²⁵ CIAL memorandum, App A, Memorandum of counsel on behalf of Christchurch International Airport Limited responding to memorandum of Christchurch City Council in relation to decision 56 & 57, dated 6 December 2016 ('CIAL second memorandum').

²⁶ Council reply memorandum, CIAL memorandum, CIAL second memorandum.

Rule 6.1.6.2.7.1.a – addition of ‘on behalf of the Airport Operator

[58] The Council requests that we make clear who an Airport Noise Management Plan is prepared for, and CIAL support this. We agree that it is a minor correction and helpful clarification and have made it accordingly.

Rule 6.1.6.2.8 Helicopter movements

[59] CIAL has pointed out that the drafting of this rule would bring helicopter movements in the Special Purpose (Airport) zone (‘SPAZ’) under the rest of the rules, as a result of the introductory sentence. The Council supports CIAL in noting that the intention was that helicopter movements in the SPAZ remain a separate matter, not caught by Rule 6.1.2.6.8.a.i, ii and iii. The Council notes that there is no reason for helicopter movements within the SPAZ to be controlled for hours of operation. It notes that the requirement for them to achieve 50 Ldn is a de facto control on hours, but allows night-time movements where these can meet this noise limit. It is equivalent to aircraft being able to land or take off 24 hours per day within the SPAZ. The Council notes that the distance rules were not intended to apply to the SPAZ. Rather, they are intended to apply outside the SPAZ for the protection of residential amenity.

[60] We agree with CIAL and the Council that the drafting of this rule is in error not implementing Decision 57 in these matters. CIAL has proposed alternative ways of addressing this, either by way of a separate Airport cl b. or commencing iv with ‘Except that within the Specific Purpose (Airport) zone...’. We have taken up CIAL’s first suggestion, more explicitly excluding the SPAZ from cl a., and adding a new cl b.

[61] Finally, CIAL and the Council filed a joint memorandum, on 13 December 2016, drawing attention to some minor drafting inconsistencies in the Decision Version’s rules concerning helicopter movements that take place further than 450m from a residential unit.²⁷ In essence, some rules correctly reflected the Panel’s decision at [255], but others did not. We agree that this is a minor remedial, and non-contentious, refinement to the provisions. We have made the corrections in Schedule 2.

²⁷ Joint memorandum of counsel on behalf of Christchurch International Airport Limited and Christchurch City Council, Decision 57 Chapter 6: General Rules and Procedures (Part) – Rule 6.1.6.2.8 Helicopter Movements, dated 13 December 2016.

Appendix 6.11.15.a

[62] Appendix 6.11.15 concerns the Acoustic Treatment Programme. 6.11.15.a.i reads:

- a. The Acoustic Treatment Programme shall include the following:
 - i. a map showing one decibel contours from 55 dB Ldn to 70 dB Ldn as based on the Air Noise Boundary and Air Noise Contour lines shown on the Planning Maps.

[63] The Council's initial position was that we should change the provision by replacing the words 'Air Noise Boundary and Air Noise Contour lines shown on the Planning Maps' with the words 'Annual Aircraft Noise Contours'. At that stage, it argued:

The Council anticipates that the base for the one decibel contours would be the Annual Aircraft Noise Contours (actual noise contours). The Council's suggestion is necessary to be consistent with Rule 6.1.6.2.7.2.a.i. which refers to the 65 dB Ldn Annual Aircraft Noise Contour for acoustic treatment for operation aircraft noise, as opposed to the Air Noise Boundary and/or Air Noise Contours.

[64] CIAL opposed this request, seeking no change to the provision, arguing:

The basis of (a)(i) is to ascertain the maximum growth scenario (and associated noise impacts) as applied to the dwelling, and ensure insulation to that level, not what the current AANC records. The AANC is the trigger for CIAL providing insulation to the level set under clause (a)(i).

[65] The Council's reply memorandum acknowledged CIAL's point and withdrew its initial request. We accept CIAL's submission on this matter. The Council also sought some other non-contentious wording clarity suggestions. We find those suggestions are appropriate and include them in the minor corrections in Schedule 2.

Rule 21.9.4.1.4: Non-complying activities - Clearwater Golf Resort

[66] The Council seeks that we add new NC7 and NC8:

Any activity listed in 21.9.4.1.1 P7 that does not meet one or more of the activity specific standards a. and b.

Any activity listed in 21.9.4.1.1 P8 that does not meet one or more of activity specific standards a. b. and c.

[67] The Council notes that Decision 57 adds a new non-complying activity listing for retail activity, conference and convention activities, and resort hotel bedrooms that do not comply

with the scale limitations in 29.9.4.1.1 permitted activities. On that basis, it submits that its proposed additional non-complying activity, for office activity and residential activity that exceeds the scale limitations, would ensure greater consistency.²⁸ We agree, and have made this change, being satisfied it is a minor correction that ensures greater consistency.

[68] On 13 December 2016, we received a memorandum from the Council drawing to our notice some minor errors in the Clearwater Golf Resort Development Plan in App 21.9.7.1. The errors, which were carried forward from the version supplied to us by the Council, are as to the borders of the Resort Community areas and water bodies depicted on the plan. By subsequent email on behalf of Clearwater Land Holdings Limited (2423), Mr Cleary confirmed that his client did not oppose making this correction. As Mr Cleary's email reminded us that other parties had submitted on this aspect of the CRDP, we took the precautionary further step of issuing a Minute, on 14 December 2016, asking the Council to state its position on whether there could be any potential for prejudice to those submitters.²⁹ The Council confirmed our preliminary view, namely that the changes would not pose such a risk of prejudice, given that they are remedial corrections to internal boundaries. As we find we have jurisdiction to make these minor corrections, we do so in Schedule 2.

Other noise provisions

Rules 6.1.3.f.iv and 6.1.5.2.2.a and Table 2 – replacing reference to 'where the noise generating activity is located'

[69] The Council has pointed out that, in these rules, there is an error in their reference to 'where the noise generating activity is located'. Those words should be replaced by those referring to relevant receiving sites. We agree that this is a minor drafting error, and have changed the rules as the Council has recommended.

²⁸ Council memorandum, Appendix A, p 14.

²⁹ Moore (2025), Ngai Tahu Property Limited (2235), Submitter 2263 (Saunders Robinson Brown, Noblick Partnership and the Golf Company 2006), CERA (2387), Eros Clearwater Holdings Limited (2274), Cameron (2479), CIAL (2348).

Definition ‘notional boundary’

[70] The Council points out that, in Chapter 6, ‘notional boundary’ is used in relation to sensitive activities (as well as a residential unit), but the related definition does not recognise this. We agree, and have made this minor correction to the definition.

Bird strike

[71] CIAL, ICWT and the Council addressed the bird strike rules in their memoranda.

[72] CIAL submitted that there is a “potential inconsistency” between the reasons given in Decision 57 and the rules it determines. It explained that Rule 6.7.4.3.1 P3 (b) is of most concern. That is because it would allow waterbodies, no matter how large or how close to the airport, to be permitted “provided only that it doesn’t have an island, limits on slope size, and provisions for plant species”.³⁰

[73] CIAL submitted that it cannot identify any submission or evidence (including Dr McLellan’s evidence) to support the Panel’s decision to make all waterbodies exceeding 1000m² permitted activities subject to the specified activity standards.³¹ Related to that, it refers to several of the reasons given in the decision. It went so far as to describe the decision’s provisions as “the antithesis of what all parties (CIAL, CCC and ICWT) ultimately sought”.³² It referred to Dr McLellan’s evidence in chief, at 3.4, interpreting this as “expressly subject to the rider that” for waterbodies above 1000m², the Council “must have the discretion to refuse consent”.³³ It noted that the decision refers to Dr McLellan’s evidence, at [466], and quotes and refers to [466] and [468] of the decision. CIAL also referred to passages at [455](a) and [462] and observes that [459] is in error insofar as it does not record that CIAL’s position was for waterbodies, other than stormwater systems, between 500m² and 1000m² certain permitted activity standards should apply and above 1000m² waterbodies should be restricted discretionary.³⁴

³⁰ CIAL memorandum, at para 18.

³¹ CIAL memorandum, at paras 8, 18.

³² CIAL memorandum, at para 8.

³³ CIAL memorandum, at para 9.

³⁴ CIAL memorandum, at paras 12 – 15.

[74] CIAL sought that we change some paragraphs of Decision 57 to address its concerns.³⁵ In [462], it sought that we add a sentence as follows (CIAL’s emphasis):

Council, ICWT and CIAL were all aligned on seeking restricted discretionary activity status for waterbodies **exceeding** 1000m² and this included Dr McLellan at her paragraph 3.4 where she stated that Council needed to have capacity to decline an application for a waterbody exceeding 1000m².

In addition, it sought that we add a clarifying footnote to the decision if “any submission and/or Dr McLellan’s evidence is the basis for rule P1 omitting any activity standards between 500m² and 1000m²”.

[75] More broadly, CIAL asked that we clarify “the Panel’s intentions” and, depending on that, we make provision for “some involvement in drafting to reflect what the Panel have decided”. It offered proposed revisions to provisions, prepared by Mr Bonis, to address its concerns (‘CIAL revised provisions’).³⁶ It also said:³⁷

In the alternative if the current wording is as the Panel intended we would appreciate cross reference to the submission (as refined by the parties up to the point of closing) and evidence which form the basis for the Panel’s decision.

[76] ICWT noted it would wish to participate in any conference on the matter. With reference to CIAL’s observations concerning the scope of submissions, it also noted the theory of its submission was to generally accept restricted discretionary activity classification for new waterbodies over 1000m², but to request “certain changes to the permitted activity rule”.

[77] In its response, the Council noted that it agreed “in principle” with CIAL as to the lack of an upper limit on the scale of waterbodies which meet the permitted activity standards. It submitted that there may be some proposals “which meet those standards but where, because of the scale of waterbody, birdstrike risk can still not be mitigated to an acceptable level, merely by addressing matters such as sideslopes and whether or not there are islands present”. It said it would prefer that waterbodies in excess of 1000m² be classed as restricted discretionary activities (the position it took in its closing submissions). It acknowledged that the Panel would need to be satisfied as to jurisdiction, and invited the Panel to convene a teleconference.³⁸

³⁵ CIAL memorandum, at paras 16 – 19.

³⁶ CIAL memorandum, App 3.

³⁷ CIAL memorandum, at para 20.

³⁸ Council reply memorandum, App A, p 5.

[78] Given the Council's request, we issued a Minute (on 5 December 2016) scheduling a conference with the parties on 7 December 2016. The Minute made clear that the scheduling of the conference did not signal that the Panel has reached any view on the related requests for changes to Decision 57. It encouraged counsel to come prepared to discuss what, if any, jurisdictional basis would be available for what CIAL and the Council have sought by way of any change to, or supplementation of, the specified rule.

[79] The Chair commenced the conference by noting that, having reviewed the matter, we agreed with CIAL and the Council that the provisions in the Decision Version are defective in delivering on the intention of Decision 57. This is in two key respects:

- (a) Rule 6.7.4.3.1 P3 ought to have identified new waterbodies as being subject to a minimum area dimension of 500m² and upper dimension of 1000m²;
- (b) Rule 6.7.4.3.3 ought to have specified as a restricted discretionary activity those waterbodies that exceeded this upper dimension, subject to the specified matters of discretion.

[80] The related findings in Decision 57 are as follows:

- (a) Findings on the statutory framework (including on jurisdictional scope) are at [11] – [13] (including with reference to Decision 1, [25] – [28] and [40] – [62] and Decision 6, at [48] – [54]). Further findings on the 'precautionary approach' (as espoused by CIAL's expert Mr Shaw) and ss 5 and 32AA and other RMA requirements are at [449] – [452].
- (b) Findings on CIAL's evidence, including points of common ground and difference between Mr Shaw and Dr McLellan, are at [425] – [442], [445], [446], [448] – [453].
- (c) Findings on Dr McLellan's evidence are at [443] – [445] (in addition to the paragraphs above-noted where the decision compares her evidence with that of Mr Shaw). Those include the findings at [443] as to the difficulty of providing any

detailed assessment of the suitability of proposed planning provisions and the following at [444] and [445]:

In addition, for waterbodies within 3km of the airport, she supported having a 1000m² trigger for the obligatory consideration of birdstrike mitigation (on the basis that the Council would have capacity to decline the application).

What is also revealed by Dr McLellan's rebuttal evidence is that there is no clearly scientific basis for making any election between the Revised Version's approach and CIAL's approach on some matters. For instance, she explains that her preference for 1000m² waterbodies and Mr Shaw's preference for a more stringent 500m² limit in fact derives from their use of a single paper describing a study in Washington State.

- (d) Findings as to the Council's Revised Version and "key" points "of difference" with what CIAL sought are at [458] – [461]. We acknowledge that these paragraphs do not refer to CIAL's preference that, above 1000m², waterbodies should be restricted discretionary activities. However, the paragraphs do refer to CIAL's position seeking to regulate smaller sized permanent water features, and its extension out to the BSMA2 circle, was on the basis of Mr Shaw's recommendations ([461]). As such, we find there is no material error warranting correction to this aspect of the decision.
- (e) Those findings inform the finding, at [466], on the most appropriate provisions on this, which (as now corrected by Schedule 1), reads as follows:

We find most appropriate that the trigger for control of the creation of all types of water body should be 1000m² in surface area, rather than 500m². We have extended this to permanent water bodies even though ~~the Council and CIAL both~~ proposed a 500m² trigger for them. In part that is in light of Dr McLellan's evidence as to the lack of any clear scientific basis for preferring 500m² over 1000m². Secondly, given that evidence, we find that specification of a 1000m² trigger achieves a materially equivalent benefit in risk management with greater regulatory simplicity and less cost.

[81] We observe the use of the word 'trigger', in this passage, is not entirely clear if read in isolation. However, as can be seen, it originates from the above-quoted passage from Dr McLellan's evidence, namely as a "trigger for the obligatory consideration of birdstrike mitigation (on the basis that the Council would have capacity to decline the application)". That is, it was not intended to be understood in the sense of not having any upper limit on the size of waterbodies.

[82] While we acknowledge the various passages of Decision 57 that we have referred to could have been clearer in their expression, the combination of [444], [445] and [466] are in essence to accept Dr McLellan’s related opinion and determine that the trigger for control should be 1000m² in surface area. While [466] does not make explicit that ‘control’ is in the sense that Dr McLellan described it, i.e. control “of birdstrike mitigation (on the basis that the Council would have capacity to decline the application)”, we consider it necessarily inherent on the basis of our related evidential findings.

[83] Hence, we agree with CIAL and the Council that the relevant provisions of the Decision Version are defective in that they do not confer the upper size limit needed to give proper effect to our findings.

[84] The Council and CIAL agree that cl 16, Sch 3 OIC gives us jurisdiction to ensure that the drafting of provisions properly reflects the reasons in Decision 57. ICWT does not take issue with that proposition as such, but rather submitted that the various passages in the decision (particularly [451], [466] and [468]) support what is already drafted in the Decision Version.³⁹

[85] In speaking to her submissions for ICWT, Ms Limmer noted that the key point was whether there was a mismatch between the decision and the provisions and, if that was what we decide, we are at liberty to go back and correct it.⁴⁰

[86] Ms Limmer’s submissions underline an important principle, namely that the provisions are an outworking of the decision and our focus must be on ensuring they match what we have decided. Without adding to our reasoning, we confirm that Decision 57 is as we have set out, not as ICWT initially may have taken from some vagueness in certain paragraphs of the decision. Therefore, we agree with CIAL and the Council in finding that the deficiency in the provisions in giving effect to Decision 57 is a “minor mistake or defect” and, hence, falls within cl 16 Sch 3. In particular, cl 16 gives us jurisdiction to correct the provisions so that they properly implement the reasoning in Decision 57.

³⁹ Memorandum of counsel for the Isaac Conservation and Wildlife Trust regarding minor corrections to the bird strike rules, dated 7 December 2016.

⁴⁰ Transcript, p 1607, 11 – 19.

[87] In their submissions at the conference, Ms Appleyard and Mr Laing offered slightly different drafting to assist our task of remedying the provisions to properly reflect our decision. In view of that, we issued a Minute on 7 December 2016 setting out the Panel's thinking on how the drafting of the provisions should be corrected and seeking the parties comments on this.

[88] Initially, on 8 December 2016, the Council and CIAL filed a joint memorandum jointly proposing some changes to the drafting offered in our 7 December Minute ('joint memorandum').⁴¹ Counsel for ICWT emailed the Secretariat to confirm ICWT had no comments.⁴²

[89] On 12 December 2016, CIAL filed a further memorandum drawing attention to an error by counsel in the offered drafting of permitted activity 'P3' in the joint memorandum. It explained a limiting factor when the joint memorandum was filed was the absence of Mr Bonis. For the reasons following, we do not need to make any observations on that matter.

[90] CIAL explained that, for this provision, the drafting in the 7 December Minute was correct and the error was in the fact that the joint memorandum's drafting had added the words 'which exceeds 500m²' to the provision for stormwater basins. It pointed out that stormwater basins differ from other waterbodies in that they can be designed not to be permanent. Hence, with reference to the evidence and its closing submissions, CIAL explained that the related stormwater basin design standards function to avoid them turning into permanent waterbodies, for instance a thin layer of water attractive to birds for feeding and wading. It noted the inherent difficulty that setting a 500m² limit would pose for storm water basins, given their ephemeral water holding nature.

[91] The Council filed a memorandum in reply, on 13 December 2016.⁴³ In essence, the memorandum concurred that the joint memorandum had been substantially drafted by the Council, noted that the Council had genuinely attempted to reflect the Panel's reasoning in Decision 57 (a point we accept without hesitation), and noted in essence that it would abide

⁴¹ Memorandum of counsel for Christchurch City Council and Christchurch International Airport Limited following conference with parties on birdstrike rule 6.7.4.3.1 P3(b) and minor correction requests, dated 8 December 2016.

⁴² Email Alanya Limmer – Victoria Henstock, dated 8 December 2016, 4.11pm.

⁴³ Memorandum of counsel on behalf of Christchurch City Council in relation to birdstrike rule 6.7.4.3.1, dated 13 December 2016.

our final decision on this matter. It offered minor drafting refinements to what the Panel had offered in its 7 December Minute, in the event that we are minded to accept CIAL's position.

[92] For all the reasons we have given, we agree with CIAL that the drafting offered in the joint memorandum (while offered with the best of intentions) is defective in the way it has departed from the Panel's drafting in the 7 December Minute. We also agree that the Council's suggested drafting refinements improve clarity and are appropriate.

[93] For those reasons, we make the changes, as minor corrections, in Schedule 2.

[94] Finally, we have decided against making the various changes to paragraphs of the decision that CIAL and ICWT invited us to make. In essence, we do not consider the changes are warranted, by contrast to the provisions.

Planning maps and figures

[95] In Decision 57, we directed the Council to provide us with revised planning maps and updated appendices and figures. These were subsequently received. Since the filing of those documents, we received an updated version of Appendix 21.9.7.1 (Clearwater Golf Resort), as already addressed in this decision.

[96] The planning maps, figures and appendices set out in Schedule 3 are the most appropriate for implementing the related CRDP objectives plan, and we confirm them as part of this decision. We do however, make one further direction, namely that a legible scale be included in Appendix 21.9.7.2 (Whisper Creek Golf Resort).

Drafting inconsistency matters concerning Decisions 11, 23 and 24

[97] Briefly by way of background, CIAL filed a memorandum, on 30 June 2016, requesting minor corrections ('CIAL's 30 June memorandum').⁴⁴ On 1 July 2016, we issued a Minute inviting the Council, and any other party who wished to respond, to file responses by memorandum.⁴⁵ On 2 July 2016, we received a response to CIAL's request from Mr Lawry

⁴⁴ Memorandum of counsel for Christchurch International Airport Limited relating to drafting matters arising from Decisions 23 and 24, dated 30 June 2016.

⁴⁵ Minute in relation to drafting matters from Decisions 23 and 24, dated 1 July 2016.

(‘Mr Lawry’s response’).⁴⁶ While this recorded Mr Lawry’s position on some matters raised by CIAL regarding any intention for pre-school on his land, it did not address the requested alterations per se. On 7 July 2016, the Council informed us that it considered CIAL’s requested alterations were generally appropriate but suggested further drafting refinements (‘Council’s 7 July memorandum’).⁴⁷

[98] Decision 11 concerned the Stage 1 provisions for Chapter 15 (Commercial) and Chapter 16 (Industrial). It was issued on 18 December 2015. Decision 23 concerned the Stage 2 Chapters 15 and 16 provisions. Decision 24 concerned a private plan change and Chapters 16 and 6 (General Rules), pertaining to the site at the corner of Russley Road and Memorial Avenue, known as the MAIL site after the name of the principal site developer, Memorial Avenue Investments Limited. Decisions 23 and 24 were both released on 13 June 2016.

[99] CIAL has asked that we address what it sees as an element of inconsistency in provisions determined by those decisions. This is primarily relating to the activity status of ‘pre-schools’ which are, by definition, a form of noise ‘sensitive activity’.

[100] For completeness, we record that our consideration of this matter is purely in terms of whether or not there is an inappropriate inconsistency in provisions, not by reason of anything that Mr Lawry may or may not do on his land. This matter arises in the context of conflicting positions stated by CIAL and Mr Lawry on that theme. CIAL’s 30 June memorandum gave as a reason for addressing these matters that “Mr Lawry ... has expressed a desire to establish a pre-school within the 50 Ldn Air Noise Contour”. Mr Lawry has responded by emphatically saying that CIAL has misrepresented the position and that “I actually chose not to pursue this many years ago”.⁴⁸ Suffice to say, we find whatever Mr Lawry intends for his land to be irrelevant to what we are to consider. That is because our responsibility is confined to determining the most appropriate CRDP provisions for the applicable zones. Inherent in that is to be satisfied there is due internal consistency and coherence.

⁴⁶ Memorandum relating to the memorandum of counsel for Christchurch International Airport Limited relating to drafting matter from Decisions 23 and 24, dated 2 July 2016.

⁴⁷ Memorandum of counsel for Christchurch City Council responding to memorandum for Christchurch International Airport Limited seeking minor corrections to Decisions 23 and 24 also relevant to Decision 11 (Commercial Stage 1), dated 7 July 2016.

⁴⁸ Mr Lawry’s response, at para 4.

[101] Returning to that relevant focus, CIAL points out that Decision 11 is consistent in its reasoning and provisions in providing that a pre-school is permitted only if outside the 50 contour and all sensitive activities (including pre-schools) within the 50 contour are non-complying. The synopsis of activity classes provided for, at [73], explains that the Commercial zones have “Listed permitted activities for the applicable zones, subject to specified activity-specific and built form standards” and “Non-complying activities for specified categories of ‘sensitive activities’ in regard to then ‘air noise contour (50 dBA Ldn)’ (which we later refer to as the ‘50 contour’) and proximity to the centre line of electricity distribution lines and the National Grid”.

[102] Consistent with those explanations, Decision 11 provides for the Industrial General zone, a permitted activity Rule 16.2.2.1 P18. This specifies: ‘Pre-school ... a. outside the air noise contour (50 dBA Ldn)’. It also includes a non-complying activity Rule 16.2.2.5 NC2 which, relevantly, specifies ‘Sensitive activity within the air noise contour (50 dBA Ldn) or within the Lyttelton Port Influences Overlay Area as defined on the planning maps’.

[103] CIAL observes that Decision 23, concerning Industrial Park zones, adopts a different drafting approach. Permitted activity Rule 16.4.2.1 P16 states that pre-schools are a permitted activity but does not include an explicit rider that a pre-school must be outside the air noise contour (50 dBA Ldn). Consistent with Decision 11 and the Commercial zone approach, Decision 11 includes non-complying activity rule 16.4.2.5 NC2 which states that sensitive activities inside the air noise contour are non-complying (and pre-schools are an example of a sensitive activity). However, that decision takes a different drafting approach to that of the Industrial General zone.

[104] CIAL observes that Decision 24, concerning the MAIL site, further complicates the position. It provides for a permitted activity P1 that provides for ‘Activities P1 – P18 listed under rule 16.4.2.1’ as permitted activities. As we note above, inconsistent with the Industrial General zone provisions determined by Decision 11, P16 does not carry the rider that the pre-school must be outside the 50 contour. CIAL also expresses a concern that the site-specific zones, while expressly importing P16, do not expressly import non-complying activity rule NC2, which is a catchall relating to sensitive activities generally.

[105] CIAL points out that all three Industrial Park zones fall within the 50 Ldn Air Noise Contour, namely the Industrial Park zones at Memorial Avenue, Wairakei Road and Tait Campus. It makes the following related submissions:⁴⁹

Therefore, within these specific zones an argument may be raised that the Panel deliberately imported P16 into the zone and the only logical interpretation of that was to provide for pre-schools within the specific Industrial Park zones referred to, as otherwise P16 would be redundant as there is nowhere within these zones where a pre-school could locate which is outside the 50 contour.

CIAL is therefore concerned that this leads to an interpretation that the Panel must have intended to allow pre-schools in these three zones as otherwise the reference to P16 in the specific zones would be meaningless and the Panel must have intended a pre-school to locate somewhere in the zone.

[106] At this stage, we point out that CIAL would appear to have overlooked the following provision that is common to the various Industrial Park zones and prefaces their related rules:

All activities specified are also subject to the rules in 16.6.1 (Activity status tables) and 16.6.2 (Built form standards) unless specified otherwise in Rule 16.6.6.

[107] As such, whilst we acknowledge the matter of drafting inconsistency, we are satisfied that this does not express a different substantive intention. Importantly, therefore, the matter does not bear upon the rights and interests of parties in any substantive sense. Rather it is purely a question of drafting clarity and consistency. Bearing in mind the difficulty CIAL has encountered in interpreting that intention, we agree that we should make that intention more explicit.

[108] CIAL points out that a similar issue arises in some of the commercial zones, small pockets of Commercial Local, and some Commercial Core and Commercial Office zones falling within the 50 contour. That is, several noise sensitive activities are listed as permitted activities without the rider that they are to be outside the 50 contour. CIAL submits:⁵⁰

This raises the prospect of an argument that the specific reference to pre-schools and residential activities as a permitted activity overrides the general catchall that all sensitive activities are non-complying within the 50 contour.

[109] CIAL seeks that we:⁵¹

⁴⁹ CIAL's 30 June memorandum, at paras 20, 21.

⁵⁰ CIAL's 30 June memorandum, at para 23.

⁵¹ CIAL's 30 June memorandum, at para

make minor alterations to the Industrial Park, Commercial Core, Commercial Local and Commercial Office rules to align the drafting with the Panel’s reasoning and the drafting of the Industrial General Rules. It considers that these amendments will assist clarity and will avoid confusion and interpretation issues in the future.

[110] CIAL proposed amendments to address these concerns.

[111] The Council records it agrees with the substance of CIAL’s request concerning the addition of reference to ‘outside the air noise contour (50 dBA Ldn)’ (although offering a slightly different drafting approach. It recommends a further change to account for the exemption of trade and industry training facilities. In addition, the Council suggests that we make further amendments to Rules 15.2.2.1 P13 and 15.3.2.1 P13 “for consistency with the ‘sensitive activity’ definition, including the exclusion of health care facilities with no accommodation for overnight care in the airport noise contour”.

[112] Like CIAL, the Council proposed amendments to address these matters.

[113] We are satisfied that it is appropriate that we clarify and make more consistent the drafting of the various provisions. As this is to give clearer effect to what the provisions already intend, we are satisfied that the changes are minor. As such, we make them under cl 13(5) and (6), as set out in Schedule 2.

Conclusion

[114] Decisions 57, 11 and 23 are hereby amended in accordance with Schedules 1 and 2.

[115] The Council is directed, in giving effect to this decision to:

- (a) Correct the Planning Maps (including maps 36 and 43) in accordance with the request in the joint memorandum (and related email), and Appendix B to that joint memorandum and update the associated legend (under ‘Other Notations’) as so requested;
- (b) Include a legible scale in Appendix 21.9.7.2 (Whisper Creek Golf Resort); and

- (c) File with the Secretariat, by **4pm 17 February 2017**, a memorandum confirming it has completed compliance with those directions and providing relevant copies to the Secretariat for records purposes.

For the Hearings Panel:



Environment Judge John Hassan
Chair



Ms Sarah Dawson
Panel Member



Stephen Daysh
Panel Member



Jane Huria
Panel Member

SCHEDULE 1

Corrected Reasons

Shown by tracked changes to the following pages as numbered in Decision 57:

Page 6

Page 16 (placement of footnote changed)

Page 51

Page 56

Page 58

Page 96 (additional footnote denoted by ⊕)

Page 99

Page 120

Page 122

Page 123

Page 144

NB – while the numbering of paragraphs remains unchanged, edits have in some instances. changed the location of sentences where they sit on the pages

INTRODUCTION

[1] This decision¹ (‘decision’) is one of a series by the Independent Hearings Panel (‘Hearings Panel’/‘Panel’)² for the formulation of the Christchurch Replacement District Plan (‘CRDP’). It follows our hearing of submissions and evidence concerning Christchurch City Council’s (‘Council’) notified Stages 2 and 3 General Rules and Procedures proposals (‘Notified Version’). It deals with:

- (a) Noise (6.1, Stage 3), including:
 - (i) the general noise provisions; and
 - (ii) airport noise, including from aircraft engine testing;
- (b) Temporary activities, buildings and events (6.2, Stages 2 and 3);
- (c) Aircraft protection (6.7, Stage 2), including:
 - (i) aircraft protection surfaces (the ‘in air’ protections) and runway ~~and~~ end protection surfaces (the ‘on ground’ obstacle protections); and
 - (ii) birdstrike.

[2] It also deals with the following (which we include in our references to ‘Notified Version’ and ‘Revised Version’):

- (a) Related definitions;
- (b) Noise sensitive activities in the Special Purpose (Tertiary Education) zone;³ and

¹ Further background on the review process, pursuant to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘the OIC’/‘the Order’) is set out in the introduction to Decision 1, concerning Strategic Directions and Strategic Outcomes, 26 February 2015 (‘Strategic Directions decision’).

² Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

³ Deferred for determination in this decision, as recorded in Pre-hearing Report and Directions – Stage 2 Chapter 21: Specific Purpose Zone Proposal (part) (and related definitions and associated planning maps), 10 August 2015, at [5].

[26] Following an adjournment, we took a number of measures to try to narrow and better focus matters in contention, so as to help determine the most appropriate planning outcome:

- (a) On 18 March 2016, we issued a Minute giving directions for two further expert witness conferencing sessions,²⁵ facilitated by Dr Alex Sutherland.²⁶ One was to address technical and planning issues concerning the proposed Engine Testing Provisions. The other was to address planning issues concerning the SPTEZ. The Minute directed experts to consider a list of questions and report back.
- (b) On 22 April 2016, following receipt of the joint expert conferencing statement (and facilitator’s report) on the Engine Testing Provisions, the Chair convened a conference with counsel and representatives of the parties. This followed a request from Air NZ, and was prompted by the reported inability of the planning experts in conferencing to progress development of planning provisions, in view of key points of disagreement between the noise experts.
- (c) On 27 April 2016, a planning experts conferencing statement on the SPTEZ was filed (‘SPTEZ joint statement’).²⁷ As directed, the statement included an analysis of which noise sensitive activities at the University of Canterbury campus were classified as permitted activities under the Existing Plan. It identified some activities where the planners were not able to draw firm conclusions on “resource management significance”.²⁸ Although the experts proposed that we consider getting further advice from the noise experts with a view to further witness conferencing, we satisfied ourselves that we would be in a position to make all necessary determinations on the evidence already before us.

²⁵ Minute re further expert witness conferencing regarding aircraft engine testing noise, activities at the University, and Transpower and Christchurch International Airport Limited (this third matter is addressed later in this decision).

²⁶ To whom the Panel again records its sincere thanks.

²⁷ Chapter 6 General Rules and Procedures Activities at the University of Canterbury within the 50dBA Airport Noise Contour Expert Conferencing Statement, 27 April 2016, signed by Glenda Dixon (the Council’s planning witness), Matthew Bonis (CIAL’s planning witness) and Darryl Millar (the University of Canterbury’s planning witness).

²⁸ The activities so identified were performance activities, conference activities, recreation activities, pre-school activities, outdoor education activities, and “accommodation activities, only insofar as they relate to outdoor amenity effects”.

Noise metrics

[178] We were entertained to a debate about the relative appropriateness of the use of the seven-day L_{dn} metric for engine noise testing, as against that supported by Dr Chiles's L_{Aeq} (15 min) metric.

[179] On the evidence, we find that the use of the seven-day L_{dn} for engine testing noise (rather than an L_{Aeq} (15 min) level) would carry the consequence that actual noise levels received during many tests would be significantly higher than the ~~L_{Aeq} (15 min) level~~ reported L_{dn} values.

[180] The evidence satisfies us that the proper focus, in determining provisions, should be the actual effects on sleep disturbance. On that matter, we have taken note of the WHO document about the consequences of noise and find it gives clear, internationally-accepted, guidance. We find the Revised Version's proposed metric closer to the mark in these practical terms, and this informs the determinations we have made on related provisions.

Should the CRDP require a GRE and/or restrict on the timing and frequency of engine testing?

[181] The submitters in opposition strenuously submitted that a GRE is the “world best practice” option for mitigation at source and we should impose a requirement for it. At [111], we have recorded the costs of such. We have also considered an approach of restricting the timing and frequency of engine testing at the airport. That could lead to a curfew on scheduled flights.

[182] The residents almost uniformly appeared to believe that a GRE would bring on-wing engine testing noise effects within acceptable levels. They even went so far as to suggest that this could result in lack of need for the engine testing noise contours and associated land use controls.

[183] The evidence showed that a GRE would have particular limitations in north-westerly wind conditions where in fact much of the problem exists. On that evidence, we find that a GRE would not offer sufficient benefits in terms of at-source mitigation.

[184] The evidence also shows that the costs of installing a GRE are significant.

Decision 57 – Page 56

[204] At the reconvened May 2016 hearing, Dr Chiles offered alternative controls for general compliance with such limits. He took the Panel through Exhibit 21, an updated memorandum from Marshall Day Acoustics dated 22 May 2016, focusing on two properties, 7 Whitchurch Place and 87 Jessons Road within the Rural Urban Fringe Zone, which the Council had postulated would be within a 60 dB and 65 dB engine testing contours.¹²⁰ It is relevant to note that none of the residentially zoned properties in the document were within the 60 dB L_{dn} contour.

[205] The detailed and unchallenged evidence was that at each of these two locations, for engine testing of ATR and A320 engines, noise levels would be well above the 45 dB $L_{Aeq}(15\text{ min})$ level postulated by Dr Chiles to protect against sleep disturbance. Each, he considered, would be more than 20 dB higher than that level, which we consider to be a notable difference. We accept Dr Chiles's evidence on these matters and the Council's submission that such levels would be clearly unreasonable on any measure.¹²¹

[206] One aspect of this enquiry would be to consider the number of properties within the 60 dB L_{dn} contour, and the likely cost per property.

[207] At our request, CIAL provided us with a map and associated table showing houses within the 60 dB L_{dn} engine testing contour in Rural zones, reporting that there are approximately ~~20~~ ten existing dwellings there. It also reiterated that CIAL was proposing to limit acoustic treatment compensation to properties within the 65 dB L_{dn} operational noise contour because its "acoustic advice is that it is inappropriate and unfair to distinguish between people exposed to the same levels of operational and engine testing noise".¹²²

[208] The Council filed a memorandum in response, providing maps ~~comparing showing~~ the 60 dB L_{dn} and 65 dB L_{dn} operational noise contours, ~~in terms of and identifying~~ existing dwellings in the Rural Urban Fringe and Rural Waimakariri zones. It explained that there are 14 existing dwellings within the 65 dB L_{dn} operational noise contour. It also recorded its position that CIAL's observations

¹²⁰ Exhibit 21 — Updated Marshall Day Report including Constrained Contours Map.

¹²¹ Closing submissions for the Council (Part 3), 27 July 2016, at 3.48.

¹²² Memorandum of counsel for CIAL, 18 August 2016.

Decision 57 – Page 58

[212] The question remaining, which we address shortly, is whether the costs of such additional acoustic treatment beyond CIAL's offer are reasonable, given those benefits.

[213] The Council, in our view, took the practical course of referring to the available GIS version of the now out of date 'constrained' 60 dB L_{dn} contour, modelled prior to the further accepted restrictions.¹²⁶ The new version will obviously be smaller and of slightly different shape. We accept that this approach would offer us appropriate guidance. Under the lesser constrained version available at the time of closing submissions, there would be 25 houses which would be eligible for some acoustic treatment; two within the 65 dB L_{dn} contour and 23 within the 60 dB L_{dn} contour. We note that the 18 August memorandum (referred to at [207]) showed that there were no houses within the 65 dB L_{dn} engine testing contour, and ten houses within the 60 dB engine testing contour.

[214] Assuming, for present purposes, CIAL's cap of \$30,000 for full acoustic treatment on average, at the Council's suggestion of 75 per cent contribution by CIAL, the cost would be around ~~\$517,000~~\$225,000. ~~Full acoustic treatment of the two houses within the 65 dB contour would bring the total cost to something under \$600,000.~~

[215] The Council submitted that this order of cost would not be disproportionate and would be justifiable from a s 32 point of view.¹²⁷ We find that to be a responsible, even conservative, submission, particularly in comparison with the cost estimated by CIAL witnesses of provision of enclosures at a very much higher figure.

[216] We have no difficulty in accepting the Council's submission about the 75 per cent contribution towards the costs of acoustic treatment for houses between the 60 and 65 dB engine testing noise contours to protect against sleep disturbance effects. Furthermore, drawing on evidence scattered amongst the voluminous materials about noise effects in the relevant environment, the 75 per cent figure is an appropriate recognition that the receiving environment is already exposed to operational noise from the airport and other noise sources such as road noise.

¹²⁶ Closing submissions for the Council (Part 3), 27 July 2016, at 3.54.

¹²⁷ Closing submissions for the Council (Part 3), 27 July 2016, at 3.57.

Decision 57 - Page 58 continued

[217] We accept the Council's submissions that it has been careful not to advocate a greater level of control.¹²⁸ For instance, the Council expressly did not propose acoustic treatment out to the 55 dB L_{dn} contour, recommending instead that CIAL provide technical advice to residents between the 55 dB and 60 dB contours. We hold that this approach is supported by the accepted

.....

¹²⁸ Closing submissions for the Council (Part 3), 27 July 2016, at 3.59–3.62.

Decision 57 – Page 96

submission that the offer obligation in relation to operational air noise should be triggered when the annual monitoring (‘Annual Airport Noise Contour’) shows noise to have reached this level (rather than referencing the Air Noise Boundary). We note this is consistent with the Revised Version’s noise mitigation rules, and we have modified the policy accordingly. For the reasons we have given, we find the policies of the Decision Version the most appropriate for responding to the Higher Order Documents and achieving related objectives.

Rule 6.1.6.2.5 Aircraft operations at Christchurch Airport

[358] The key point of difference between parties on this proposed rule concerns the extent of tolerance to be provided for exceedances of specified noise limits.

[359] The Council’s proposed exclusion from the specified limits is in proposed Rule 6.1.4.2.6.b of the Revised Version (and 17 August 2016 memorandum), and is as follows:[⊕]

Exceedance by up to 1dB of the aircraft noise limit is permitted ~~provided CIAL demonstrates at the request of, and to the satisfaction of, the Council~~ that any such exceedance was due to atypical weather patterns, or was the result of a natural disaster.

[360] CIAL seeks that the tolerance be changed to 2 dB, submitting that is no noise evidence which would indicate atypical exceedance of 2 dB would result in adverse effects and the figure would be within a margin of error.²⁰³ It seeks that we specify the types of events that CIAL has proposed, based on its own knowledge of airport operations, which Council witnesses are not experts in.²⁰⁴

[361] In examination by counsel for CIAL, Mr Boswell gave evidence that such events include uncharacteristic weather patterns, atmospheric conditions (such as an increase in particulates caused, for example, by an earthquake), national disruptions to flight patterns (such as where flights are diverted to Christchurch from other centres due to a natural disaster or other event), unplanned infrastructure repairs or maintenance (for example, as a result of a natural disaster, weather event or “changes to regulations regarding requirements for runway assets”).²⁰⁵

[⊕] In its 17 August 2016 memorandum, the Council proposed the shown as struck through.

²⁰³ Closing submissions for CIAL at 81, referring to the statement of evidence of Chris Day at 185, and the transcript, page 516, lines 24–39.

²⁰⁴ Closing submissions for CIAL at 82, referring to the transcript, page 399, lines 8–46.

²⁰⁵ Transcript, page 399, lines 8–46.

Decision 57 – Page 99

The Submitter Group opposes this, saying it allows far too much scope to avoid the limits. We agree that it is not sufficiently justified on the evidence, and could be open to abuse. Hence, we make no provision for it.

[374] On the matter of monitoring and determining compliance with the activity standard, we find that the regime agreed by the Council, CIAL and Air NZ is sufficient and more appropriate than the complex alternative approach sought by the Submitter Group.

[375] As to the way the provisions pertaining to the On-Aircraft Engine Testing Report, we have generally preferred what CIAL has proposed, over the Council's approach. That is on the basis that we find CIAL's approach to be more precise and technically sound. However, on some elements (e.g. the requirement for the Report to include a summary of complaints), we prefer the Council's approach as more appropriately achieving the related objectives.

6.1.6.2.7.1 — Airport Noise Management Plan

[376] As to structure, for this rule and the two following, we prefer CIAL's approach to having the rules address standards and an Appendix provide for related detail, as it is clearer. However, as to substance, we prefer and have so incorporated various aspects of the Council's Revised Version. For example, we have provided for a requirement that the Airport Noise Management Plan be reviewed at least every two years, as the evidence clearly shows that the nature of this issue is that noise conditions will change over time.

6.1.6.2.7.2 — Acoustic treatment and advice

[377] Likewise, while preferring CIAL's structure, we have incorporated various aspects of the Council's Revised Version and of the Submitter Group's approach. In particular, that is in relation to the clarity we give as to consultation with the Airport Noise Liaison Committee in the development of the Acoustic Treatment Programme. We find that a 12-month time period (as sought by CIAL) is more appropriate than the 6 month limit preferred by ~~the Council and~~ the Submitter Group. That is because we accept CIAL's submissions as the practical requirements involved in preparing a proper Programme. We are satisfied that the extra time is necessary.

Decision 57 – Page 120

McLellan. We accept her opinion that, in the absence of data, assumptions can be wrong including on whether on-site or off-airport management of birds is having any effect. For the reasons she gave, we also find that an approach of imposing a regime based on the various international guidelines Mr Shaw relied on does not represent a ‘precautionary approach’ pending more detailed site-specific investigation of the airport risks. In particular, as Dr McLellan noted, the 3, 8 and 13km distances were developed in a country that has a very different bird community, whereas published research inevitably recommends location-specific solutions, relevant to the species and habitats present at a particular airport.

[454] We now consider the various regulatory approaches recommended to us.

[455] The Revised Version proposes a range of rules for the management of birdstrike risk primarily within a 3km radius ‘Bird Strike Management Area 1 (‘BSMA1’).²⁴¹ In summary:

- (a) Fish processing or packing plants, abattoirs and freezing works are proposed to be a permitted activity (P2) where storage, processing or disposal of organic material is in enclosed buildings and there is no effluent disposal to land.
- (b) Where those activity standards are not met, the activity defaults to a controlled activity (C1) (in proposed Rule 6.7.2.2.3.2) requiring an accompanying ornithologist’s birdstrike assessment and advice on appropriate mitigation conditions.
- (c) Piggeries and poultry farms are also proposed to be controlled activities, requiring an ornithologist’s birdstrike assessment ~~and-or~~ Birdstrike Hazard Management Plan.
- (d) Creation of new water bodies (including wastewater oxidation ponds) or stormwater basins are proposed to be a restricted discretionary activity (proposed Rule 6.7.2.2.3.3 RD2) where they would exceed 1000m² in area (alone or in combination with others within 0.5 km of their edge) (but with an exception

²⁴¹ The Appendix also depicts a wider Bird Strike Management Area 2 (8km) but the Council differs from CIAL in that it does not seek to impose consent requirements for activities in this outer area (other than proposing that landfills be discretionary activities throughout the district).

- (b) For permanent water features, ~~maximum~~-~~minimum~~ side slope gradients (at least 4V:1H with specified exceptions) and use of prescribed plant species.
- (c) For excavation (including quarrying), a requirement that ponding not exceed 100m² over a continuous 48 hour period.

[460] In its closing submissions, CIAL explained that it seeks this different permitted activity regime to reduce the need to obtain resource consents where possible while still retaining some control (in the form of standards) over smaller scale water bodies, excavation sites, and stormwater systems to ensure that they do not increase the risk of bird strike.²⁴⁴

[461] It explains that its regulation of smaller sized permanent water features, and its extension out to the BSMA2 circle, is on the basis of Mr Shaw's recommendations.²⁴⁵

[462] On this matter, ICWT supports the Council's position that water bodies up to a maximum of 1000m² be a permitted activity. However, it prefers CIAL's activity specific standards. It no longer pursues controlled activity, and accepts restricted discretionary activity, status for water bodies at Peacock Springs that exceed 1000m² in surface area.²⁴⁶

[463] On the basis of the evidence, including the published literature referred to, we find it appropriate that landfills within Christchurch City (excluding Banks Peninsula Ward) be a discretionary activity. They are clearly a type of bird attractant activity that makes it appropriate that a consent authority be given an open discretion to grant or decline consent.

[464] On the same basis, we find that it is appropriate that, for certain activities (e.g. piggeries, poultry farms, fish processing, freezing works), the CRDP should include rules to require them to be managed so as not to be a source of food for birds. However, a weakness with both the Revised Version and CIAL's alternative is that their various activity classes, and related rules, do not properly align with related activity classes in various zones. Specifically, piggeries and poultry farms are types of intensive farming. In any case, we do not find the evidence to dictate that we use the same language on such matters as is used in the various publications. Rather, our focus in managing for this risk can appropriately allow us flexibility to ensure proper

²⁴⁴ Closing submissions for CIAL, 8 July 2016, at 18.

²⁴⁵ Closing submissions for CIAL, 8 July 2016, at 21.

²⁴⁶ Closing submissions for ICWT, 7 July 2016, at 16 and 32, and in relation to proposed rule 6.7.2.2.3.1 P3.

Decision 57 – Page 123

alignment and consistency in the CRDP. A related matter is that we find there are already controls in various zone rules for management to prevent the activity becoming a food source for birds.

[465] Having considered these matters in light of the related CRDP chapters, we find that we can sufficiently cater for this risk group by relatively targeted change to certain chapter rules for restricted discretionary activities. Our Decision Version makes relevant changes to ensure that the matters of discretion are sufficiently broad in their expression. We find it unnecessary to specify limited notification to CIAL and the CAA, as the existing notification rules are not limited. We have also addressed this in the Decision Version.

[466] We find most appropriate that the trigger for control of the creation of all types of water body should be 1000m² in surface area, rather than 500m². We have extended this to permanent water bodies even though ~~the Council and CIAL both~~ proposed a 500m² trigger for them. In part that is in light of Dr McLellan's evidence as to the lack of any clear scientific basis for preferring 500m² over 1000m². Secondly, given that evidence, we find that specification of a 1000m² trigger achieves a materially equivalent benefit in risk management with greater regulatory simplicity and less cost.

[467] On the evidence, we find that confining regulation to a 3km radius is, with the exception of landfills (other than cleanfills), the most appropriate. We find that approach soundly supported on the evidence of Dr McLellan. We prefer her opinion on these matters to that of Mr Shaw. That is for the reasons we have given, and also because we found Dr McLellan to be comparatively more qualified and better informed. In essence, leaving aside Mr Shaw's legal interpretations, there is insufficient evidence to find that regulation beyond 3km as sought by CIAL would give rise to a sufficient risk management benefit.

[468] However, on the evidence, we find that CIAL's proposed permitted activity approach for water bodies and stormwater management systems (based on specified activity standards) more appropriate than the Council's proposed restricted discretionary activity approach. In particular, we find CIAL's proposed activity standards suitably identify what the evidence shows as relevant, and with the advantage of greater certainty (and hence, greater consistency with the OIC Statement of Expectations).

Decision 57 – Page 144

[539] The Council noted that Clearwater is now fully within the 50 dB operational noise contour. Accordingly, it seeks to carry over, but not extend, the previously authorised quotas for development of hotels rooms and dwellings at Clearwater.

[540] In its submission, Clearwater requested an additional 11 houses and either an unlimited number of hotel rooms on the basis they are not noise sensitive or in the alternative an additional 50 hotel rooms. The Council submitted the additional development was inconsistent with the strategic objective set out above. It also relied on Ms Dixon's evidence in chief to submit that it was inappropriate.

[541] In her planning evidence for the Council, Ms Dixon (at section 14) accepted some aspects of submissions made in relation to Clearwater including minor wording amendments to Objective 21.9.1.1 and associated policies. She noted that the Clearwater submission did not distinguish between the established and regionally significant Clearwater Resort and the yet to be developed Christchurch Golf Resort, now known as Whisper Creek Golf Resort, in terms of associated economic and social benefits. She proposed changes to the wording of Objective and Policy 21.9.1.1 accordingly.

[542] She pointed out that the rest of the submissions sought amendments to the Objective to clarify that Clearwater is an integrated resort community and to recognise it as an existing urban area. She did not agree with this submission because she said it would not fit in with the "limited residential development" wording already in that objective. She also said that in her view the wording did not add anything useful to the Objective.

[543] In relation to a submission by the Clearwater Resort's Owners Society, Ms Dixon supported the deletion of the words in Policy 21.9.1.1.4 —~~'Ensure that earthworks and buildings are carefully designed and constructed so as to—'~~... and to mitigate potential effects on ground water.' ~~—We find that deletion is appropriate. She also considered it appropriate to delete the words 'and to mitigate potential effects of development on ground water',~~ because a core focus of the policy was site specific responses to natural hazards. We find that deletion is appropriate. As a consequence she also recommended a deletion from ~~Policy Rule~~ 21.9.4.6 (now 21.9.6.6) as to matters of discretion. We accept Ms Dixon's evidence and have included those changes in the Decision Version.

SCHEDULE 2

Corrections to Decisions 57

Correction	Reason							
Chapter 2 Definitions								
Amend definition of notional boundary to read: <i>Notional boundary in relation to Chapter 6 General Rules and Procedures, means a line 20 metres from any wall of a residential unit or a building occupied by a sensitive activity, or the site boundary where this is closer to the residential unit or sensitive activity.</i>	Refer to corrections decision							
Chapter 6.1 Noise								
Amend 6.1.3 (f) iv. to read: <i>In the Central City, if not an activity covered in (f) ii. above, establish the precinct (as shown on the Central City Entertainment and Hospitality Precinct Overlay Planning Map) for the sites which will receive noise from the activity. Determine whether the noise generated by the activity will meet the Noise Standards specified in Rule 6.1.5.2.2 for that precinct, at any site receiving noise from the activity.</i>	Correcting an unintentional drafting error							
Amend 6.1.3 (g) i. to read: <i>Check whether the activity is near infrastructure specified in Rules 6.1.7.2.1, or 6.1.7.2.2, and is an activity specified in those rules.</i>	Typographical error							
Amend Table 1 in Rule 6.1.5.2.1 as set out in Attachment A to this schedule.	Typographical error to lettering.							
Amend Table 2 in Rule 6.1.5.2.2 as set out in Attachment A to this schedule.	Correcting an unintentional drafting error							
Amend line 3 in Table 4 Rule 6.1.6.2.3 to read: <table border="1"><tr><td>3.</td><td><i>Specific Purpose (Defence Wigram) Zone</i></td><td><i>Refer to Rule 21.1.2.2.1 P2</i></td><td><i>Refer to Rule 21.1.2.2.1 P2</i></td><td><i>65 (15 min)</i></td><td><i>85</i></td><td><i>a. Applies only to temporary recreation activities or exhibitions provided for by Rule 21.1.2.2.1 P2</i></td></tr></table>	3.	<i>Specific Purpose (Defence Wigram) Zone</i>	<i>Refer to Rule 21.1.2.2.1 P2</i>	<i>Refer to Rule 21.1.2.2.1 P2</i>	<i>65 (15 min)</i>	<i>85</i>	<i>a. Applies only to temporary recreation activities or exhibitions provided for by Rule 21.1.2.2.1 P2</i>	Correcting zone name and cross-referencing error
3.	<i>Specific Purpose (Defence Wigram) Zone</i>	<i>Refer to Rule 21.1.2.2.1 P2</i>	<i>Refer to Rule 21.1.2.2.1 P2</i>	<i>65 (15 min)</i>	<i>85</i>	<i>a. Applies only to temporary recreation activities or exhibitions provided for by Rule 21.1.2.2.1 P2</i>		
Amend Table 3 in Rule 6.1.6.2.2 as set out in Attachment A to this schedule.	To give effect to the decision and correct drafting errors							
Amend Rule 6.1.5.2.2 to read: <i>a. In the Central City, any activity that generates noise shall meet the Noise standards in Table 2 below at any site receiving noise from that activity, as relevant to the Category of Precinct in which the site receiving the noise is located (as shown on the Central City Entertainment and Hospitality Precinct Overlay Planning Map).</i>	Correcting an unintentional drafting error							

Correction	Reason								
Amend Rule 6.1.6.1.1 P1 d. to read: <i>d. Rule 6.1.6.2.4 (Rural activities),</i>	Typographical error								
Amend Rule 6.1.6.2.5 a. iii. D. to read: <i>D. The calculated results shall be verified by noise measurements carried out in accordance with the Airport Noise Management Plan required under Rule 6.1.6.2.7.1.</i>	Correction to cross-referencing								
Amend Rule 6.1.6.2.6 Table 5 to read:	Incorrect use of subscript								
<table border="1"> <thead> <tr> <th>Noise Limit</th><th>Engine testing compliance monitoring positions (ETCMP) - refer Figure 2</th></tr> </thead> <tbody> <tr> <td>65 dB <u>L_{dn}</u>, 7 day</td><td>8 points</td></tr> <tr> <td>55 dB <u>L_{dn}</u>, 7 day</td><td>8 points</td></tr> <tr> <td>75 dB <u>L_{Amax}</u> 2200 to 0700 only</td><td>Edge of residential zone – 3 points</td></tr> </tbody> </table>	Noise Limit	Engine testing compliance monitoring positions (ETCMP) - refer Figure 2	65 dB <u>L_{dn}</u> , 7 day	8 points	55 dB <u>L_{dn}</u> , 7 day	8 points	75 dB <u>L_{Amax}</u> 2200 to 0700 only	Edge of residential zone – 3 points	
Noise Limit	Engine testing compliance monitoring positions (ETCMP) - refer Figure 2								
65 dB <u>L_{dn}</u> , 7 day	8 points								
55 dB <u>L_{dn}</u> , 7 day	8 points								
75 dB <u>L_{Amax}</u> 2200 to 0700 only	Edge of residential zone – 3 points								
Rule 6.1.6.2.6 - Delete the first version of Figure 2 (leaving the version with the aerial photograph)	Version included in Decision Version in error								
Amend Rule 6.1.6.2.6 a. ii. to read: <i>ii. All high power testing of jet engines on an aircraft shall occur between the hours of 0700h and 2200h, except that a maximum of 5 unplanned engine testing events within any three month period, up to a maximum of 12 unplanned engine testing events per annum, may occur between the hours of 2200h and 0700h.</i>	Amended to capture the Decision								
Amend Rule 6.1.6.2.7.1. a. to read: <i>..... an Airport Noise Management Plan prepared by a suitably qualified and experienced person on behalf of the airport operator and in consultation with the Airport Noise Liaison Committee, in accordance with the requirements set out in Appendix 6.11.14.</i>	Typographical errors								
Amend Rule 6.1.6.2.7.1. b. iv. A. to read: <i>the Aircraft Operations Noise Monitoring Report, On-aircraft Engine Testing Report, and On-aircraft Engine Testing Noise Monitoring Report required by Rules 6.1.6.2.5 and 6.1.6.2.6;</i>	Improved wording for reasons of clarity								
Amend Rule 6.1.6.2.7.2. b. ii. by deleting the second instance of the word 'Council'.	Typographical error								
Amend Rule 6.1.6.2.7.2. c by replacing the reference to Rule 6.1.7.2.1 a. ix with Rule 6.1.7.2.1 a. viii.	Typographical error								
Amend Rule 6.1.6.2.7.2. d by replacing the reference to Rule 6.1.7.2.1 a. ix with Rule 6.1.7.2.1 a. viii.	Typographical error								
Amend Rule 6.1.6.2.7.3. d. ii by replacing the reference to Rule 6.1.6.2.7.2.b.iii with 6.1.6.2.7.3.c.	Typographical error								
Amend the activity specific standards for Rule 6.1.7.1.1 P2 to read:	Typographical error								

Correction	Reason
<i>The activities shall be designed and constructed to ensure compliance with the indoor design sound levels in Rule 6.1.7.2.1.</i>	
Delete Rule 6.1.7.1.2 RD2	Deleted to capture the Decision
Amend the first sentence of Rule 6.1.7.2.1 to read: <i>a. The following activity standards apply to new buildings, or alterations or additions to existing buildings, intended for a sensitive activity:</i>	Amended for reasons of consistency with the rule
Amend Rule 6.1.7.2.2.a.ii by replacing Lae with LAE.	Amended to give effect to the abbreviation convention
Amend Rule 6.1.7.2.2 a.ii.C. by updating the ISO reference to: <i>ISO 16283-3:2016</i>	For inclusion of accurate reference
Amend Rule 6.1.6.2.8 to read: <i>a. Outside the Specific Purpose (Airport) Zone, helicopter movements shall meet the following activity standards:</i> <i>i. Helicopter movements shall only occur between 0800 hours and 1800 hours. These hours of operation shall not apply to helicopter movements which take place further than 450 metres from a residential unit.</i> <i>ii. Within 25 metres of any residential unit, no helicopter movement shall take place, unless that residential unit is on the site on which the landing or take-off occurs.</i> <i>iii. Between 25 metres and 450 metres from a residential unit, the number of helicopter movements on a site shall not exceed 24 in any calendar year, or 10 in any month, or six in any week, unless that residential unit is on the site on which the landing or take-off occurs.</i> <i>b. Within the Specific Purpose (Airport) Zone, noise created by helicopter movements, or hovering above points within the zone, shall not exceed 50 dB Ldn at any point within the notional boundary of a residential unit or a building occupied by a sensitive activity on any rurally zoned site or within the boundary of any residentially zoned site.</i>	Refer to corrections decision
Chapter 6.2 Temporary activities	
Amend Policy 6.2.2.1 to read: <i>a. A diverse range of temporary activities, buildings and events is enabled, while having regard to the natural, historic and cultural values and expected amenity values of the areas in which they are located. The temporary activities, buildings and events:</i> <i>i. provide opportunities for artistic, social and/or cultural expression;</i> <i>ii. contribute to the economic recovery and resilience of the District; and/or</i> <i>iii. reinforce or promote a positive sense of place and community.</i>	Grammatical correction

Correction	Reason
<p>Amend 6.2.3 to read:</p> <p>a. <i>The rules that apply to temporary activities and buildings in all zones are contained in the activity status tables (including activity specific standards) in Rule 6.2.4, except for the activities included within clause c. of the definition of “temporary activities and buildings” to which the rules in sub-chapter 6.4 Temporary Earthquake Recovery Activities apply.</i></p> <p>b. <i>Temporary activities and buildings are exempt from the rules in the relevant zone chapters and other District Plan rules, except as specified below or in the activity specific standards in Rule 6.2.4.</i></p> <p>c. <i>The activity status tables and standards in the following chapters and sub-chapters apply to temporary activities and buildings (where relevant):</i></p> <p style="padding-left: 40px;">5 <i>Natural Hazards</i> <i>s5.10 Port Hills and Banks Peninsula Slope Instability Management Areas;</i></p> <p style="padding-left: 40px;">6 <i>General Rules and Procedures</i> <i>6.3 Outdoor Lighting (except as otherwise specified in Rule 6.2.4);</i> <i>6.4 Noise (except as otherwise specified in Rule 6.2.4);</i> <i>6.8 Signage (as specified in that sub-chapter and as specified in Rule 6.2.4);</i></p> <p style="padding-left: 40px;">7 <i>Transport (as specified in Rule 6.2.4);</i></p>	Grammatical correction and correct cross-referencing of numbers
<p>Amend 6.2.3 e. as follows:</p> <p>e. <i>In the Specific Purpose (Defence Wigram) Zone, the rules for temporary recreation activities, events or exhibitions (Rule 21.1.3.1 P2) apply instead of the rules for events and temporary markets in Rule 6.2.4.1(P2 to P5, and P10).</i></p>	Correct cross-referencing of numbers
<p>Amend Rule 6.2.4.1 P14 to read:</p> <p>a. <i>Temporary military training activities and emergency management training activities shall meet the noise standards in Rule 6.1.6.2.2</i></p>	Correct cross-referencing of numbers
<p>Amend Rule 6.2.4.2 RD4 to read:</p> <p><i>Within a Wāhi Tapu / Wāhi Taonga Site of Ngai Tahu Cultural Significance identified in Schedule 9.5.6.1, any:</i></p> <p>a. <i>event or temporary market attracting more than 500 people;</i></p> <p>b. <i>temporary military training activity involving:</i></p> <p style="padding-left: 40px;">i. <i>more than 500 people; or</i></p> <p style="padding-left: 40px;">ii. <i>the discharge of ammunition or detonation of explosives.</i></p>	Correction of formatting error
Chapter 6.7 Aircraft protection	
Amend 6.7.1 a by replacing ‘avoided’ with ‘prohibited’.	To correctly reference the rules

Correction	Reason				
Amend Rule 6.7.4.3.1 P3 as set out in Attachment A.	Refer to corrections decision				
Chapter 6.11 Appendices					
Amend Appendix 6.11.14 a.v.B to read: <i>the Aircraft Operations Noise Monitoring Report, On-aircraft Engine Testing Report, and On-aircraft Engine Testing Noise Monitoring Report for the previous year, required by Rules 6.1.6.2.5 and 6.1.6.2.6, including a summary of noise monitoring conducted, and the AANC;</i>	Improved wording for reasons of clarity				
Amend Appendix 6.11.15 a.i. to read: <i>a future aircraft operations contour map showing projected one decibel contours from 55 dB Ldn to 70 dB Ldn as based on the Air Noise Contour lines shown on the Planning Maps.</i>	Refer to corrections decision				
Amend the title to Appendix 6.11.3.7 to read: <i>Appendix 6.11.3.7 Hagley Park and Botanic Gardens</i>	Reasons of clarity				
Chapters 15 and 16					
Amend the following rules, as set out in Attachment A: Rule 16.6.1.1 P16 (Industrial Park Zone) Rules 15.4.1.1 P13, P14, P15, P16, P20 (Commercial Core Zone) Rules 15.5.1.1 P13, P14, P15, P16, P19 (Commercial Local Zone) Rule 15.8.1.1 P10 (Commercial Office Zone)	Refer to corrections decision				
Chapter 18 Open Space					
Amend Policy 18.1.8 c. to read: <i>c. Minimise potential impacts of development within the open space zones on the operation of the Christchurch International Airport by avoiding development which could give rise to reverse sensitivity effects.</i>	Clarity				
Chapter 21.9 Specific Purpose (Golf Resort)					
Add new NC7 and NC8 to Rule 21.9.4.1.4 read: <table border="1" data-bbox="209 1395 1050 1563"> <tr> <td data-bbox="209 1395 300 1473">NC7</td><td data-bbox="300 1395 1050 1473"><i>Any activity listed in Rule 21.9.4.1.1 P7 that does not met one or more of the activity specific standards a. and b.</i></td></tr> <tr> <td data-bbox="209 1473 300 1563">NC8</td><td data-bbox="300 1473 1050 1563"><i>Any activity listed in Rule 21.9.4.1.1 P8 that does not met one or more of activity specific standards a. b. and c.</i></td></tr> </table>	NC7	<i>Any activity listed in Rule 21.9.4.1.1 P7 that does not met one or more of the activity specific standards a. and b.</i>	NC8	<i>Any activity listed in Rule 21.9.4.1.1 P8 that does not met one or more of activity specific standards a. b. and c.</i>	Consistency
NC7	<i>Any activity listed in Rule 21.9.4.1.1 P7 that does not met one or more of the activity specific standards a. and b.</i>				
NC8	<i>Any activity listed in Rule 21.9.4.1.1 P8 that does not met one or more of activity specific standards a. b. and c.</i>				
Amend Rule 21.9.4.2.2 by replacing the reference to the recession plane standard with 14.14.2	Typographical error				
Amend Rule 21.9.5.1.2 RD4 to read: <table border="1" data-bbox="209 1671 1027 1767"> <tr> <td data-bbox="209 1671 300 1767">RD4</td><td data-bbox="300 1671 1027 1767"><i>Any activity listed in Rule 21.9.5.1.2 P1 – P12 that does not meet the built form standard in Rule 21.9.3.3.3.</i></td></tr> </table>	RD4	<i>Any activity listed in Rule 21.9.5.1.2 P1 – P12 that does not meet the built form standard in Rule 21.9.3.3.3.</i>	Consistency		
RD4	<i>Any activity listed in Rule 21.9.5.1.2 P1 – P12 that does not meet the built form standard in Rule 21.9.3.3.3.</i>				
Replace Appendix 21.9.7.1 with the replacement Appendix 21.9.7.1 included in Attachment A.	Refer to corrections decision				

Attachment A

Amend Table 1 in Rule 6.1.5.2.1 to read:

Zone of site receiving noise from the activity	Time (hrs)	Noise Limit (dB)	
		LAeq	LAmx
a. All residential zones (other than in the Accommodation and Community Facilities Overlay)	0700-2200	50	n/a
b. All rural zones, except Rural Quarry Zone, assessed at any point within a notional boundary	2200-0700	40	65
c. Specific Purpose (Flat Land Recovery) Zone			
d. Papakāinga/Kāinga Nohoanga Zone			
e. All commercial zones	0700-2200	55	n/a
f. All open space zones			
g. All rural zones, except Rural Quarry Zone, assessed at the site boundary	2200-0700	45	70
h. Accommodation and Community Facilities Overlay			
i. All industrial park zones (excluding Awatea and Memorial Avenue)			
j. Industrial Office Zone			
k. Specific Purpose (Cemetery, Schools, Tertiary Education, Golf Resort, Defence Wigram and Hospital) Zones			
l. Industrial General Zone	0700-2200	70	n/a
Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700	2200-0700	70	n/a
m. Industrial Park – (Awatea and Memorial Avenue) Zones	0700-2200	60	n/a
Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700	2200-0700	60	n/a
n. Industrial Heavy Zone	0700-2200	75	n/a
Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700.	2200-0700	75	n/a
o. Rural Quarry Zone	0700-2200	65	n/a
p. Specific Purpose (Styx Mill Road Transfer Station)			
q. Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone	2200-0700	65	n/a
Except that noise levels shall not exceed 50 dB LAeq/75dB LAmx at any residential unit lawfully established prior to (date plan is operative) during the hours of 2200 to 0700.			

Amend Table 2 in Rule 6.1.5.2.2 to read:

Category of Precinct in which the site receiving noise is located			Applicable to:	Time (hrs)	Noise Limit		Exemptions
					LAeq	LAmx	
a.	Category 1: Higher noise level entertainment and hospitality precincts.		Activities other than discrete outdoor entertainment events	0700-0300	60	85	This shall not include noise from people in outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol that meet the specified outdoor area setback required by Rule 6.1.6.2.10.
				0300-0700	60	75	
			Discrete outdoor entertainment events	0700-2200	65	85	
				2200-0700	65	85	
b.	Category 2: Lower noise level entertainment and hospitality precincts.	All except Victoria Street area	All activities	0700-0100	60	85	This shall not include noise from people in outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol that meet the specified outdoor area setback required by Rule 6.1.6.2.10, between 0700 hours and 2300 hours for the Victoria Street area and between 0700 hours and 0100 hours for the remainder of Category 2.
				0100-0700	50	75	
		Victoria Street area	All activities	0700-2300	55	85	
				2300-0700	50	75	
c.	Category 3: All Central City areas other than Category 1 and 2 entertainment and hospitality precincts.		All activities	0700-2300	55	85	This shall not include noise from people in outdoor areas of premises licensed for the sale, supply and/or consumption of alcohol up to a maximum size of 50m², in all Category 3 Zones except Central City Residential Zone, between 0700 hours and 2300 hours.
			All activities	2300-0700	45	75	

Amend Table 3 in Rule 6.1.6.2.2 to read:

	Activity	Time (Hrs)	Noise Standard
1.	<i>Firing of weapons and single or multiple explosive events.</i>	0700 – 1900	<p>a. The activity shall either:</p> <ul style="list-style-type: none"> i. meet a minimum separation distance of 1,500 metres; or ii. if within 1,500 metres, not exceed the noise level of 65 dB L_{Amax}. <p>b. The activity shall meet the decibel noise limits of Table 1 or 2 of Rule 6.1.5.2, except that on up to 10 days per year on any site, activities may exceed the decibel noise limits in Table 1 or 2 of Rule 6.1.5.2 by 10 dB or less.</p>
		1900 – 0700	<p>a. The activity shall either:</p> <ul style="list-style-type: none"> i. meet a minimum separation distance of 4,500 metres; or ii. if within 4,500 metres, not exceed the noise level of 50 dB L_{Amax}. <p>b. The activity shall meet the decibel noise limits of Table 1 or 2 of Rule 6.1.5.2, except that on up to 10 days per year on any site, activities may exceed the decibel noise limits in Table 1 or 2 of Rule 6.1.5.2 by 10 dB or less.</p>
2.	<i>Helicopter movements</i>	<i>All times</i>	<i>NZS6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas'</i>
3.	<i>Any other noise-generating activities (including mobile and fixed sources)</i>		<p>a. The activity shall meet the decibel noise limits of Table 1 or 2 of Rule 6.1.5.2, except that:</p> <ul style="list-style-type: none"> i. on up to 10 days per year on any site, activities may exceed the decibel noise limits in Table 1 or 2 of Rule 6.1.5.2 by 10 dB or less, and ii. the noise limit in Table 1 g. of Rule 6.1.5.2 at a rural site boundary shall not apply.

Amend Rule 6.7.4.3.1 P3 as follows:

<p>P3</p>	<p><i>Creation of a new:</i></p> <p>a. <i>stormwater basin; or</i></p> <p>b. <i>water body (including wastewater oxidation pond) which exceeds 500m² in area.</i></p> <p><i>Except that</i></p> <p><i>This rule does not apply to any area of a water body covered by an aviary/s.</i></p>	<p>a. <i>The combined area of all stormwater basins and/or water bodies, that are wholly or partly within 0.5km of the proposed water body or stormwater basin's edge, shall not exceed 1000m² in area.</i></p> <p>b. <i>Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</i></p> <p>i. <i>Stormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event;</i></p> <p>ii. <i>Sufficient rapid soakage overflow capacity shall be provided to minimise any ponding of stormwater outside the infiltration area(s); and</i></p> <p>iii. <i>Plant species used shall be limited to those listed in Appendix 6.11.9.</i></p> <p>c. <i>Any water body has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</i></p> <p>i. <i>Side slopes shall be at least as steep as 4V:1H except for:</i></p> <p>A. <i>any side slope treated with rock armouring; or</i></p> <p>B. <i>any area required for vehicle access, provided that such access has a gradient of at least 1V:8H;</i></p> <p>ii. <i>No permanent island features shall be included, that could provide perching sites for birds; and</i></p> <p>iii. <i>Plant species used shall be limited to those listed in Appendix 6.11.9.</i></p>
------------------	---	---

Amend Chapter 15 Commercial as set out below:

Amend Rules 15.4.1.1 P13, P14, P15, P16, P20 (Commercial Core Zone)

<i>Activity</i>		<i>Activity specific standards</i>
P13	<p><i>Health care facility</i></p> <p>a. <i>outside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps; and</i></p> <p>b. <i>inside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps, with no accommodation for overnight care.</i></p>	Nil
P14	<p><i>Education activity</i></p> <p>a. <i>outside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps; and</i></p> <p>b. <i>inside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps, limited to trade and industry training activities.</i></p>	
P15	<p><i>Preschool</i></p> <p>a. <i>outside the 50 dB Ldn Air Noise Contour</i></p>	
P16	<p><i>Care facility</i></p> <p>a. <i>outside the 50 dB Ldn Air Noise Contour</i></p>	
P20	<p><i>Residential activity</i></p>	
		<p>....</p> <p>g. <i>The activity shall not be located within the 50 dB Ldn Air Noise Contour as shown on the Planning Maps.</i></p>

Rules 15.5.1.1 P13, P14, P15, P16, P19 (Commercial Local Zone)

<i>Activity</i>		<i>Activity specific standards</i>
P13	<p><i>Health care facility</i></p>	Nil

	<p>a. outside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps; and</p> <p>b. inside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps, with no accommodation for overnight care.</p>	
P14	<p>Education activity</p> <p>a. outside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps; and</p> <p>b. inside the 50 dB Ldn Air Noise Contour as defined on the Planning Maps, limited to trade and industry training activities.</p>	
P15	<p>Care facility</p> <p>a. outside the 50 dB Ldn Air Noise Contour</p>	
P16	<p>Preschool</p> <p>a. outside the 50 dB Ldn Air Noise Contour</p>	
P19	<p>Residential activity</p>	<p>....</p> <p>i. The activity shall not be located within the 50 dB Ldn Air Noise Contour as shown on the Planning Maps.</p>

Amend Rule 15.8.1.1 P10 (Commercial Office Zone)

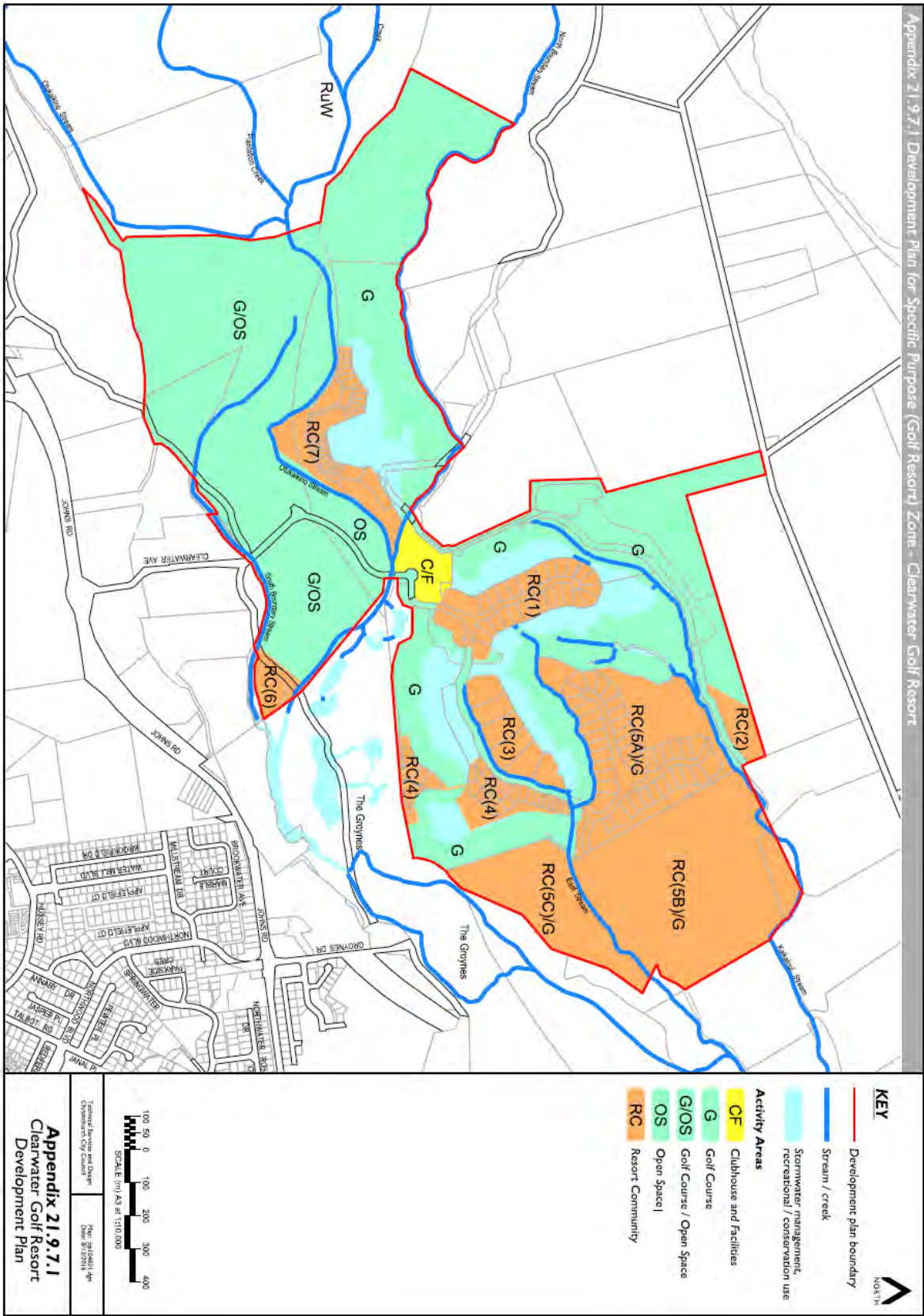
Activity		Activity specific standards
P10	<p>Preschool</p> <p>a. outside the 50 dB Ldn Air Noise Contour</p>	Nil

Amend Chapter 16 Industrial as set out below:

Amend Rule 16.6.1.1 P16 (Industrial Park Zone) to read:

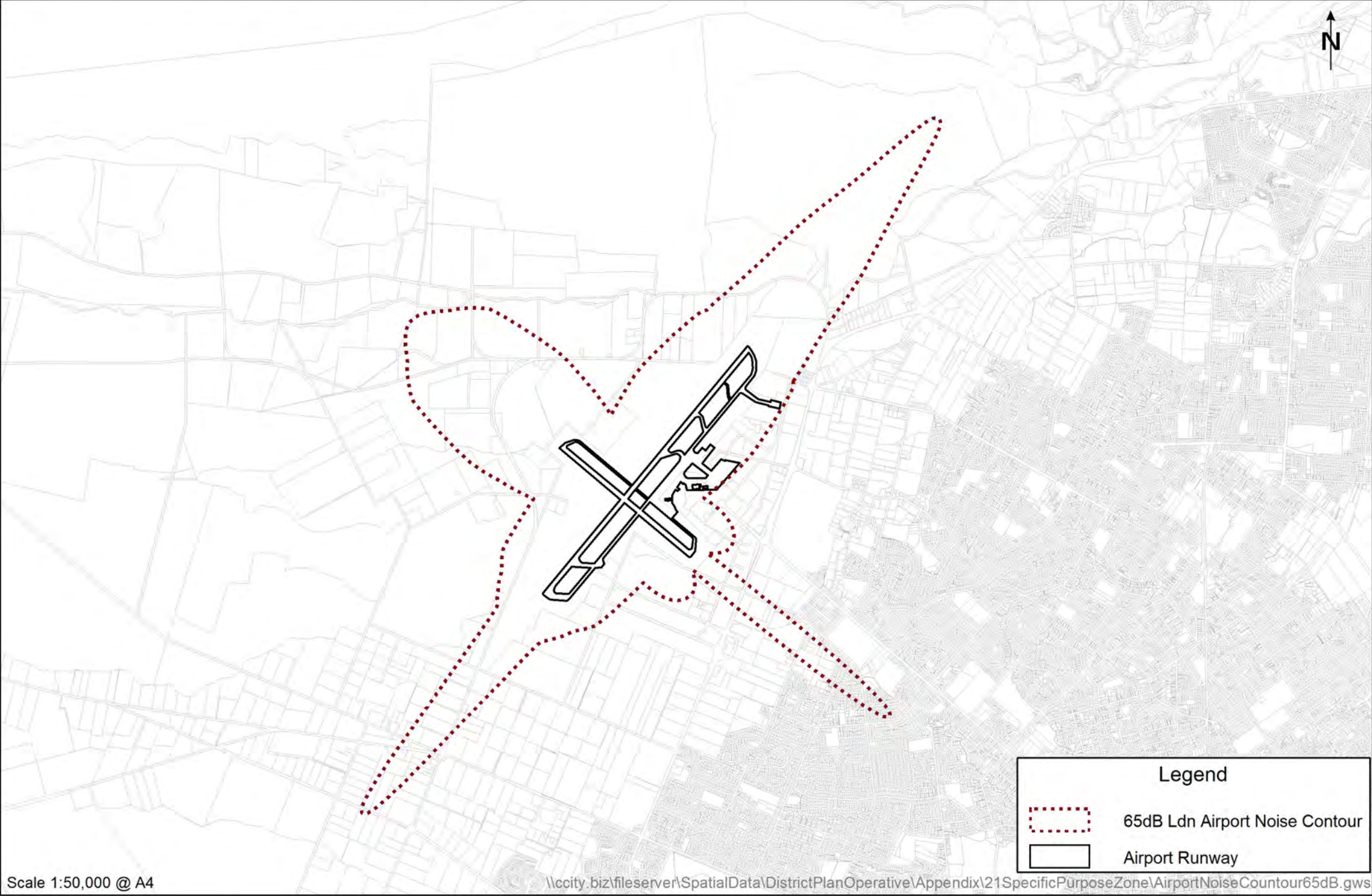
<i>Activity</i>		<i>Activity specific standards</i>
P16	<i>Preschool</i> <i>a. outside the 50 dB Ldn Air Noise Contour</i>	<i>Nil</i>

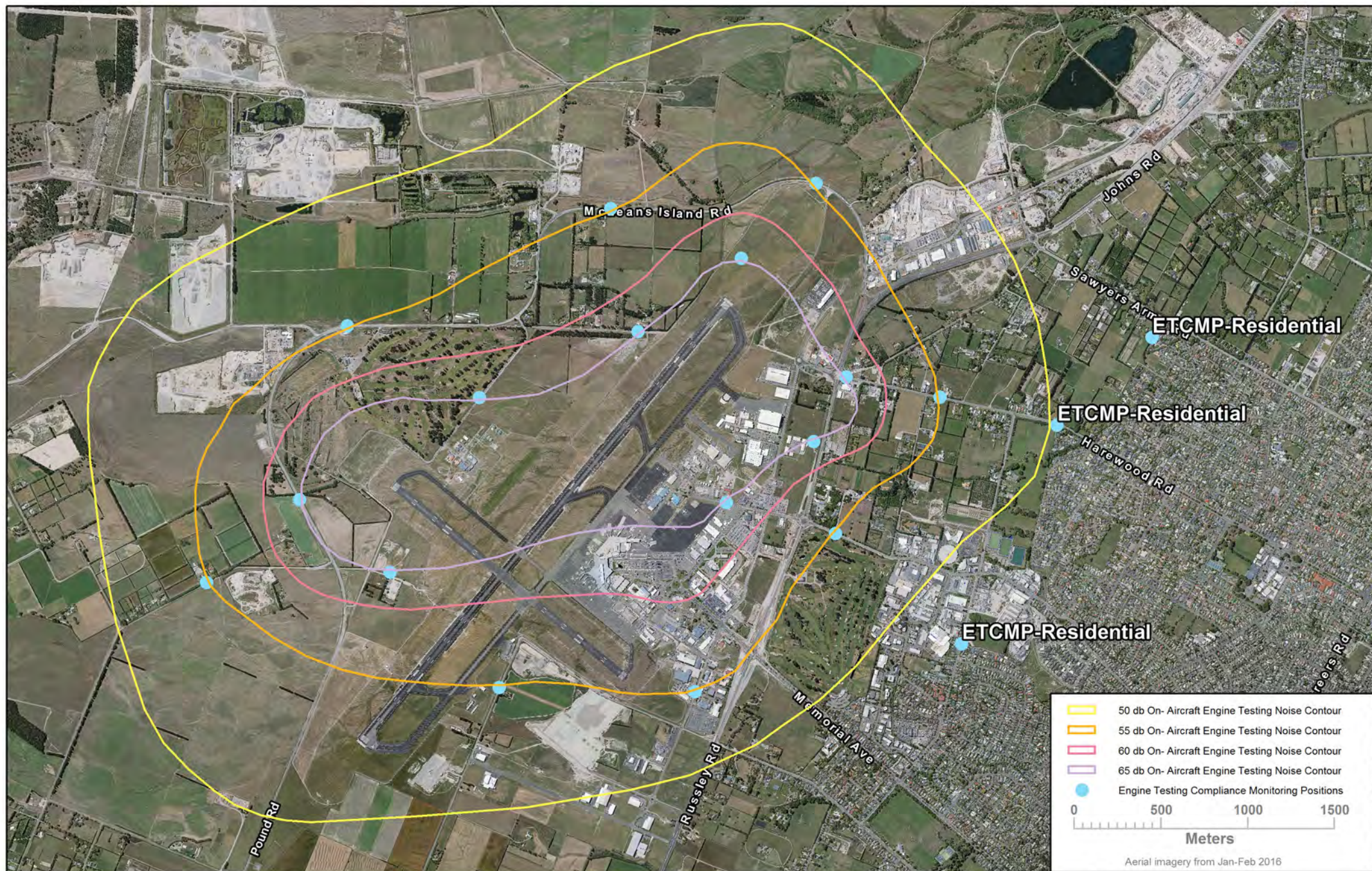
Replace Appendix 21.9.7.1 with the following:



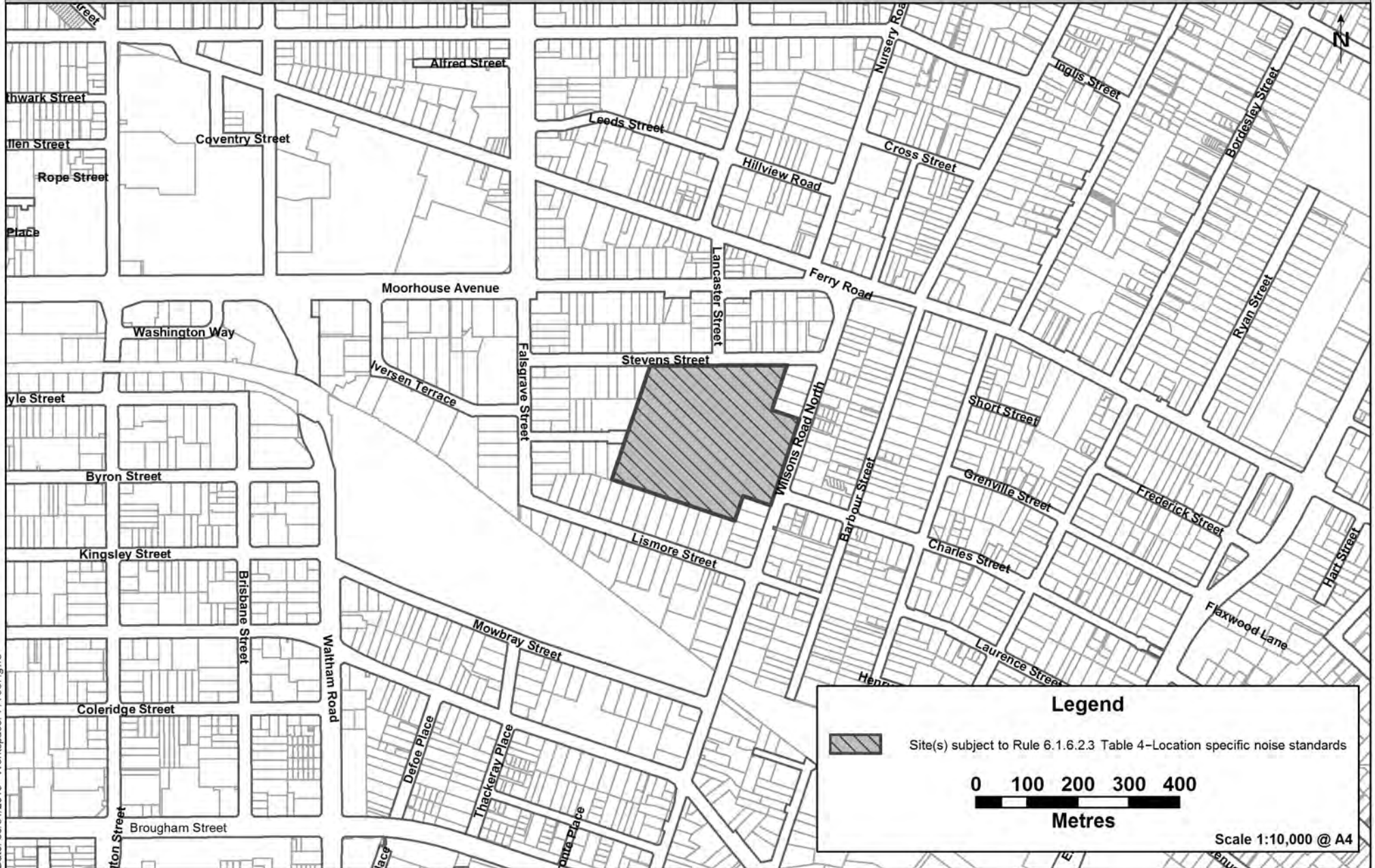
SCHEDULE 3

Figure 1: Map of 65 dB Ldn Air Noise Compliance Contour

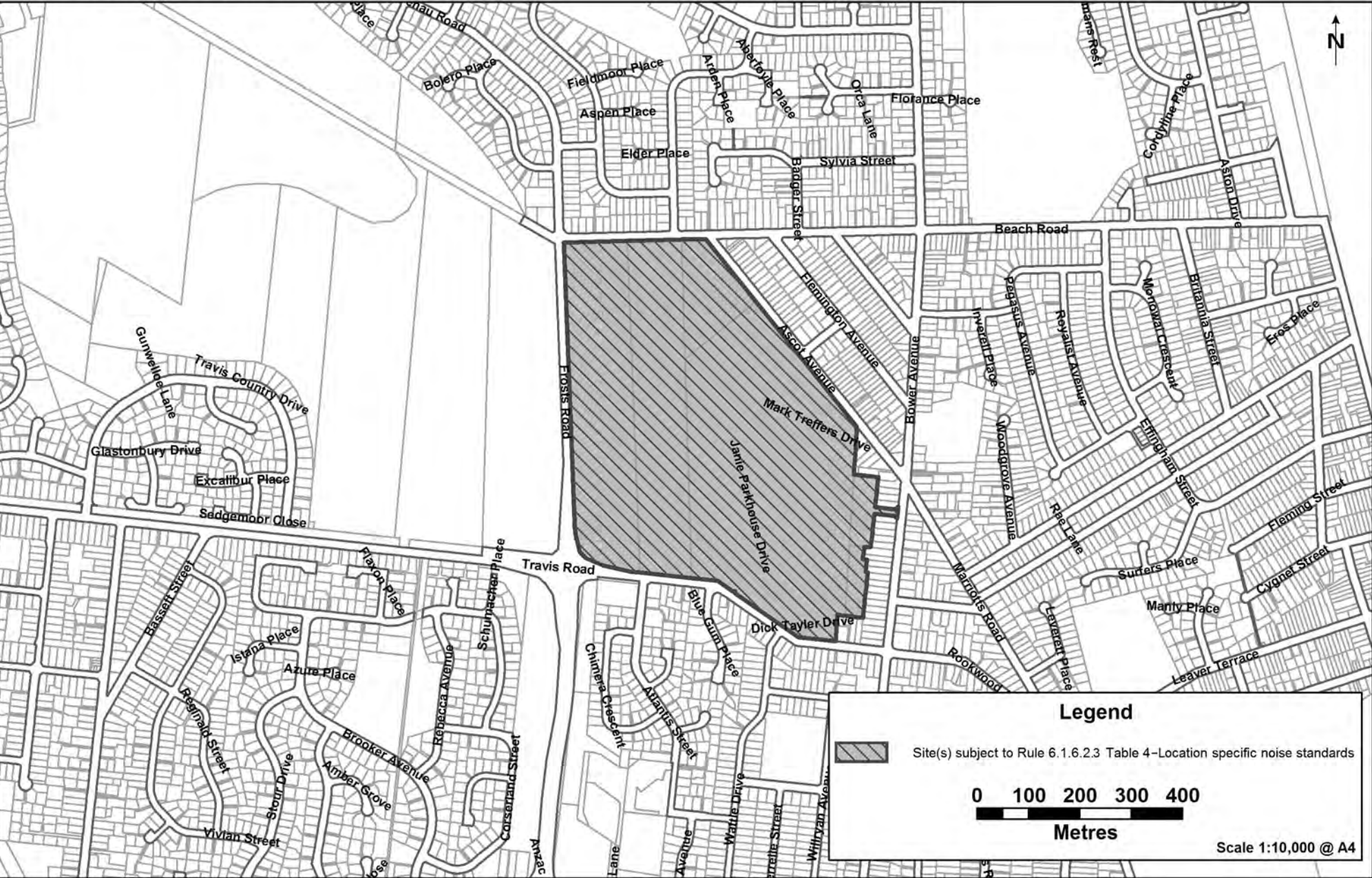




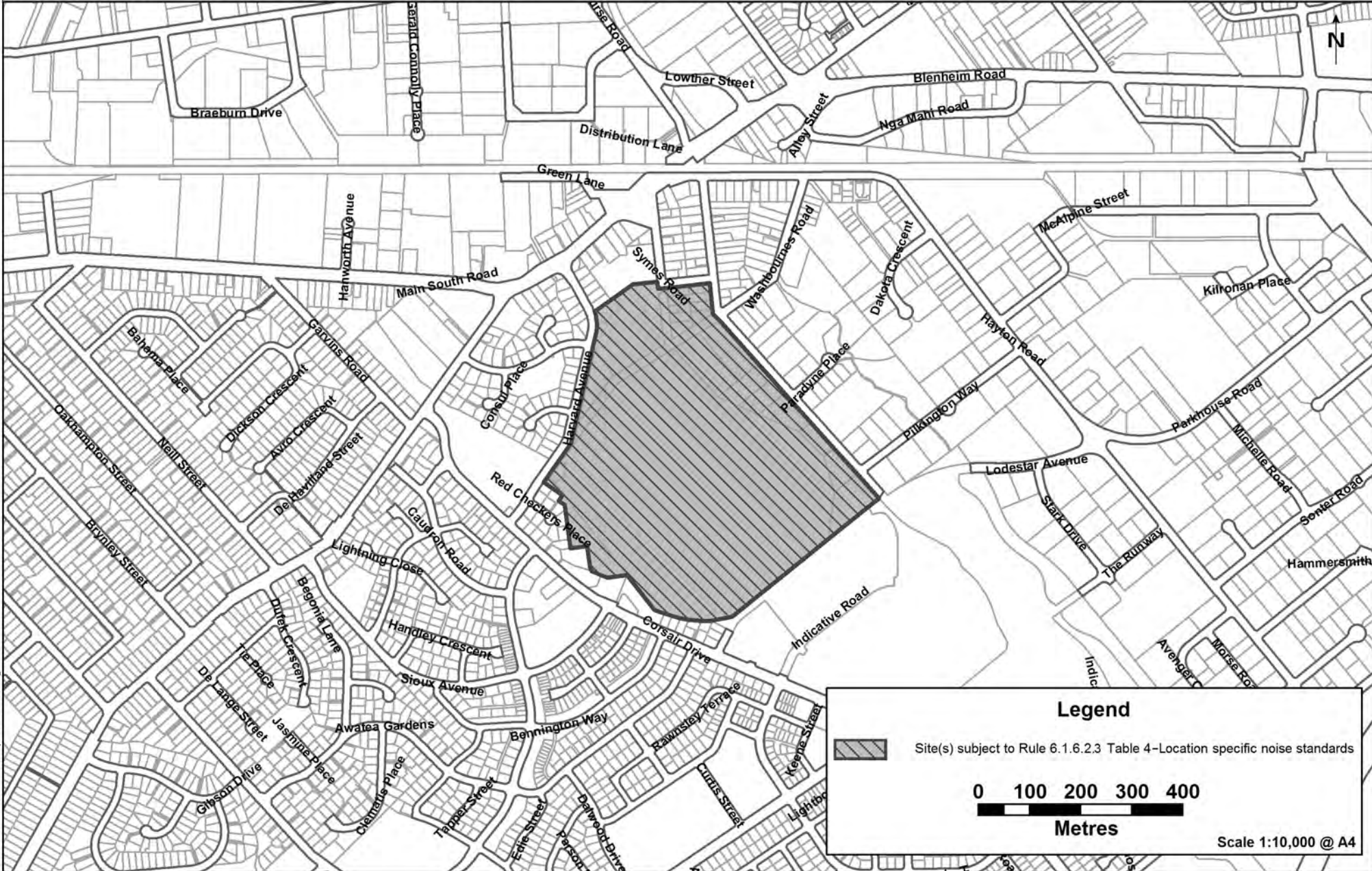
Appendix 6.11.3.1 Lancaster Park



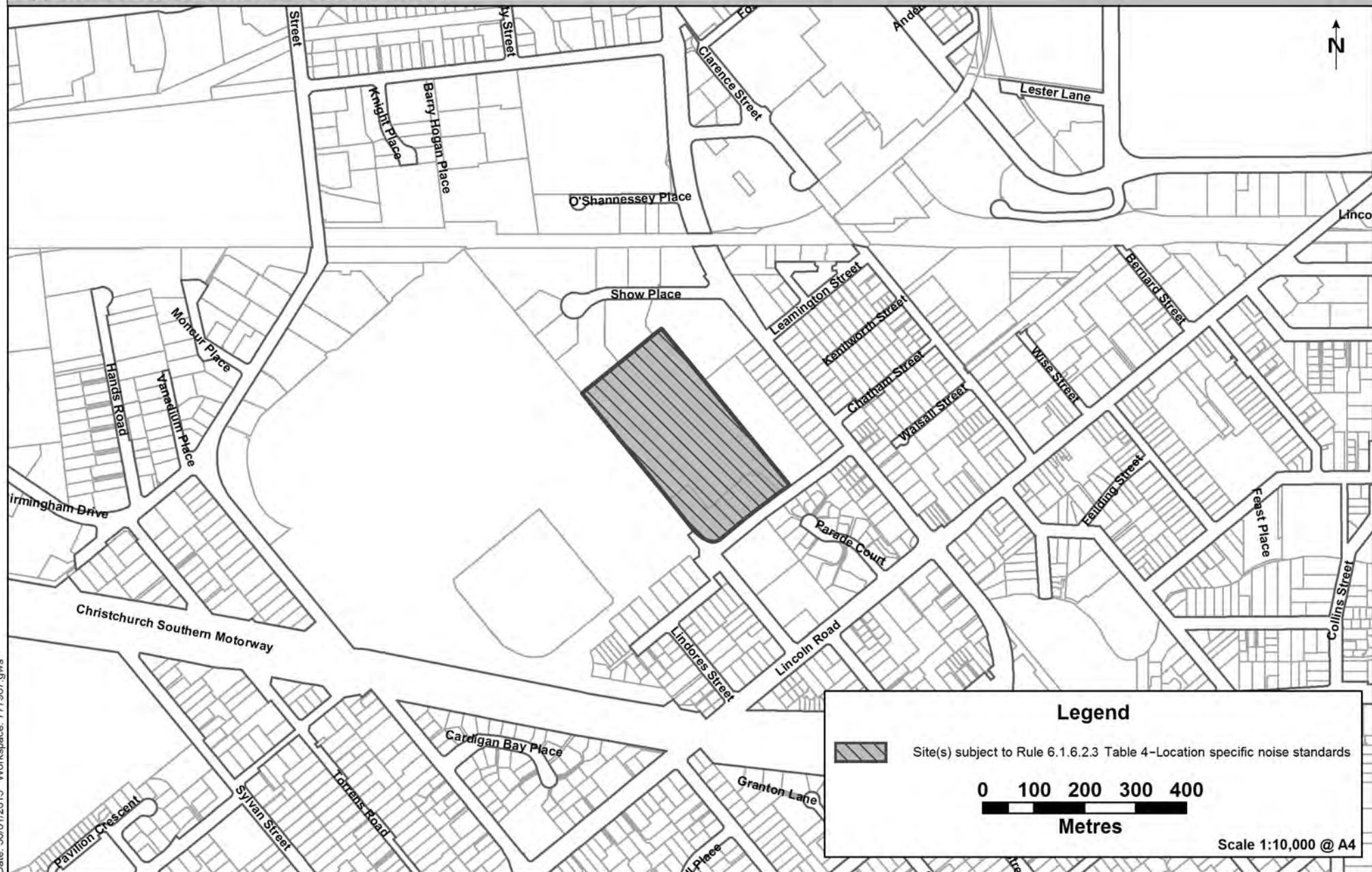
Appendix 6.11.3.2 Queen Elizabeth II Park



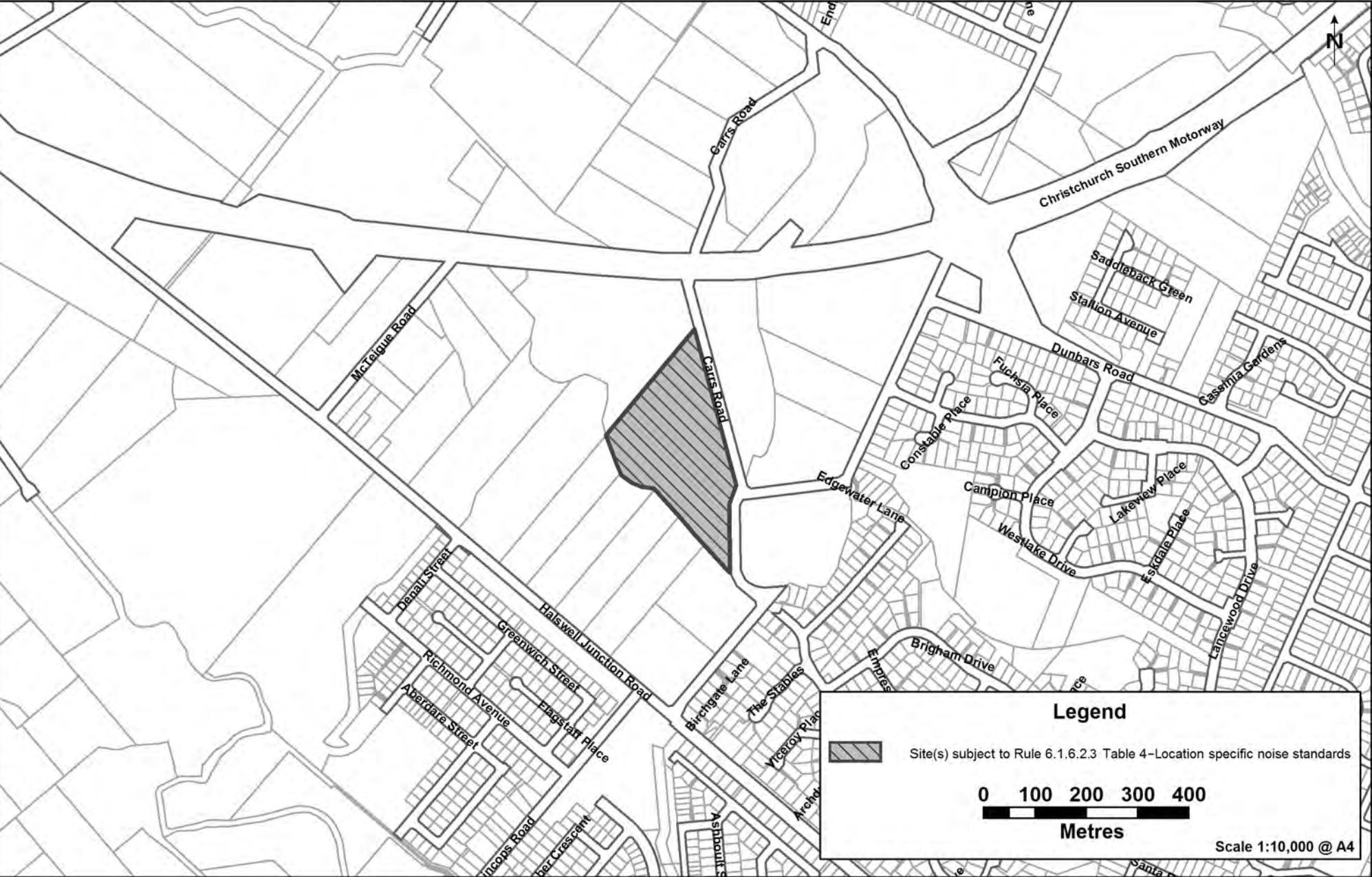
Appendix 6.11.3.3 Specific Purpose (Wigram) Zone



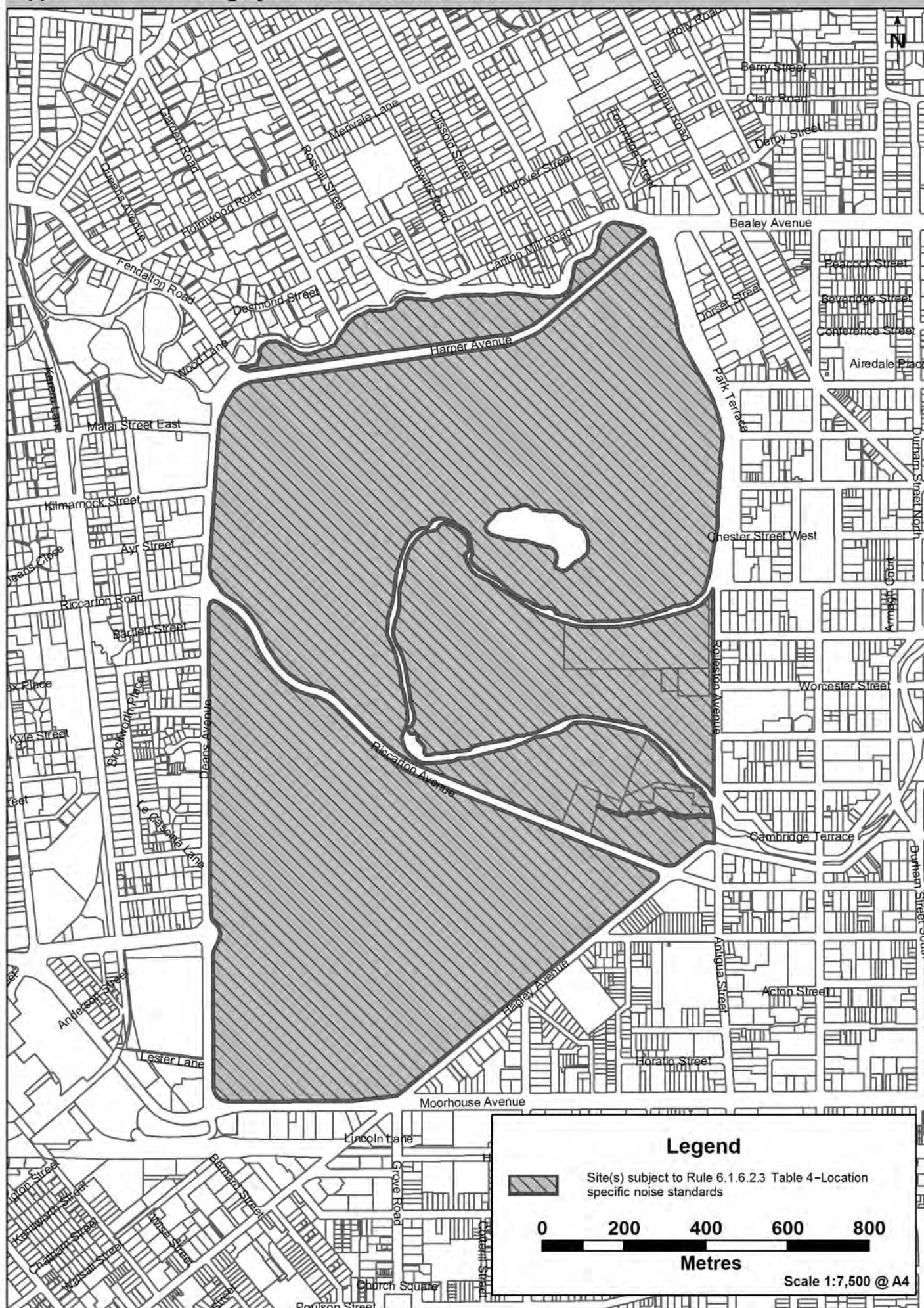
Appendix 6.11.3.4 Christchurch Stadium



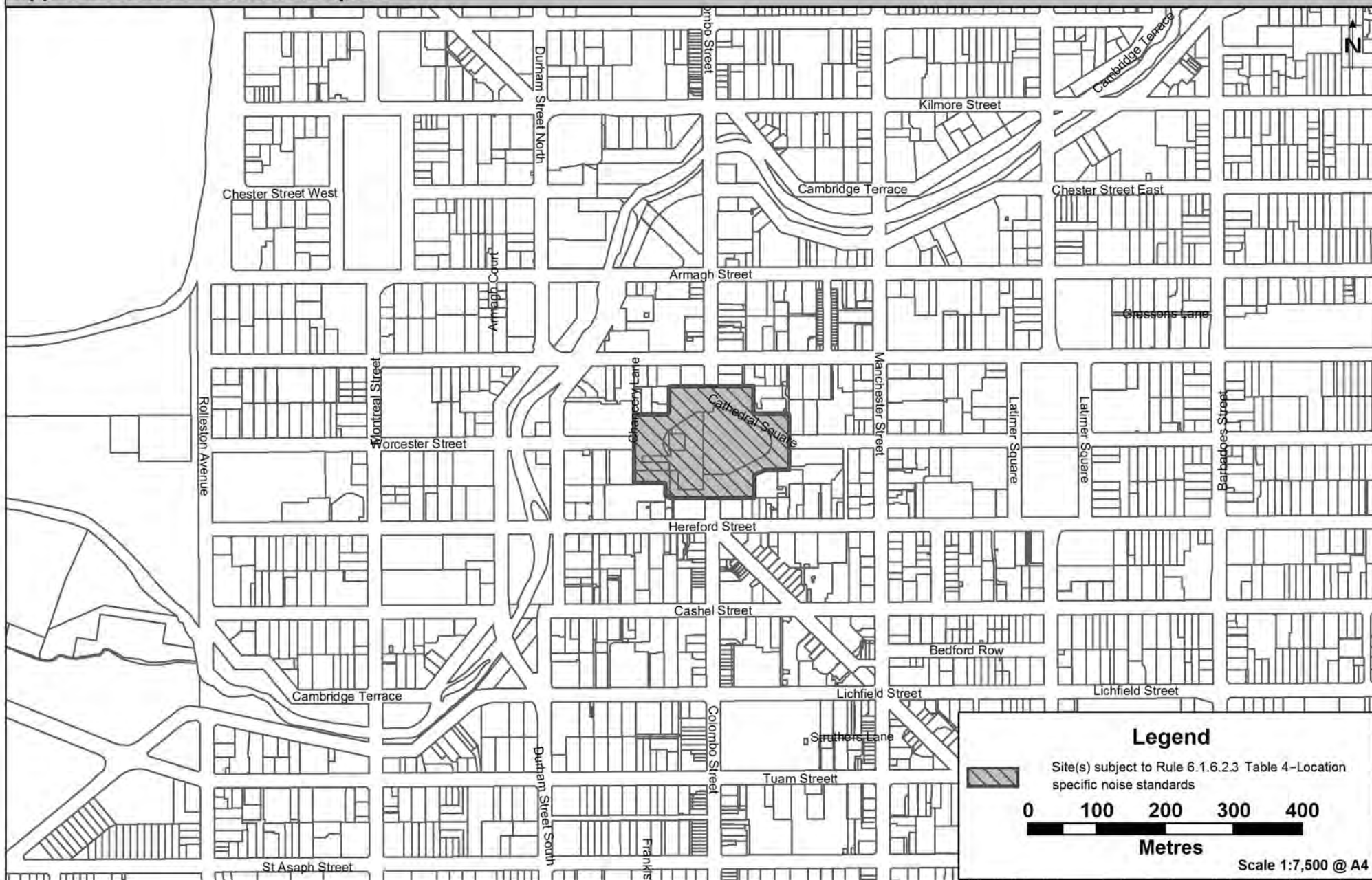
Appendix 6.11.3.5 Carrs Road Raceway



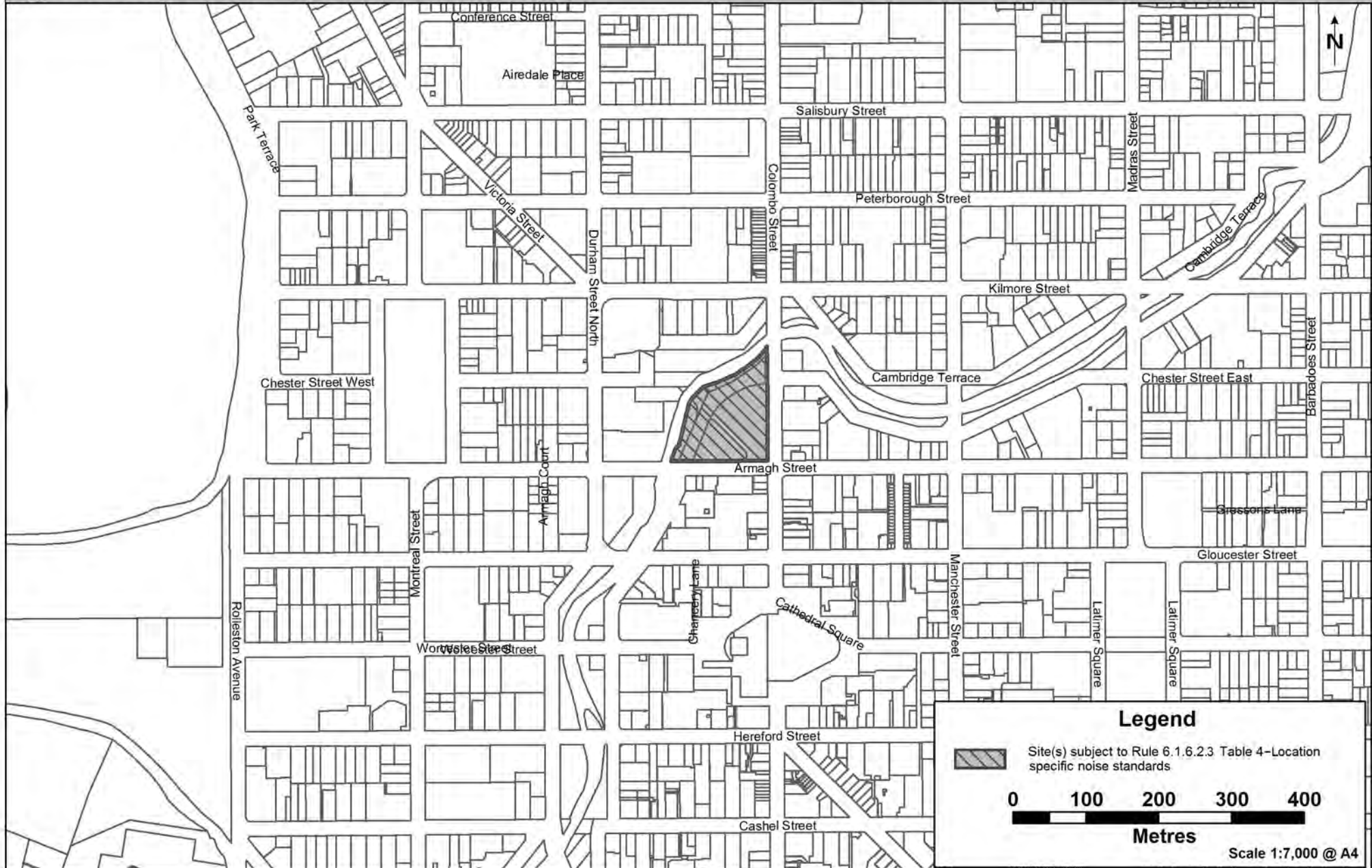
Appendix 6.11.3.7 Hagley Park and Botanic Gardens



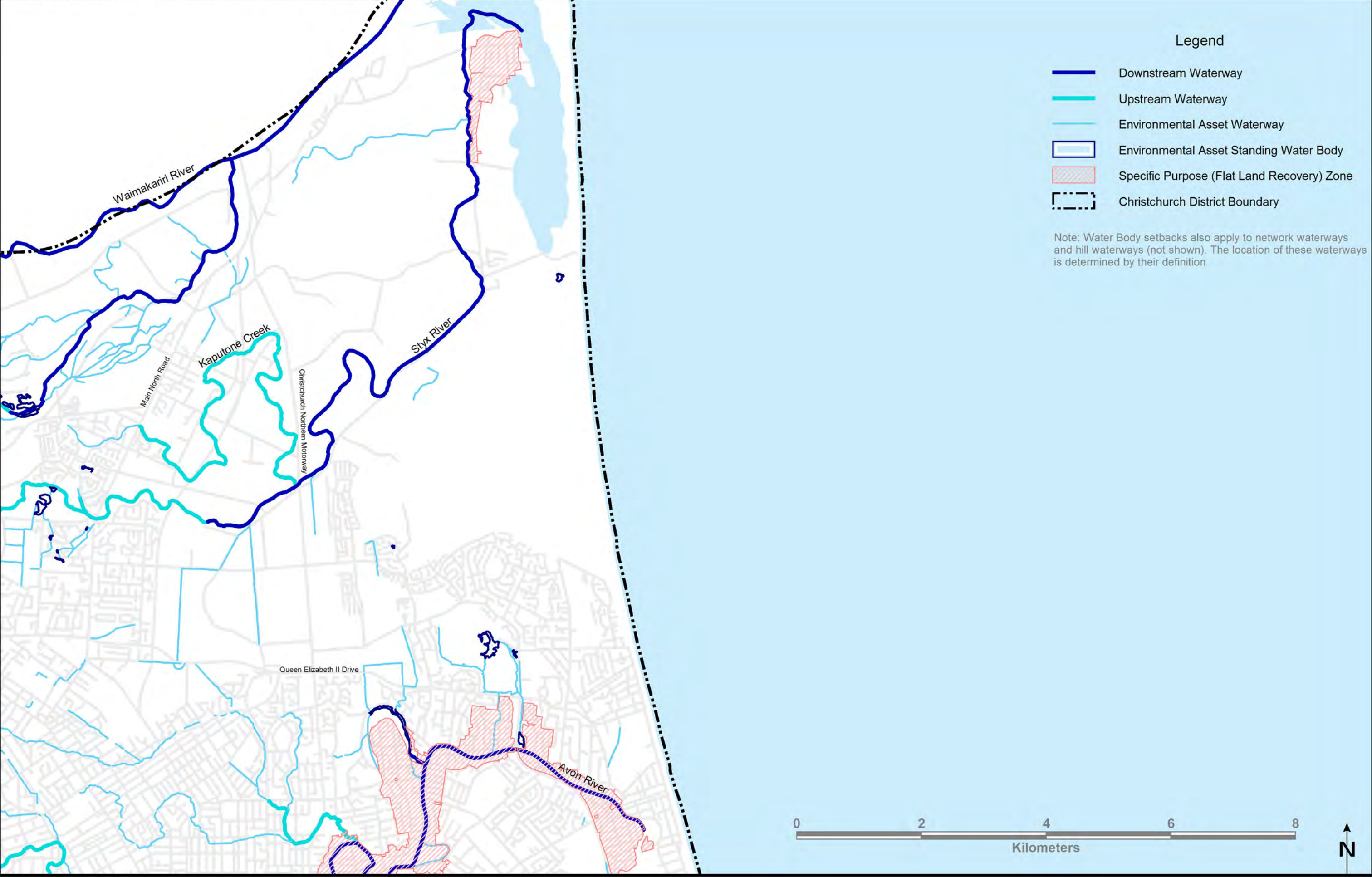
Appendix 6.11.3.8 Cathedral Square



Appendix 6.11.3.9 Victoria Square



Appendix 6.11.5.4.1 Water Body Classification Map 1



Appendix 6.11.7.4 - Map of Christchurch International Airport ground lighting and aircraft safety control areas

Note:
Ground lighting in the areas shown has the potential
to create a hazard for aircraft safety.
Consultation with the Civil Aviation Authority is advised.

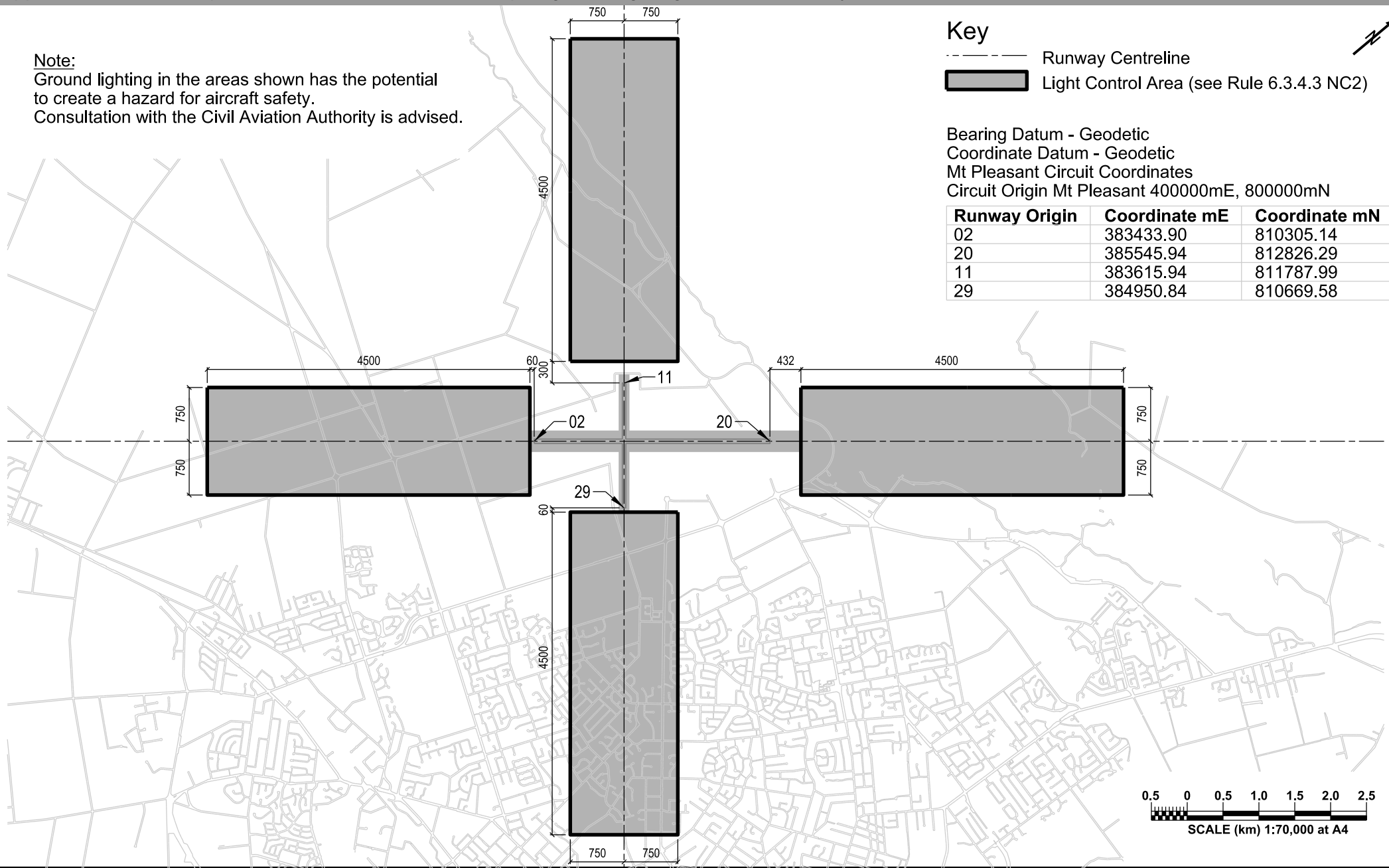
Key

Runway Centreline

Light Control Area (see Rule 6.3.4.3 NC2)

Bearing Datum - Geodetic
Coordinate Datum - Geodetic
Mt Pleasant Circuit Coordinates
Circuit Origin Mt Pleasant 400000mE, 800000mN

Runway Origin	Coordinate mE	Coordinate mN
02	383433.90	810305.14
20	385545.94	812826.29
11	383615.94	811787.99
29	384950.84	810669.58

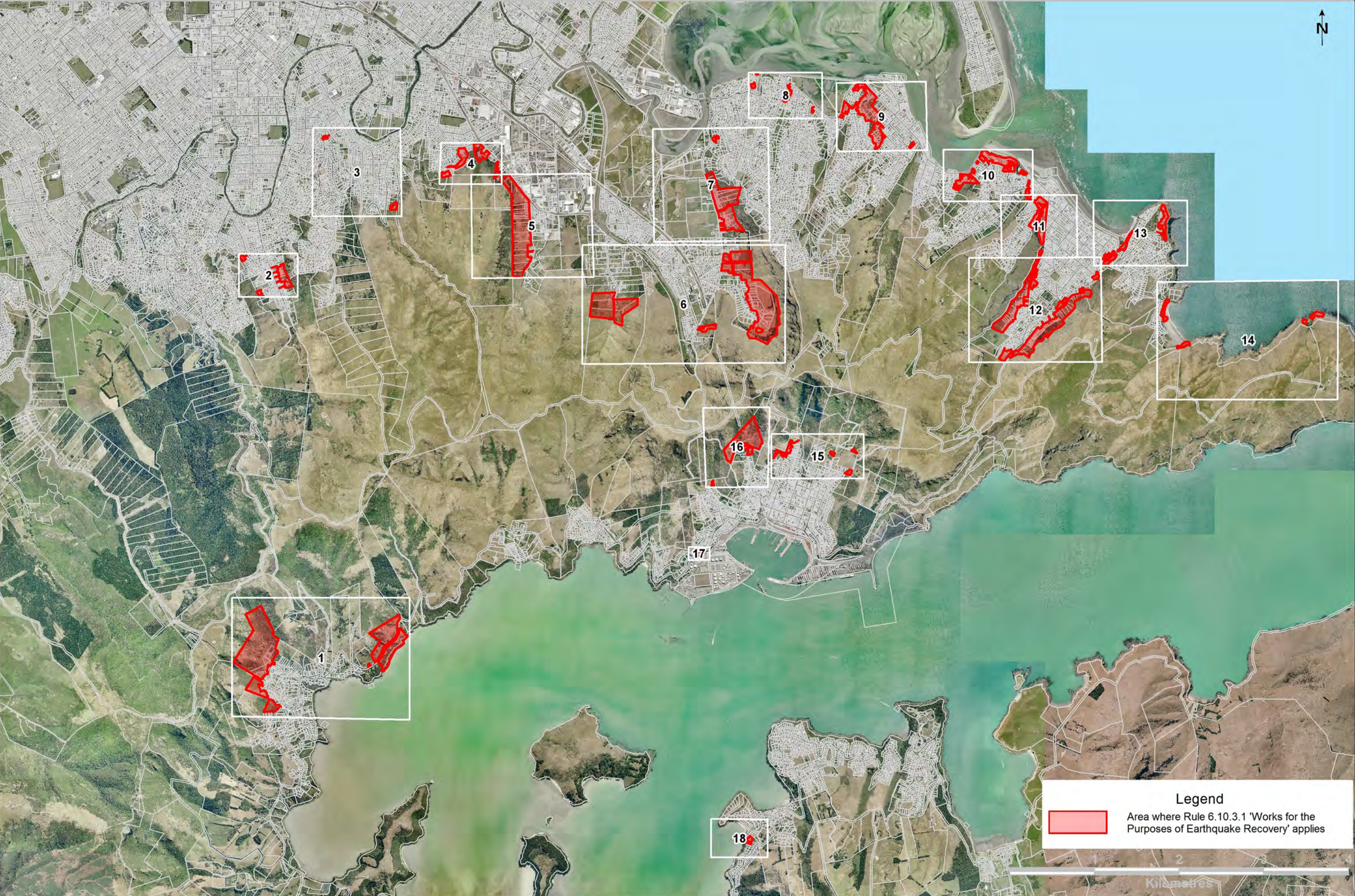


Appendix 6.11.7.5: Map of Christchurch International Airport Birdstrike Management Area (within 3km of the thresholds of runways)



Appendix 6.11.10.6 - Waimairi Permitted Temporary Activities Area

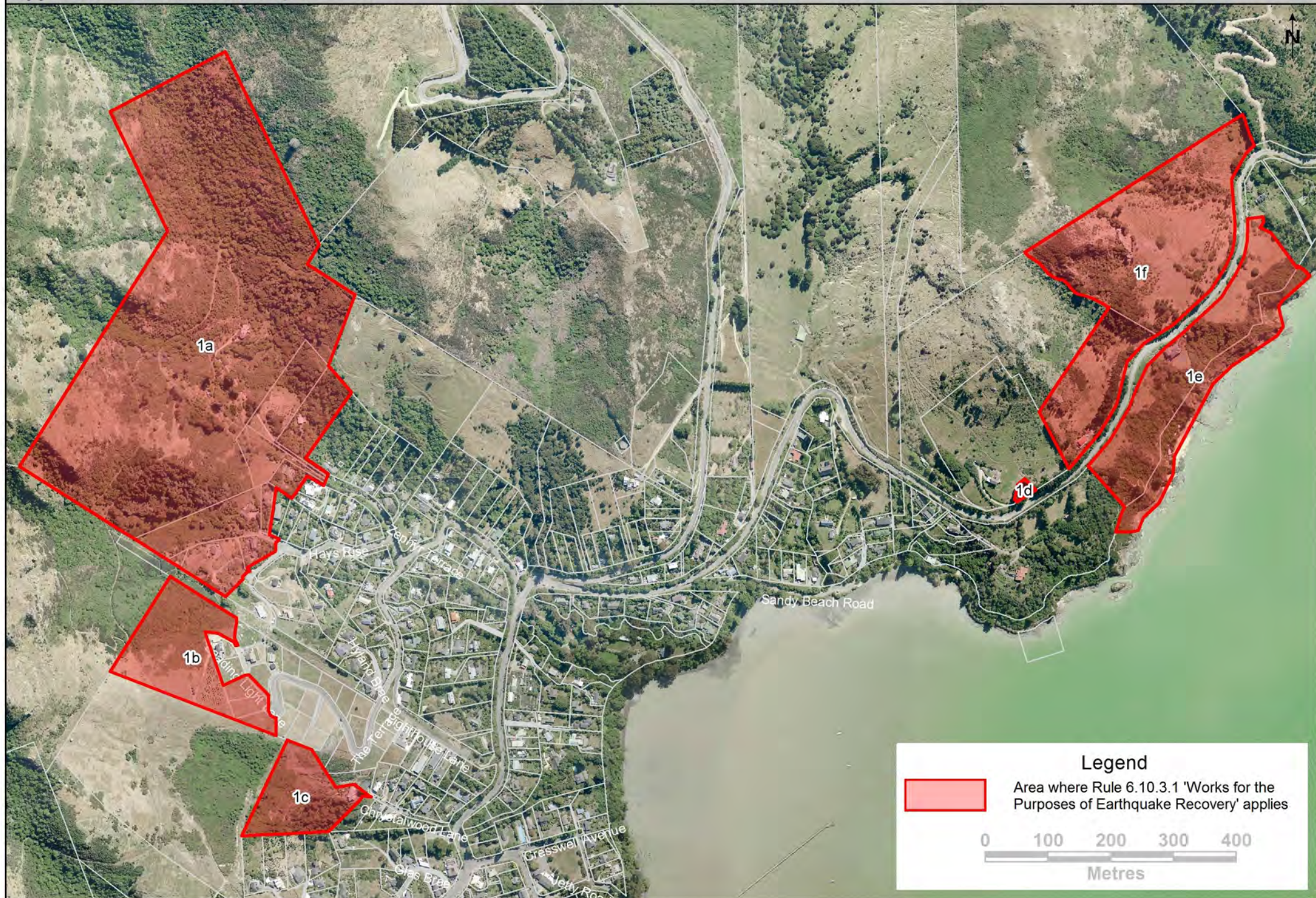




Legend

 Area where Rule 6.10.3.1 'Works for the Purposes of Earthquake Recovery' applies

Appendix 6.11.11.1 Detail Map 1



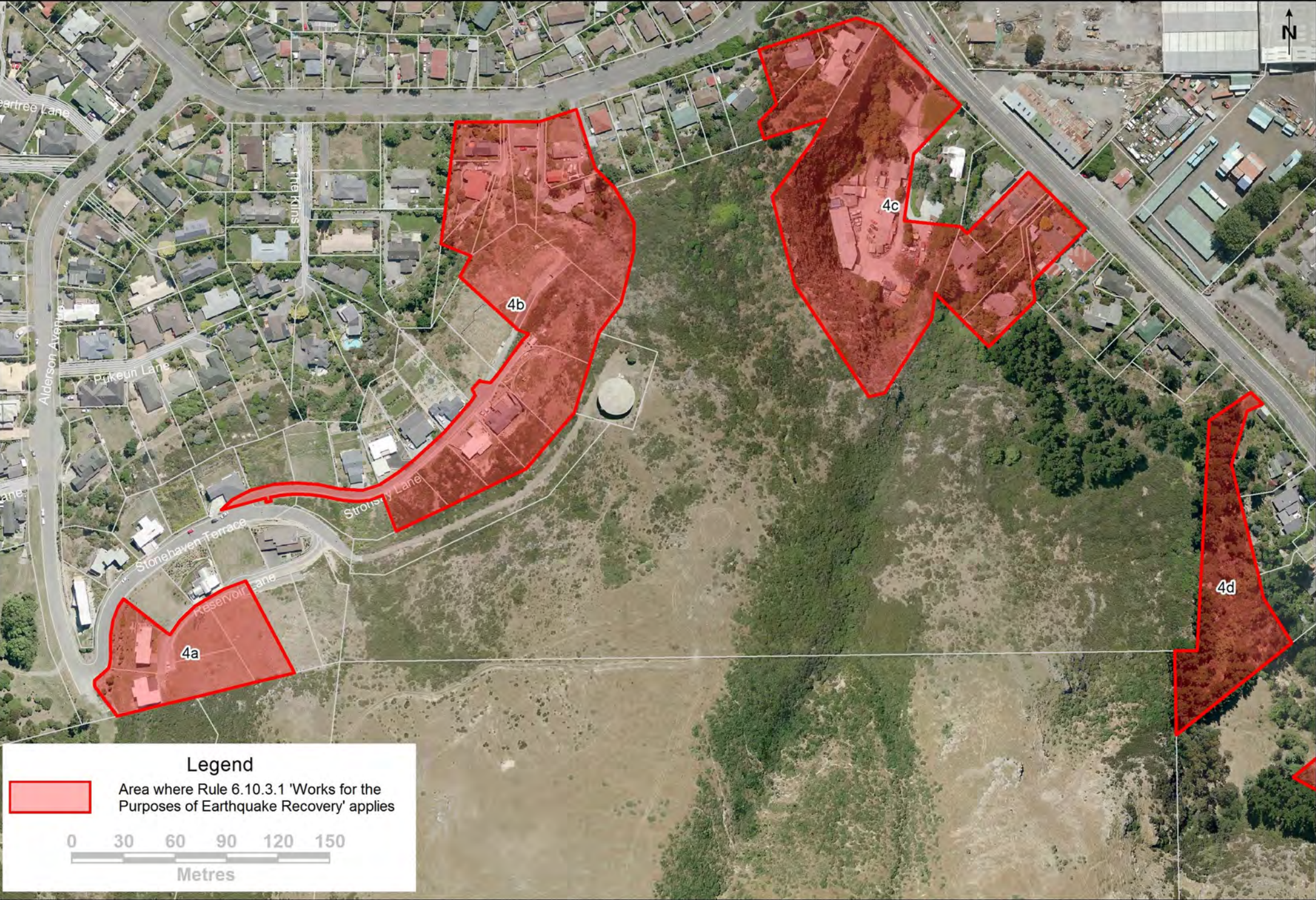
Appendix 6.11.11.1 Detail Map 2



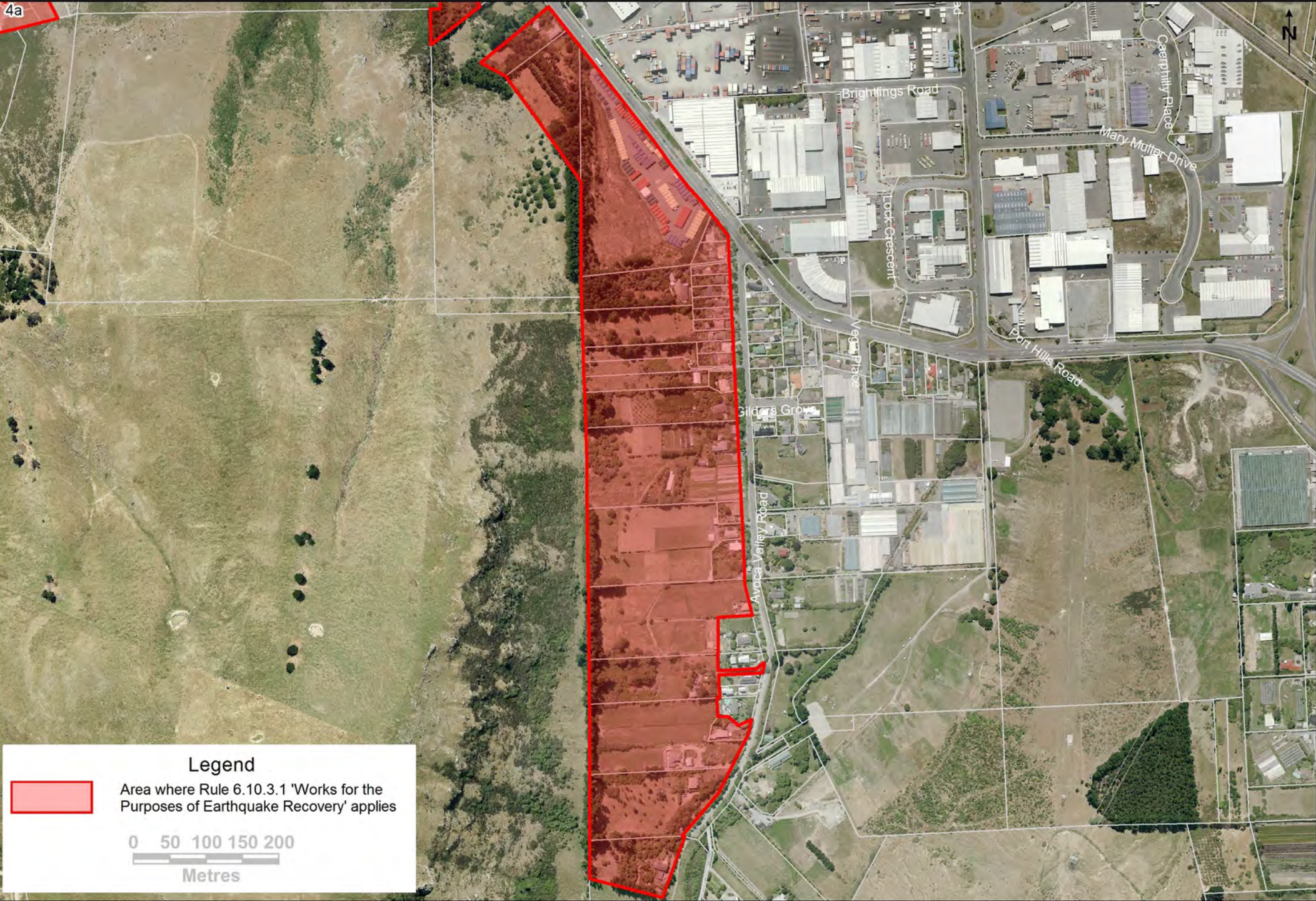
Appendix 6.11.11.1 Detail Map 3



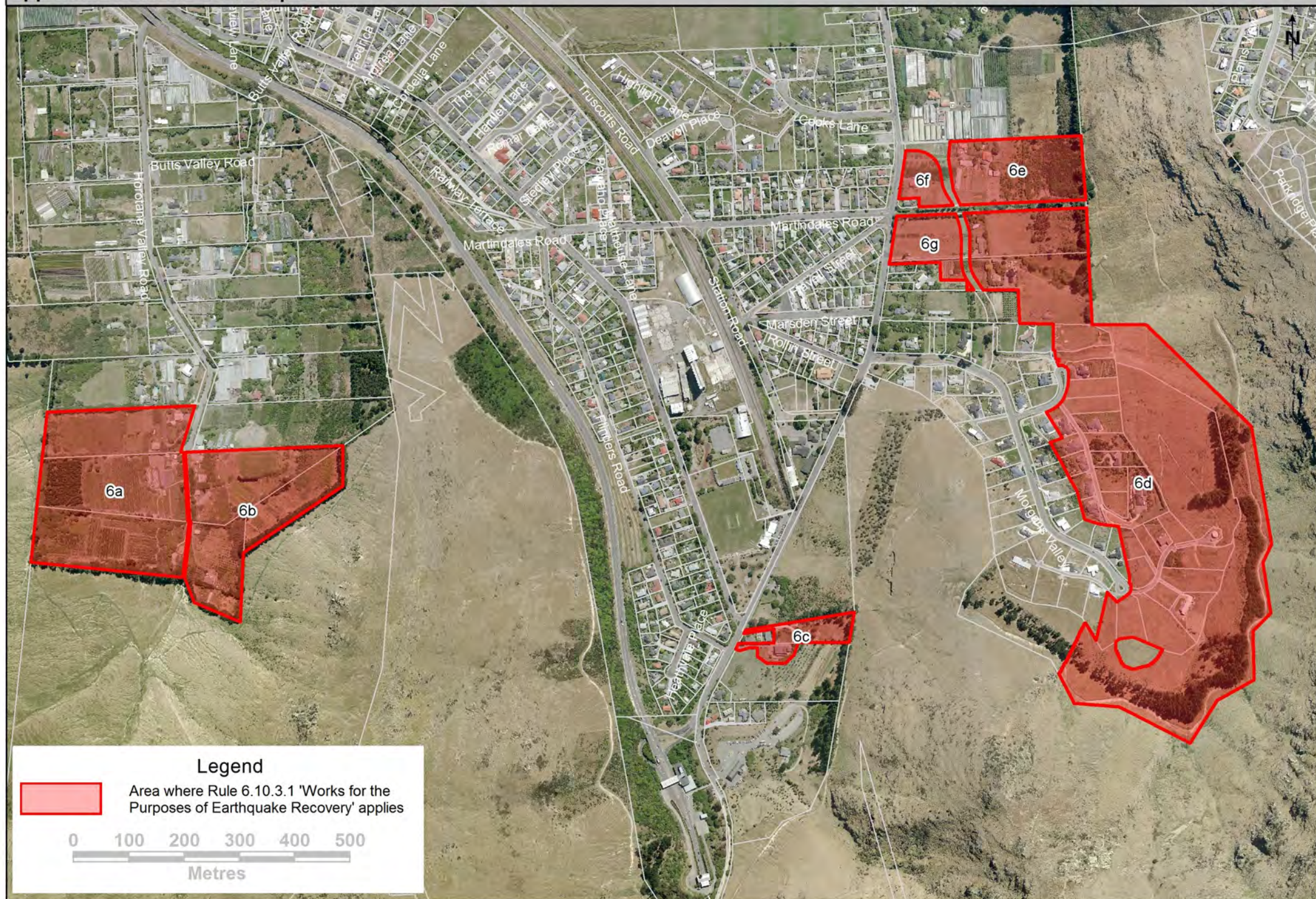
Appendix 6.11.11.1 Detail Map 4

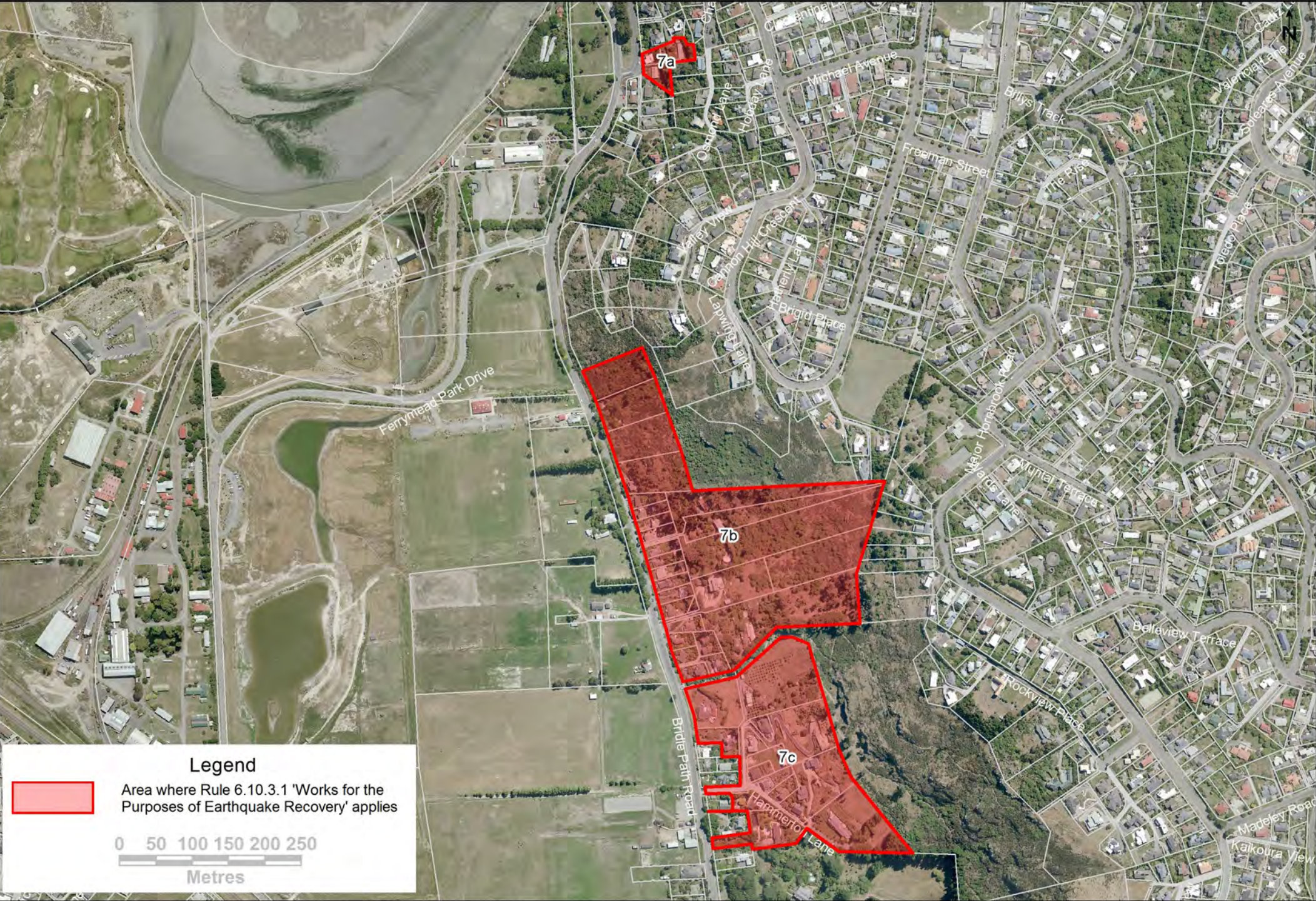


4a



Appendix 6.11.11.1 Detail Map 6





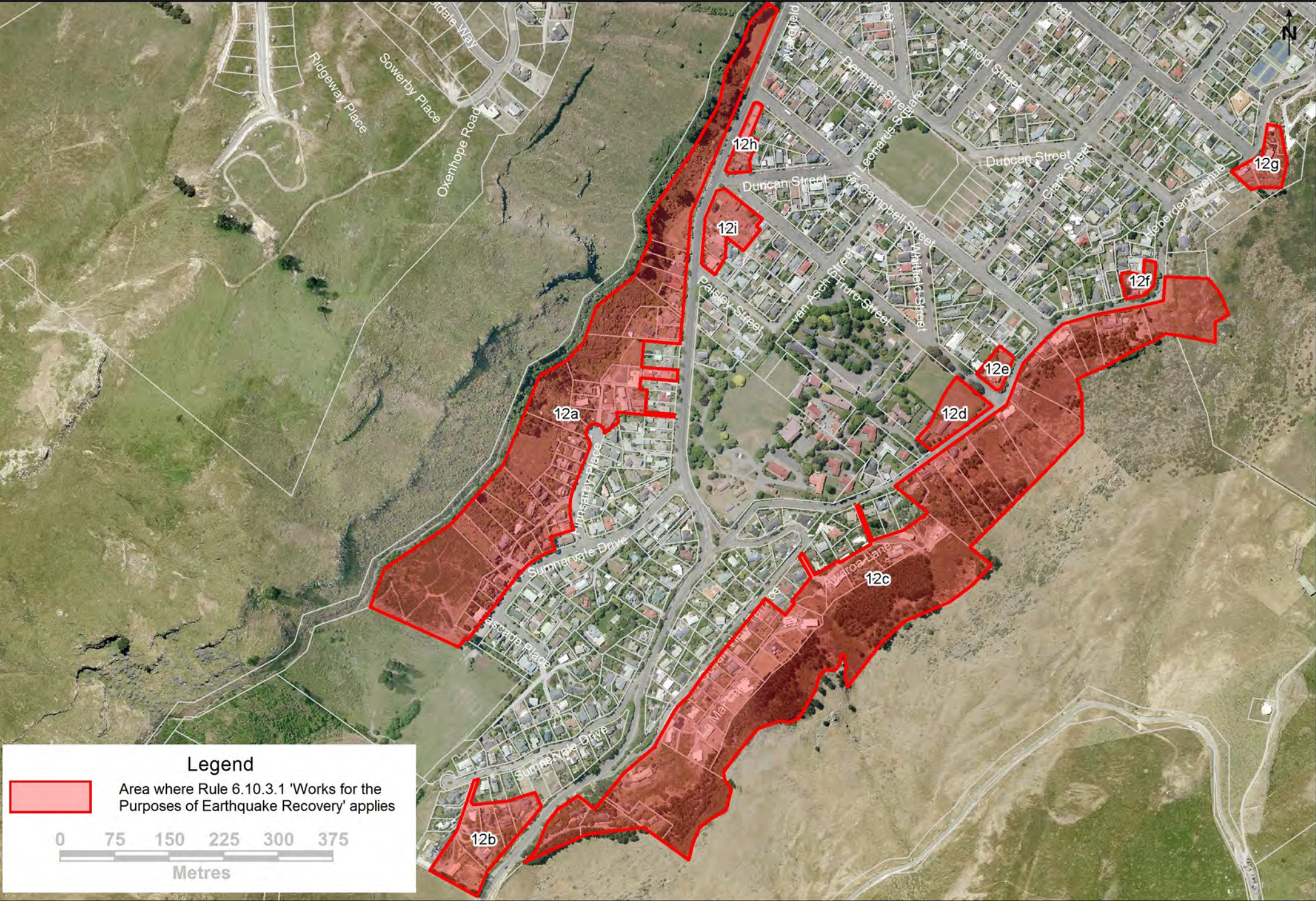


[illegible]

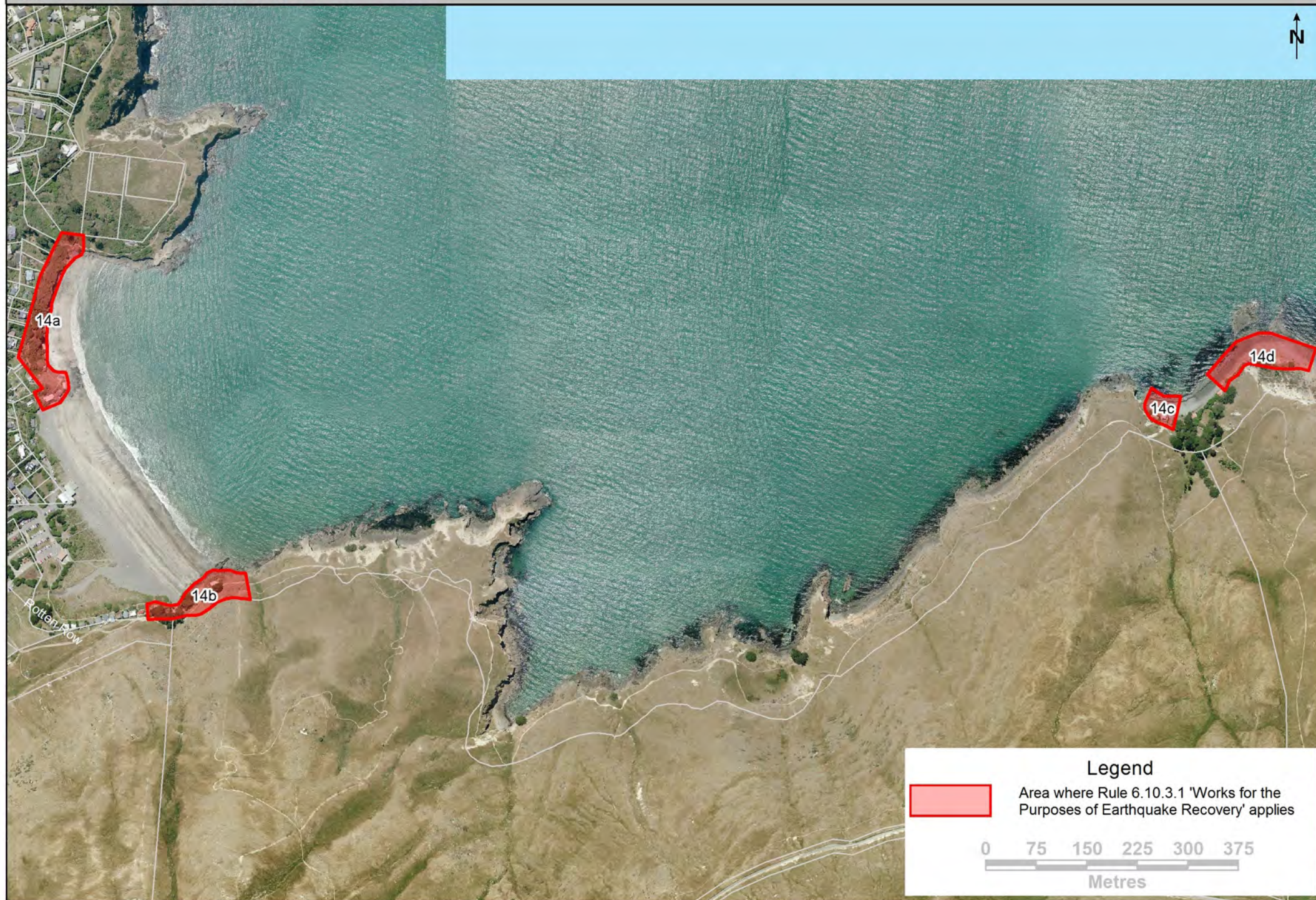


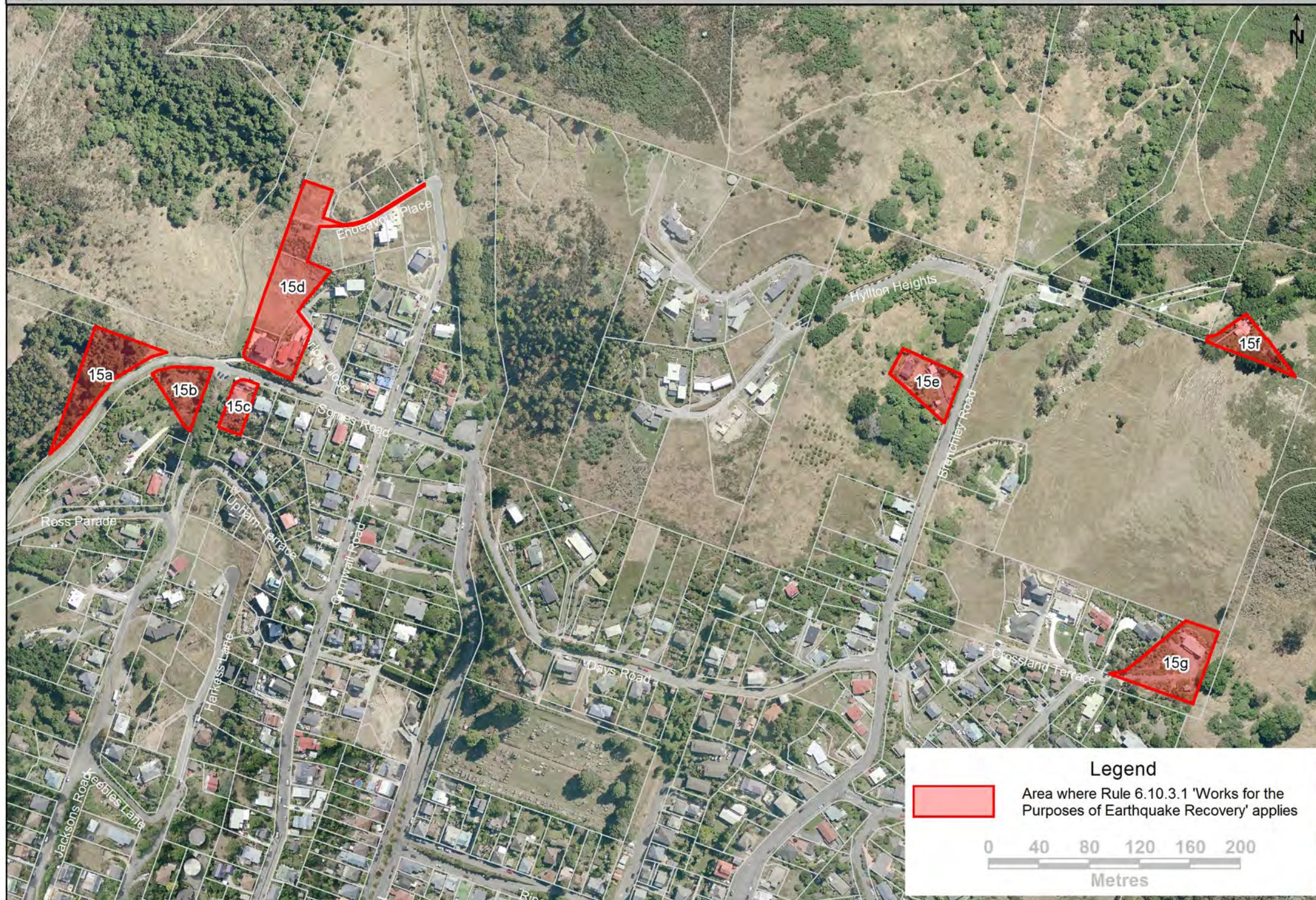


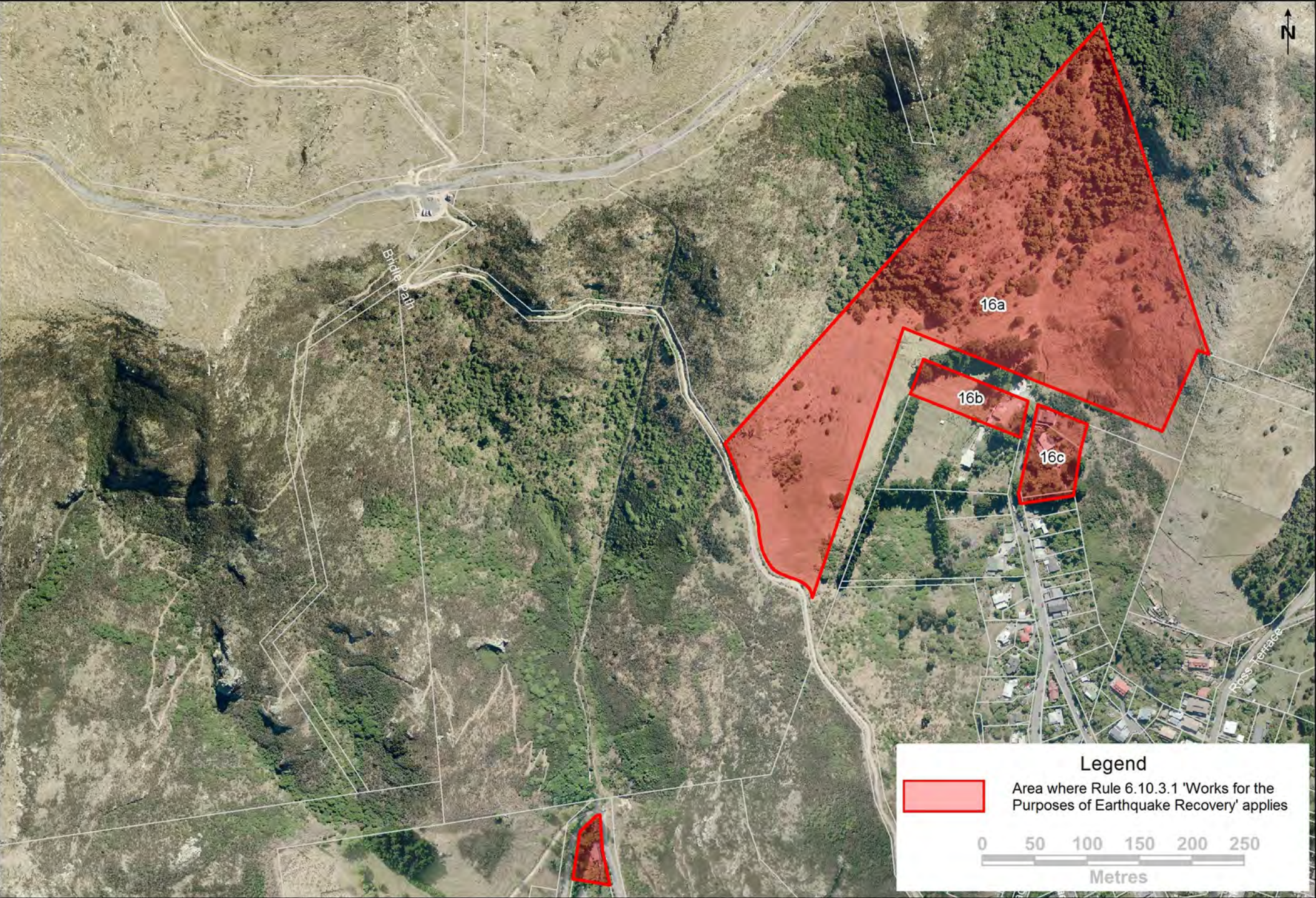
Appendix 6.11.11.1 Detail Map 12











Legend



Area where Rule 6.10.3.1 'Works for the Purposes of Earthquake Recovery' applies





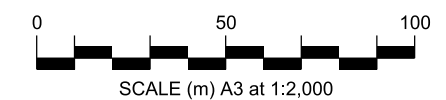


Appendix 8.6.5
New Neighbourhood
South Masham
Outline Development Plan



KEY

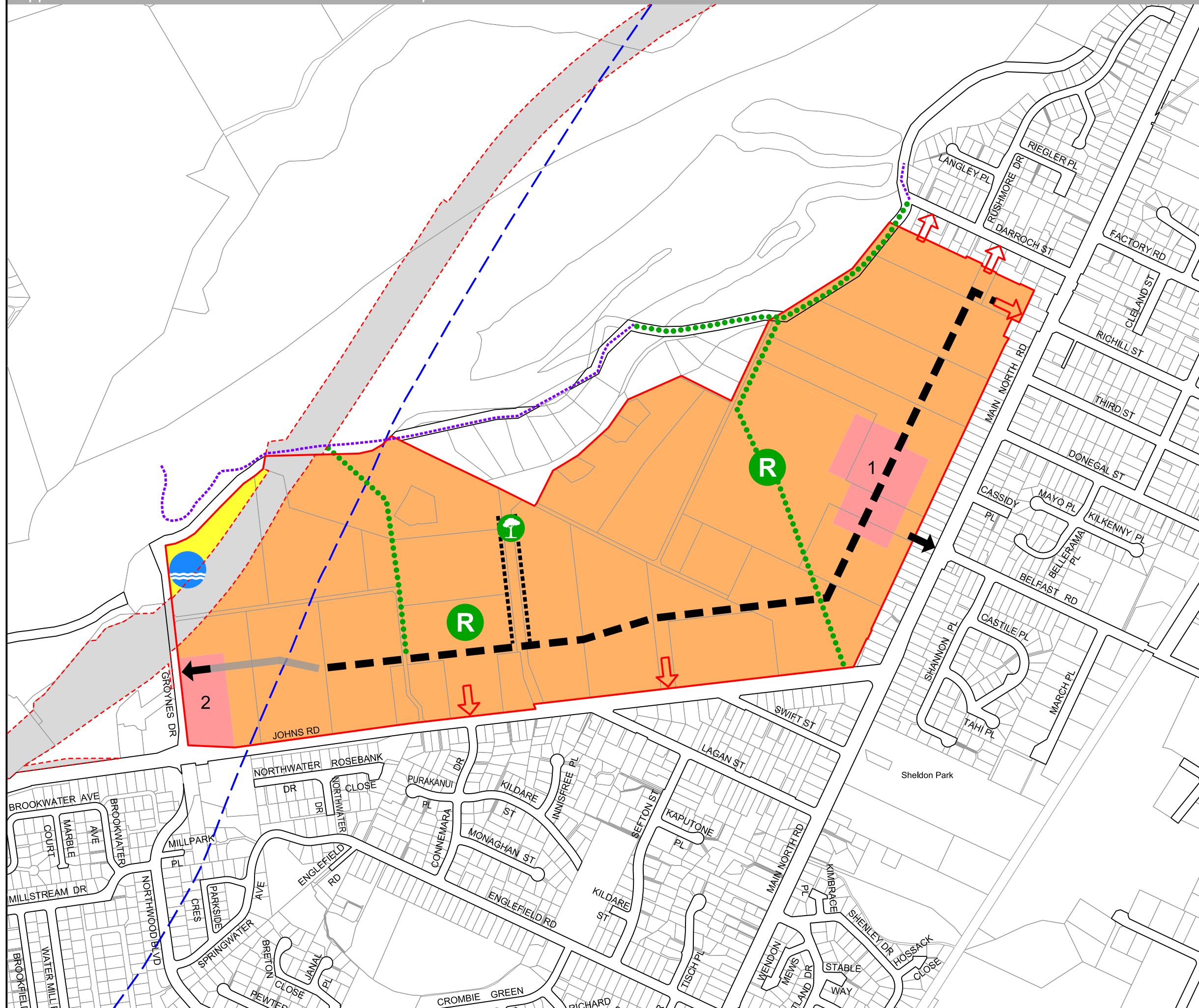
- Outline development plan boundary
- 50 dB Ldn Air Noise Contour
- Existing building
- Development requirements**
- Stormwater facility
Indicative size and shape.
- Land to be set aside for stormwater management / recreational / conservation use
Alignment and shape may vary
- ➔ Road access point
Indicative location
- Local road
Indicative alignment
- 8m - 2 storey building setback
- ↔ Pedestrian connection (10m width)
Location and alignment may vary
- Utility reserve
Indicative size and shape.
- Wastewater pump station
Indicative size and shape.
- Residential development area**
- Residential development area



Technical Services and Design
Assets and Network Unit
Christchurch City Council

Map: pp104301.dgn
Date: 15/11/2016

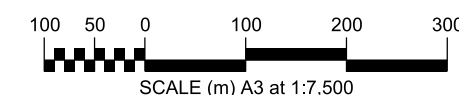
**Appendix 8.6.15
Hawthornden Road
Development Plan**



KEY



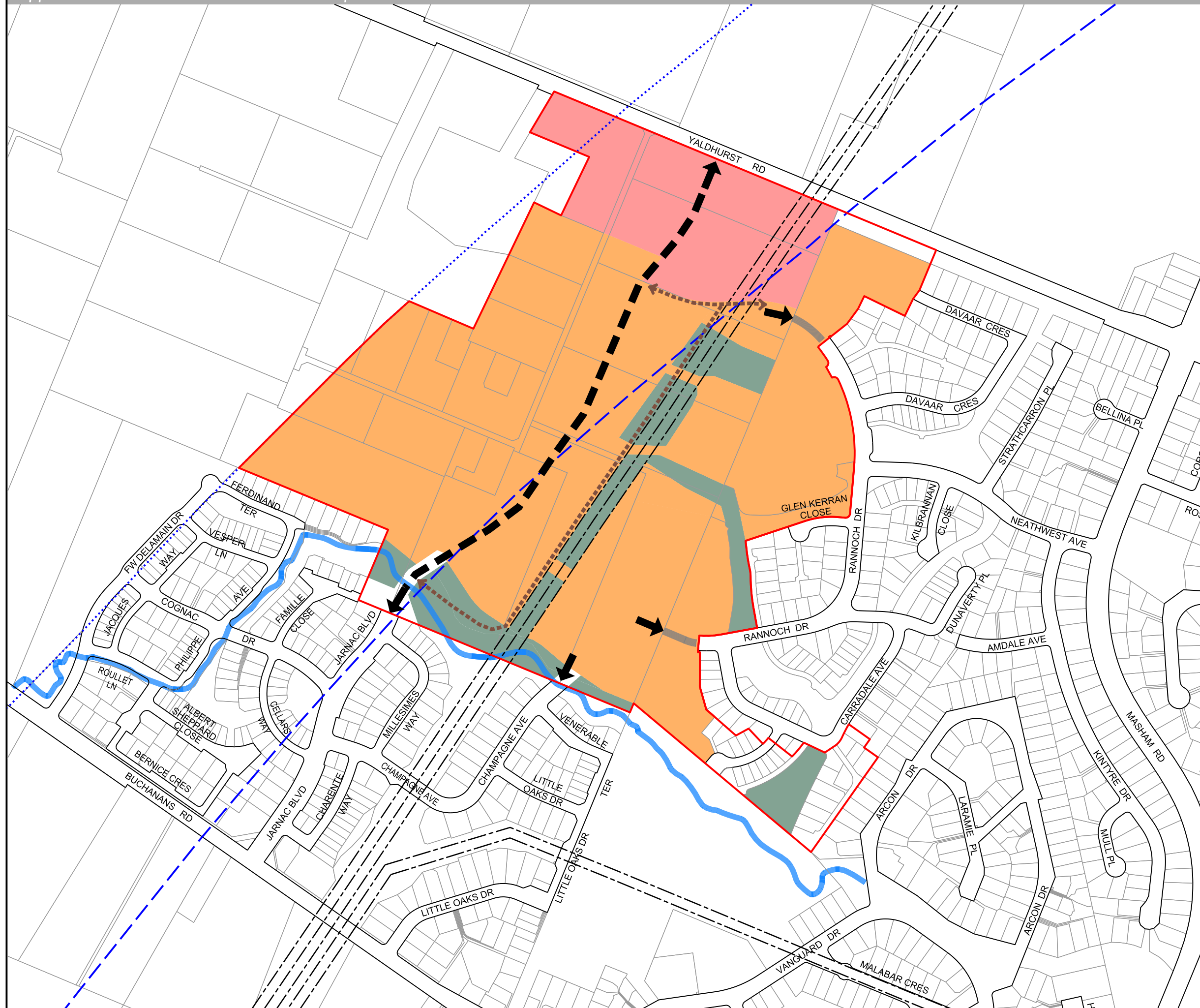
- Outline development plan boundary
- Western Belfast bypass designation
- 50 dB Ldn Air Noise Contour
- Existing pedestrian / cycle link / route
- Protected trees
- Development requirements**
 - Stormwater facility
Indicative location. Size and shape to be determined at time of subdivision
 - Road access point
Fixed location
 - Road access point
Indicative location
 - Collector road
Fixed alignment
 - Collector road
Indicative alignment
 - 15m setback
 - Recreational route
Location and alignment may vary
 - Reserve
Indicative location
Size to be determined at time of subdivision
 - 1 Commercial core zone
 - 2 Commercial local zone
- Residential development area**
 - Residential development area
 - Residential development area with greater development constraints



Technical Services and Design
Assets and Network Unit
Christchurch City Council

Map: pp103201.dgn
Date: 15/11/2016

Appendix 8.6.23 North West Belfast Outline Development Plan



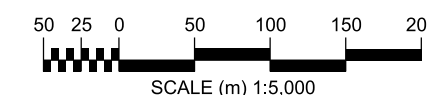
KEY



- Outline development plan boundary
- Electricity distribution lines
- 50 dB Ldn Air Noise Contour
- ... Superceded 50 dB Ldn Air Noise Contour

Development requirements

- Existing waterway or drain to be enhanced in conjunction with urban development. Alignment may vary
- Land to be set aside for stormwater management / recreational / conservation use Alignment and shape may vary
- ➔ Road access point Fixed location
- Local road Fixed alignment
- Collector road Indicative alignment
- Pedestrian / cycle link / route Location may vary
- Commercial core zone
- Residential development area**
- Residential development area

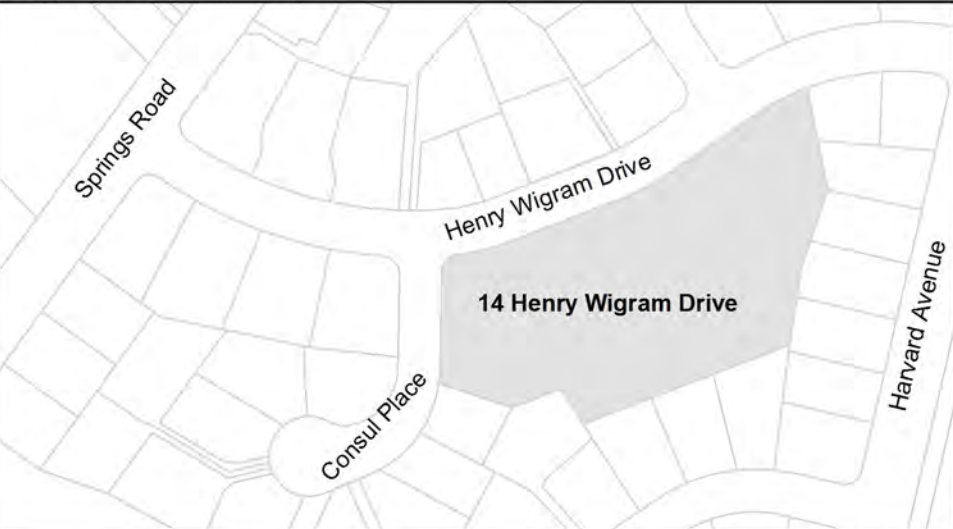


Technical Services and Design
Assets and Network Unit
Christchurch City Council

Map: pp103501.dgn
Date: 15/11/2016

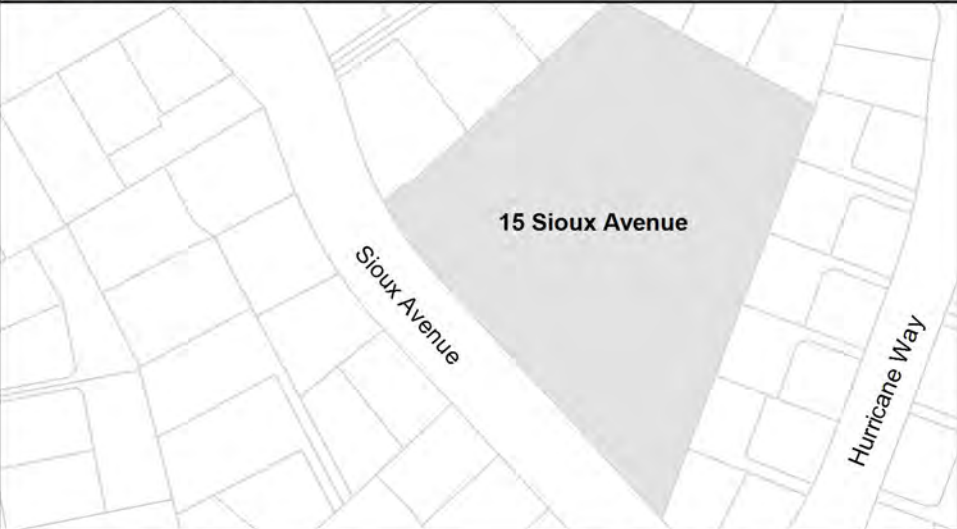
Appendix 14. 15. 11 - Residential Guest Accommodation Zone Sites

Wigram Base (GA1)



Scale 1: 2600

Wigram Lodge (GA2)



Scale 1: 2000

Garden Hotel (GA3)



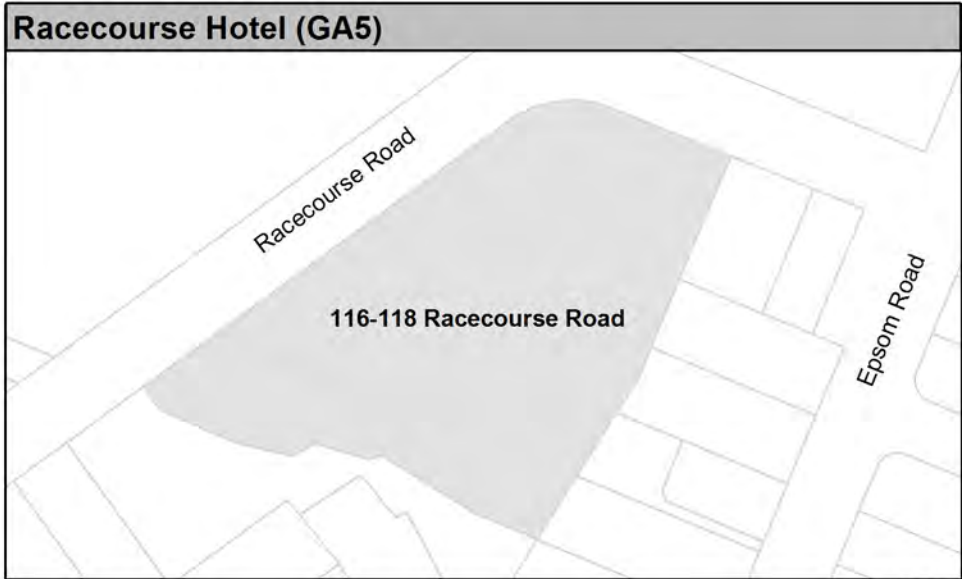
Scale 1: 3000

Redwood Hotel (GA4)

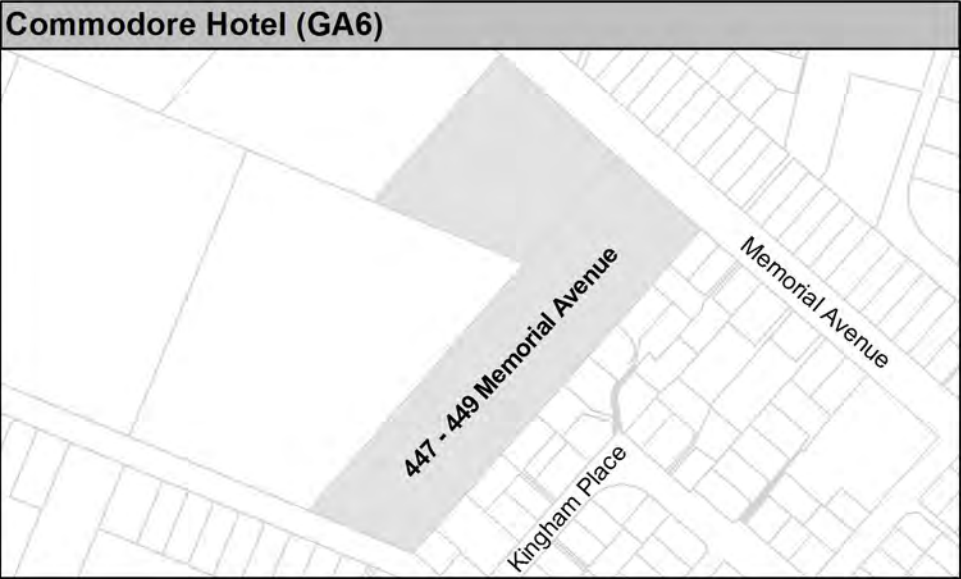


Scale 1: 3000

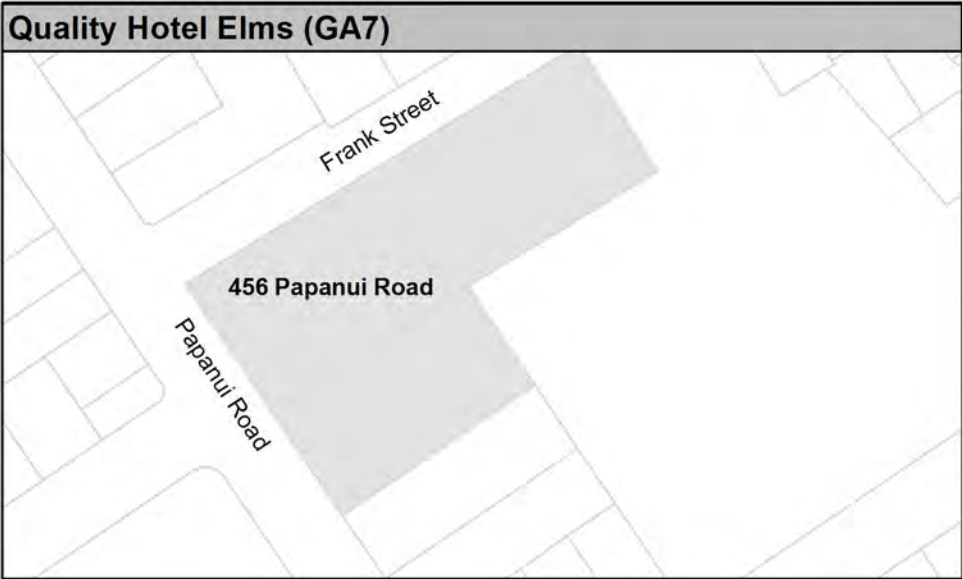
Appendix 14. 15. 11 - Residential Guest Accommodation Zone Sites



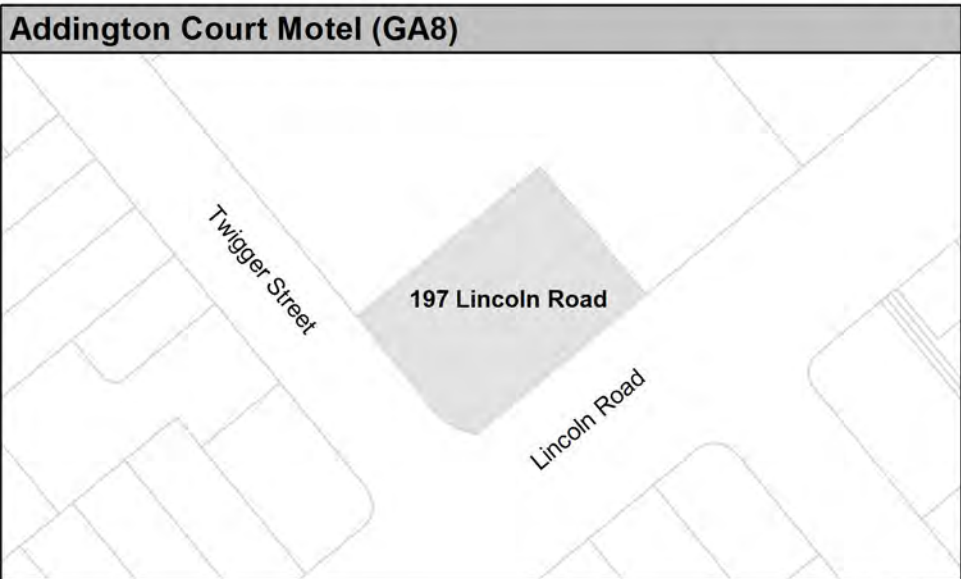
Scale 1: 2000



Scale 1: 5500



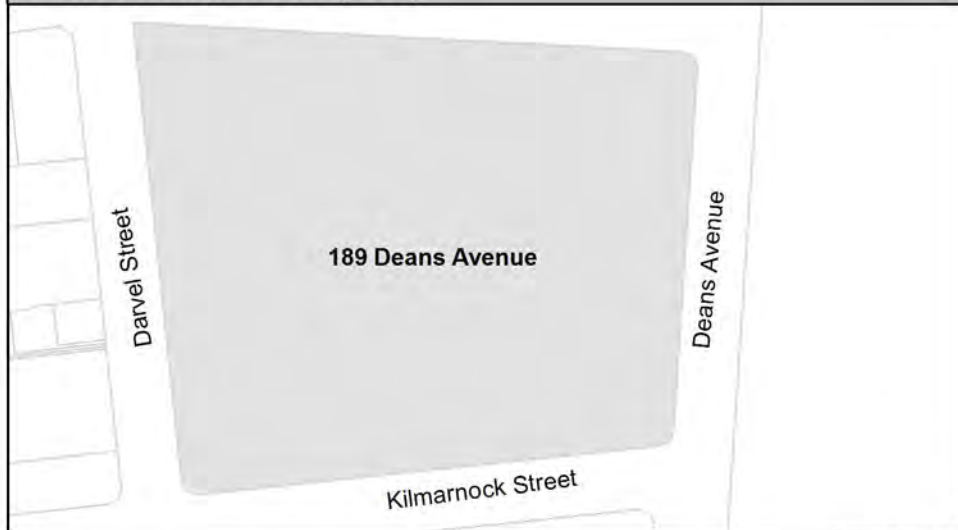
Scale 1: 2000



Scale 1: 1500

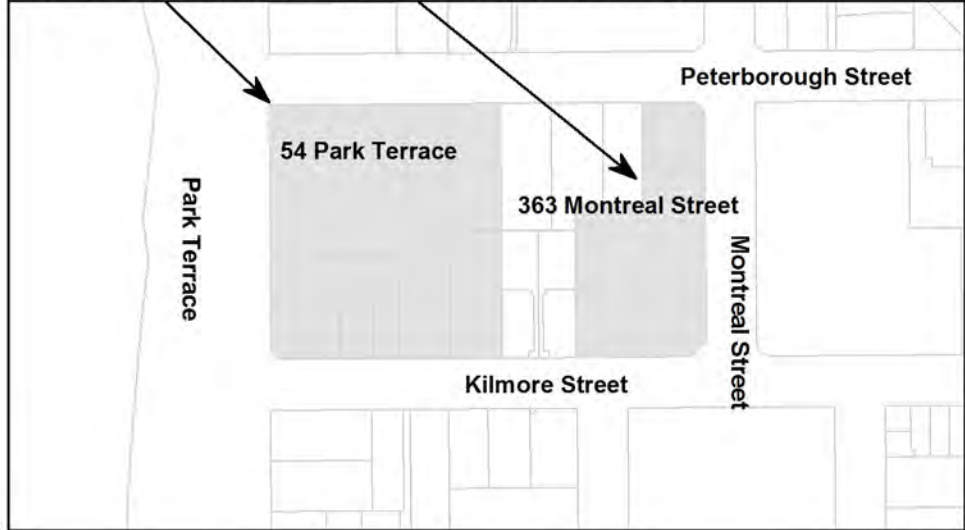
Appendix 14. 15. 11 - Residential Guest Accommodation Zone Sites

Chateau on the Park (GA9)



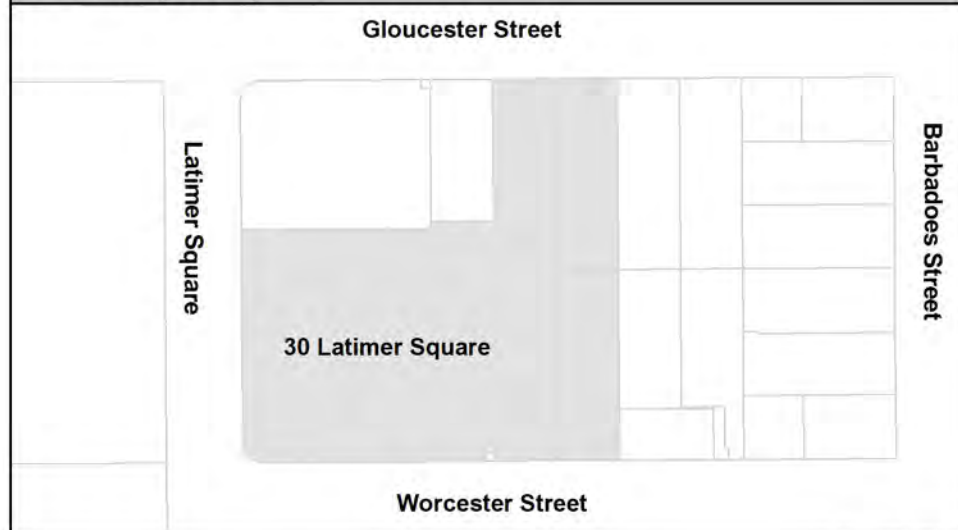
Scale 1: 2500

Peterborough (GA10) and Montreal (GA11)



Scale 1:3000

Latimer (GA12)



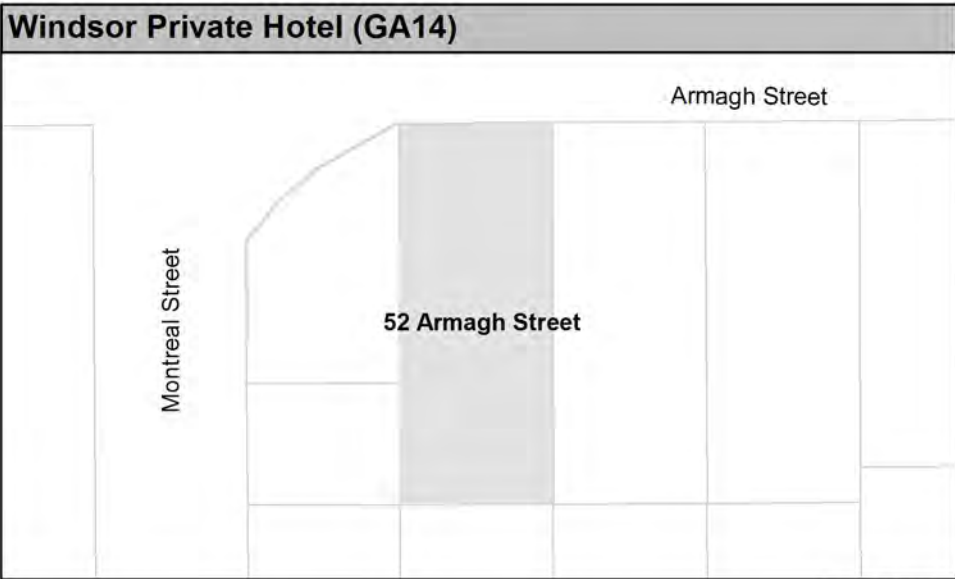
Scale 1:2000

Avon (GA13)



Scale 1:3000

Appendix 14. 15. 11 - Residential Guest Accommodation Zone Sites



Scale 1: 1000



Scale 1: 500



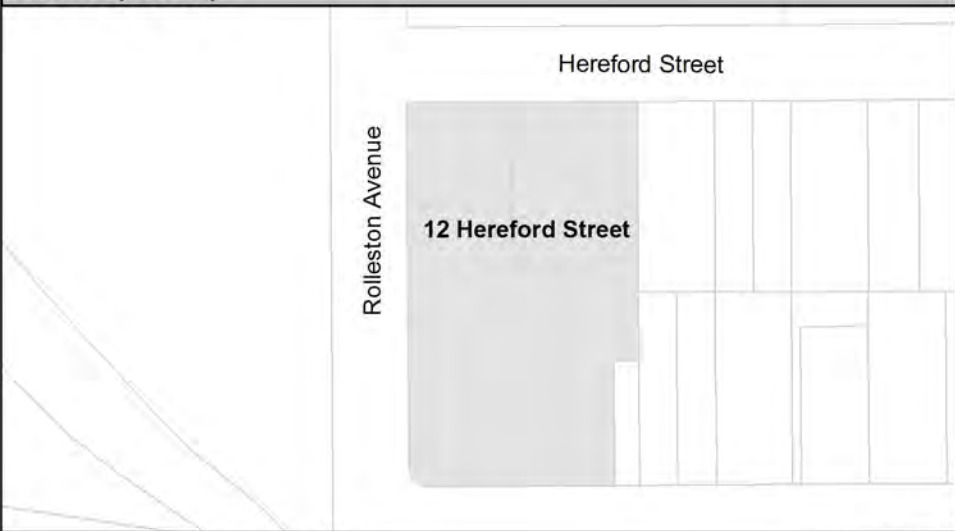
Scale 1: 1000



Scale 1: 1500

Appendix 14. 15. 11 - Residential Guest Accommodation Zone Sites

YMCA (GA18)



Scale 1: 2000

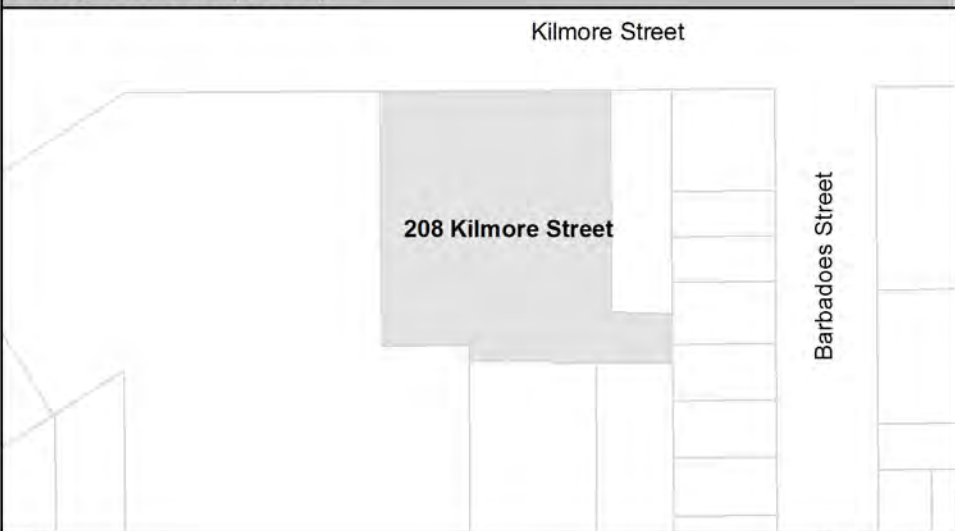
YHA Hereford Street (GA19)



Scale 1: 1000

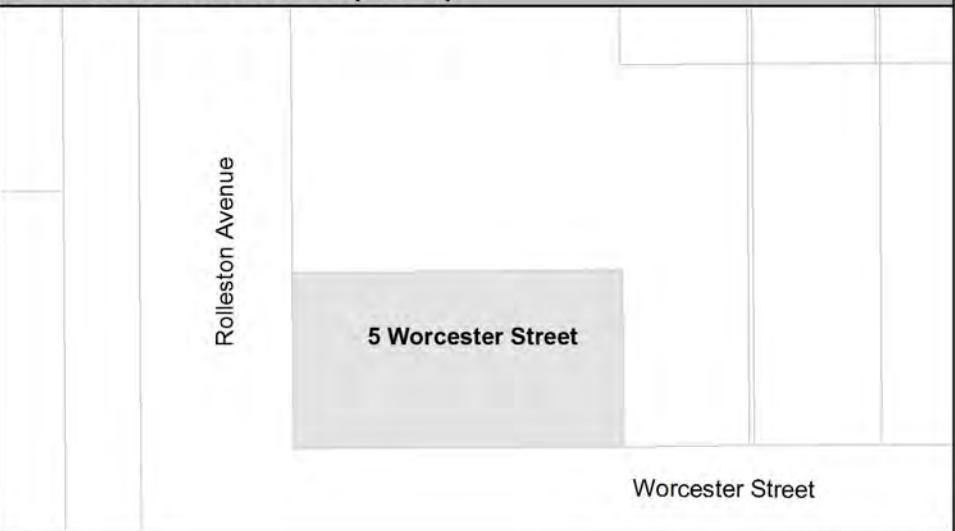


Foley Towers (GA20)



Scale 1: 1500

YHA Worcester Street (GA21)



Scale 1: 1000

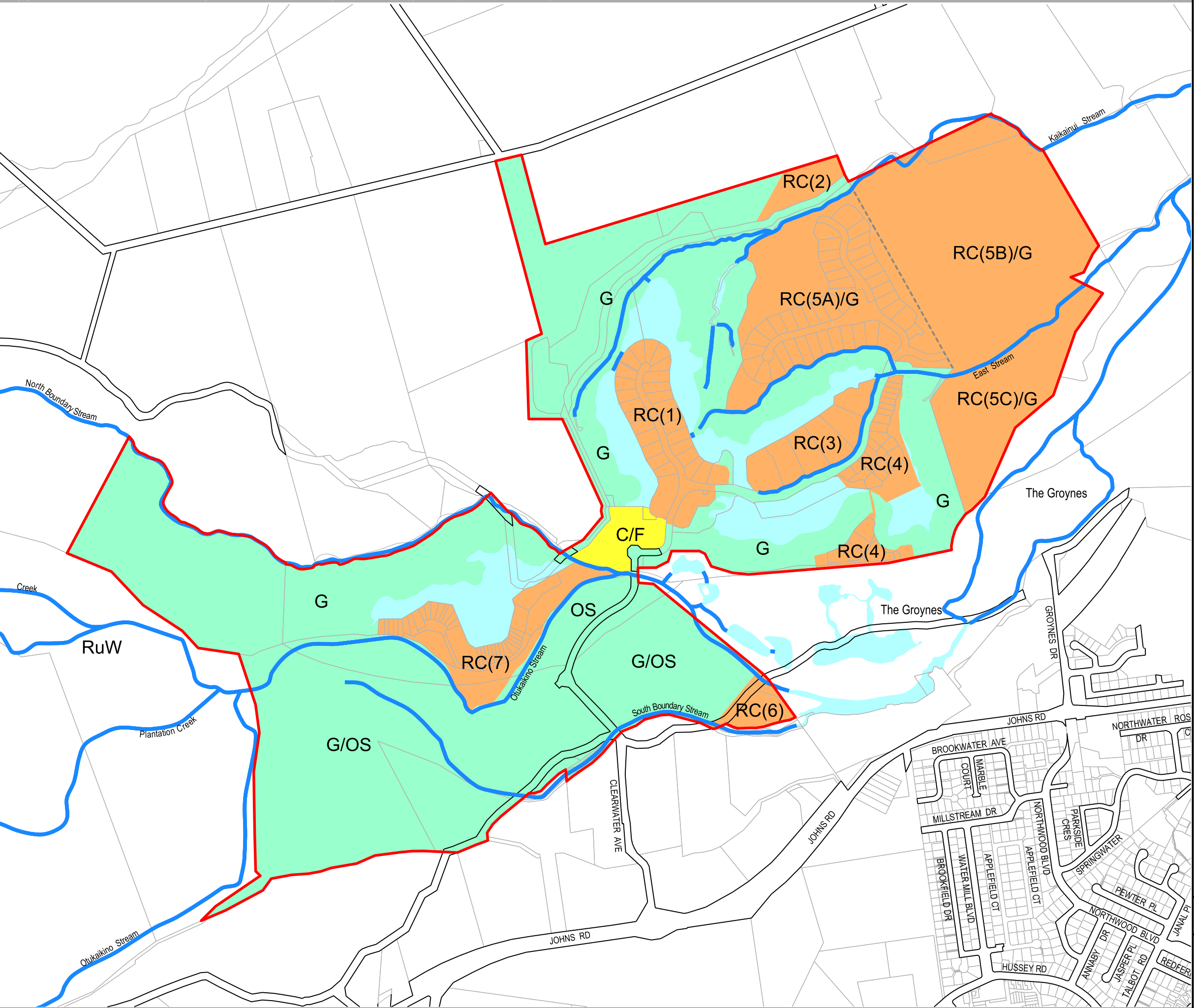
Appendix 14. 15. 11 - Residential Guest Accommodation Zone Sites

Vagabond Backpackers (GA22)



Scale 1: 1000



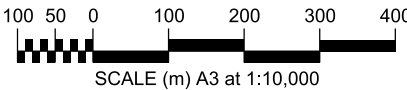


KEY

- Development plan boundary
- Stream / creek
- Stormwater management, recreational / conservation use

Activity Areas

- CF Clubhouse and Facilities
- G Golf Course
- G/OS Golf Course / Open Space
- OS Open Space
- RC Resort Community

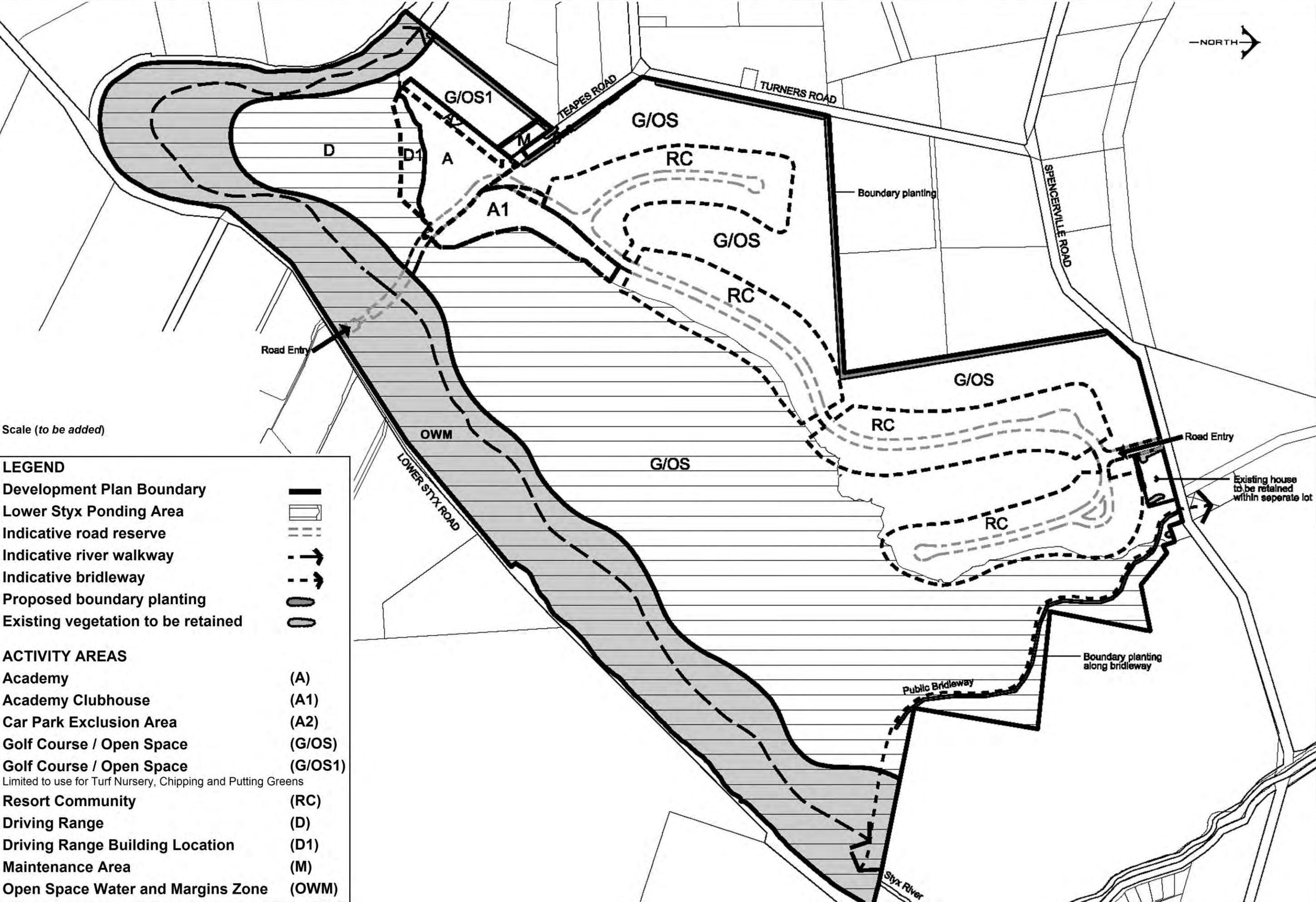


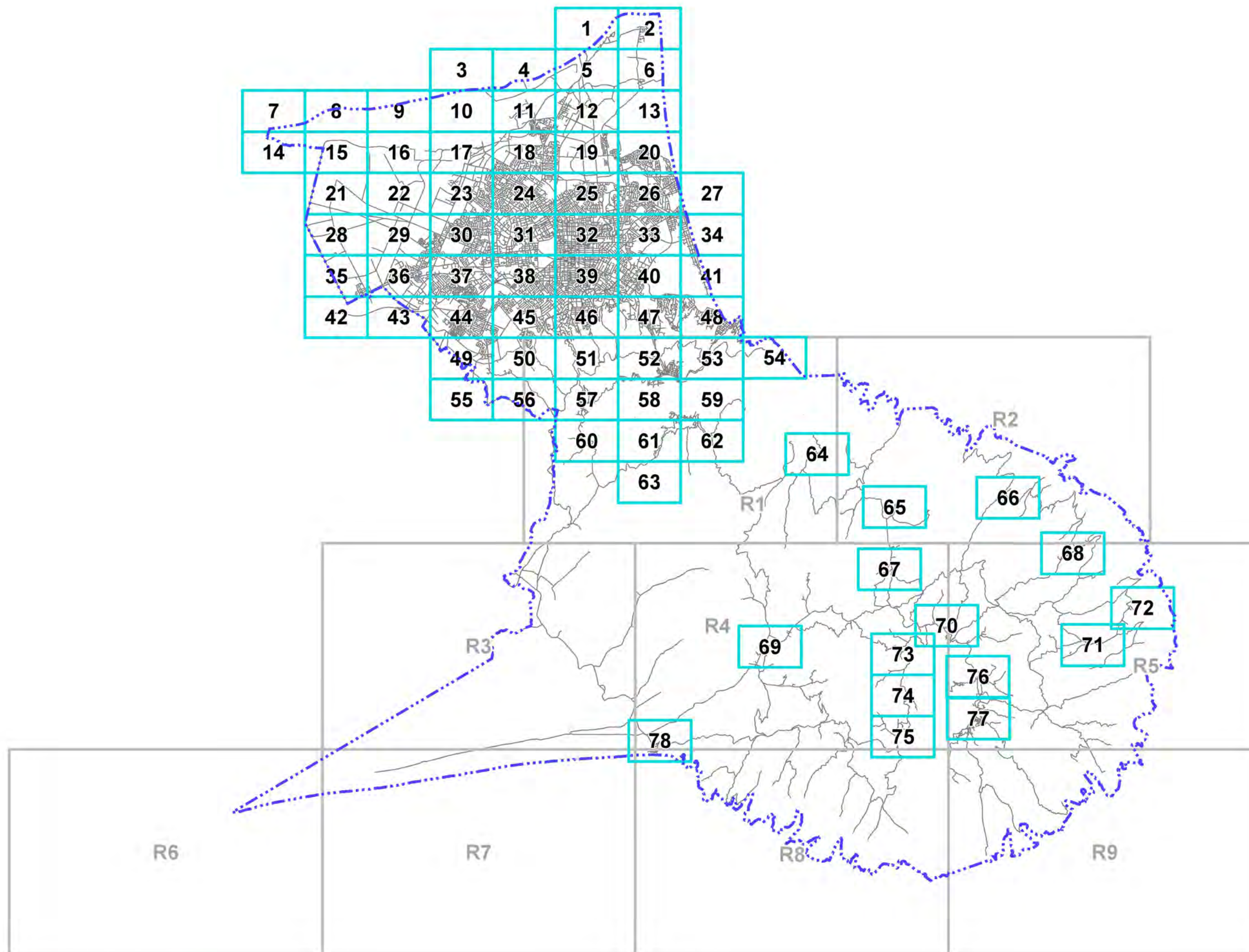
Technical Services and Design
Christchurch City Council

Map: pp104601.dgn
Date: 8/12/2016

Appendix 21.9.7.1
Clearwater Golf Resort
Development Plan

Appendix 21.9.7.2 Development Plan for Specific Purpose (Golf Resort) Zone - Whisper Creek Golf Resort





Land Use Zones

RGA

Residential Guest Accommodation

RS

Residential Suburban

SPR

Specific Purpose Golf Resort

Other Notations

Air Noise Boundary and Air Noise Contours

On-Aircraft Engine Testing Contours

Christchurch International Airport Protection Surfaces

Environmental Asset Standing Water Body

Downstream Waterway

Downstream Waterway (Mona Vale)

Upstream Waterway

Environmental Asset Waterway

A

Scheduled Activity

Information Only

District Boundary

Land not subject to Decision 56/57

Railway

220kV National Grid

110kV National Grid

66kV National Grid

66kV Electricity Distribution Lines

33kV Electricity Distribution Lines

11kV Heathcote to Lyttelton Electricity Distribution Lines

Major Arterial Road

Minor Arterial Road

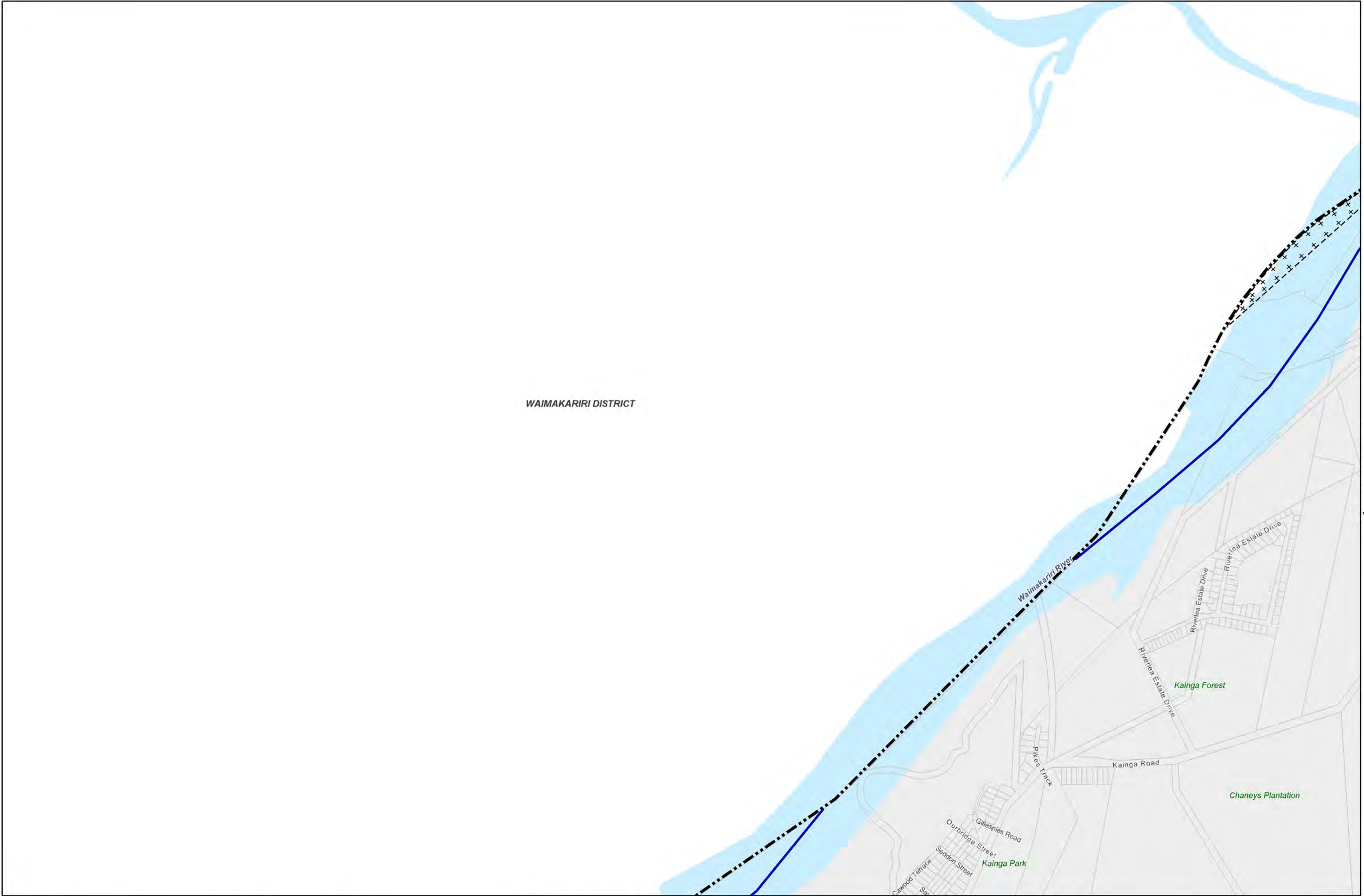
Collector Road

Lyttelton Tunnel Road

The cadastre and coastline shown on the planning maps is not part of the information in the District Plan. It has been provided on the planning maps as an additional function to enhance navigability and search capability. District Plan rules do not apply for overlays extending into the Coastal Marine Area. The Coastal Marine Area is as defined in the Resource Management Act. The cadastre was based on the most recent information held by the Council at the date the map was produced. Establishing compliance or otherwise with the plan may require a formal survey.

The District boundary is as defined in the Resource Management Act, which uses the definition from the Local Government Act. The line on these maps representing the District boundary is indicative and for information purposes only. The actual boundary is as defined in the legislation. Determining rights and obligations under the District Plan where the District boundary is relevant may require a formal survey.

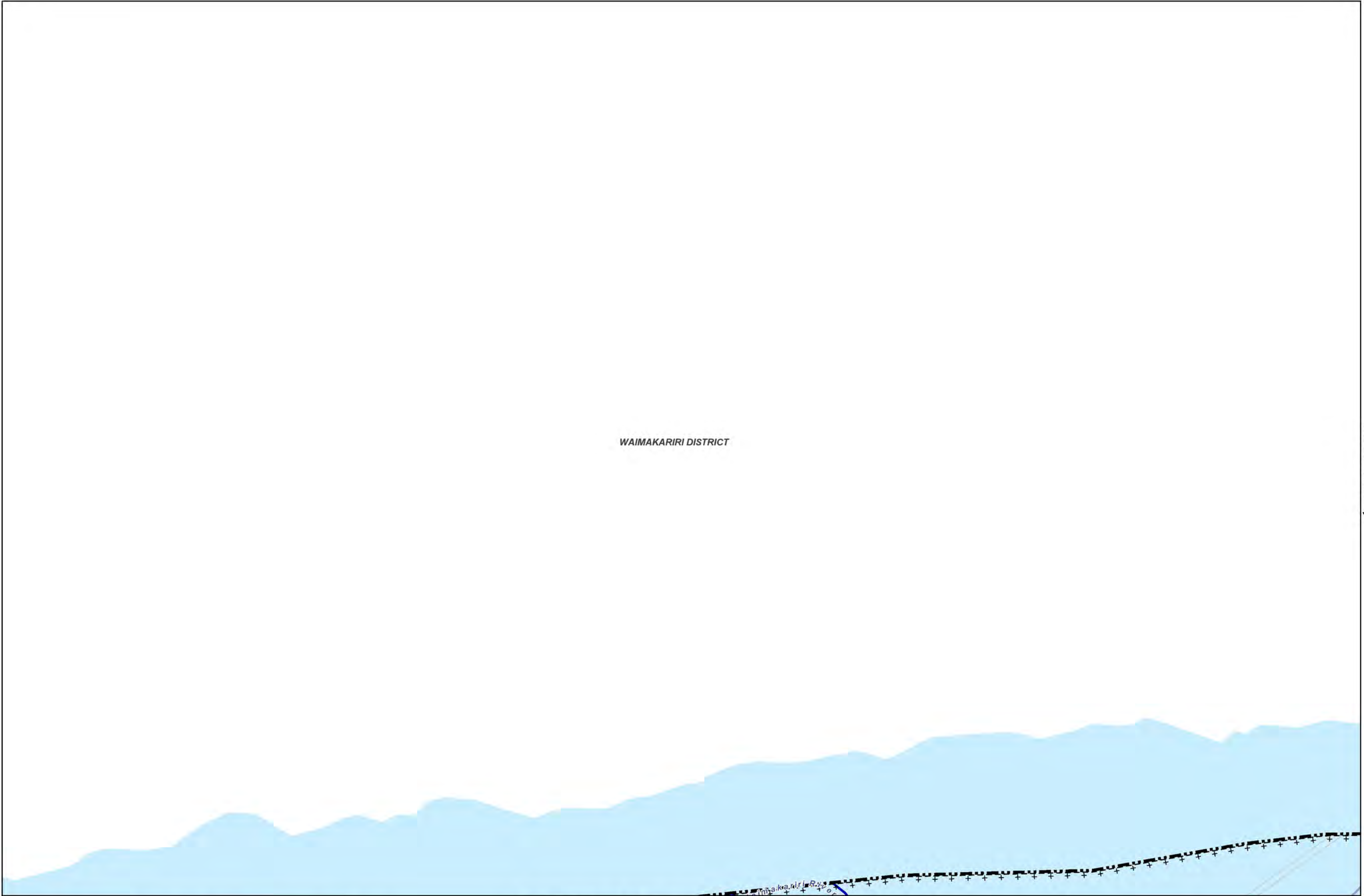
The District Plan planning maps are at a scale of 1:10000 and 1:50000. Use at any other scale than specified on each map is for information purposes only, and does not form part of the District Plan.



LEGEND BELOW



1	2
5	6

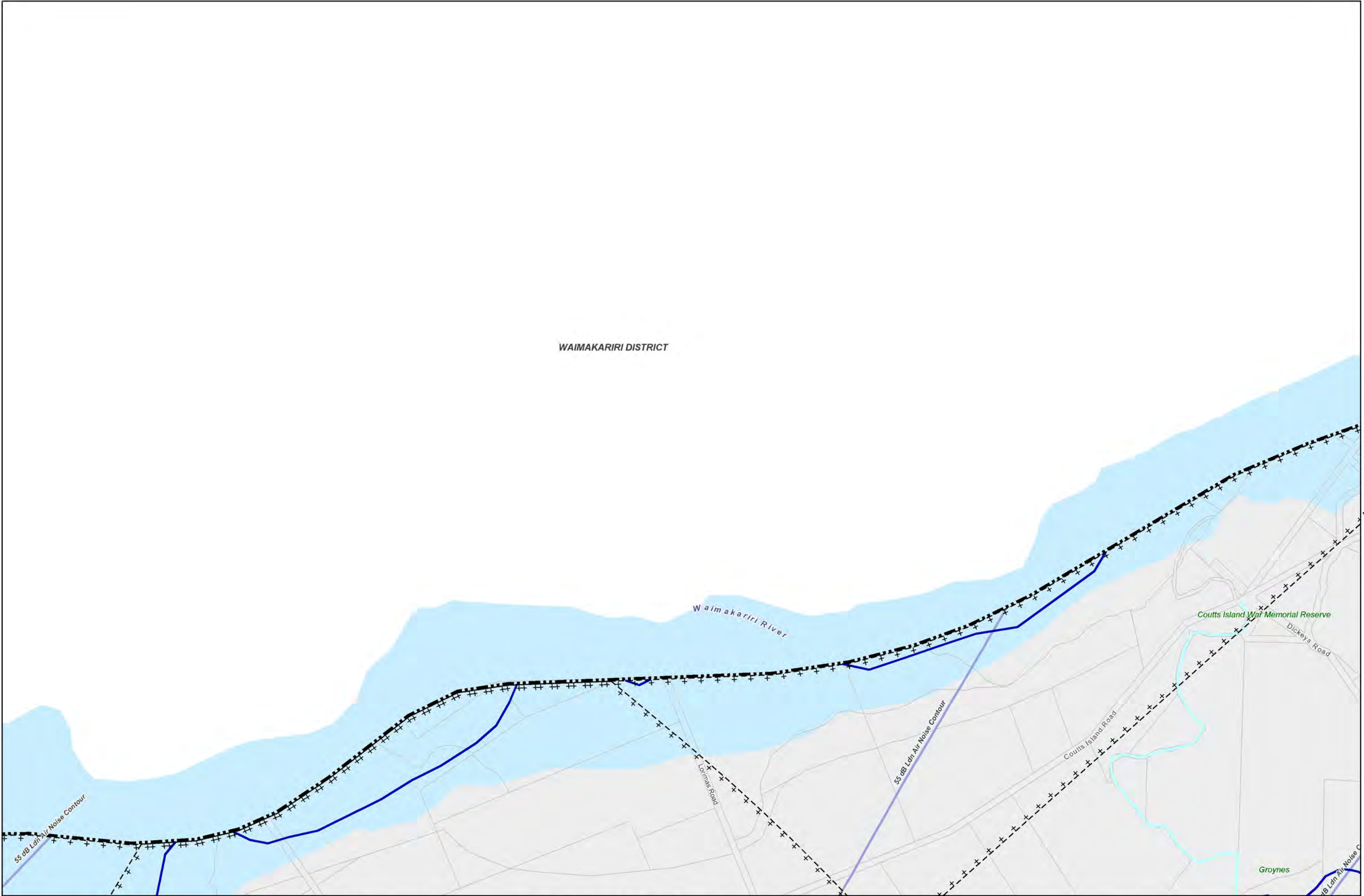


WAIMAKARIRI DISTRICT

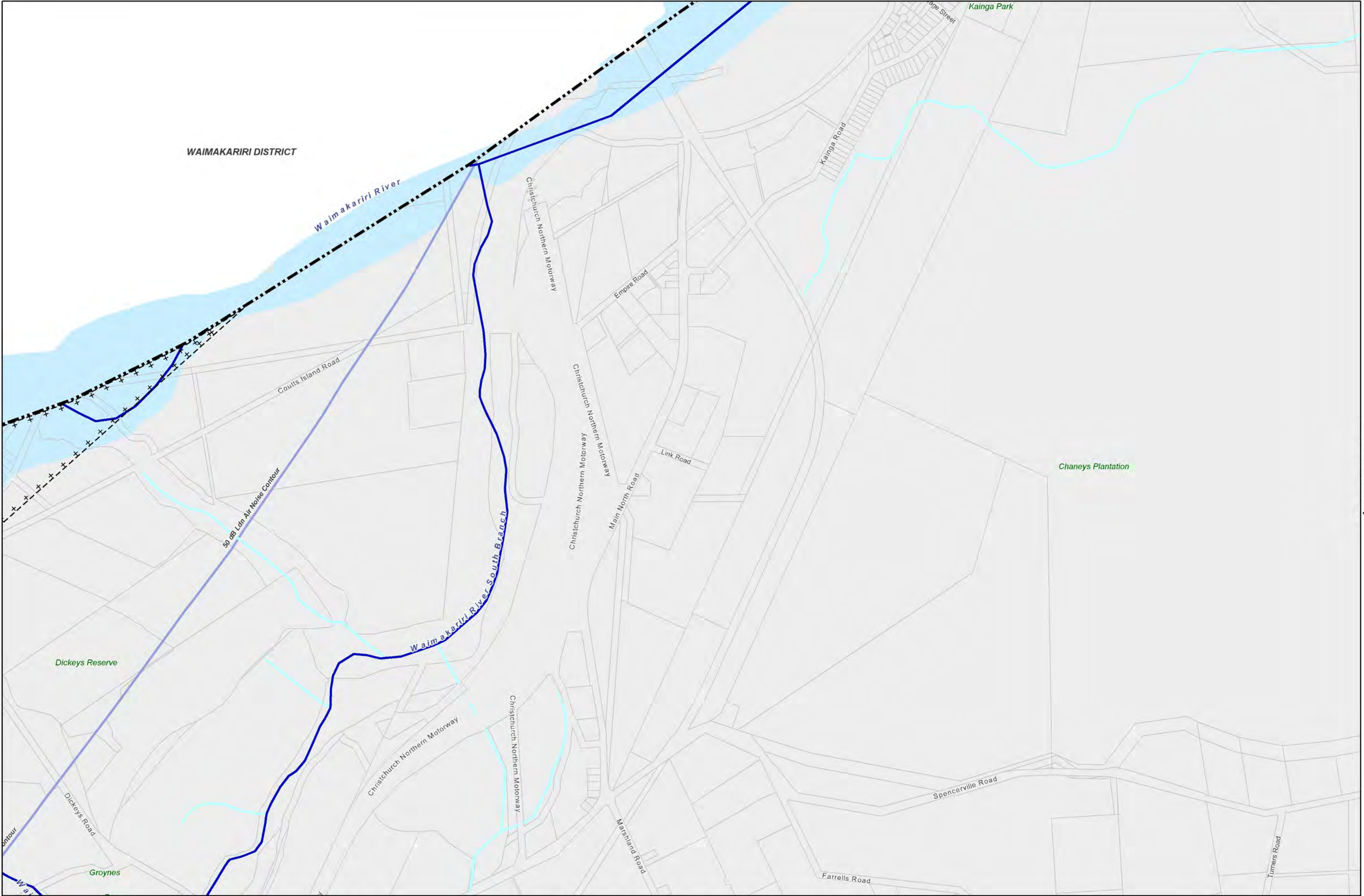


	3	4
9	10	11

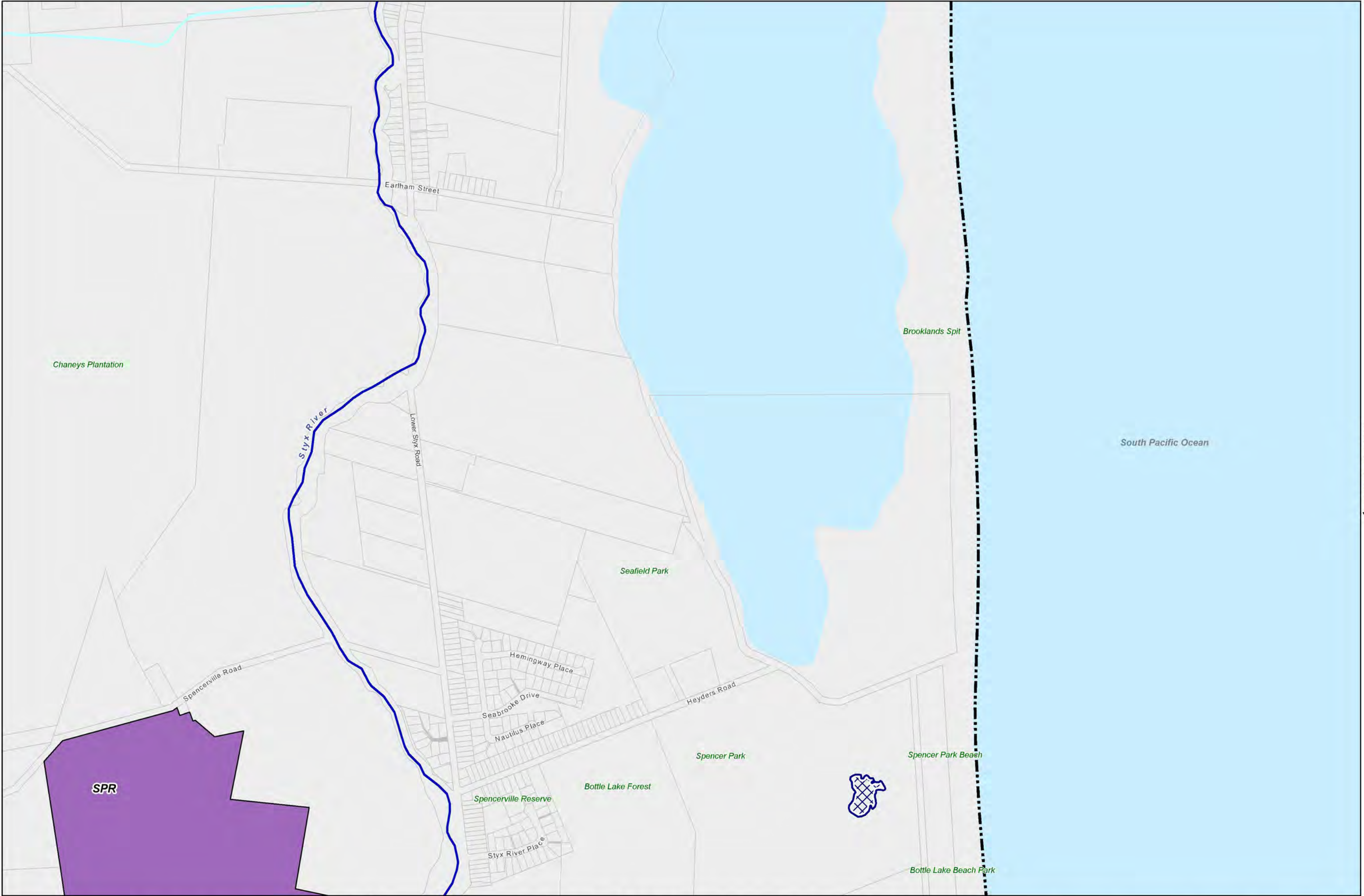




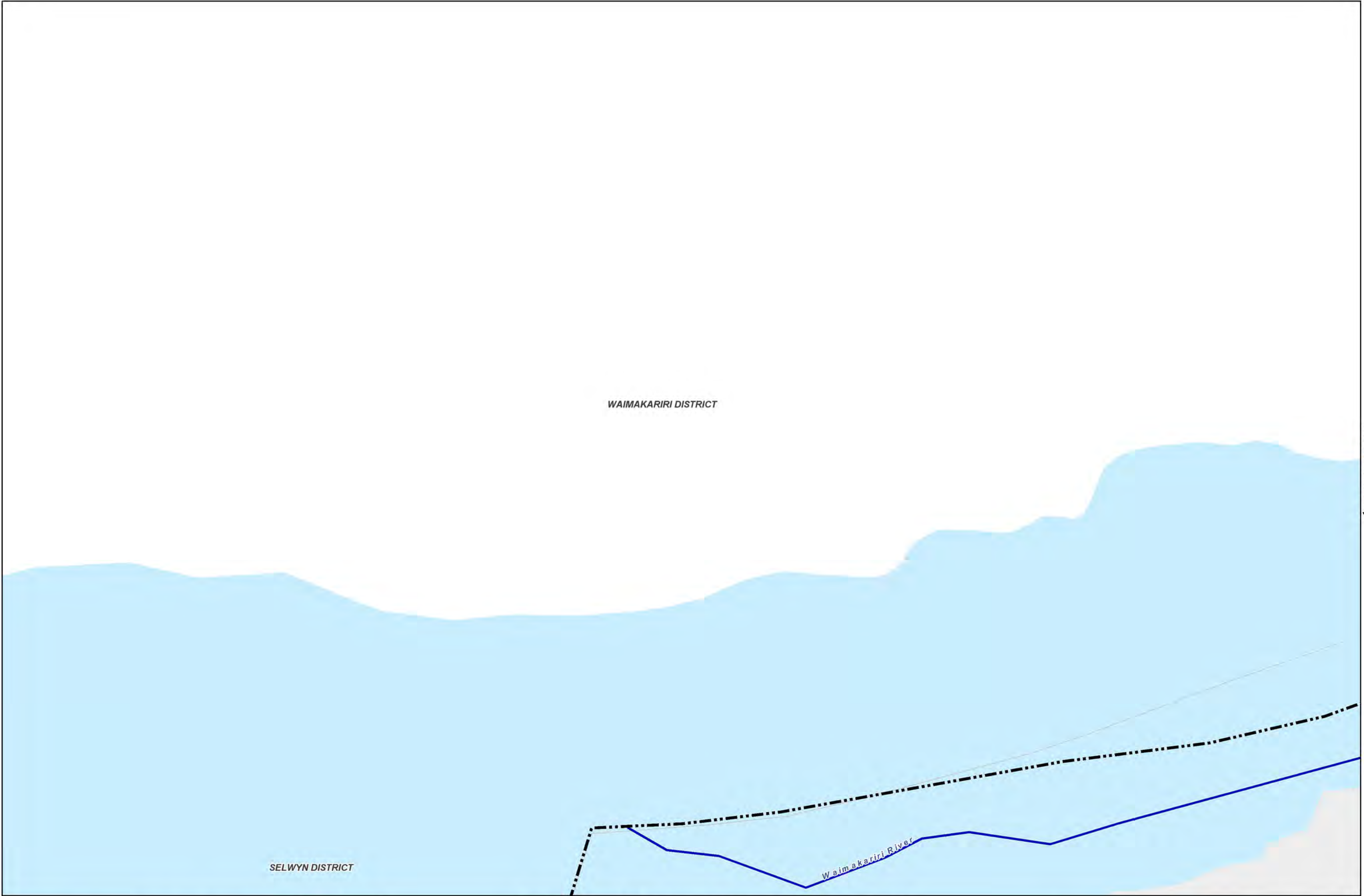
LEGEND BELOW

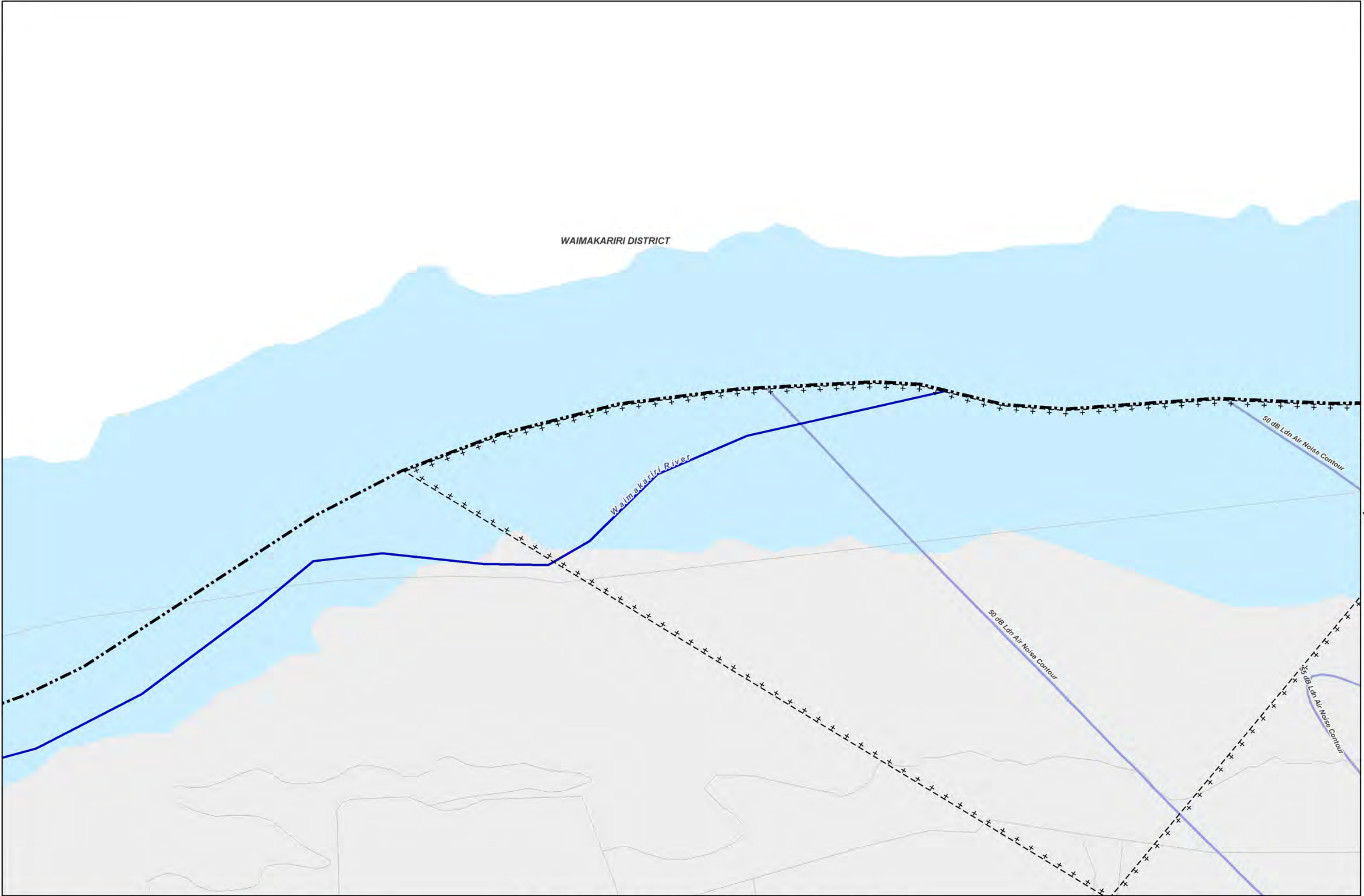


	1	2
4	5	6
11	12	13

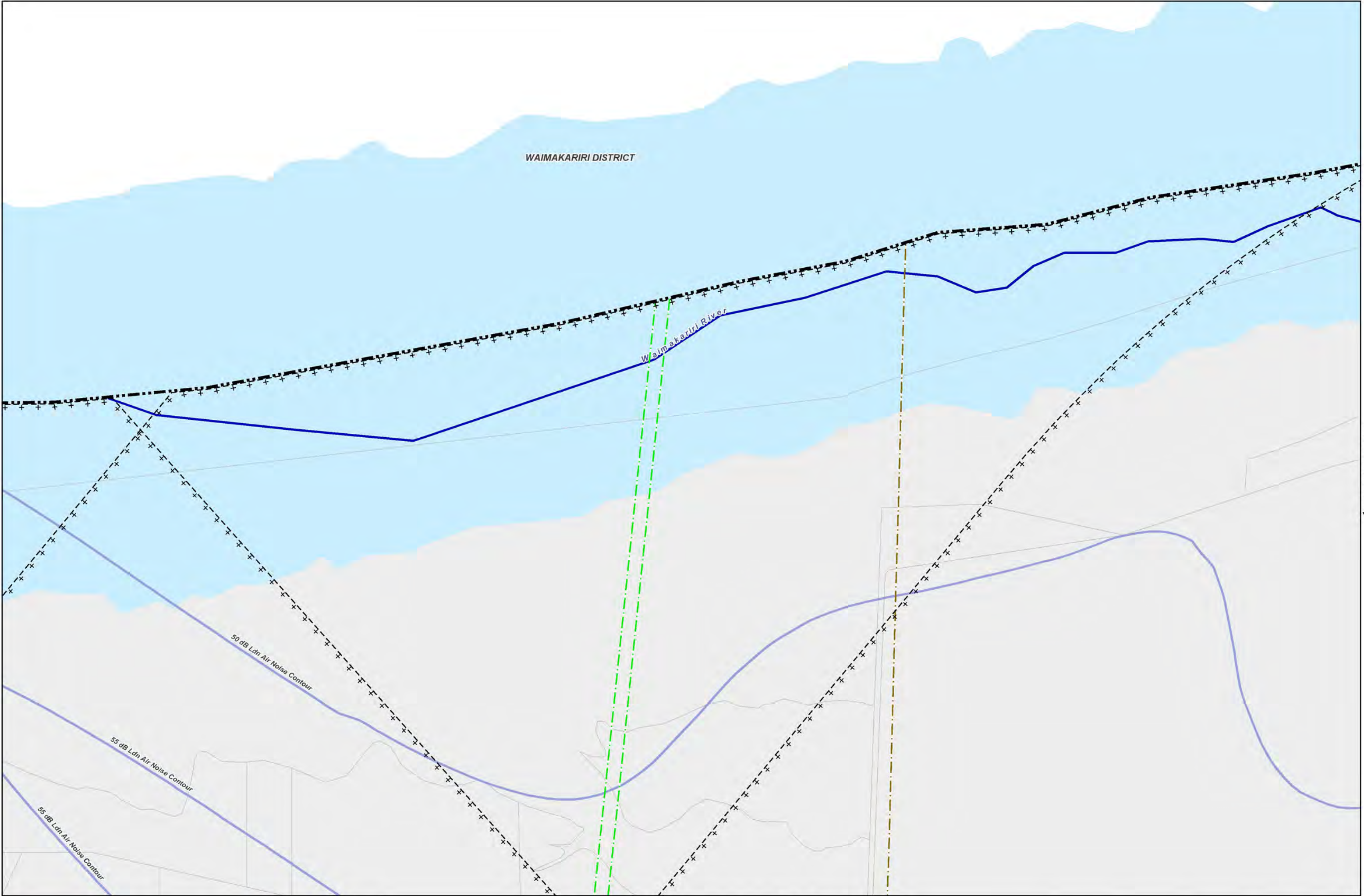


1	2
5	6
12	13





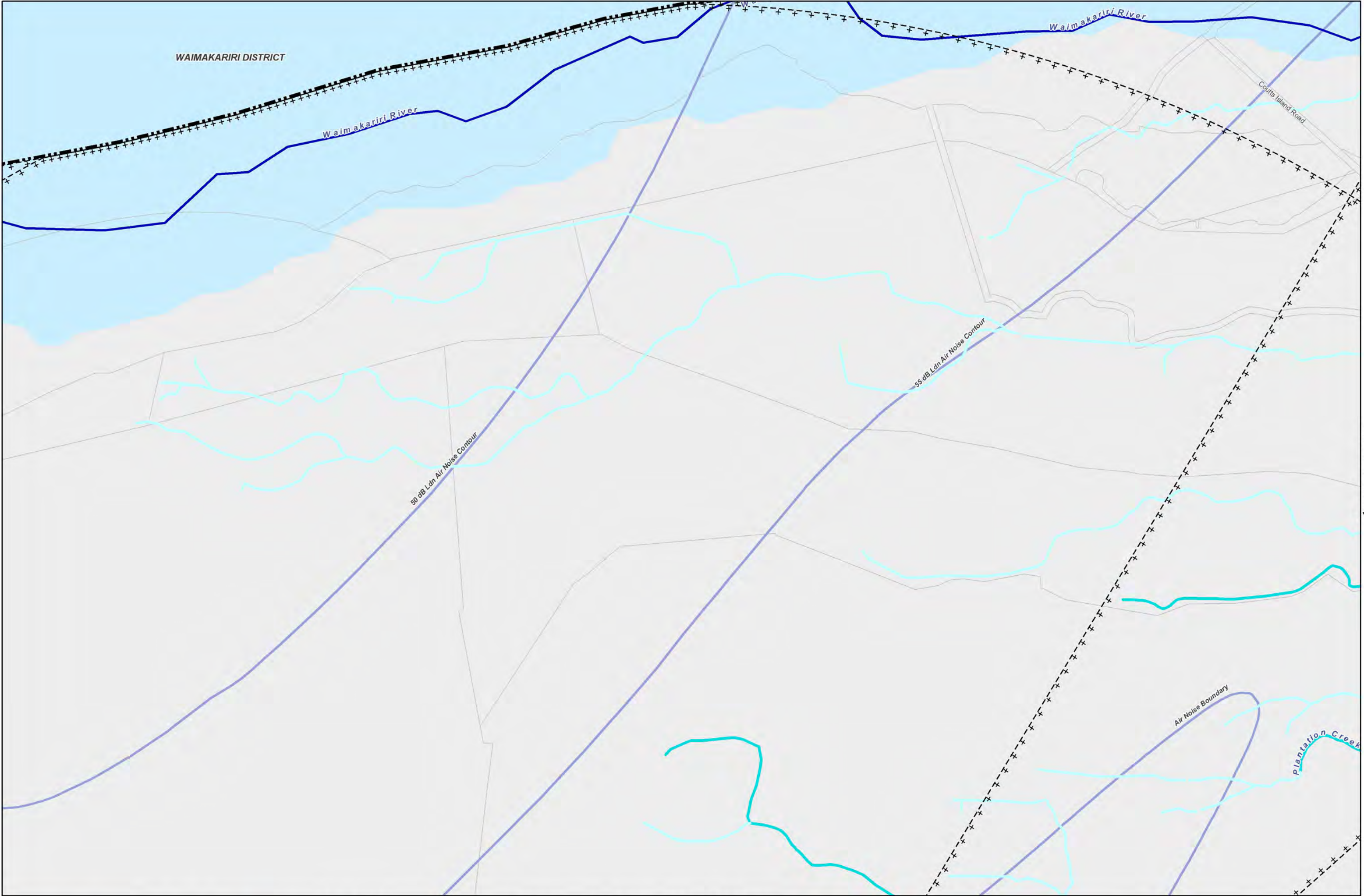
LEGEND BELOW ▼



▼ LEGEND BELOW

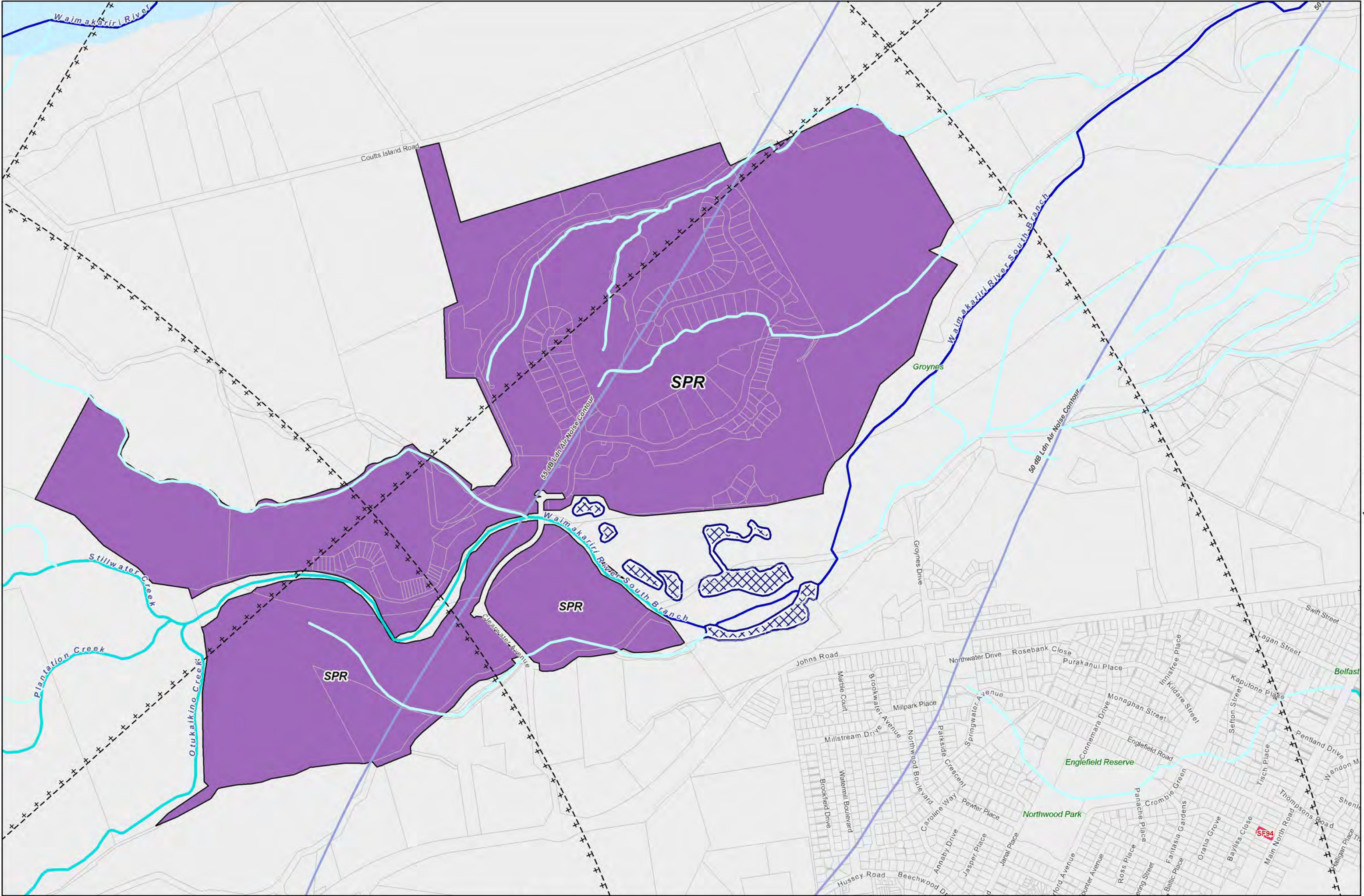
		3
8	9	10
15	16	17





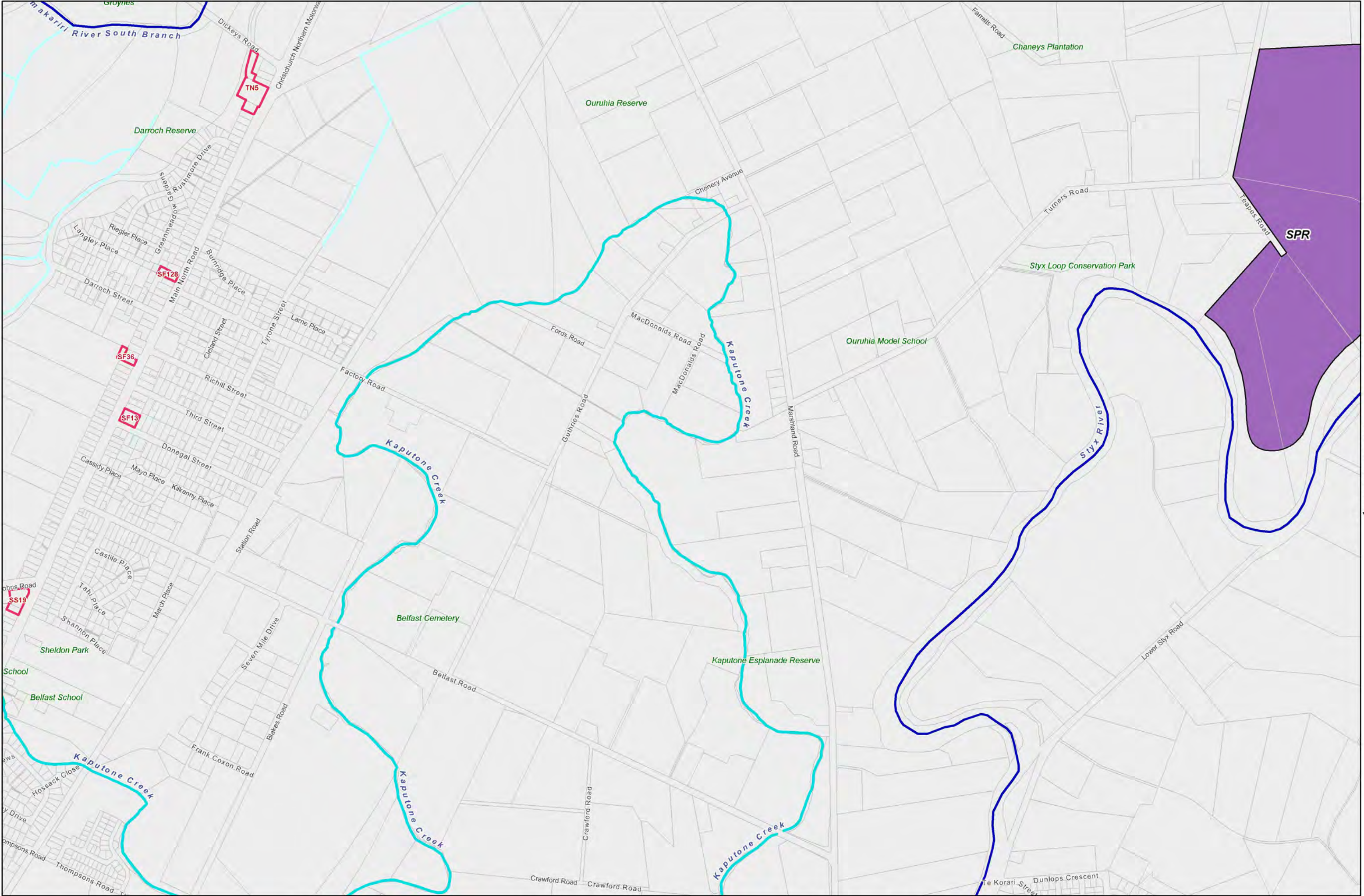
LEGEND BELOW

	3	4
9	10	11
16	17	18

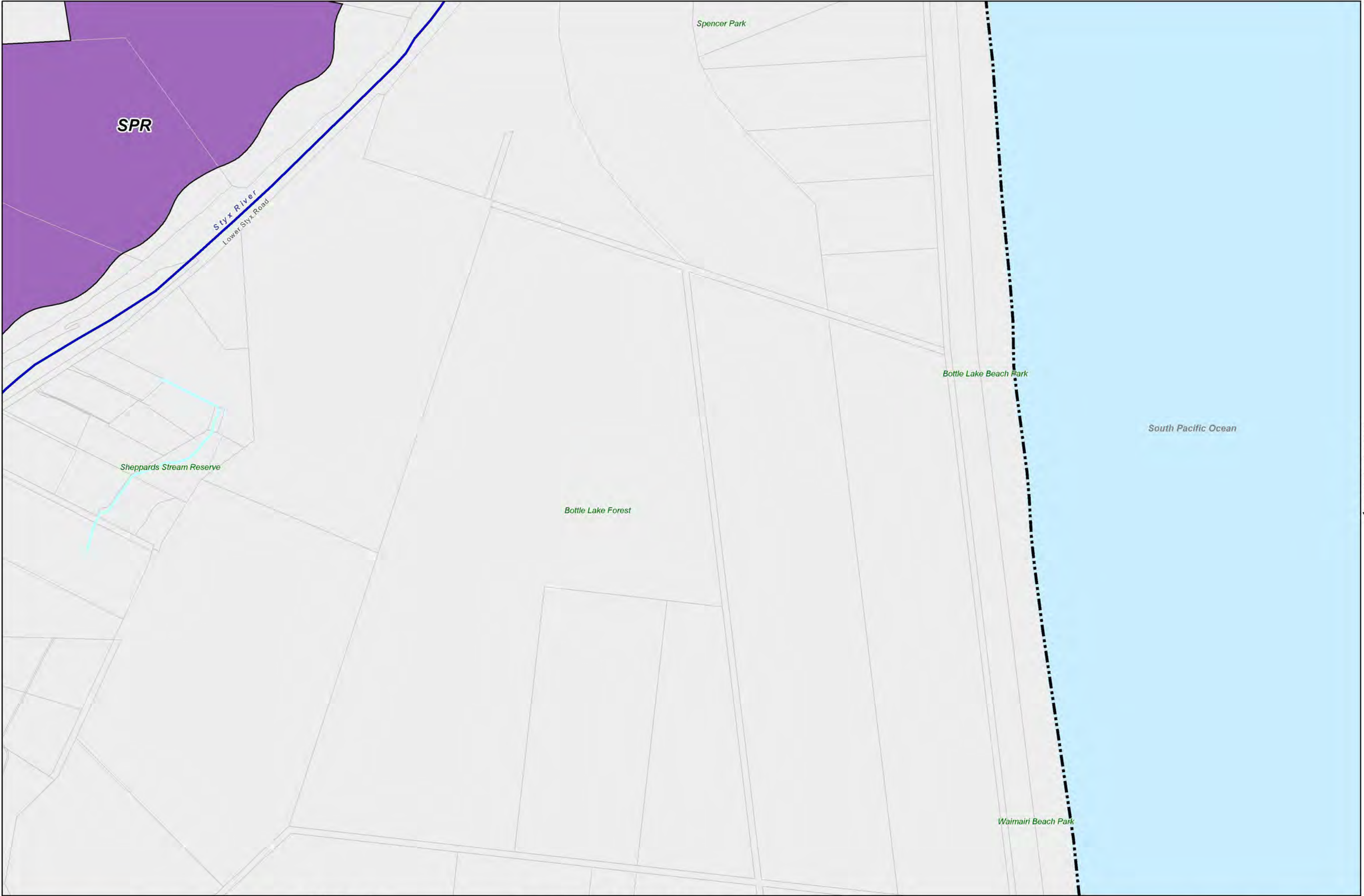


LEGEND BELOW

3	4	5
10	11	12
17	18	19

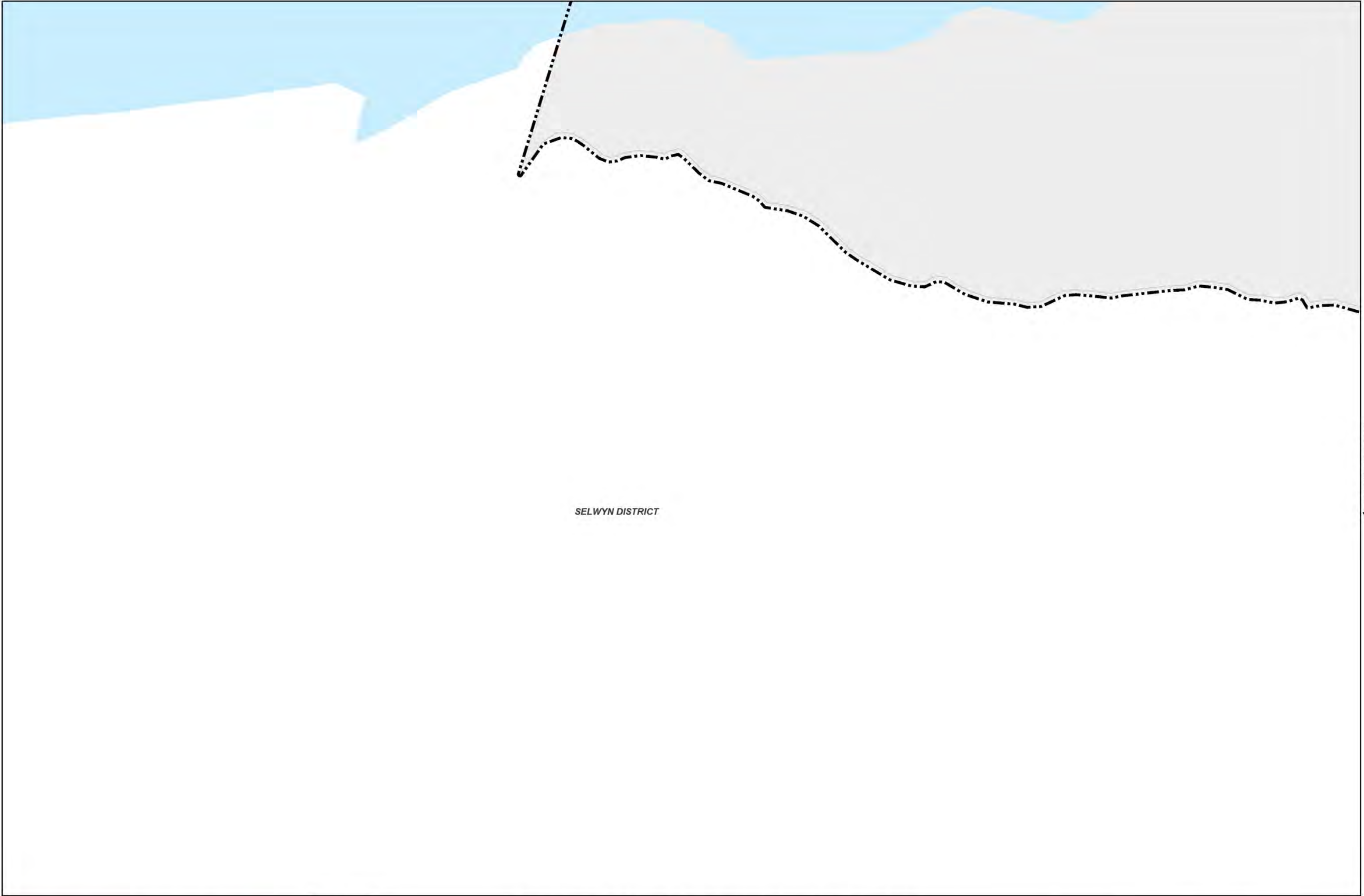


4	5	6
11	12	13
18	19	20



5	6
12	13
19	20





SELWYN DISTRICT

▼ LEGEND BELOW



7	8
14	15
	21



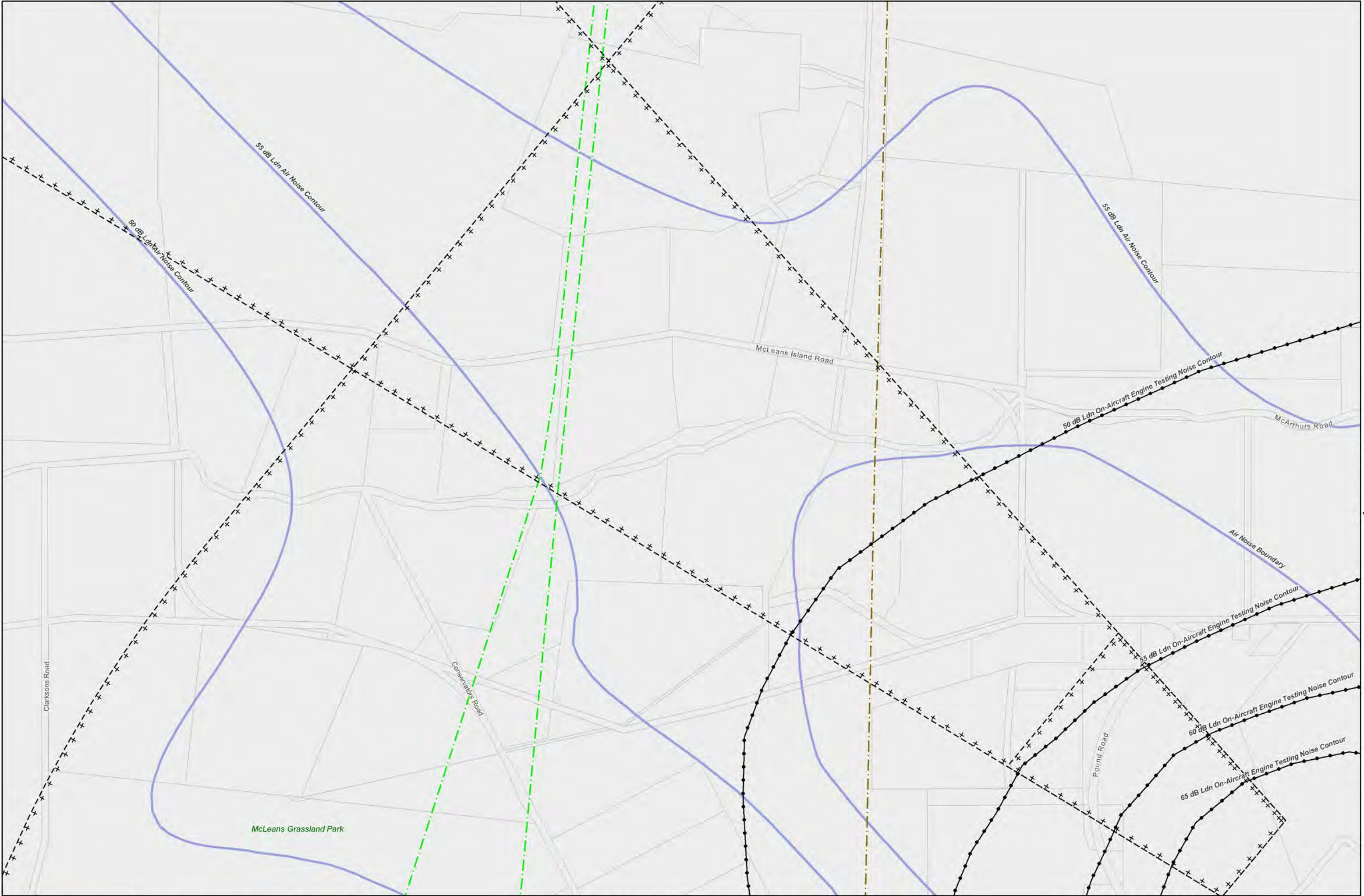


LEGEND BELOW



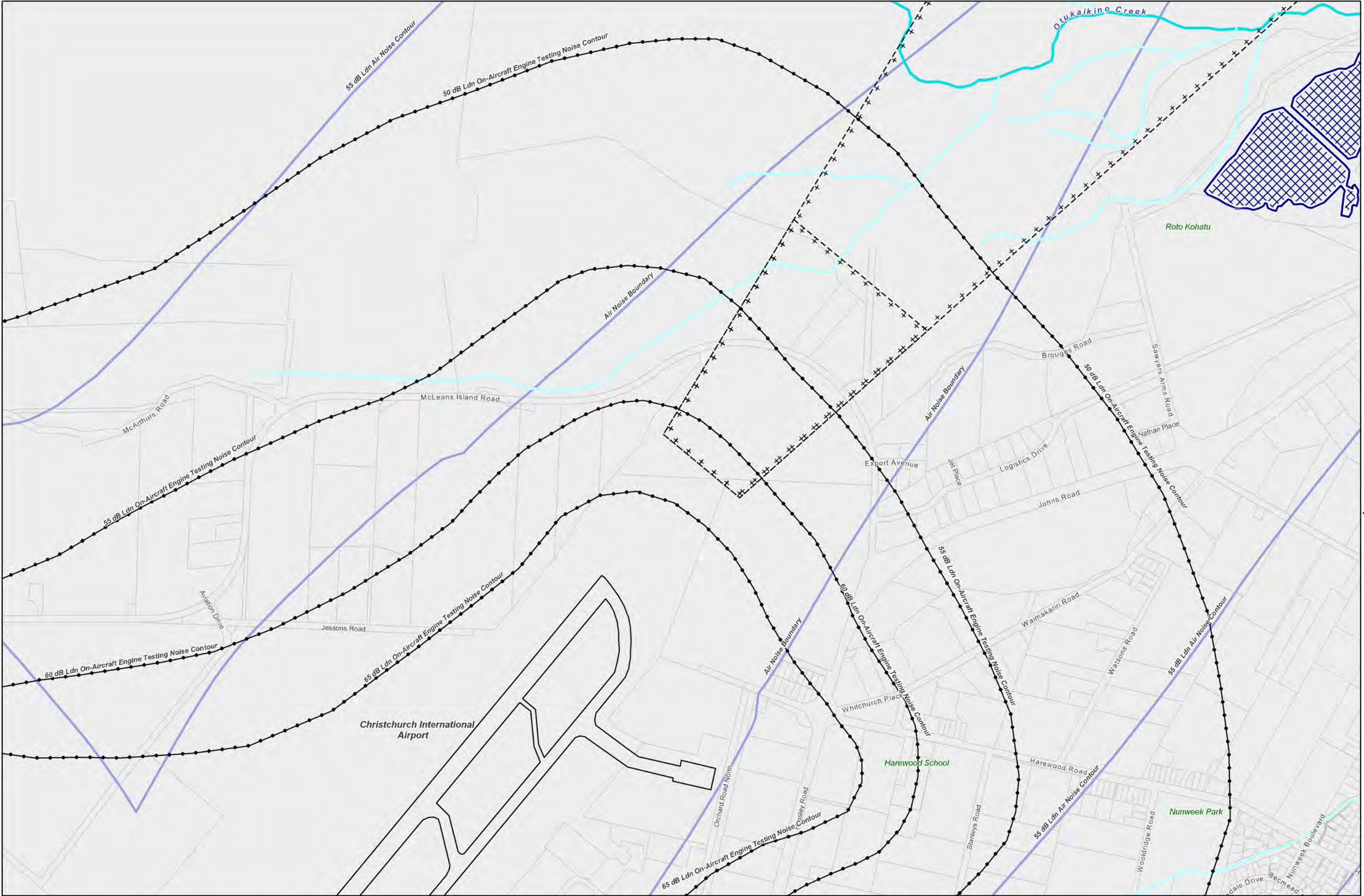
7	8	9
14	15	16
	21	22



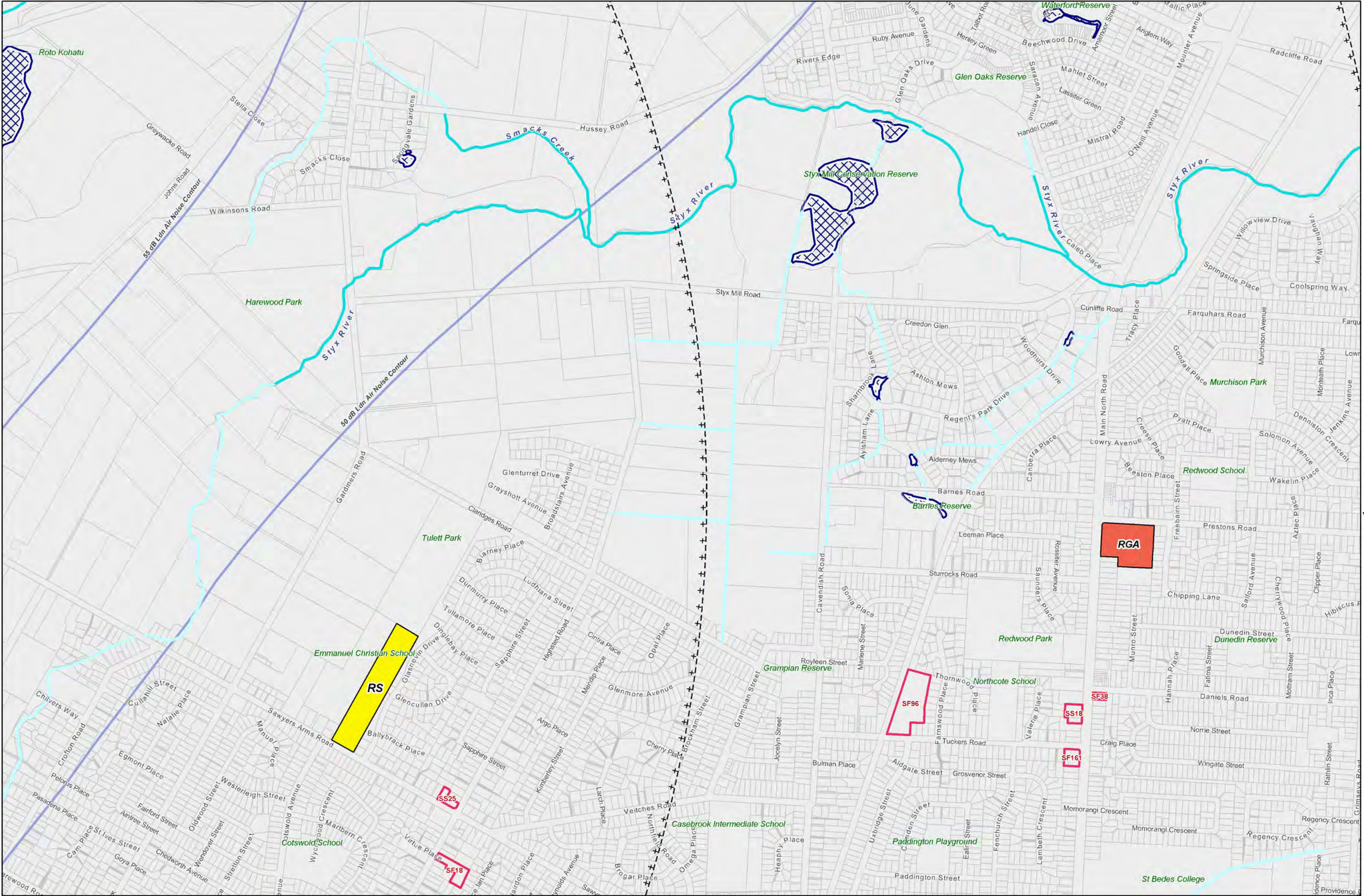


LEGEND BELOW

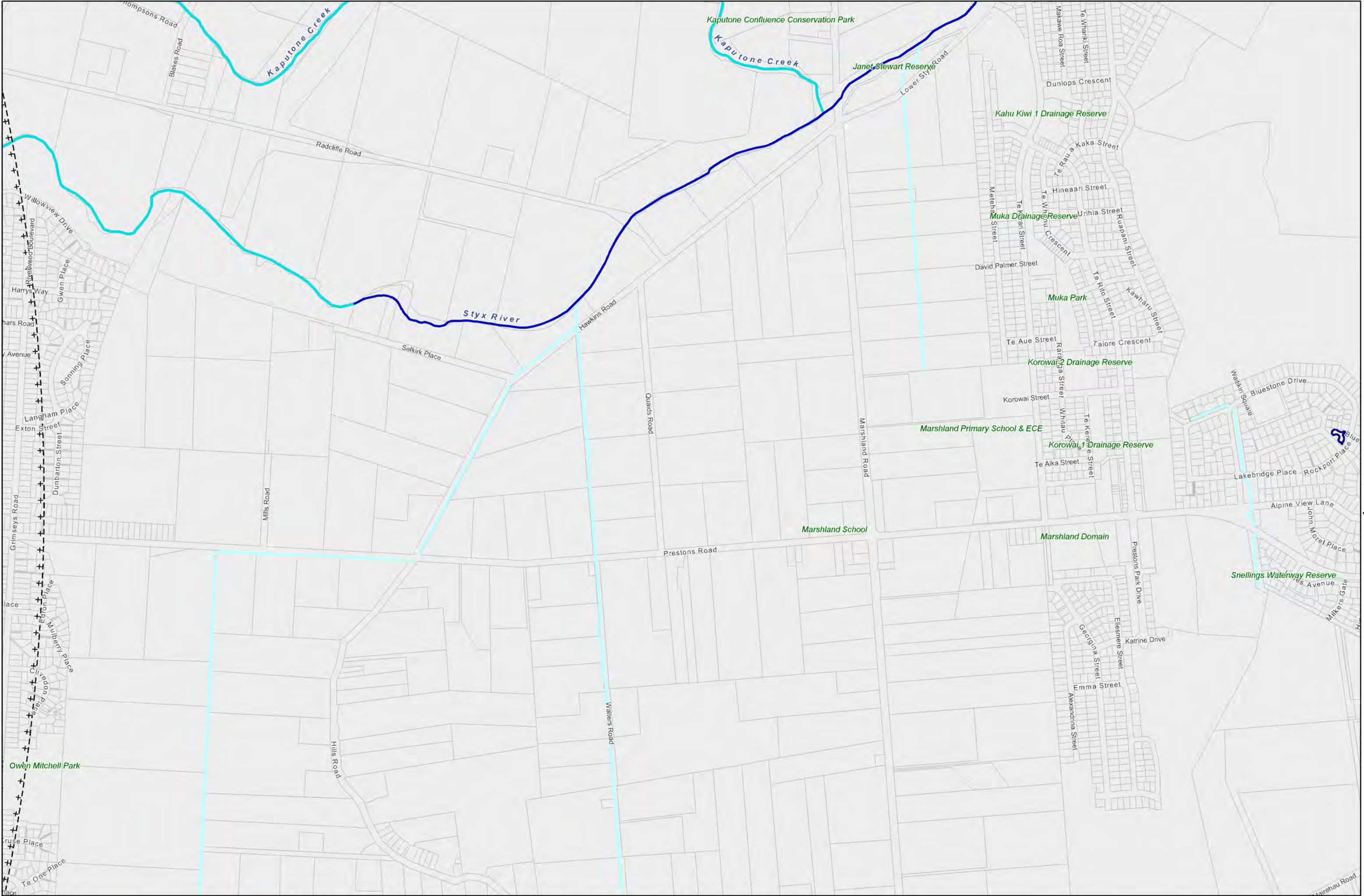
8	9	10
15	16	17
21	22	23



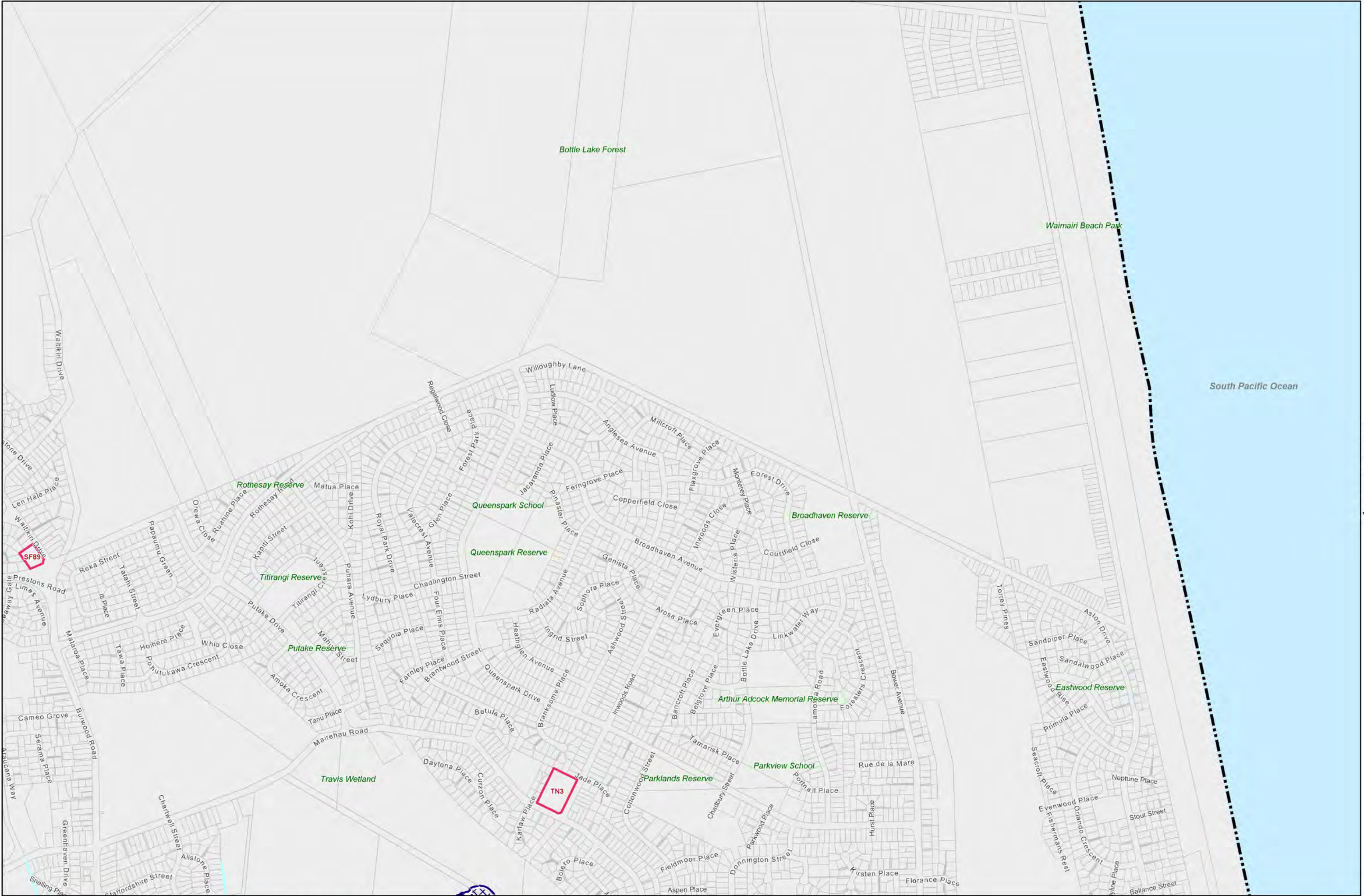
9	10	11
16	17	18
22	23	24



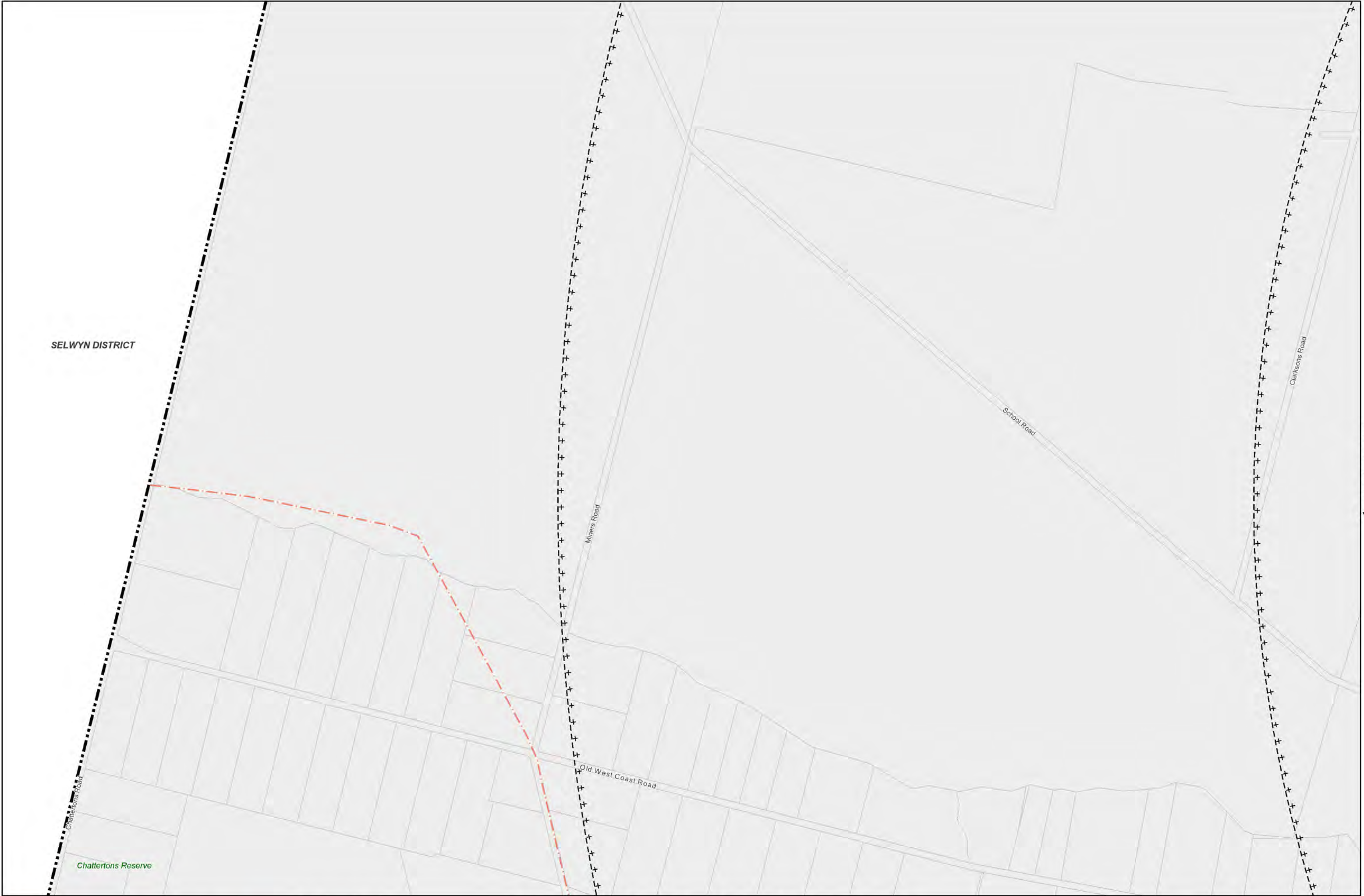
10	11	12
17	18	19
23	24	25



11	12	13
18	19	20
24	25	26

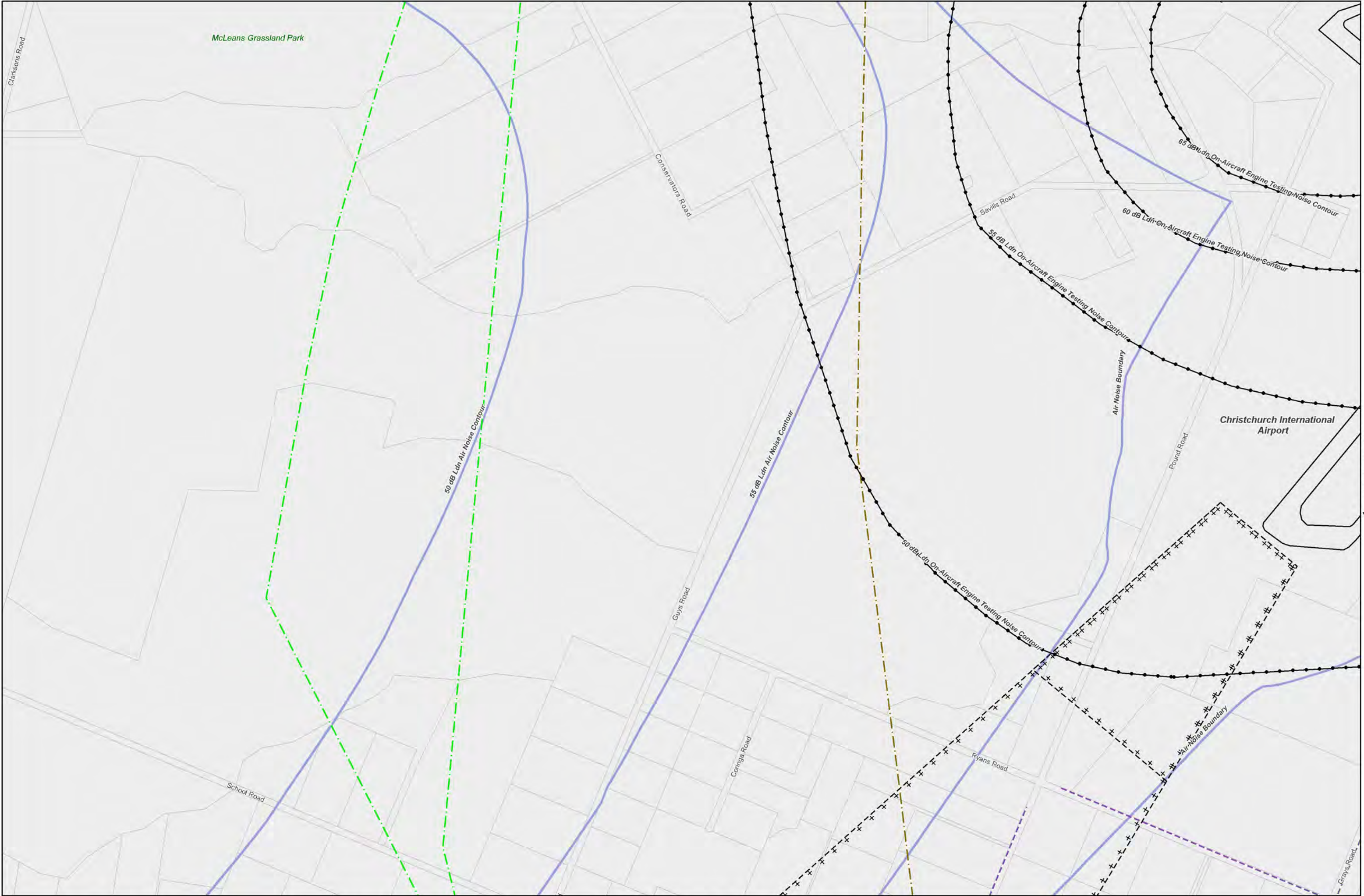


12	13
19	20
25	26



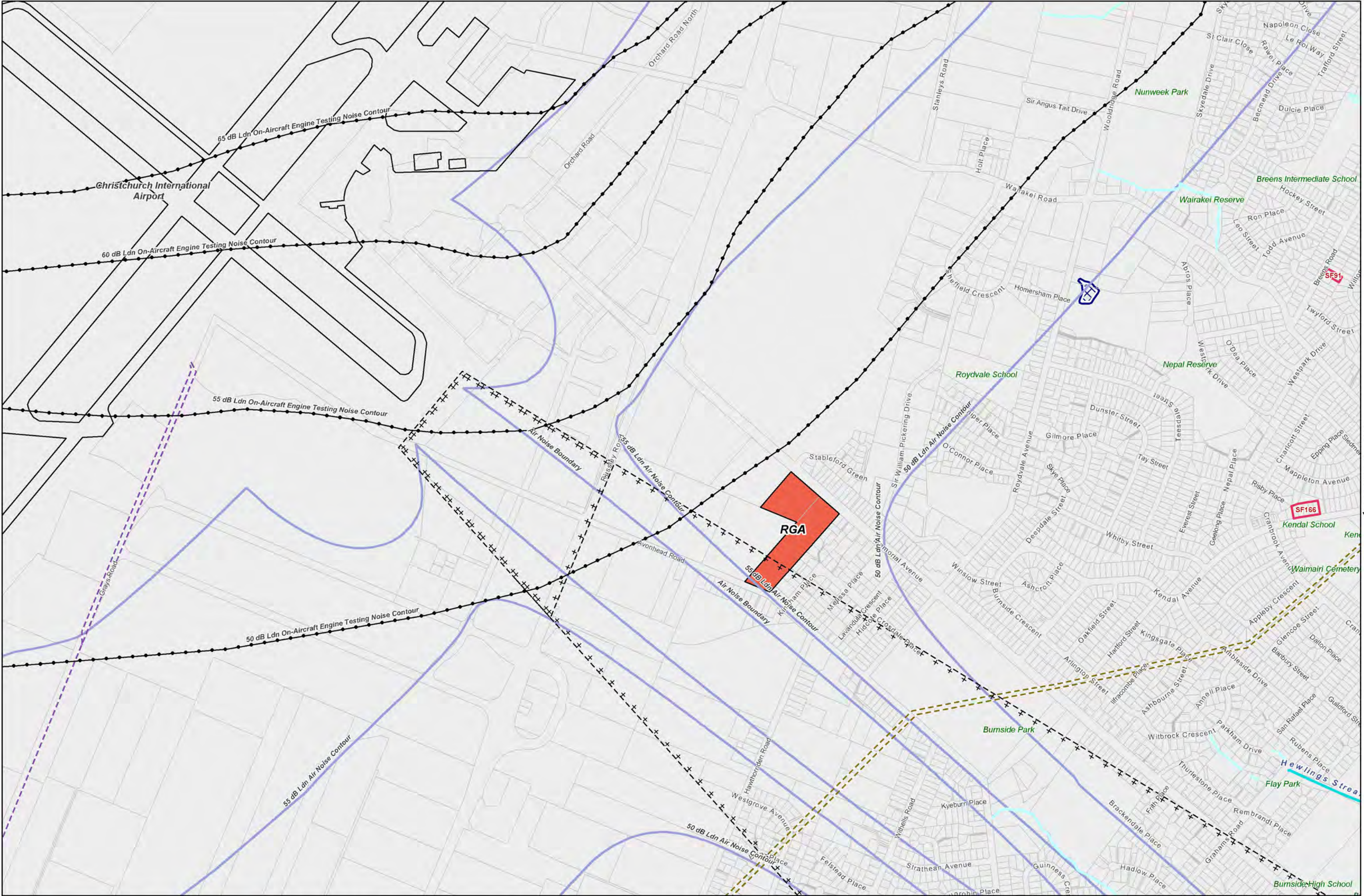
LEGEND BELOW

14	15	16
	21	22
	28	29

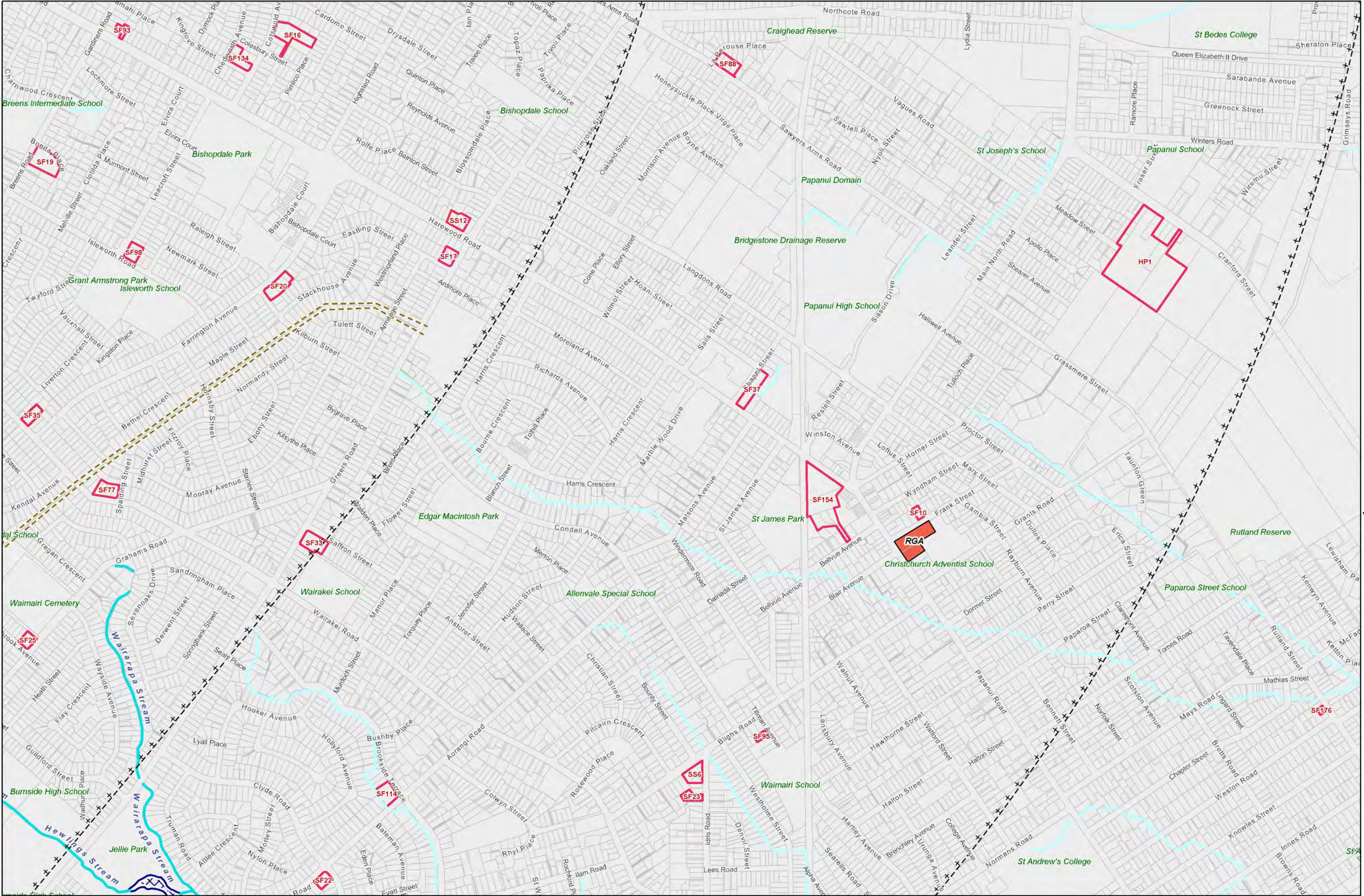


LEGEND BELOW

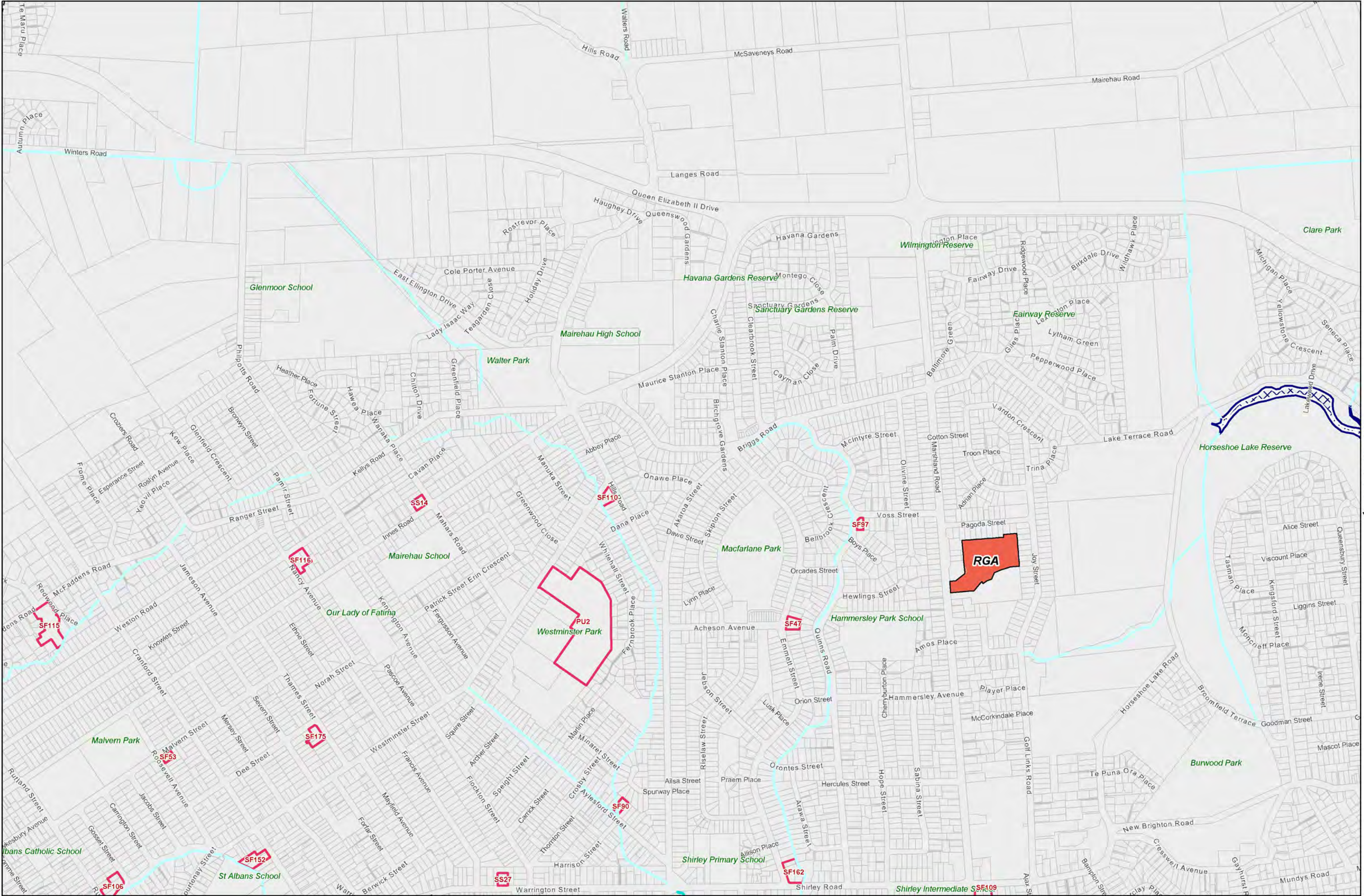
15	16	17
21	22	23
28	29	30



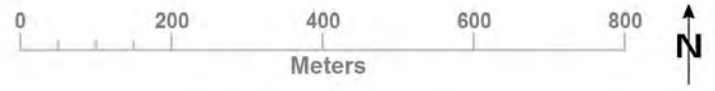
16	17	18
22	23	24
29	30	31

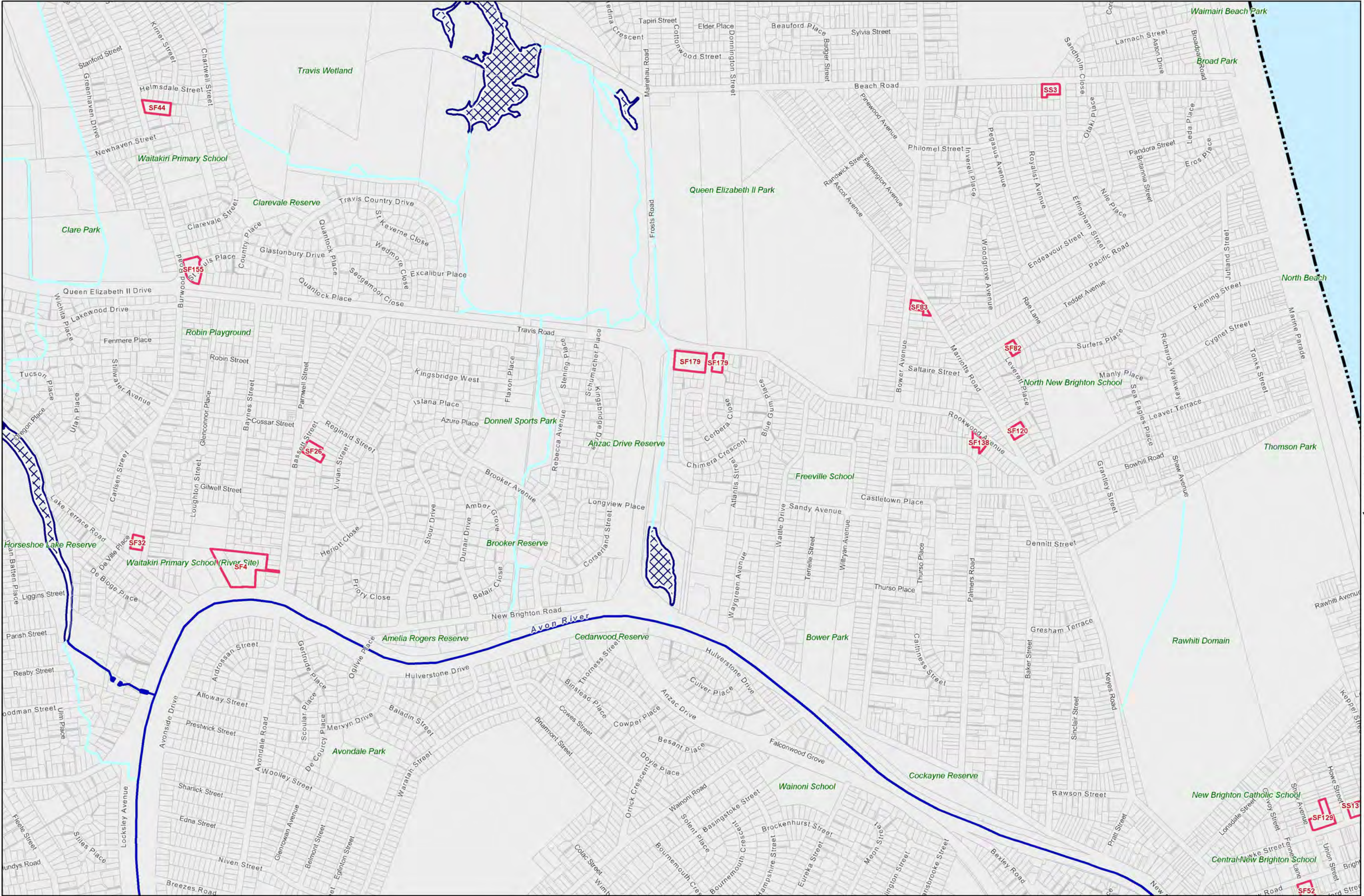


17	18	19
23	24	25
30	31	32

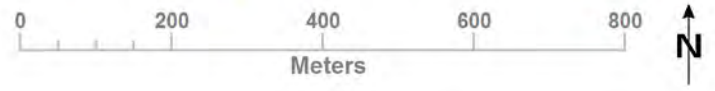


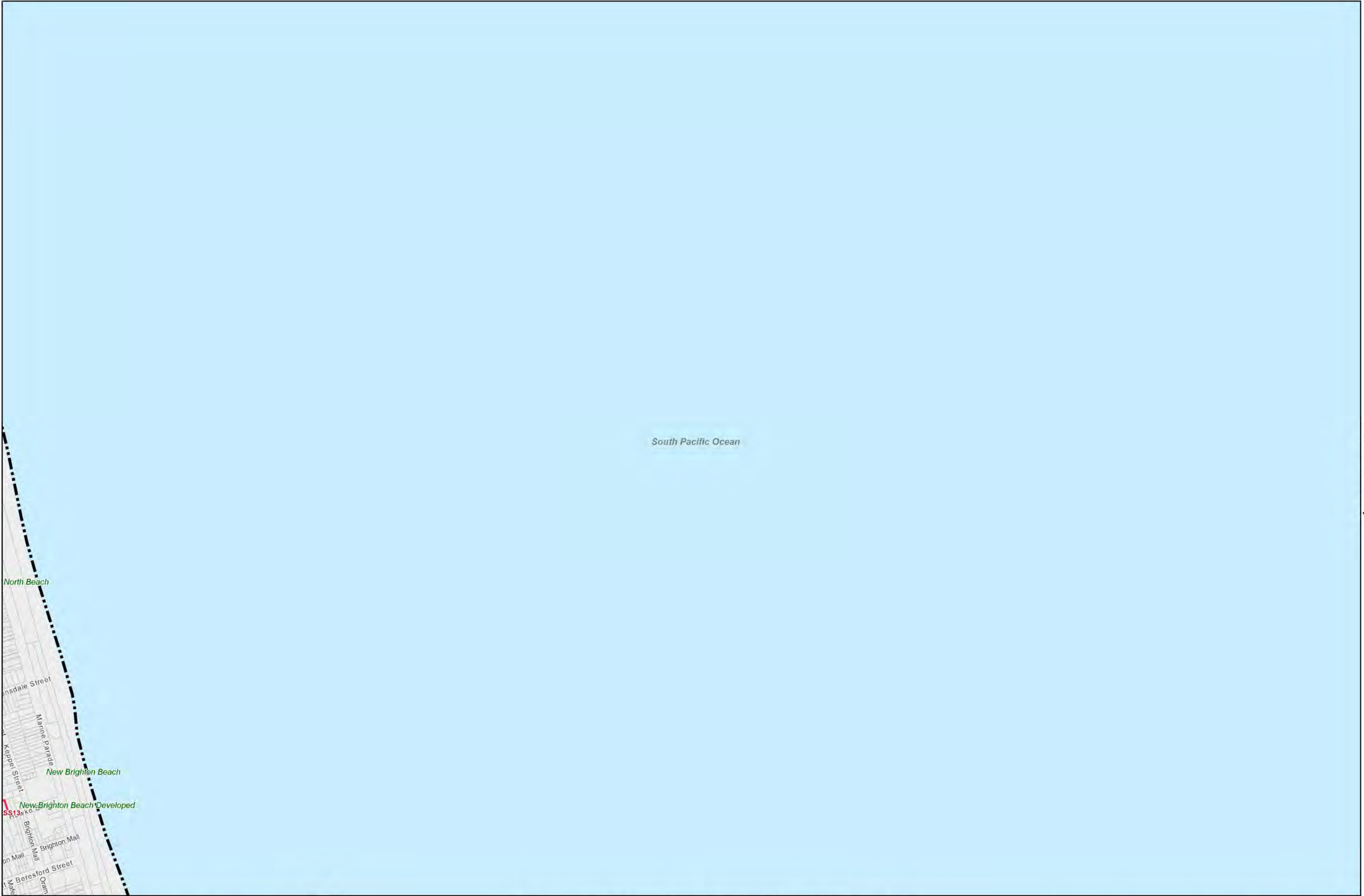
18	19	20
24	25	26
31	32	33



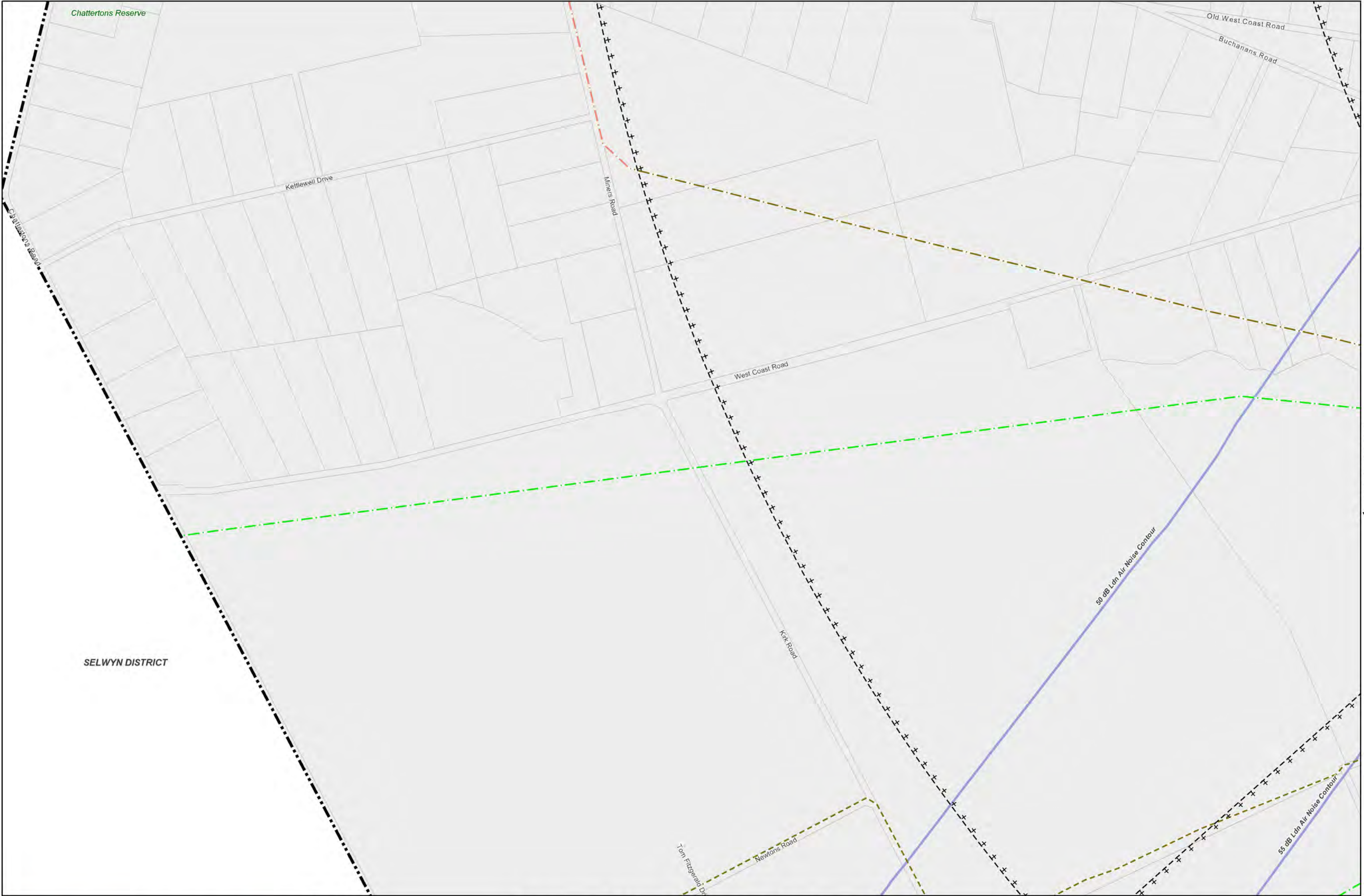


19	20
25	26
32	33



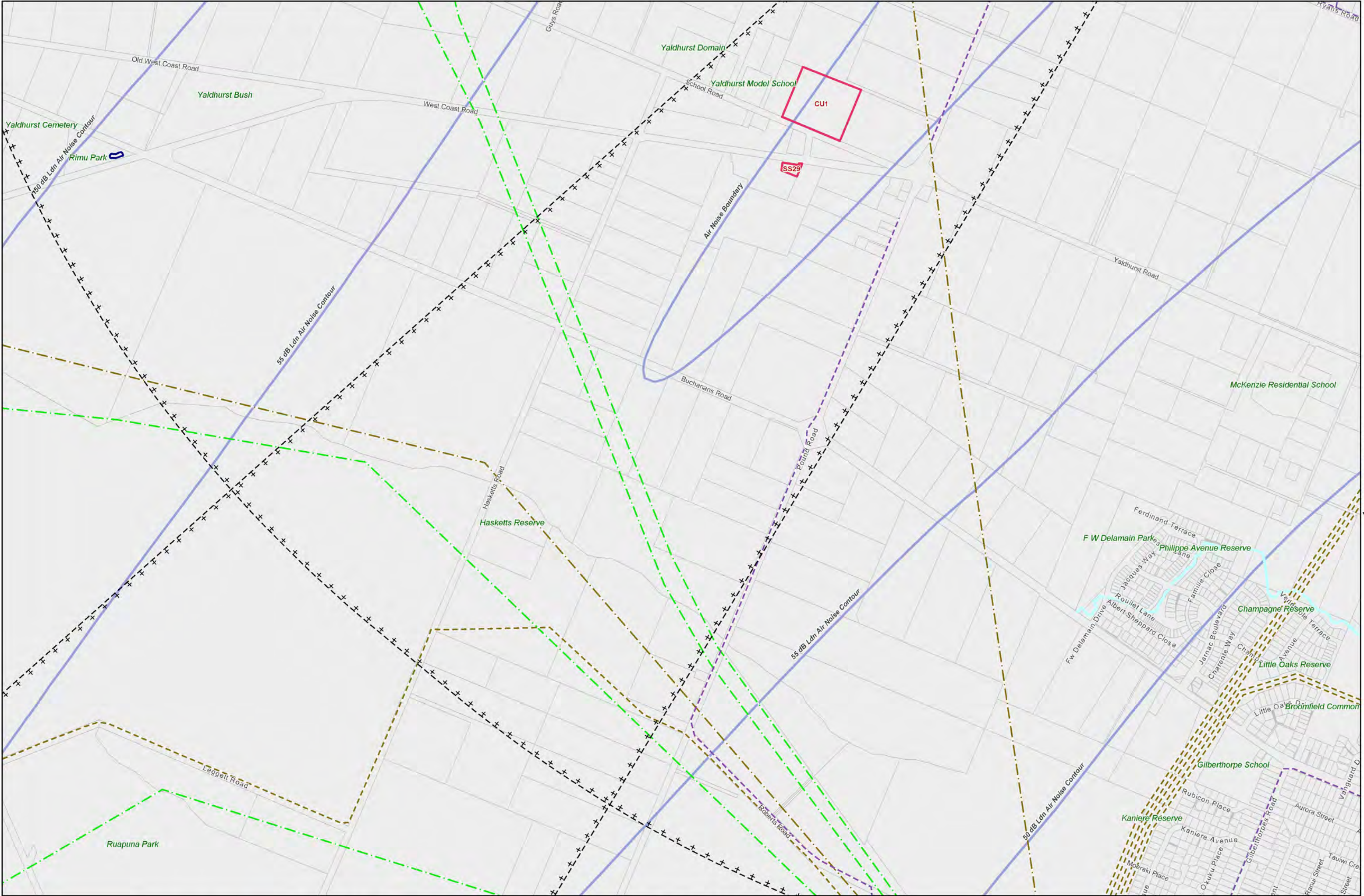


20	
26	27
33	34



LEGEND BELOW

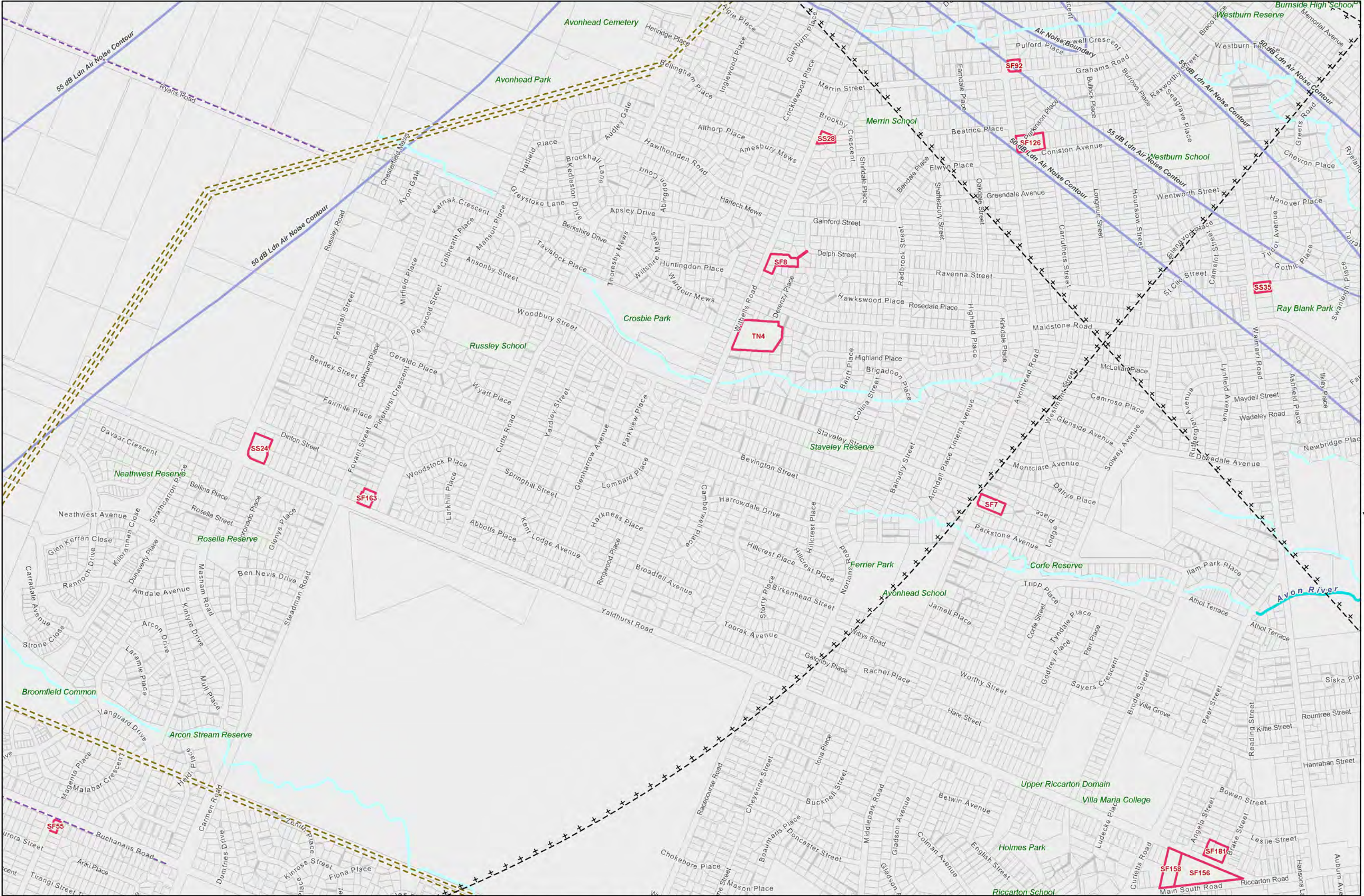
21	22
28	29
35	36



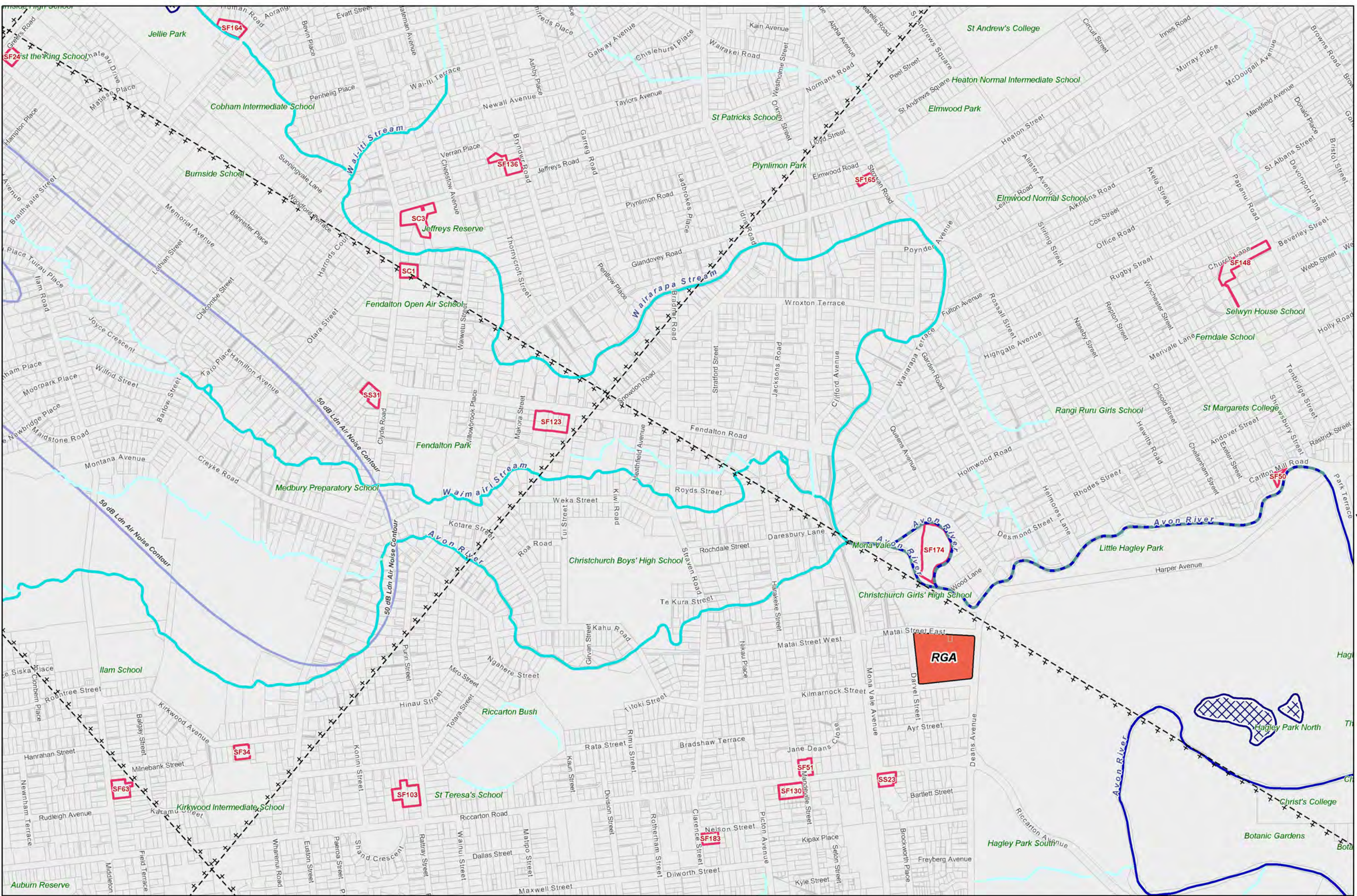
21	22	23
28	29	30
35	36	37



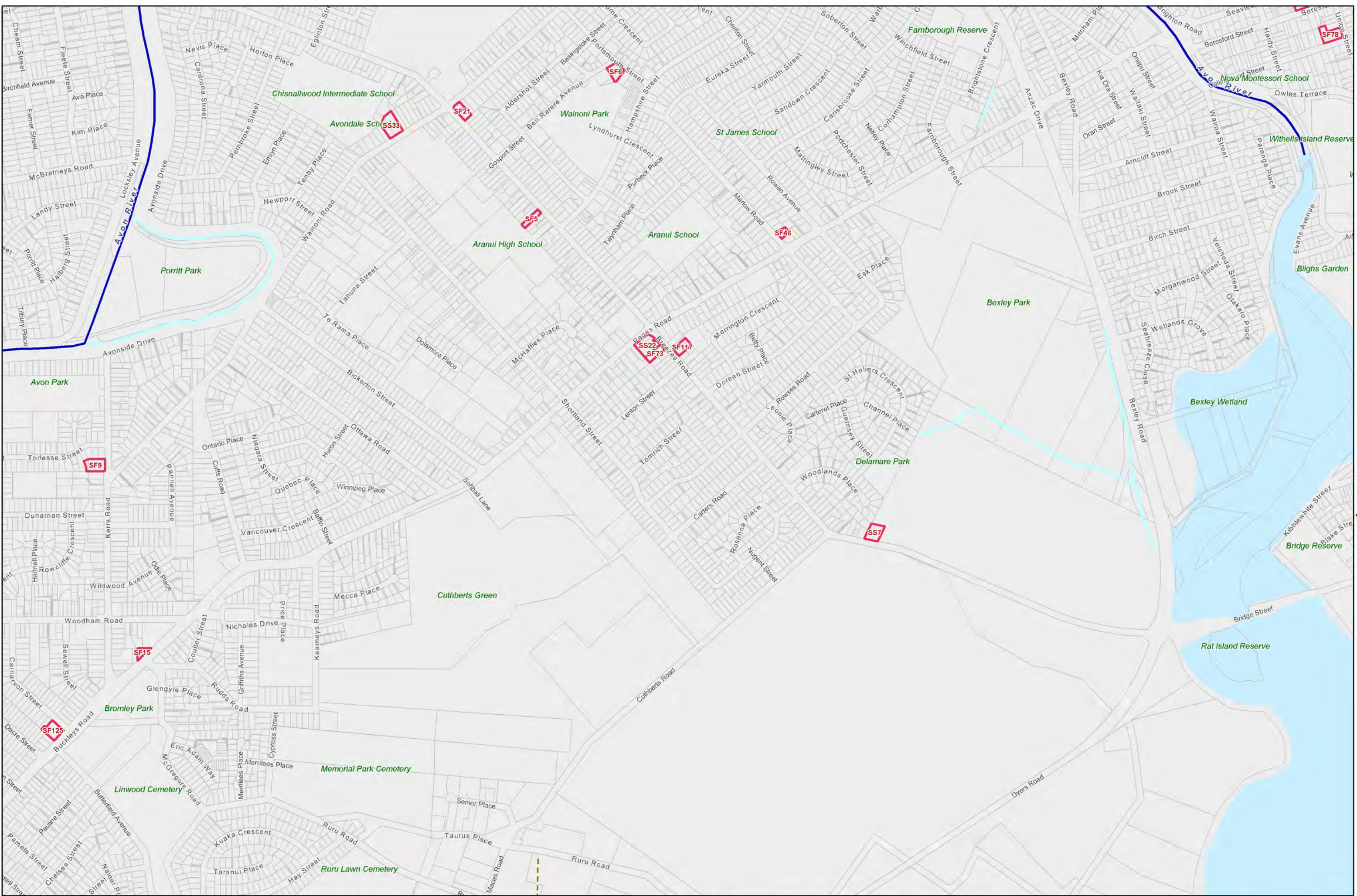
LEGEND BELOW



22	23	24
29	30	31
36	37	38



23	24	25
30	31	32
37	38	39



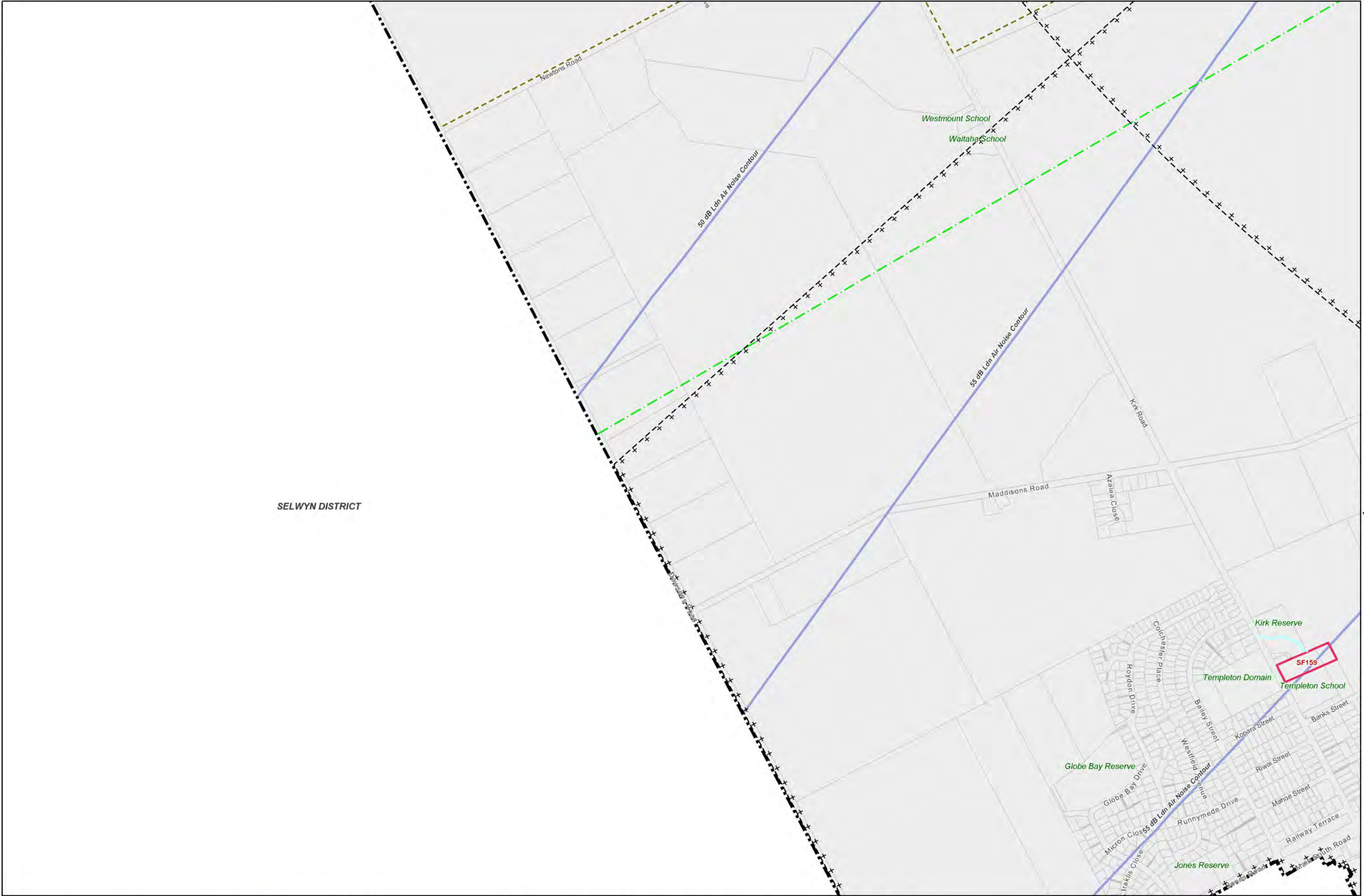
25	26	27
32	33	34
39	40	41



LEGEND BELOW

26	27
33	34
40	41



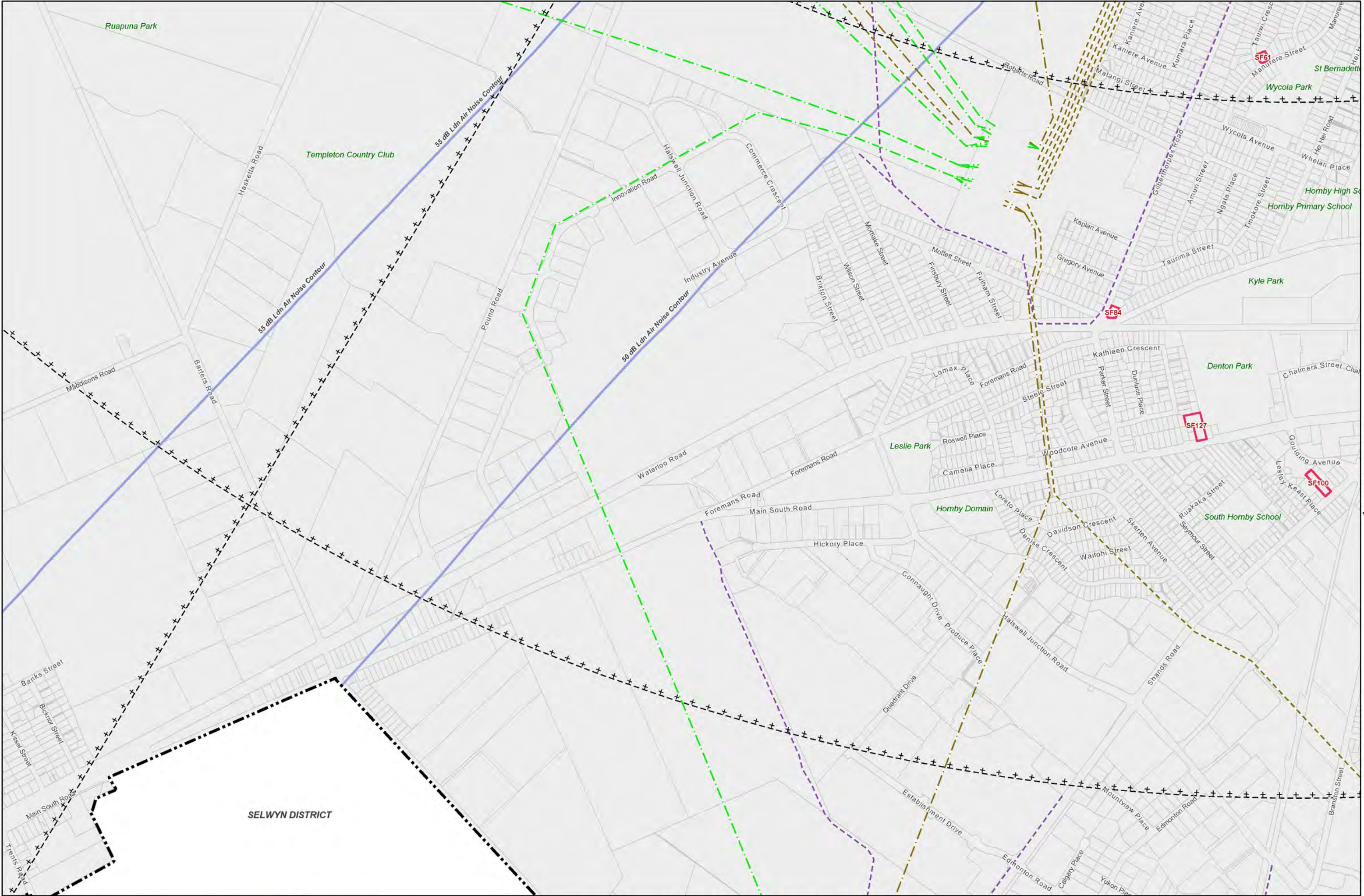


SELWYN DISTRICT

LEGEND BELOW

28	29
35	36
42	43

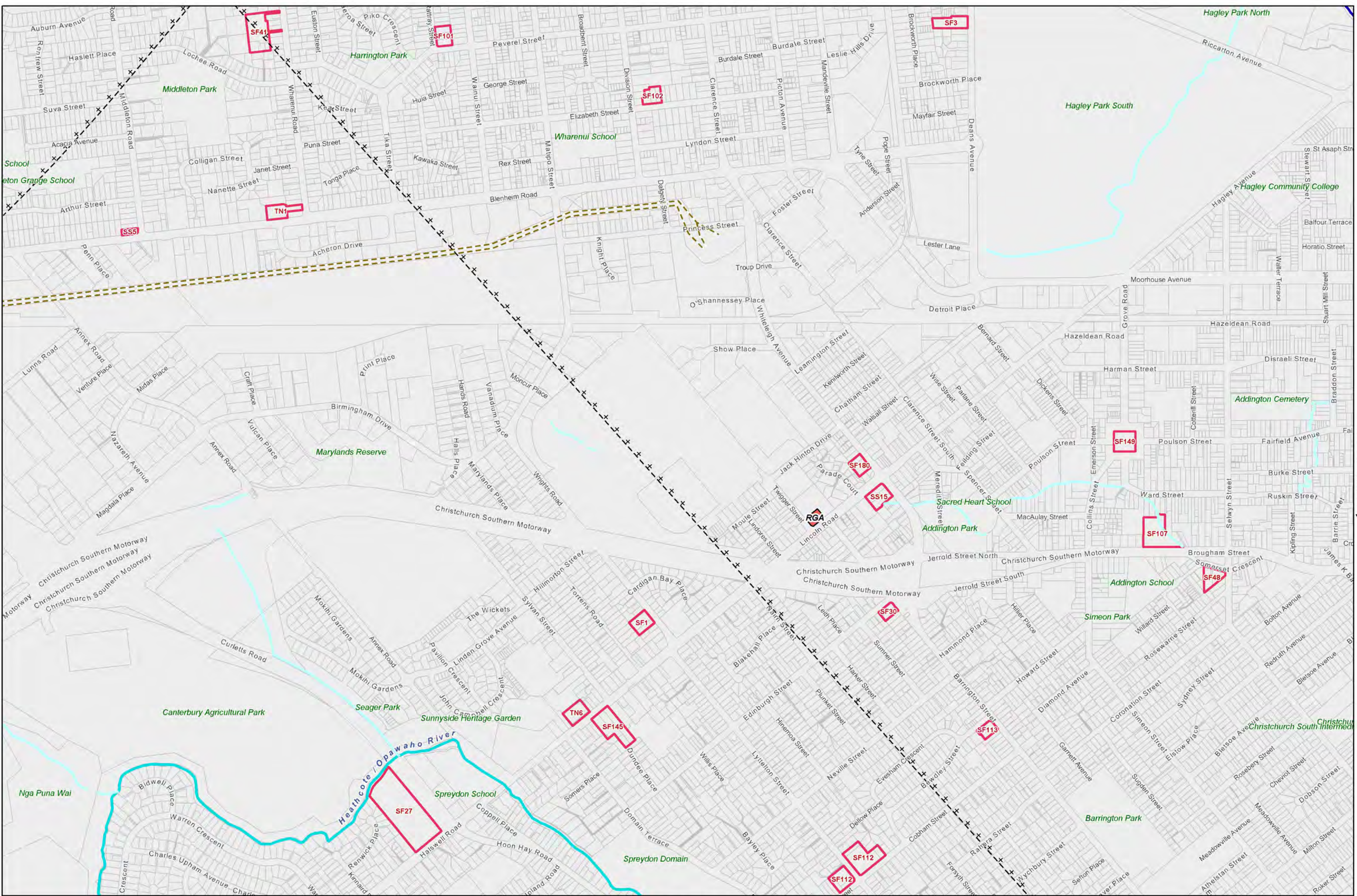




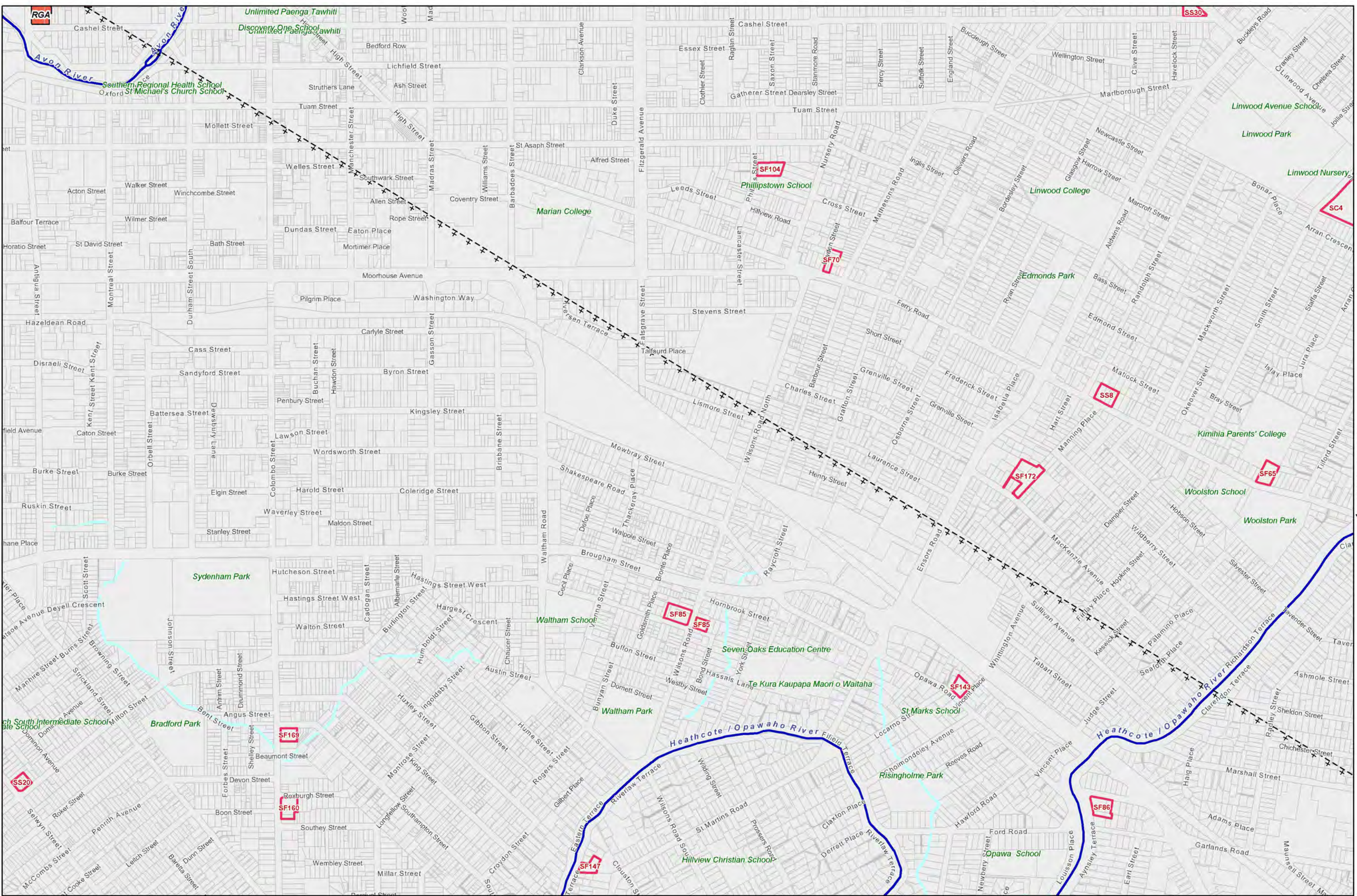
28	29	30
35	36	37
42	43	44



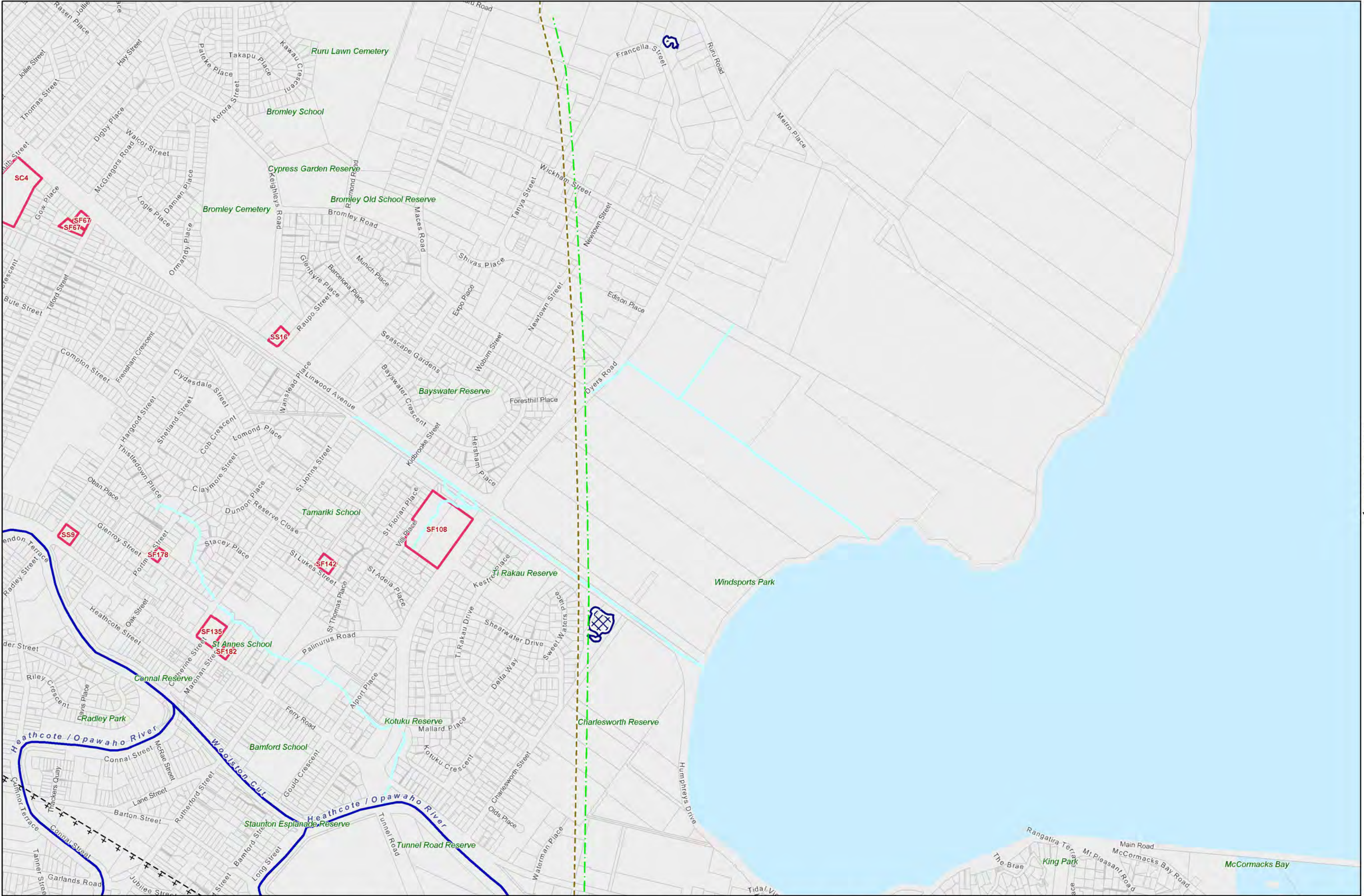
LEGEND BELOW



30	31	32
37	38	39
44	45	46



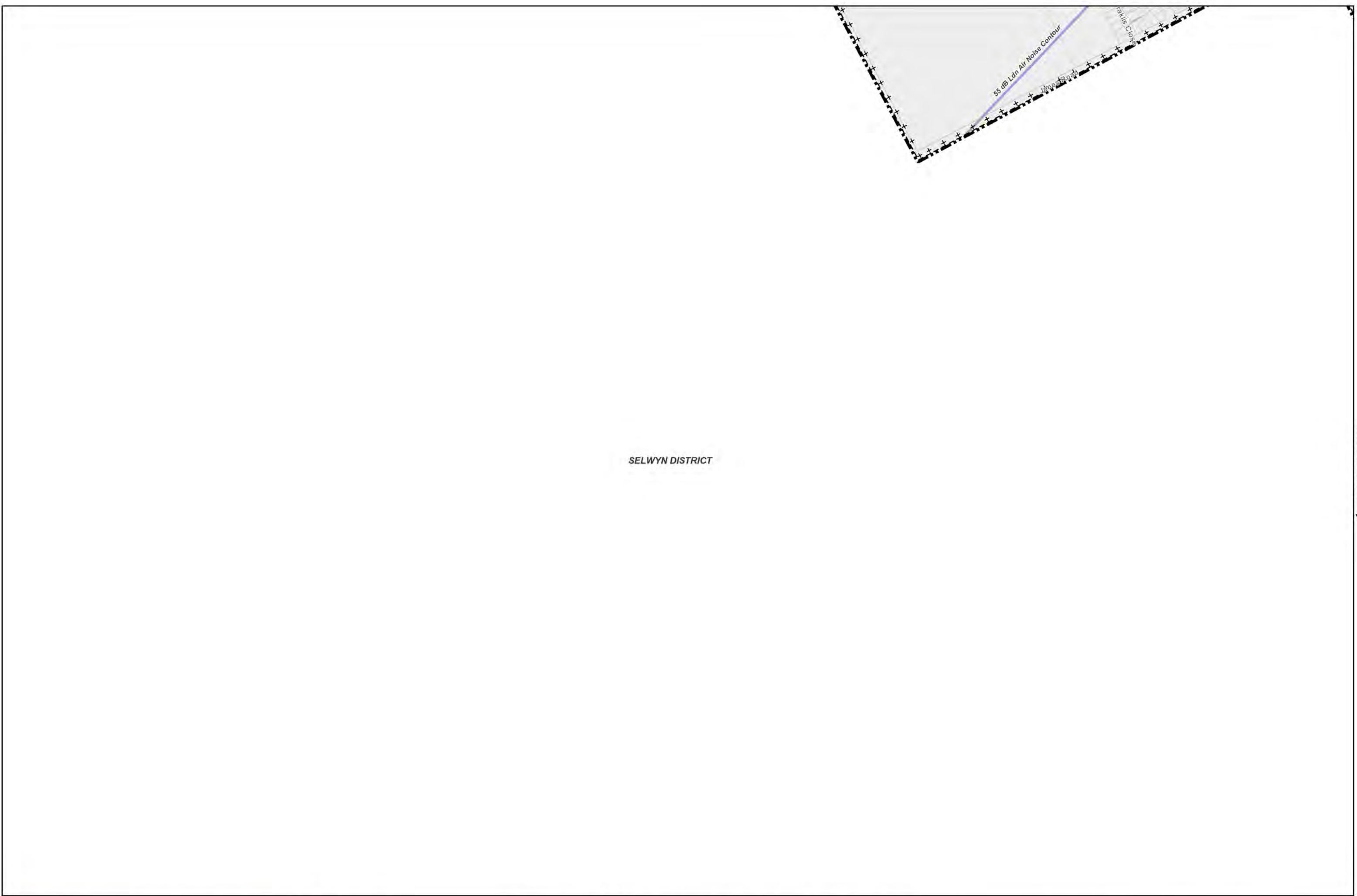
31	32	33
38	39	40
45	46	47



32	33	34
39	40	41
46	47	48



33	34
40	41
47	48



SELWYN DISTRICT

55 dB Ldn Air Noise Contour

Parklands Close

Jones Road



35	36
42	43

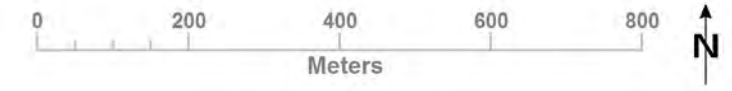


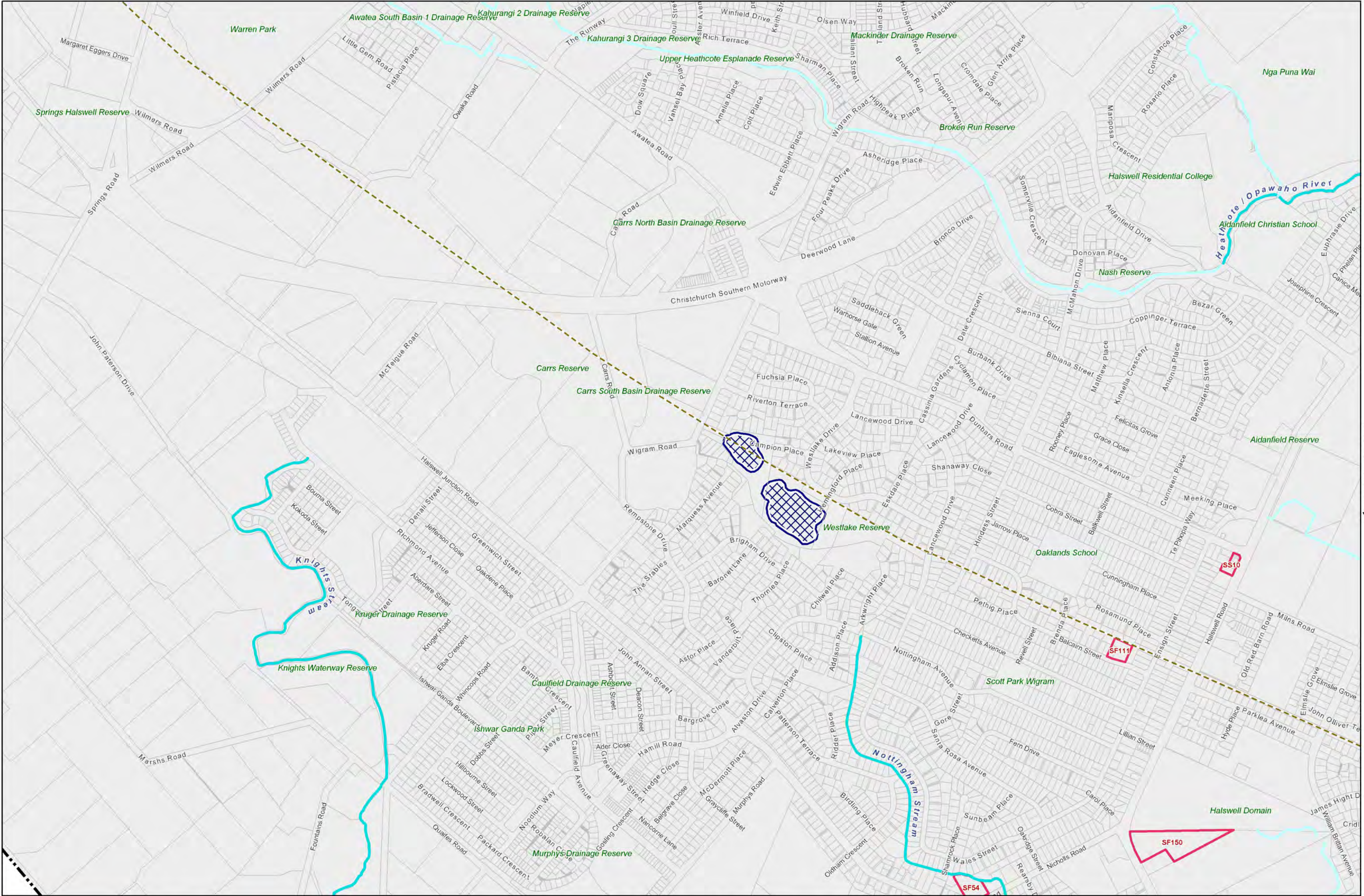


▼ LEGEND BELOW

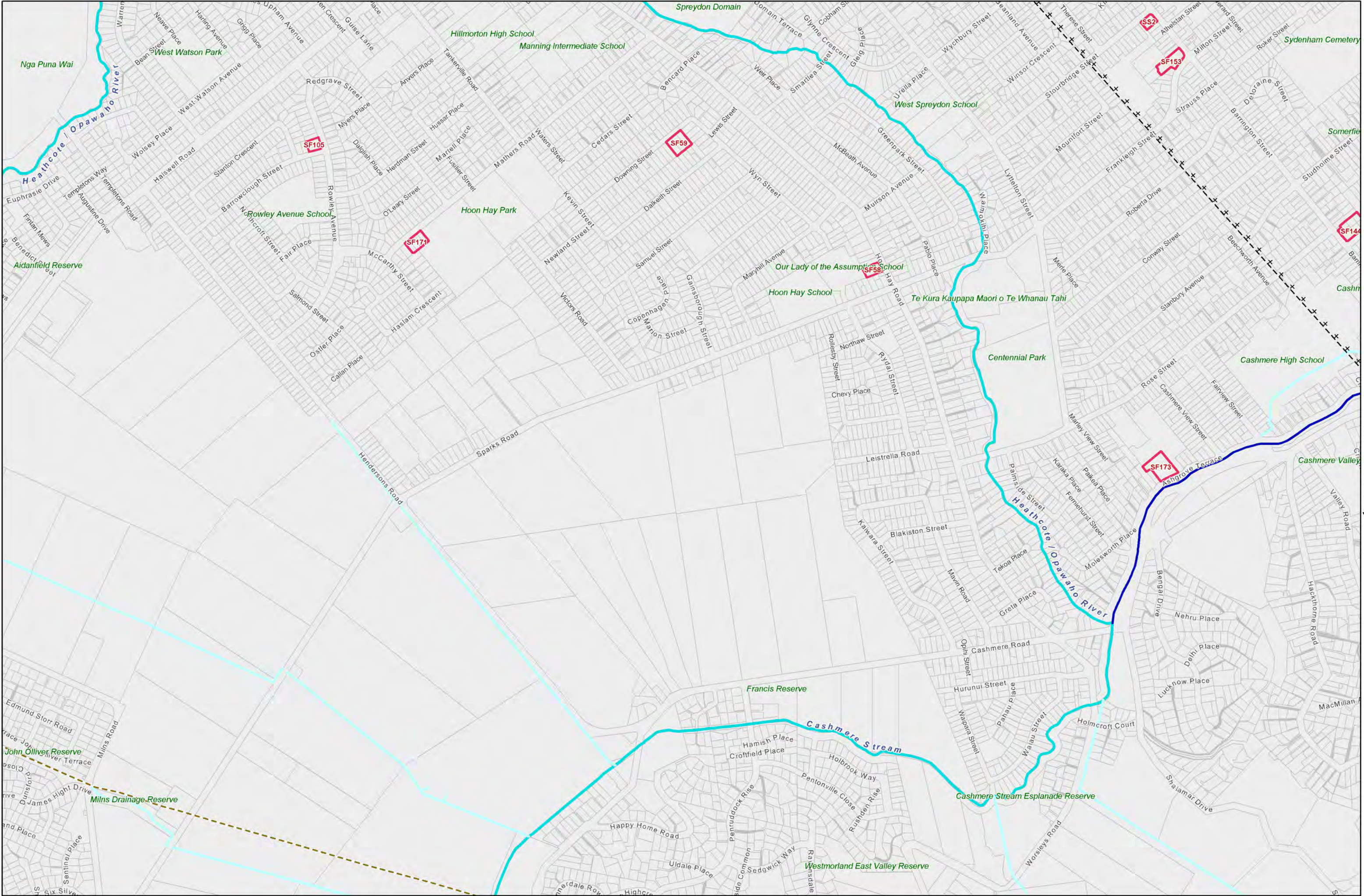


35	36	37
42	43	44
		49

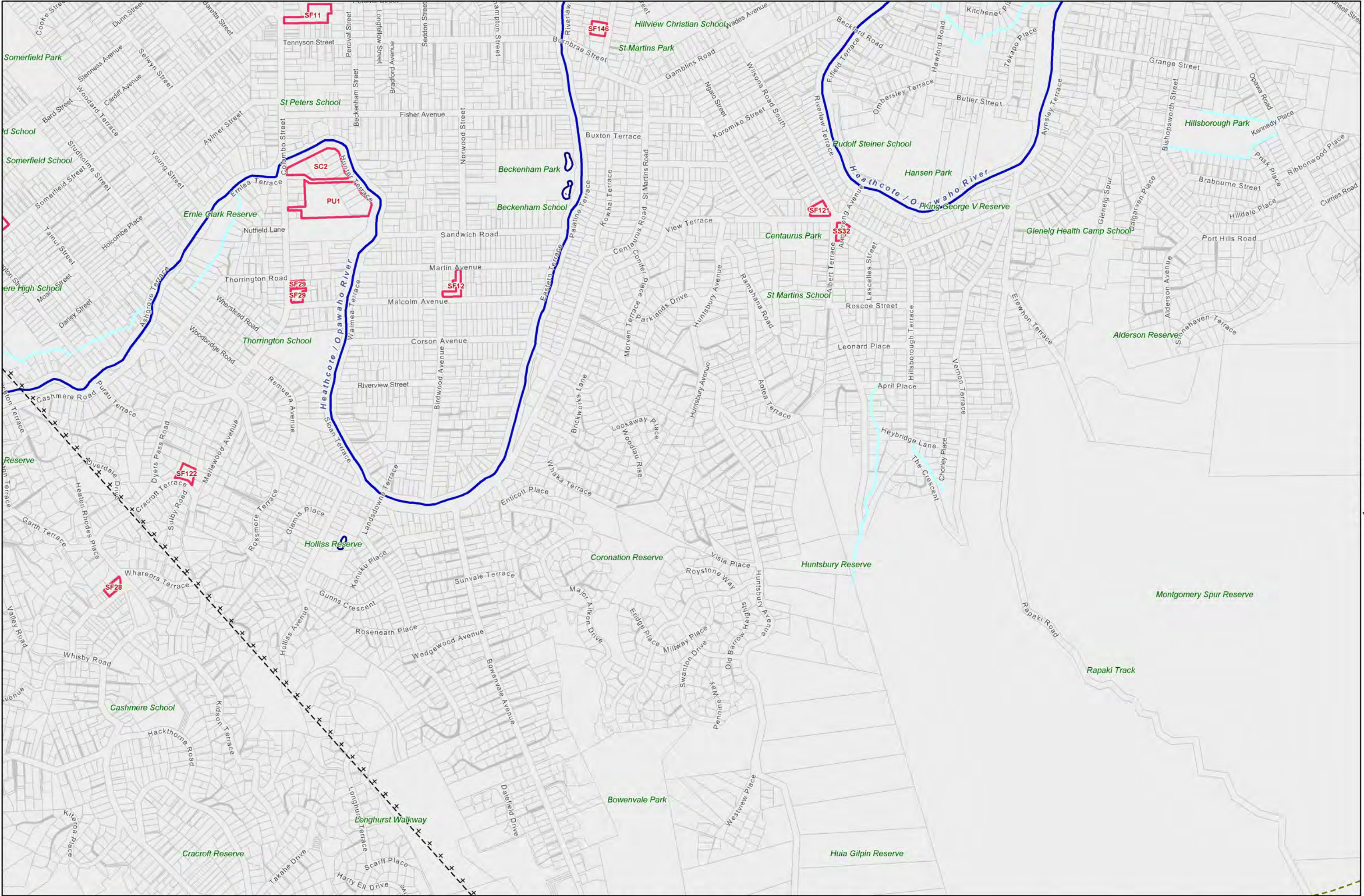




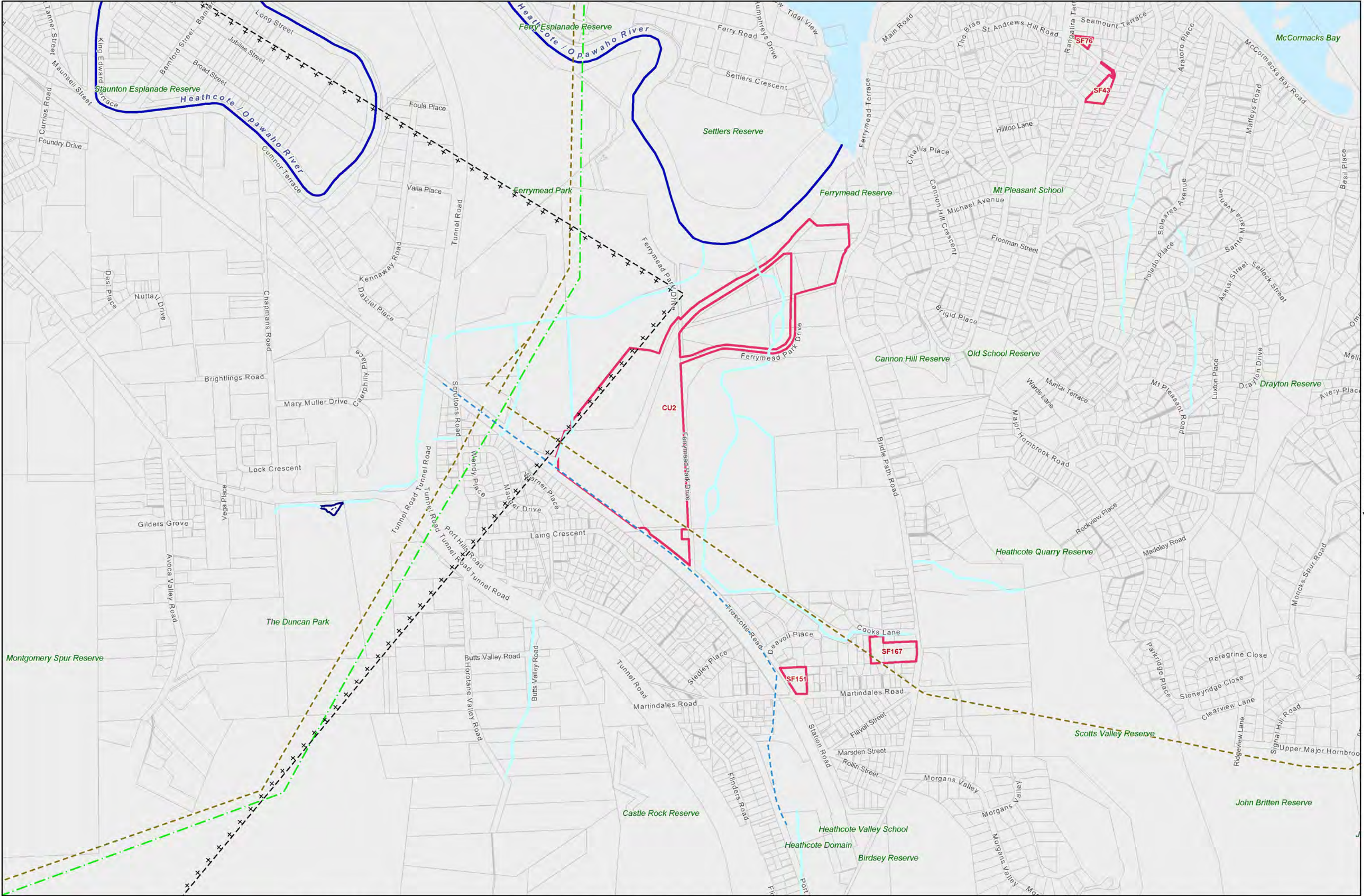
36	37	38
43	44	45
	49	50



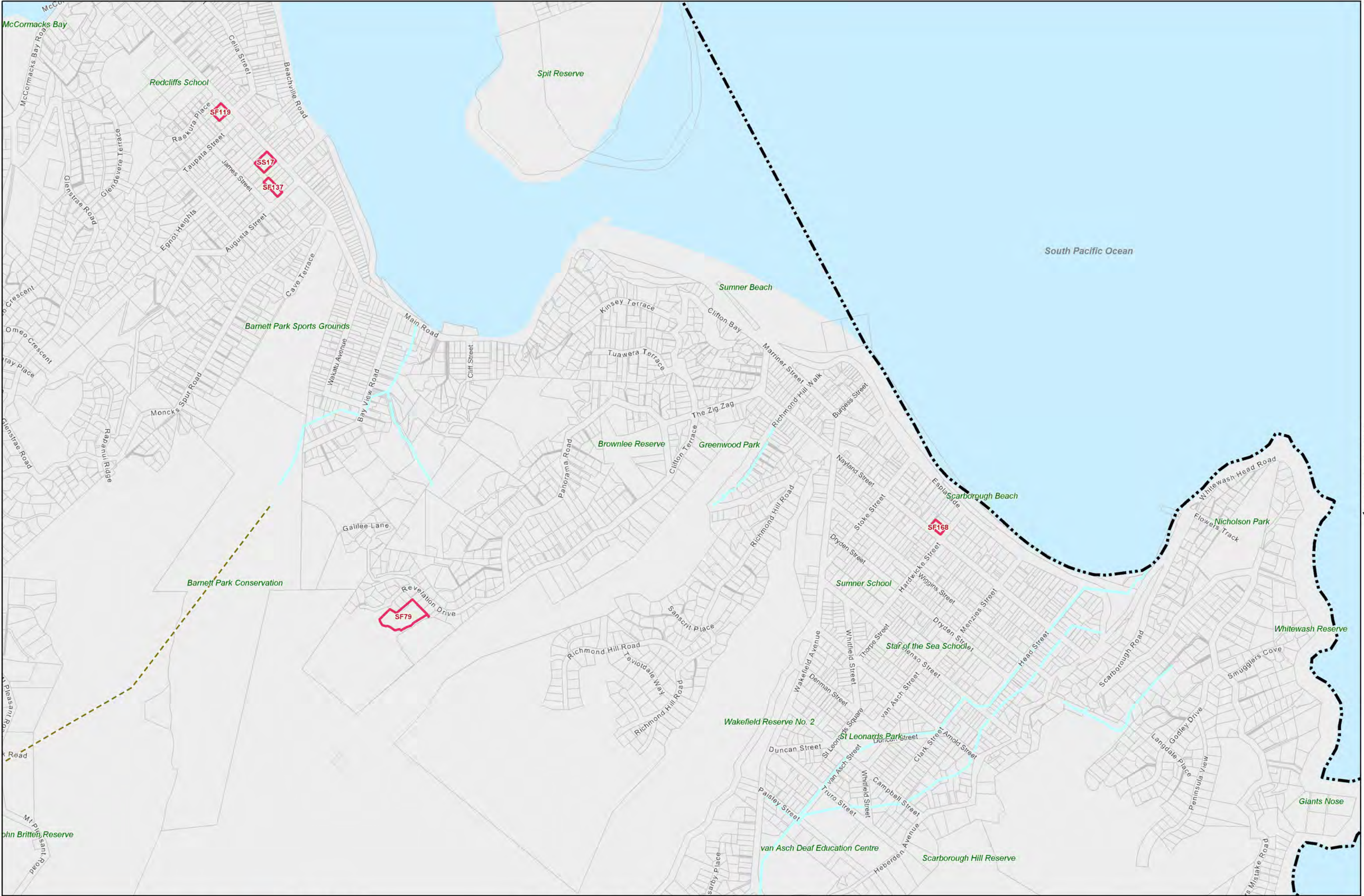
37	38	39
44	45	46
49	50	51



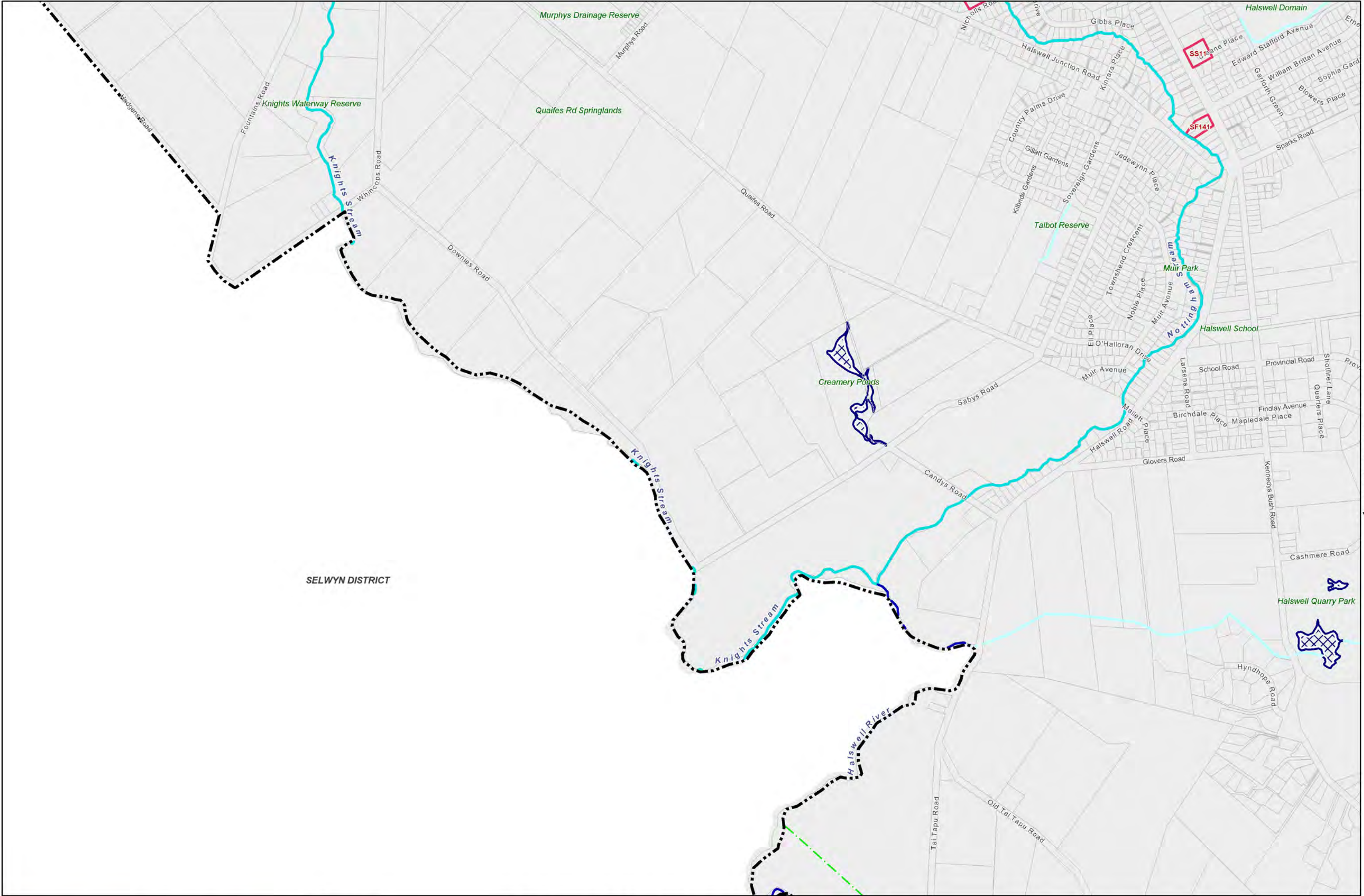
38	39	40
45	46	47
50	51	52



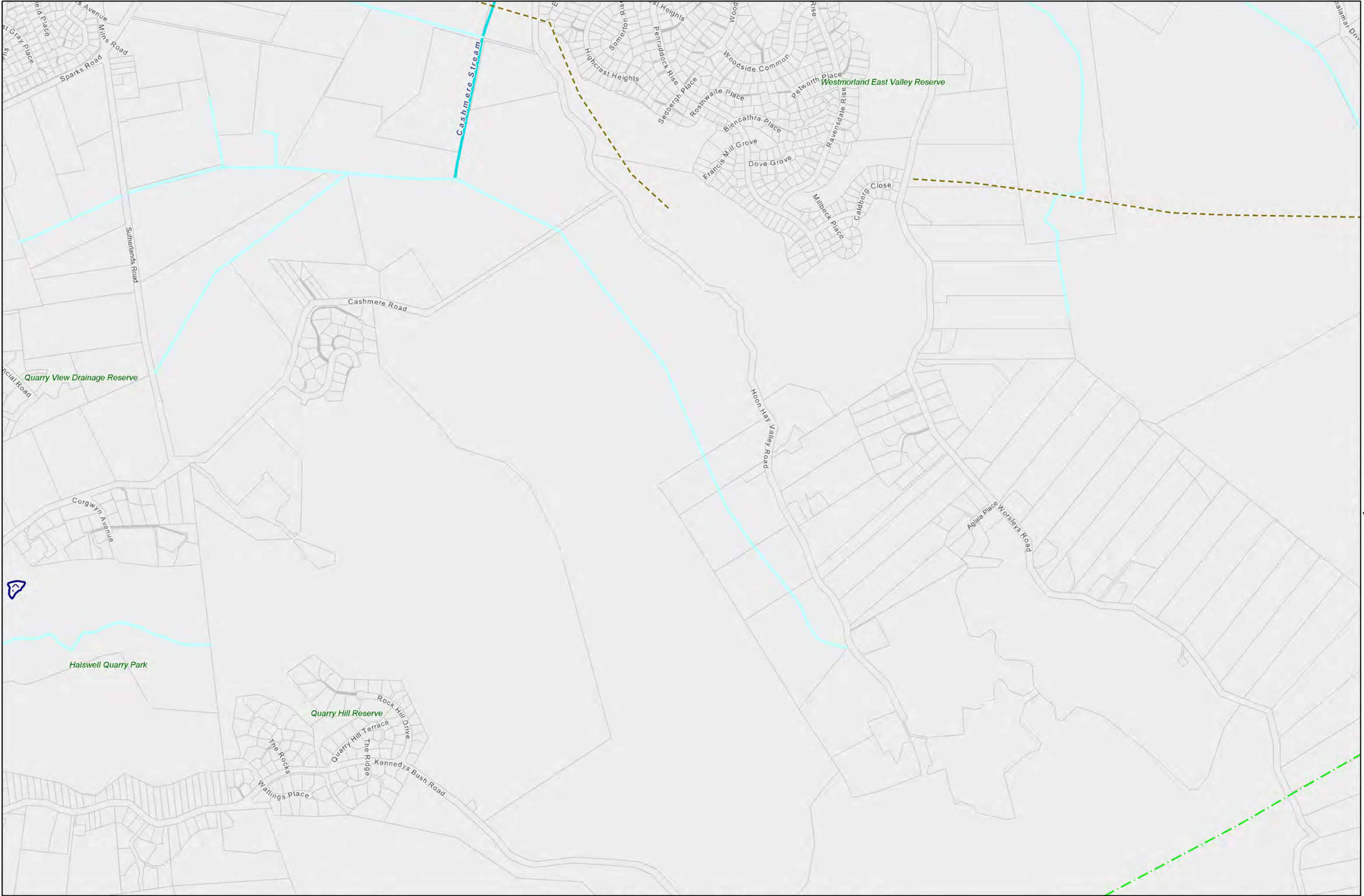
39	40	41
46	47	48
51	52	53



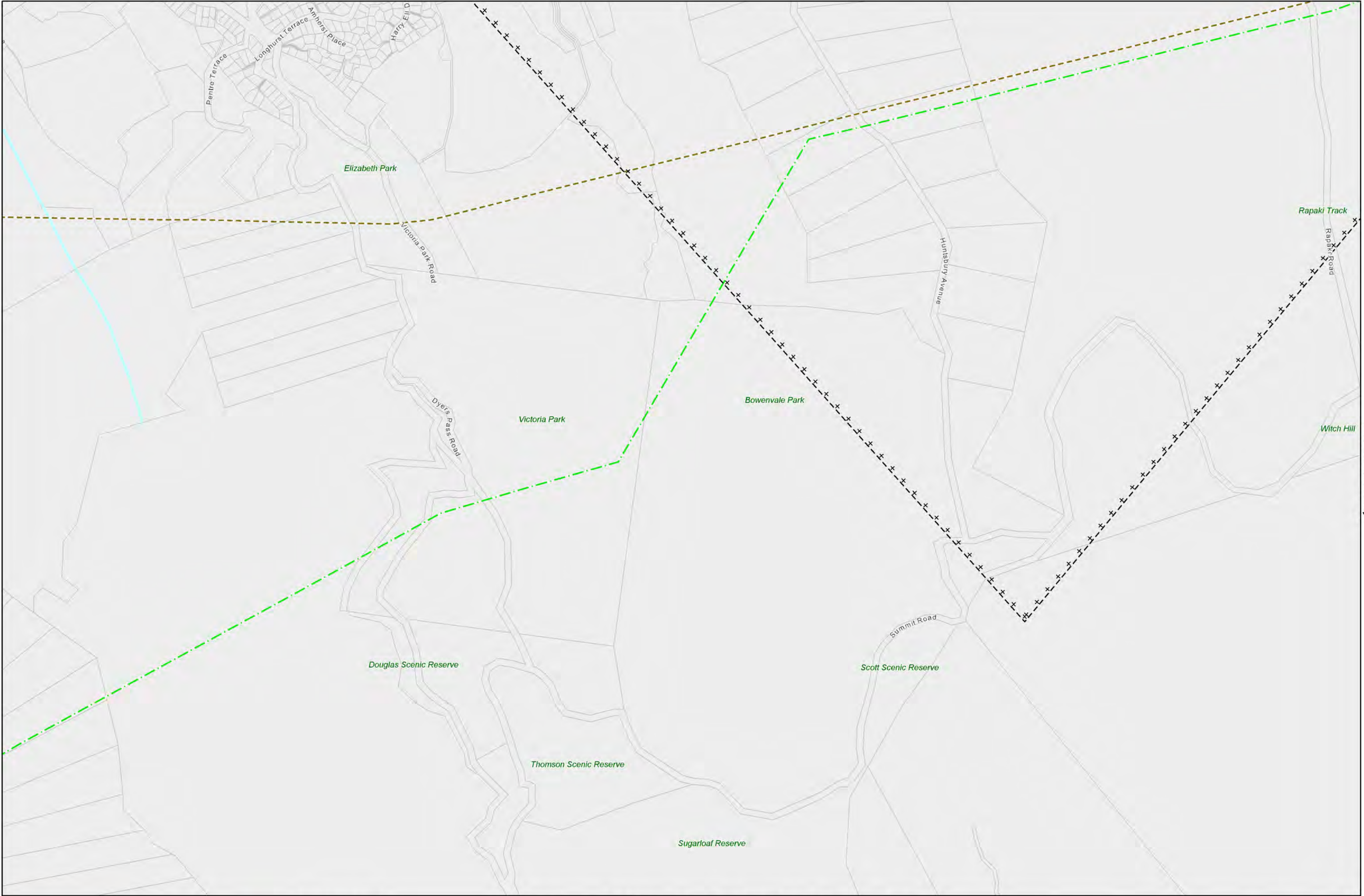
40	41
47	48
52	53



43	44	45
	49	50
55	56	

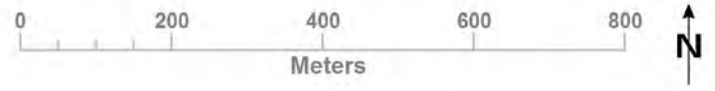


44	45	46
49	50	51
55	56	57

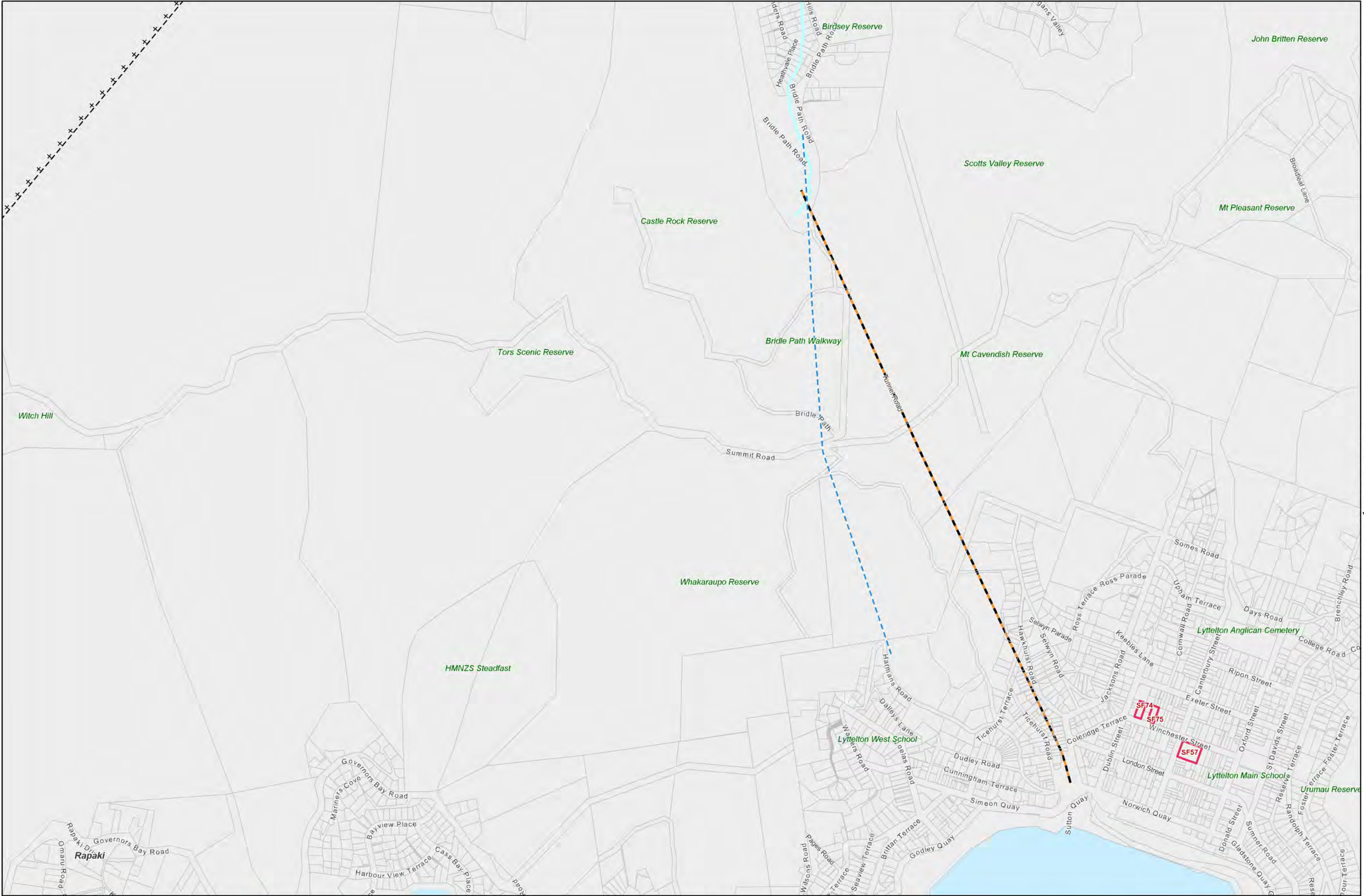


45	46	47
50	51	52
56	57	58

Planning Map 51 - Decision 56 and 57 General Rules and Procedures 16/11/2016



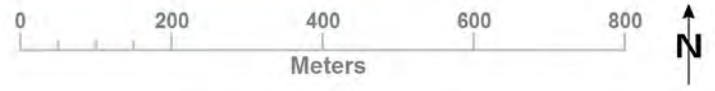
▼ LEGEND BELOW

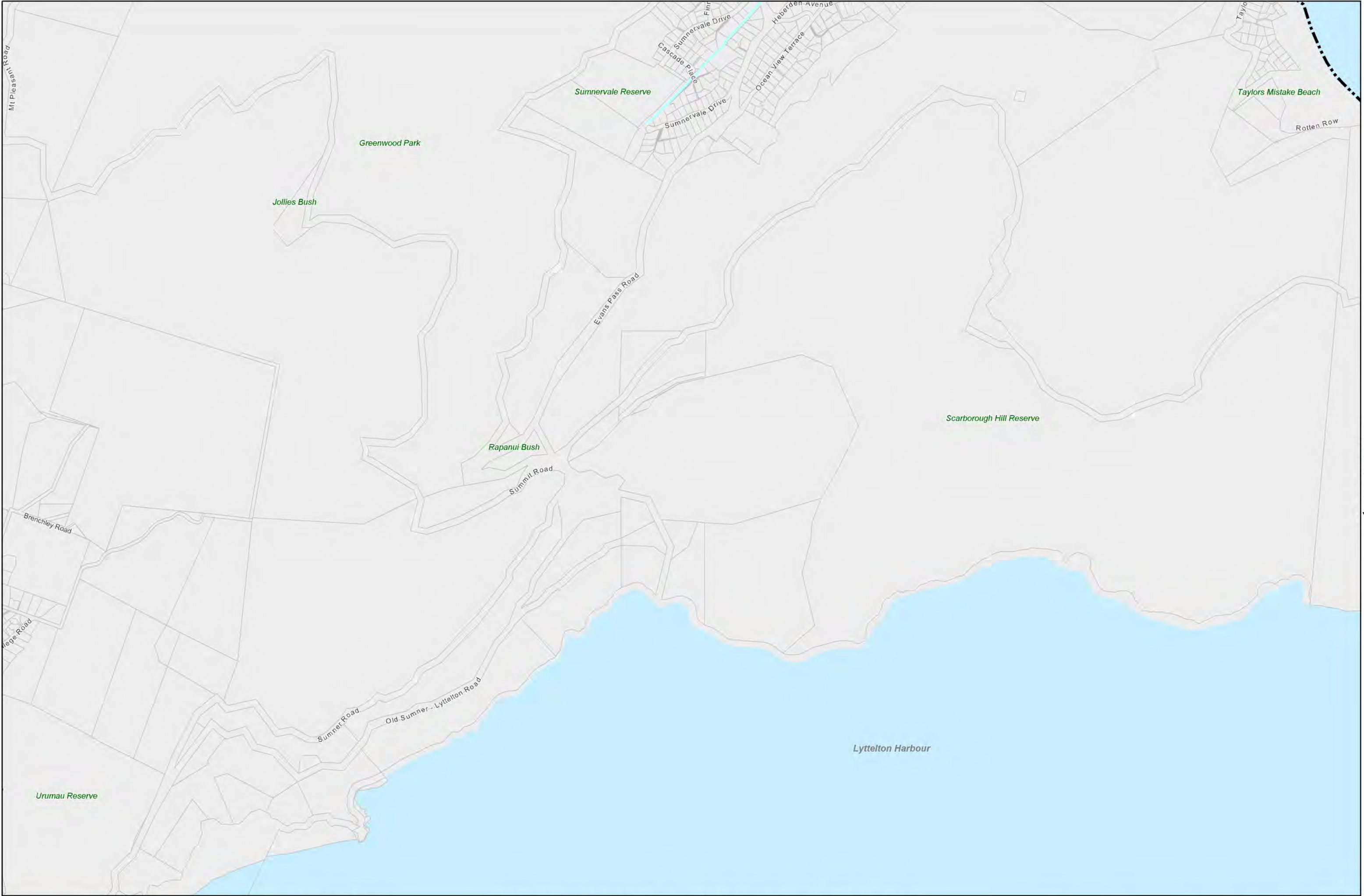


LEGEND BELOW

46	47	48
51	52	53
57	58	59

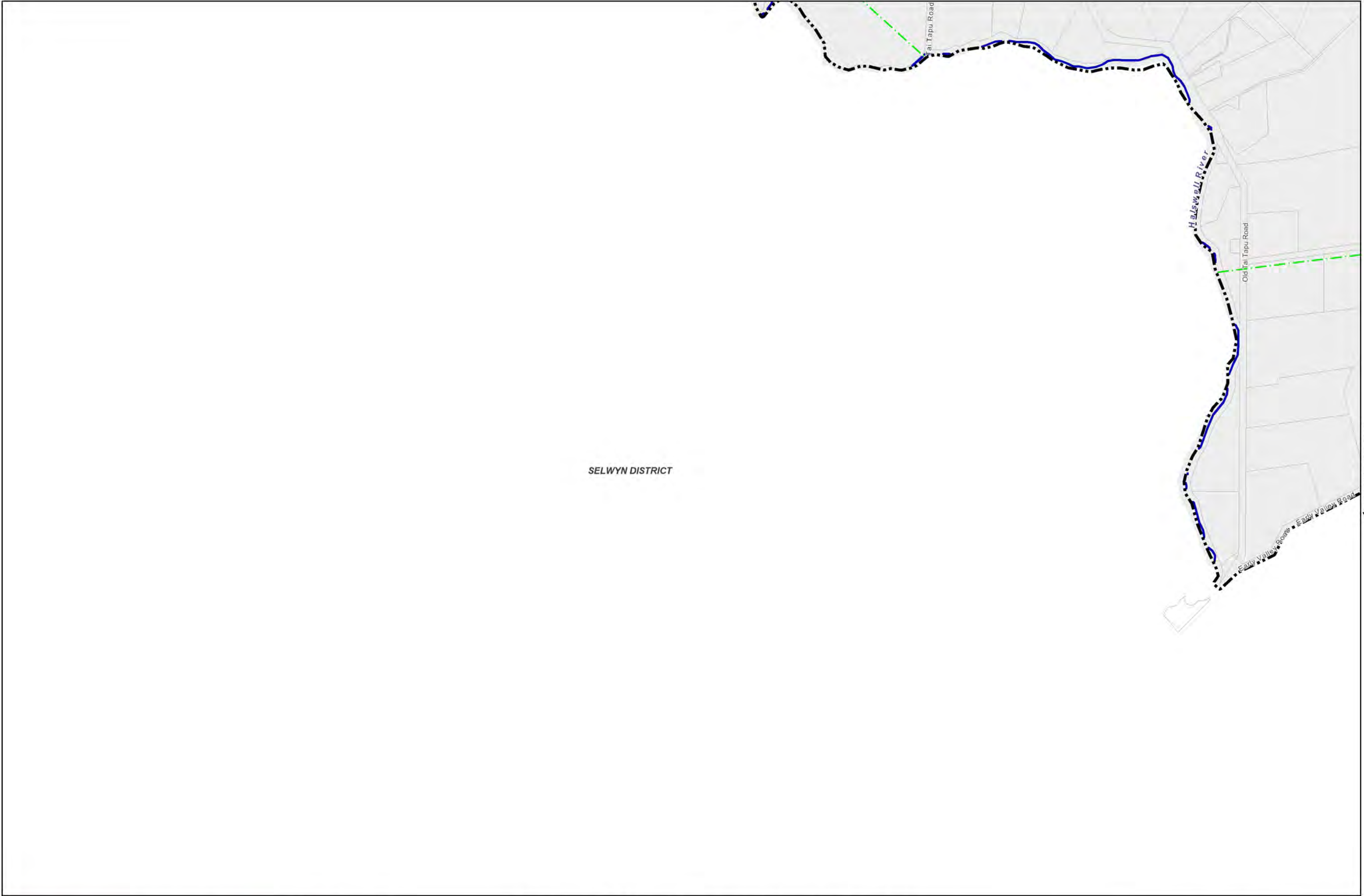
Planning Map 52 - Decision 56 and 57
General Rules and Procedures 16/11/2016





47	48	
52	53	54
58	59	

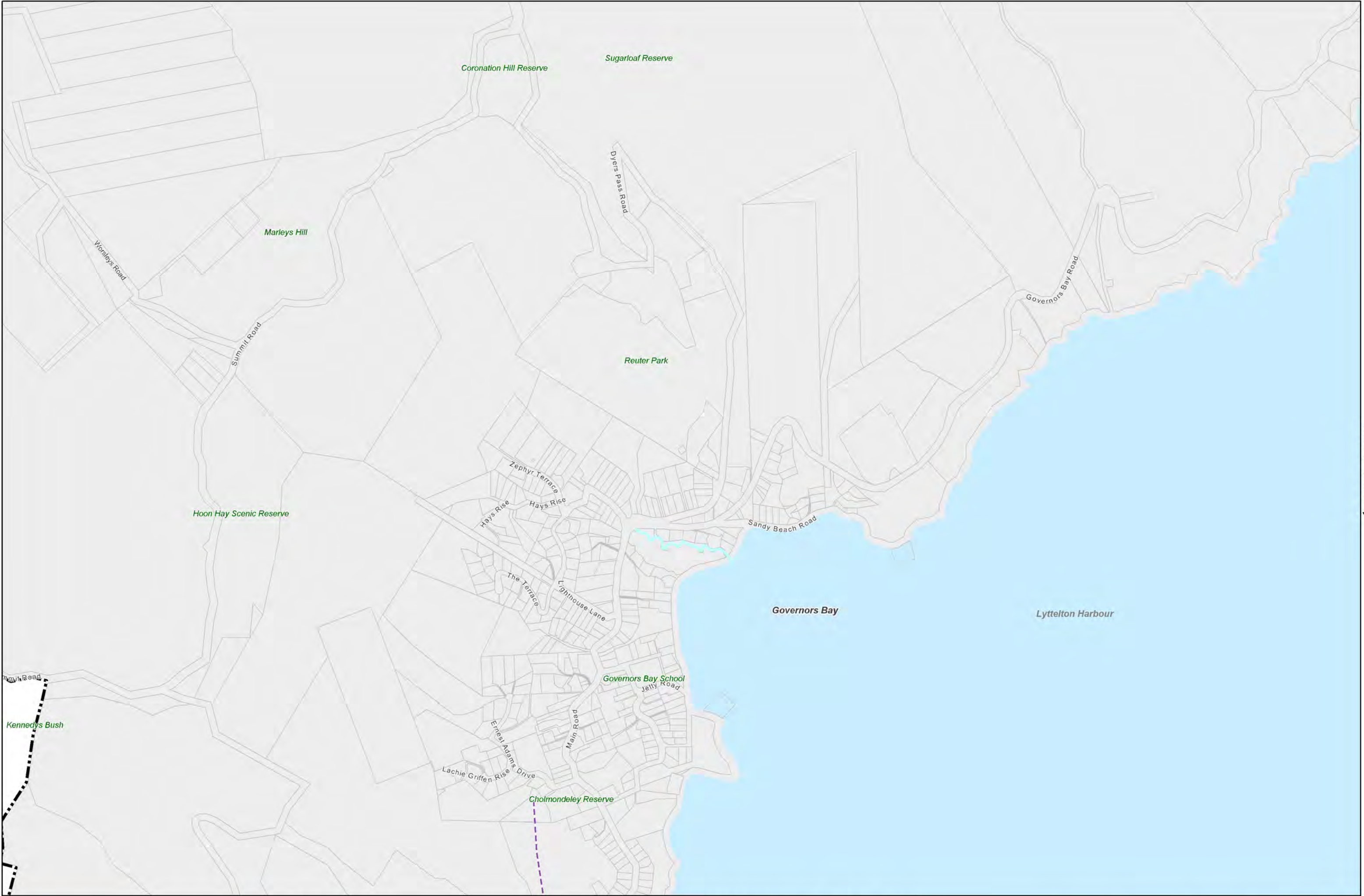




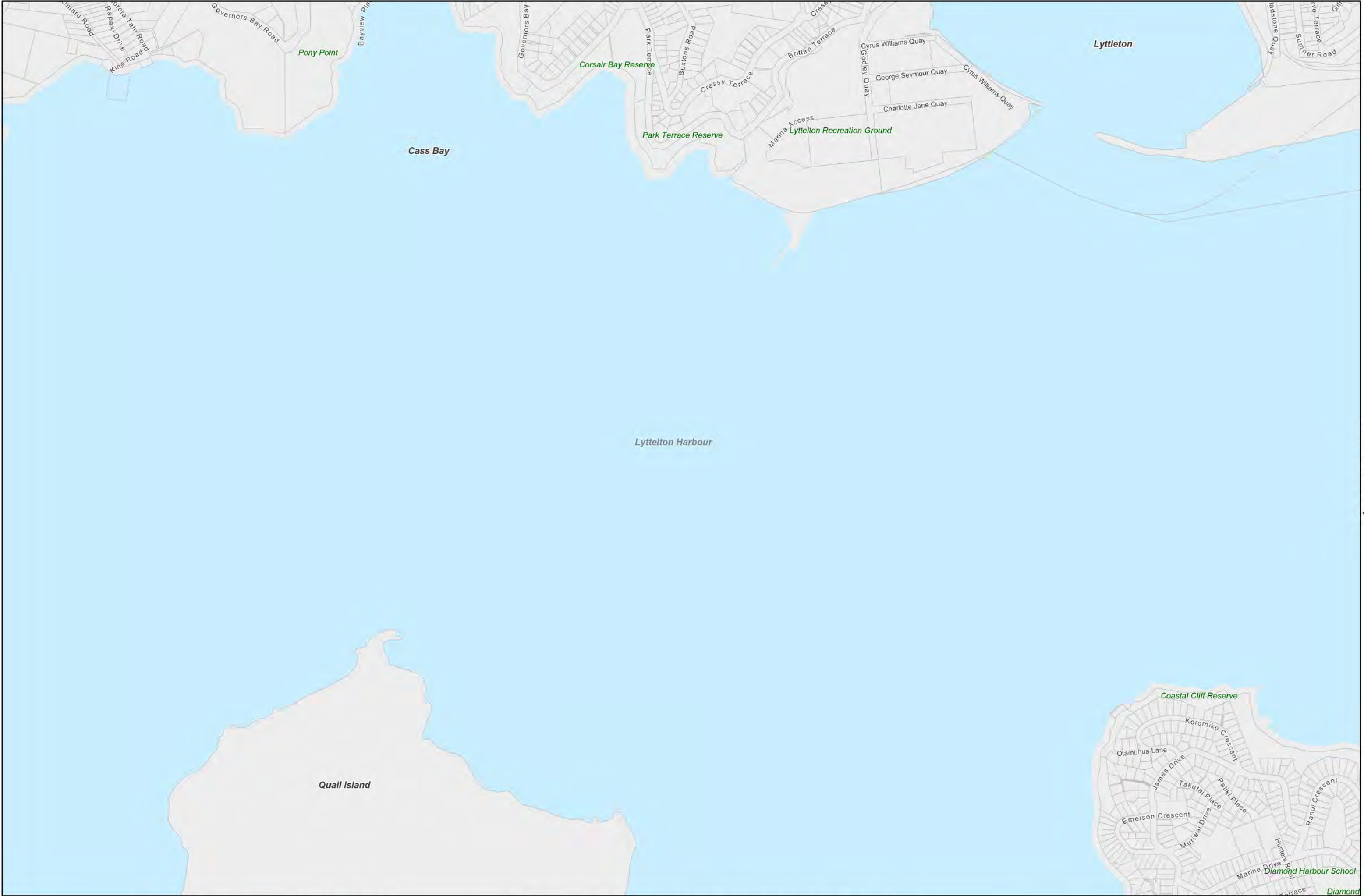


▼ LEGEND BELOW

49	50	51
55	56	57
		60



50	51	52
56	57	58
60	61	



51	52	53
57	58	59
60	61	62

Planning Map 58 - Decision 56 and 57
General Rules and Procedures 16/11/2016

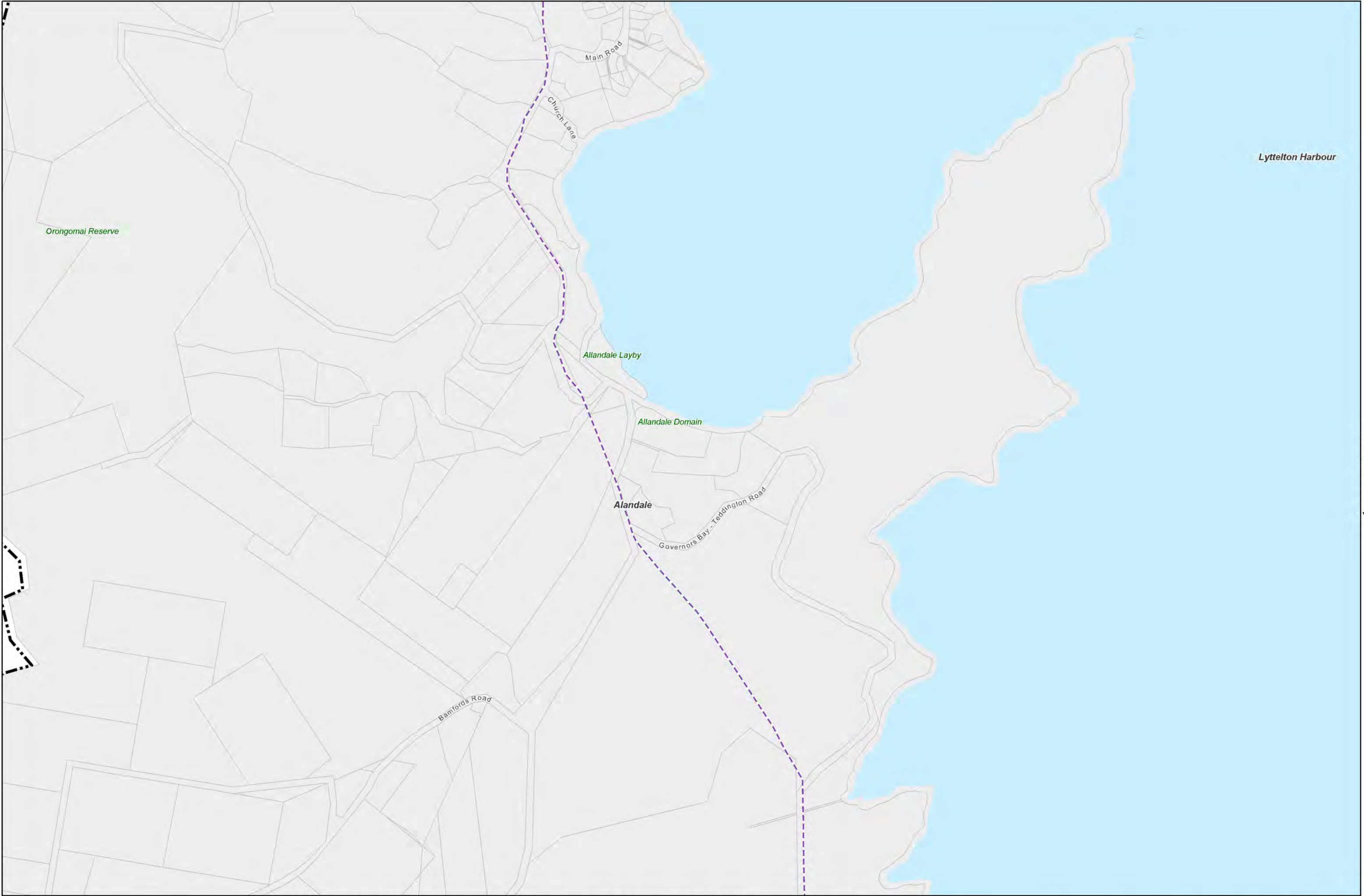


LEGEND BELOW



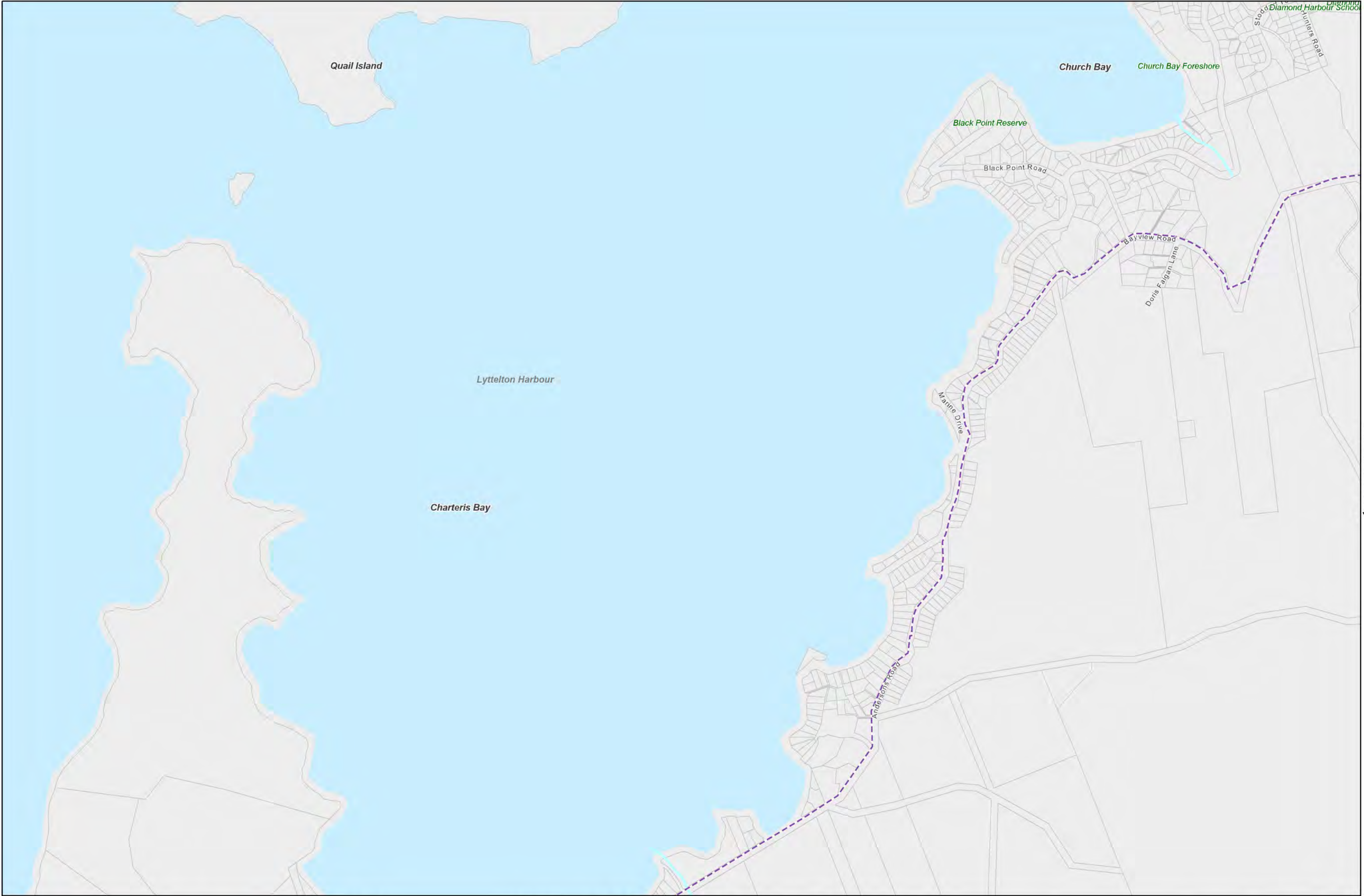
▼ LEGEND BELOW

52	53	54
58	59	
61	62	



56	57	58
	60	61
		63

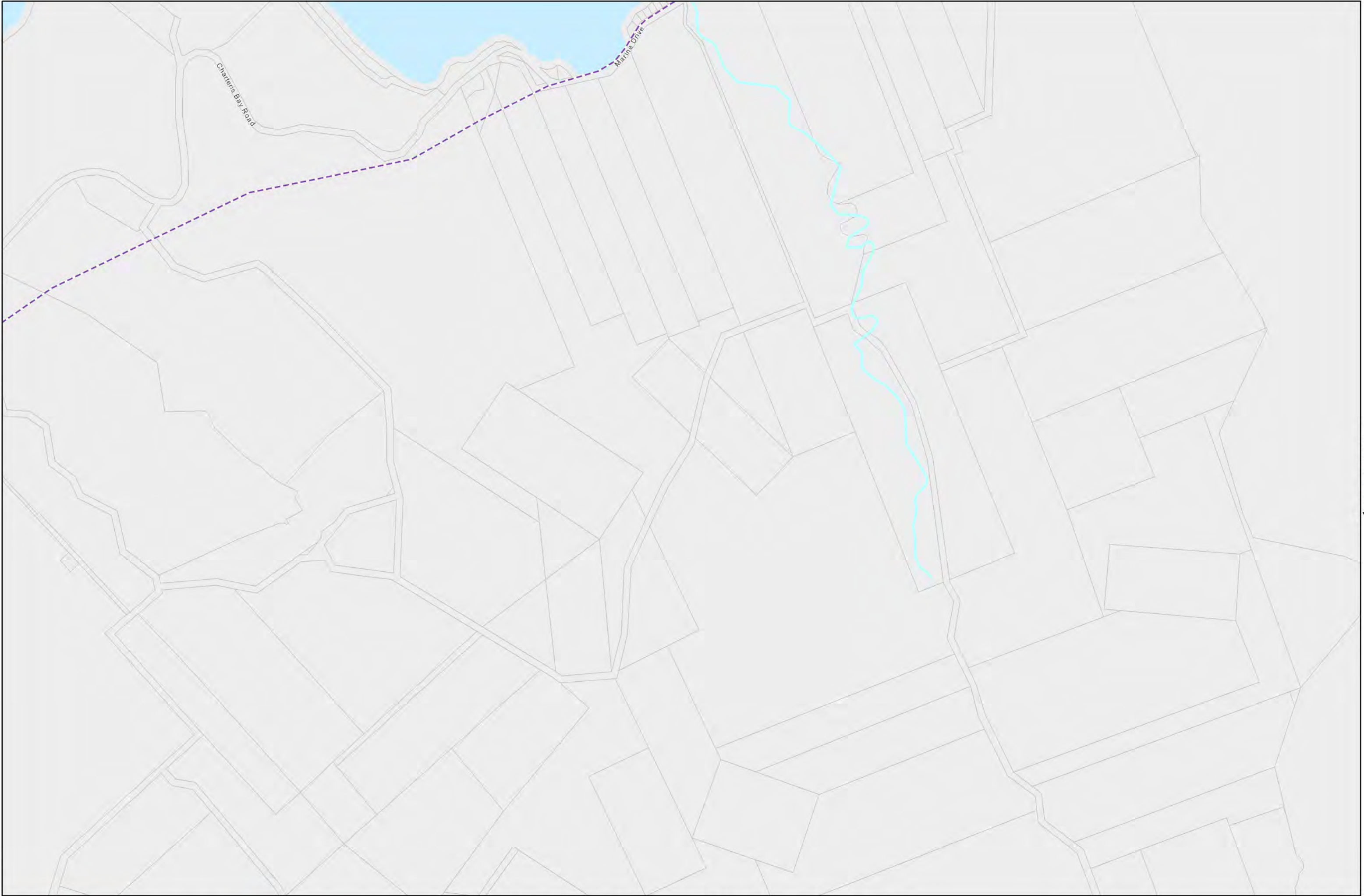




57	58	59
60	61	62
	63	



58	59
61	62
63	



▼ LEGEND BELOW



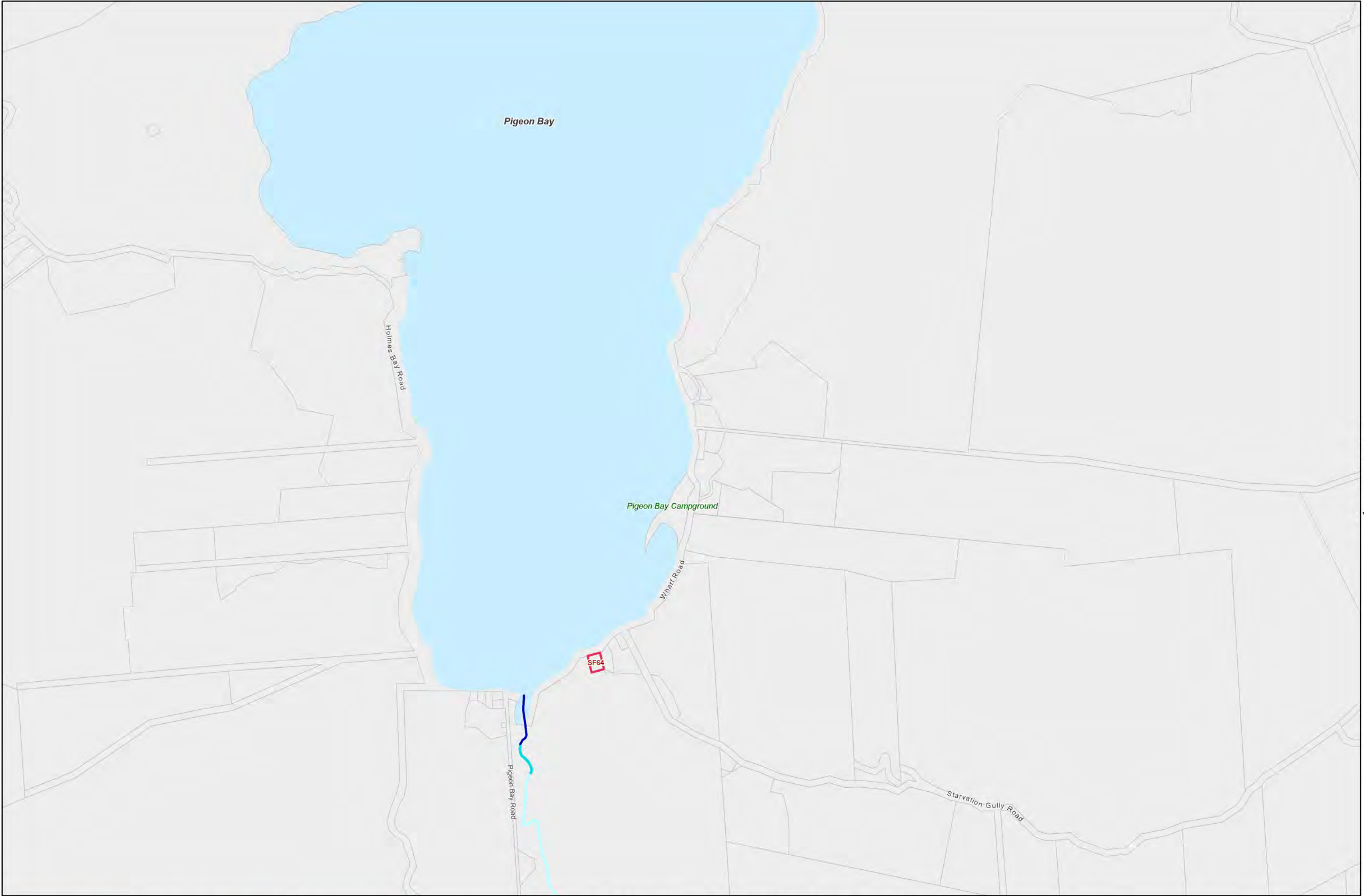
60	61	62
	63	





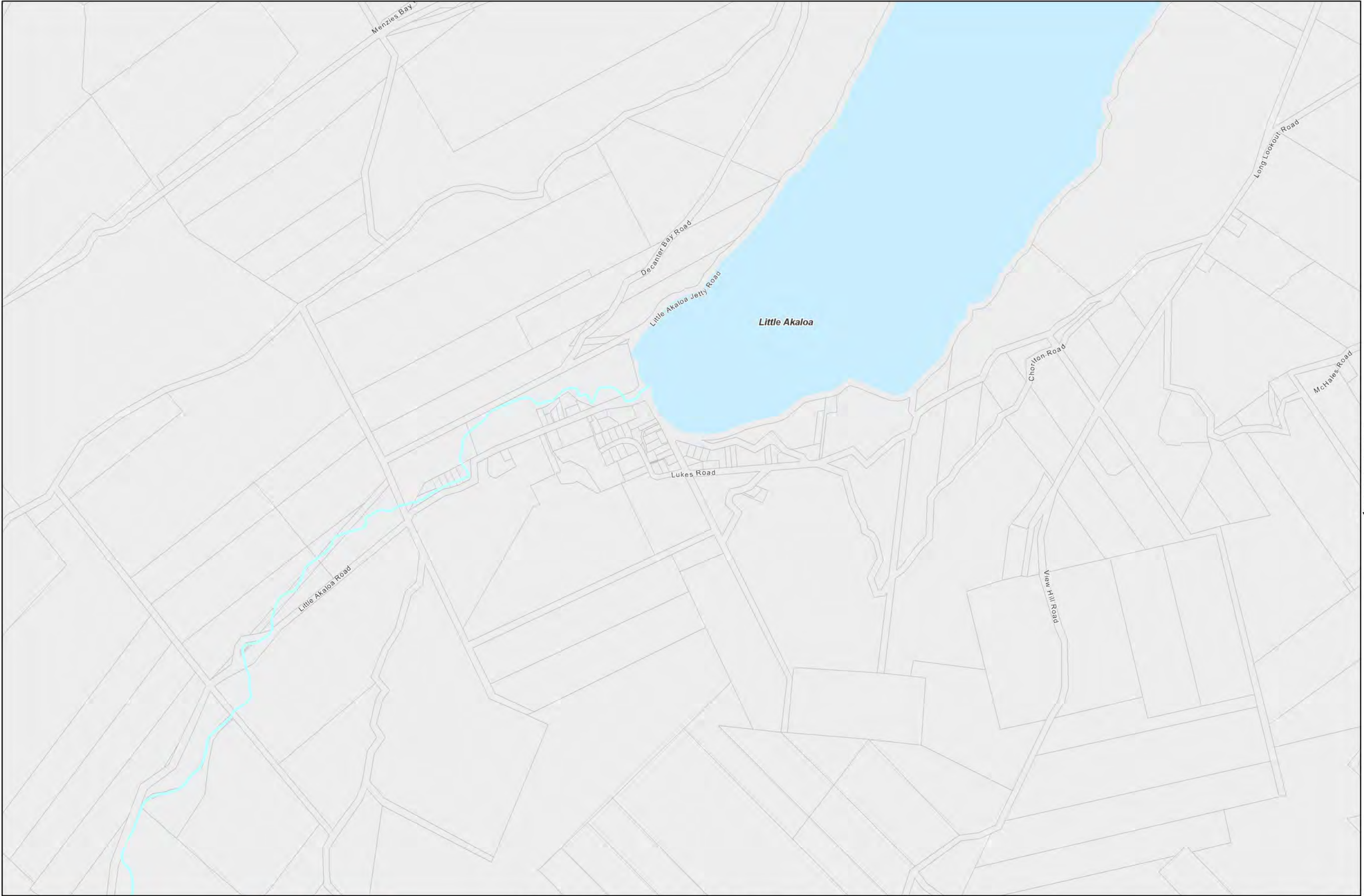
▼ LEGEND BELOW





LEGEND BELOW



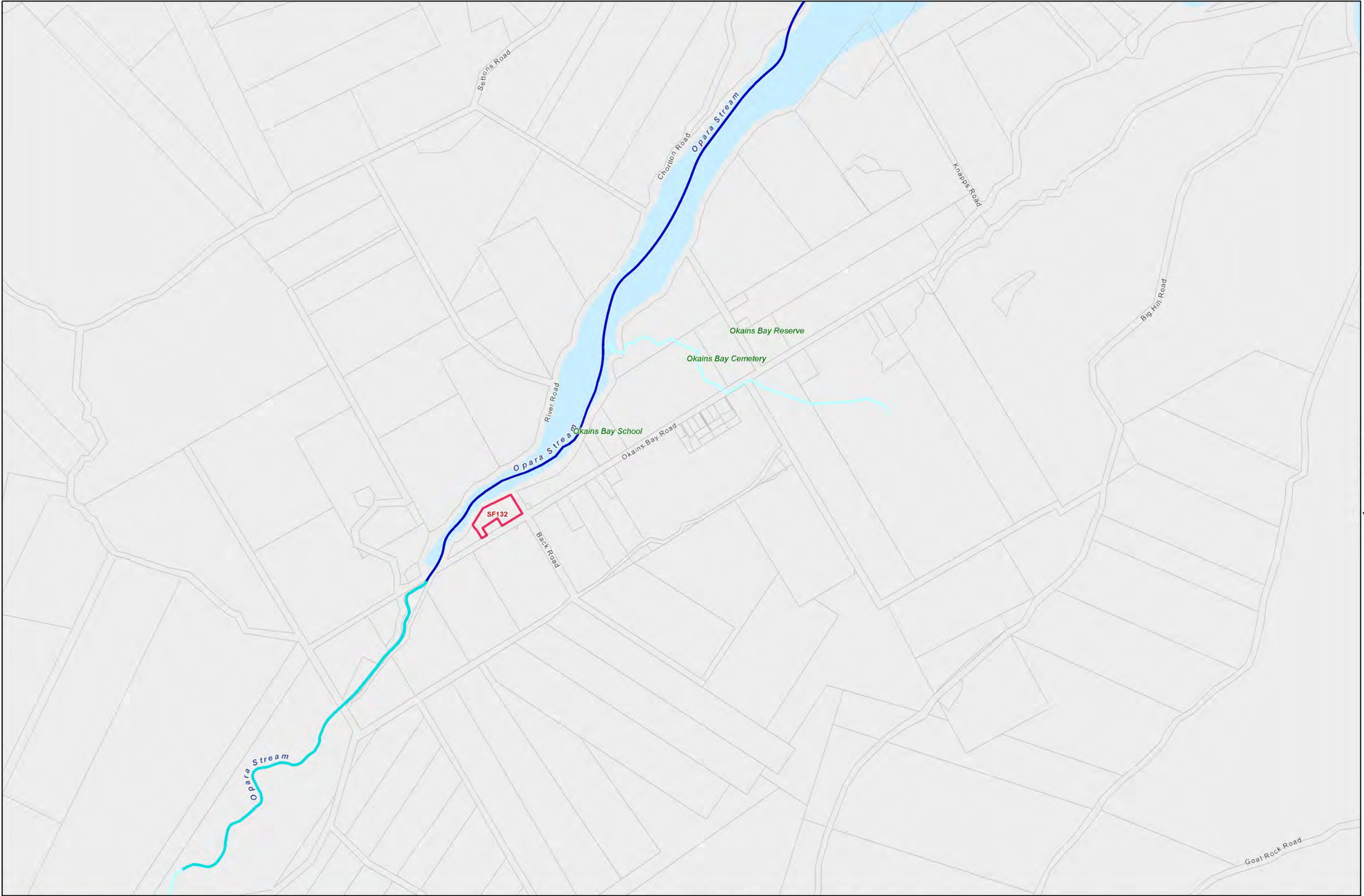


▼ LEGEND BELOW



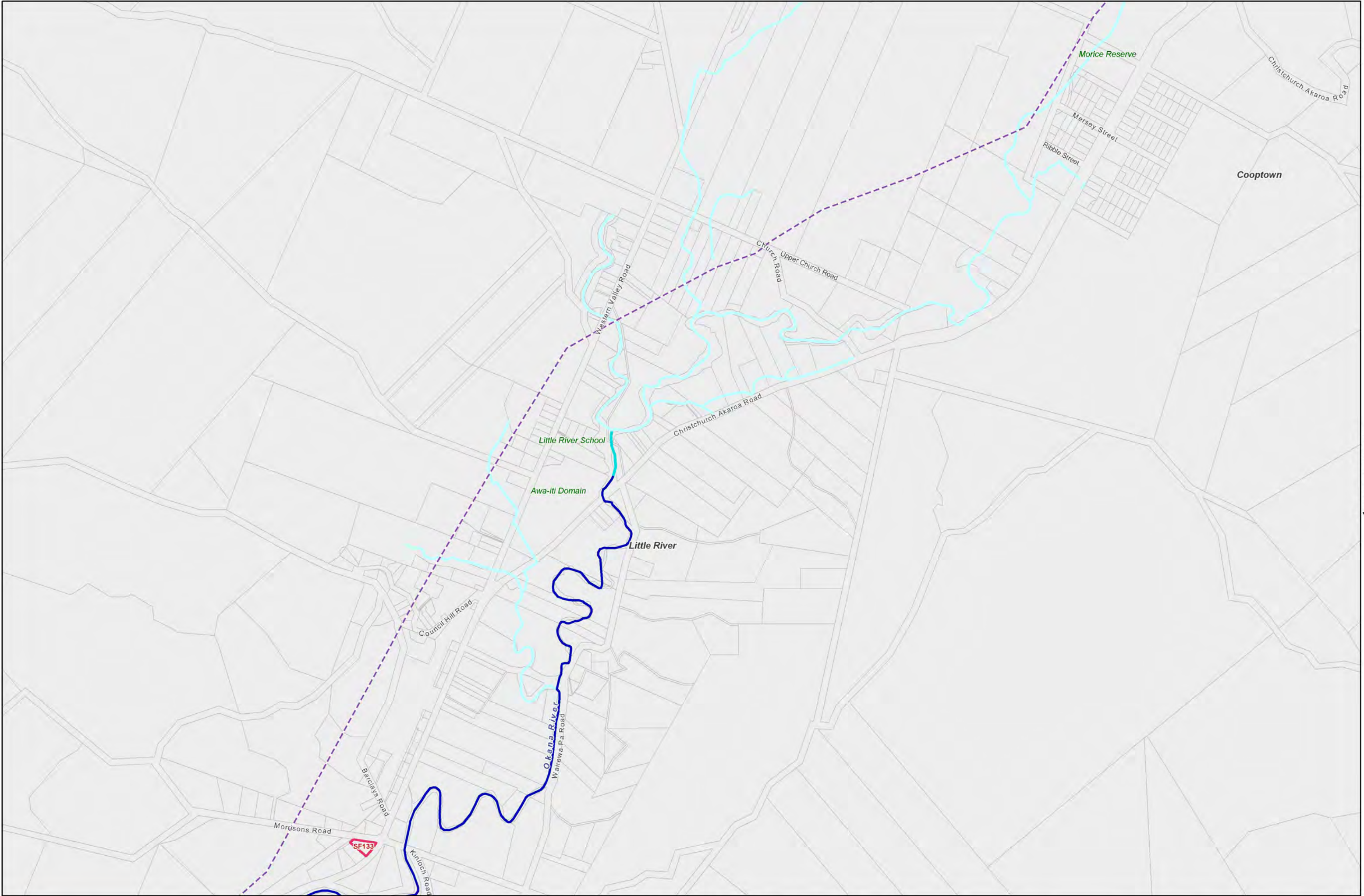
▼ LEGEND BELOW





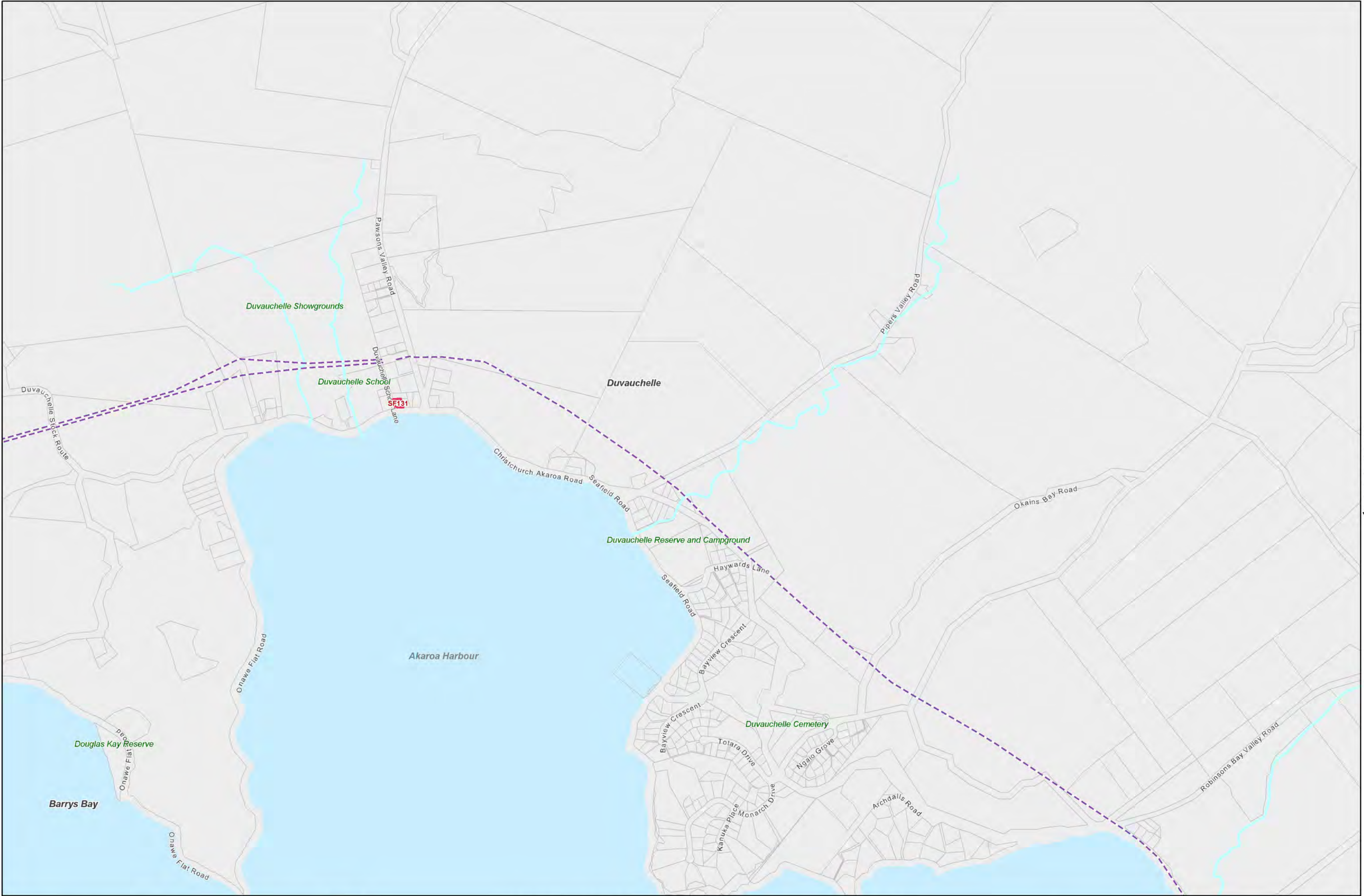
LEGEND BELOW





LEGEND BELOW



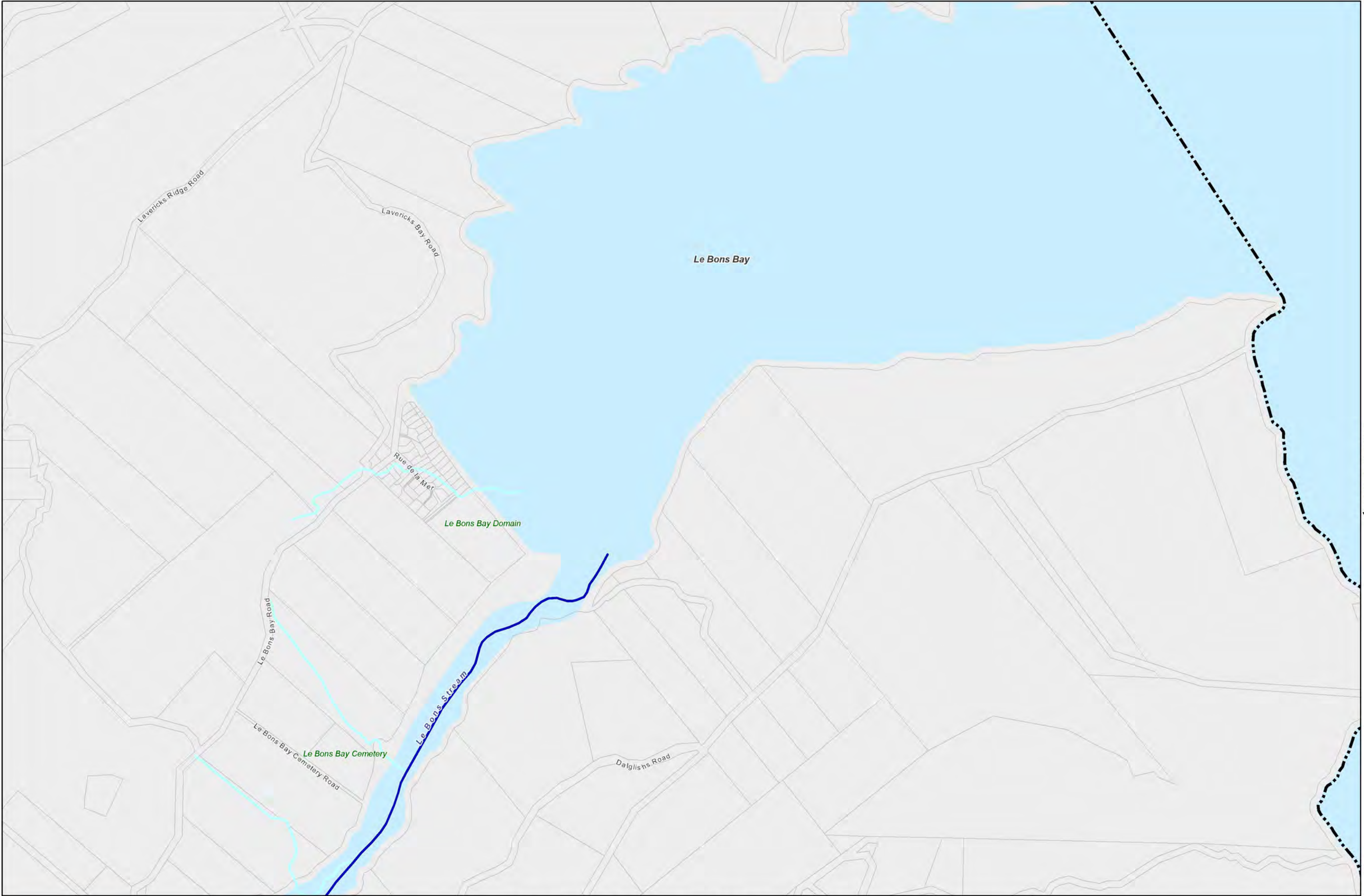


LEGEND BELOW



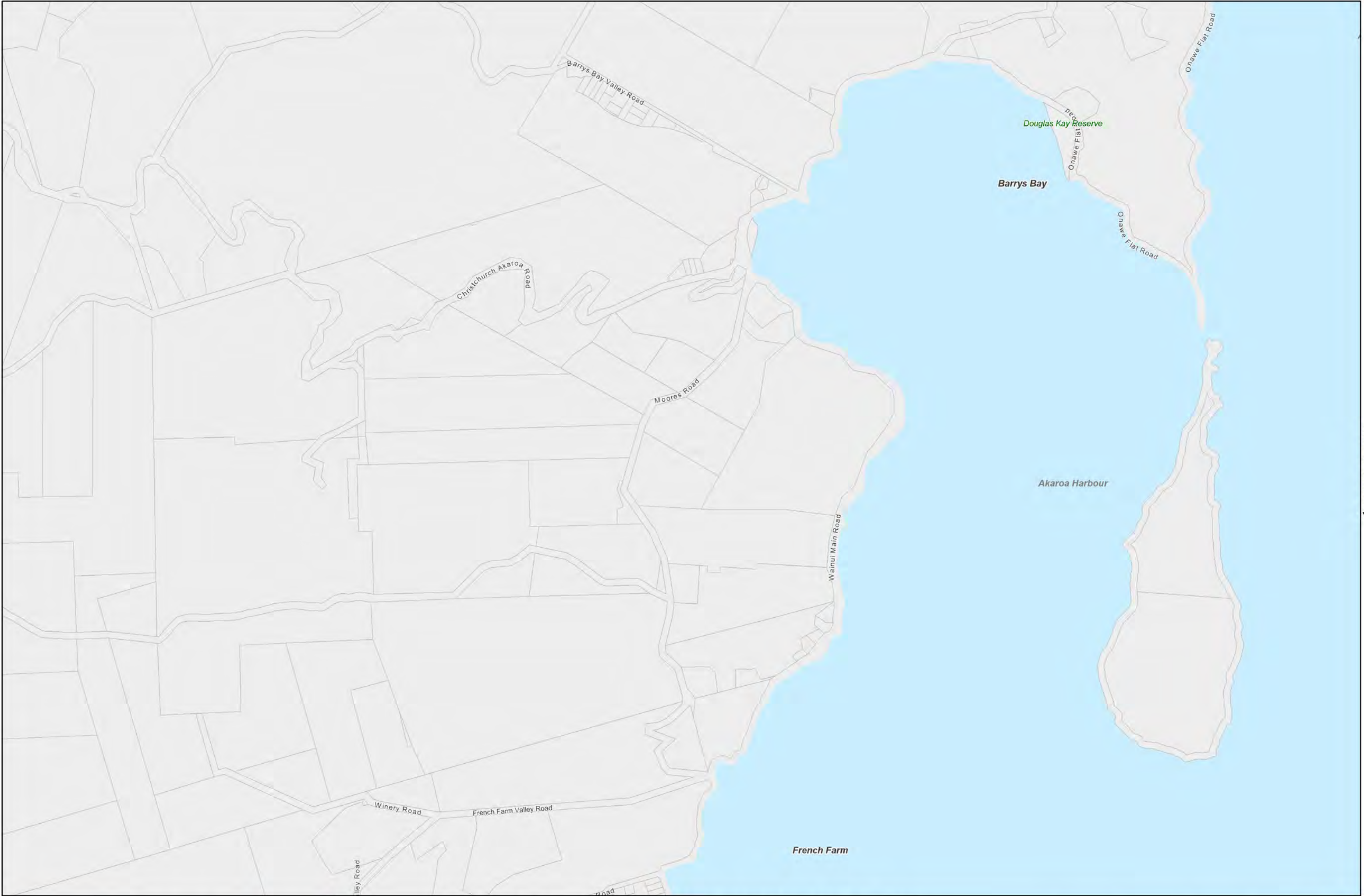
LEGEND BELOW

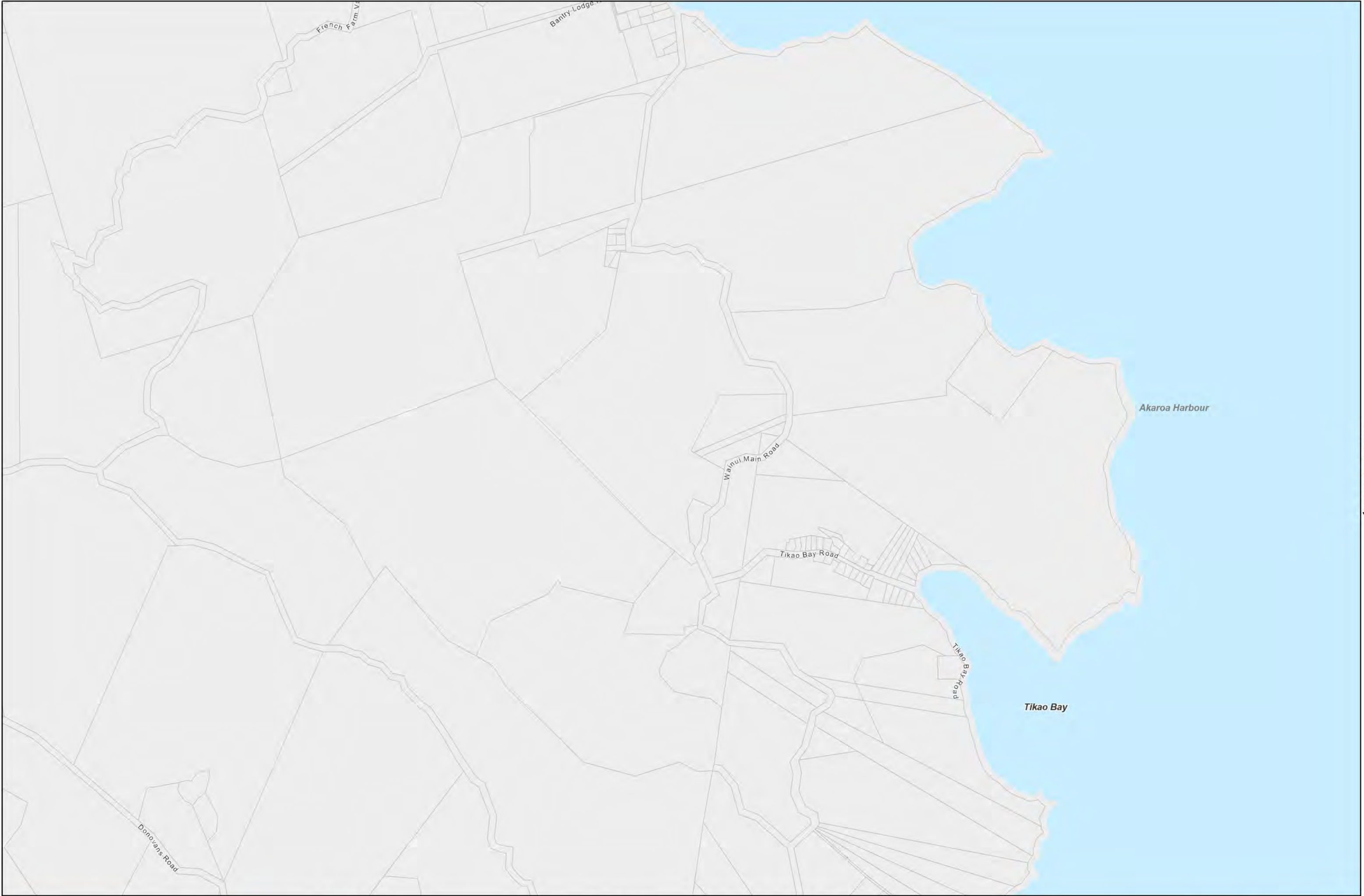




LEGEND BELOW







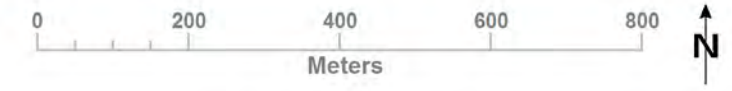
LEGEND BELOW



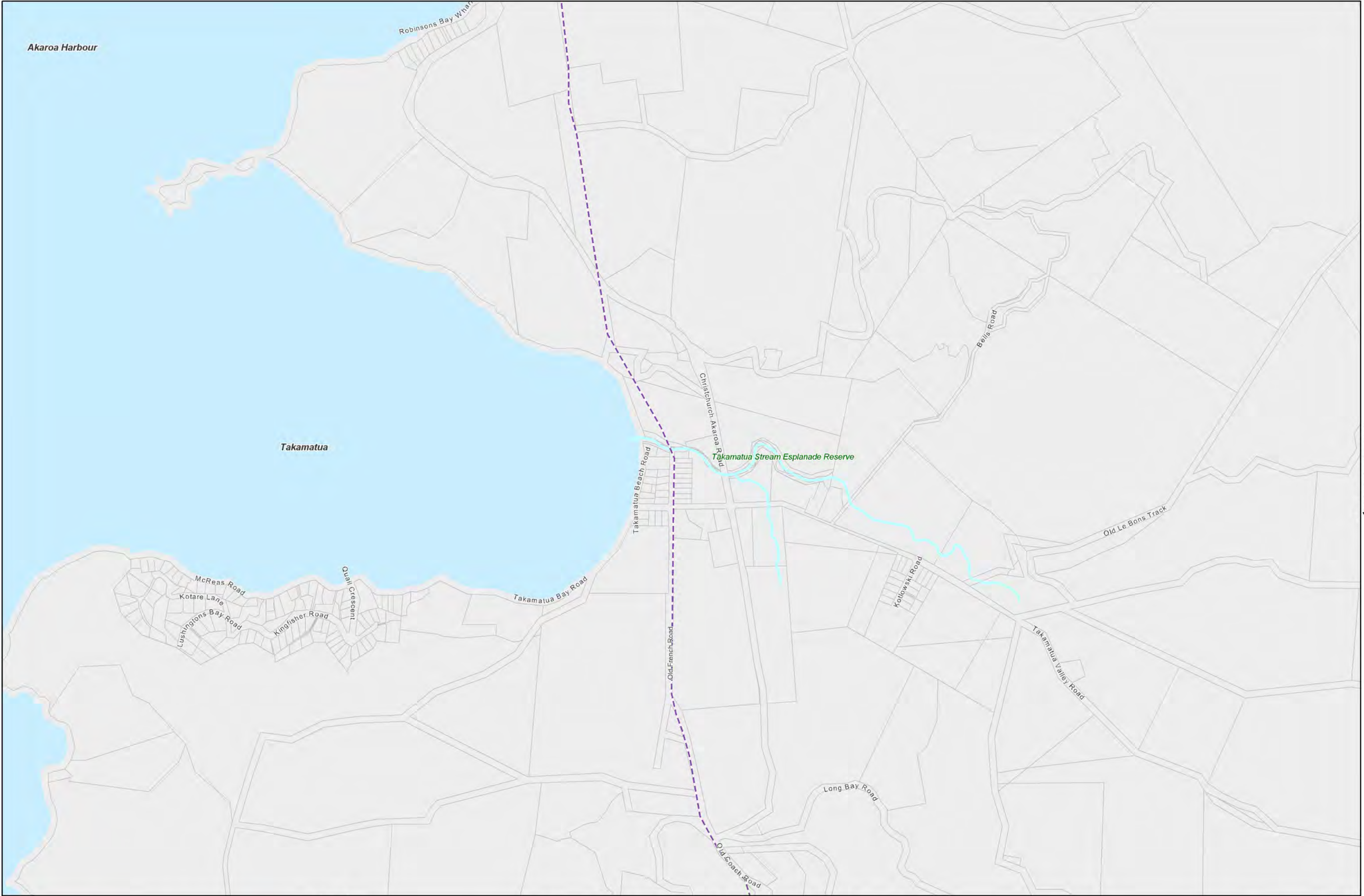
73
74
75

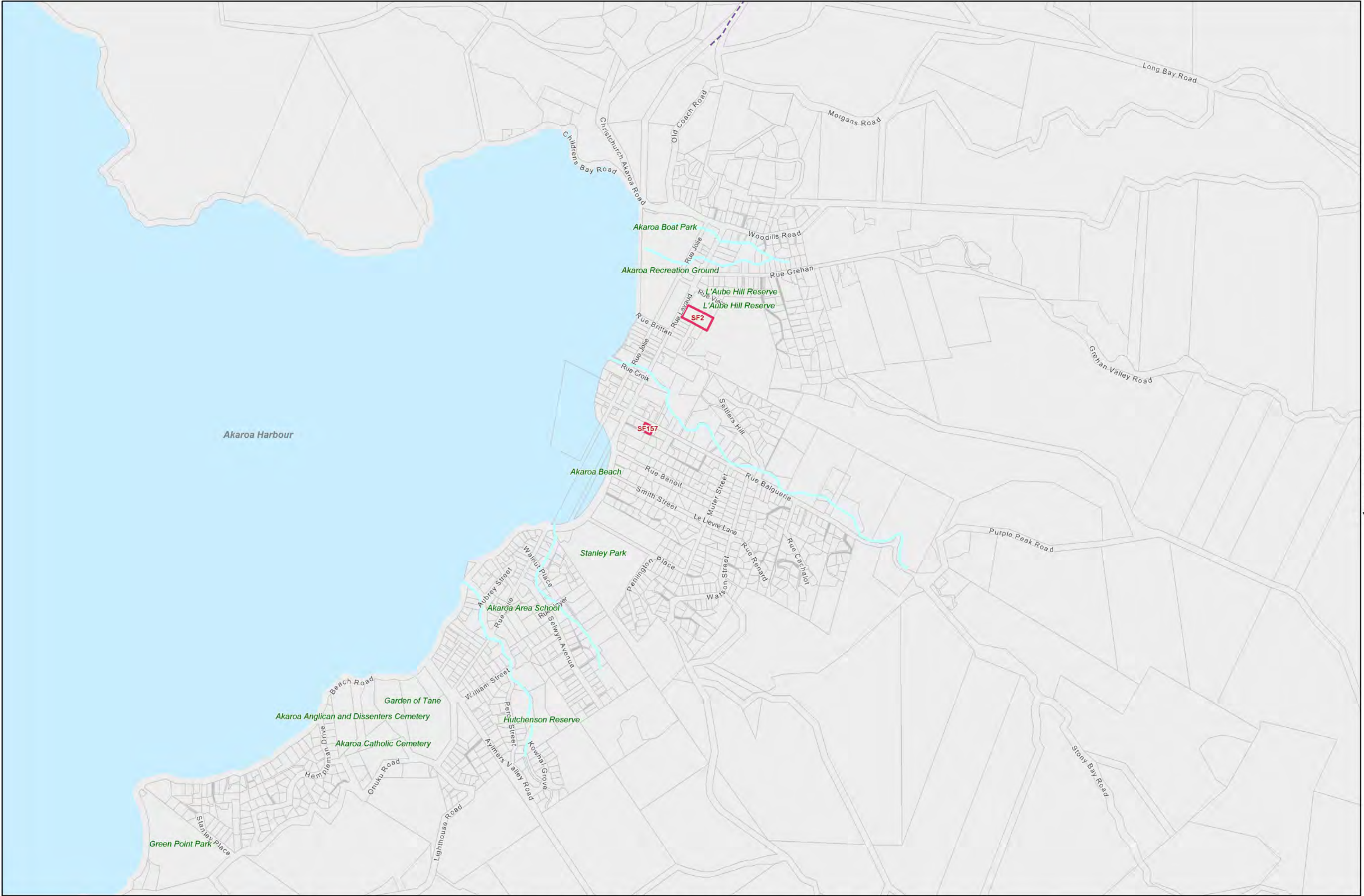
Planning Map 74 - Decision 56 and 57

General Rules and Procedures 16/11/2016

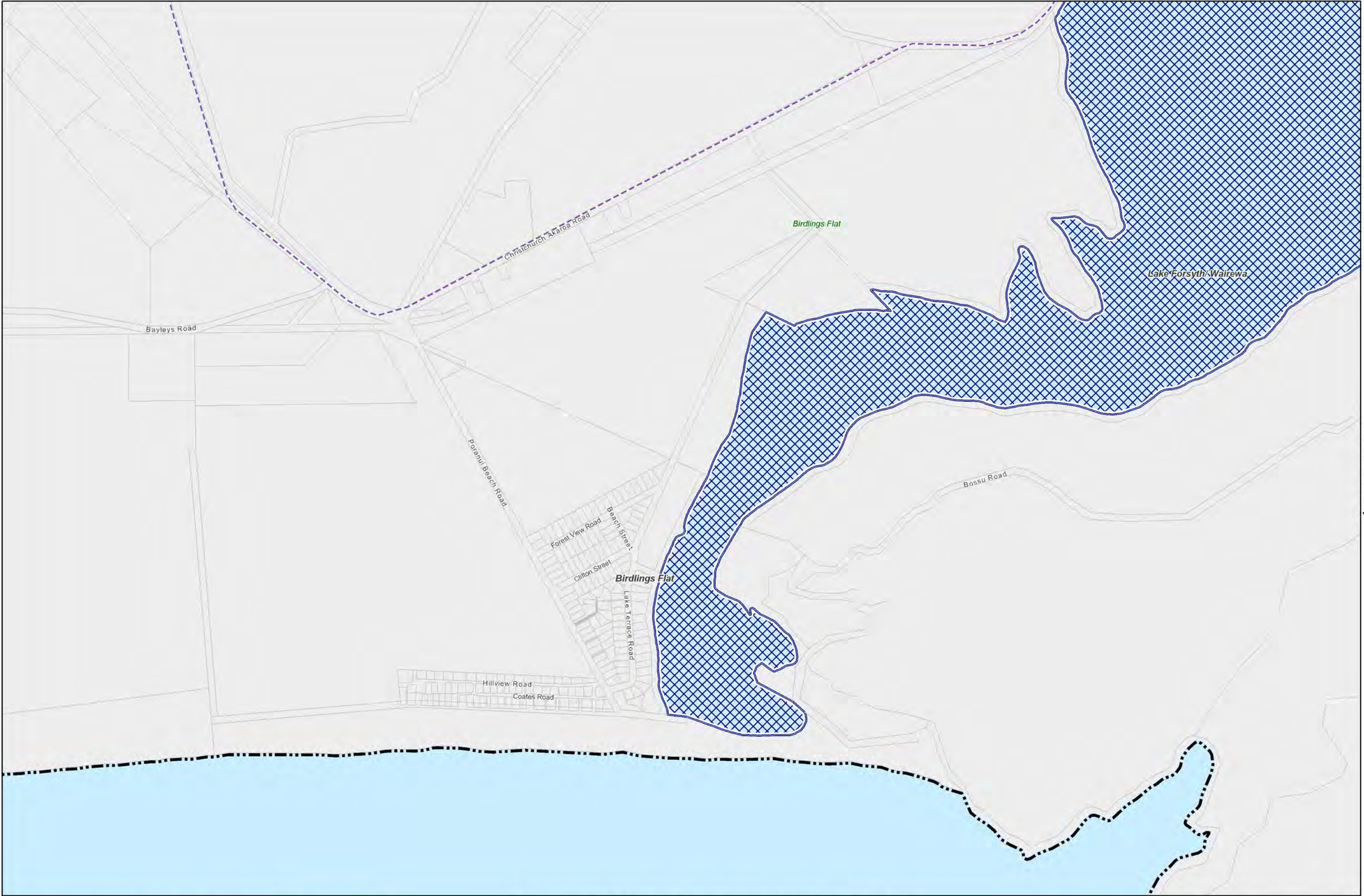




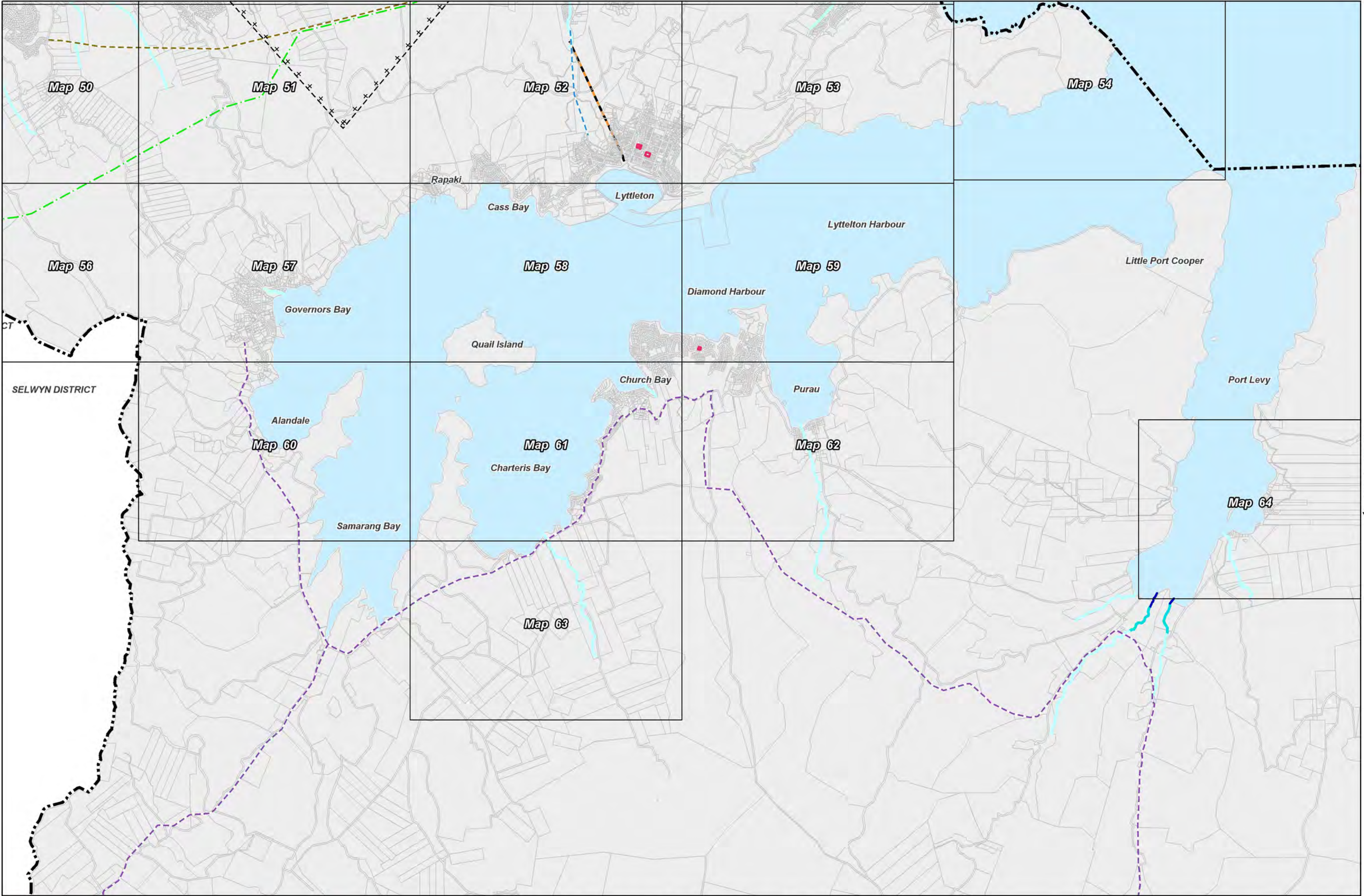


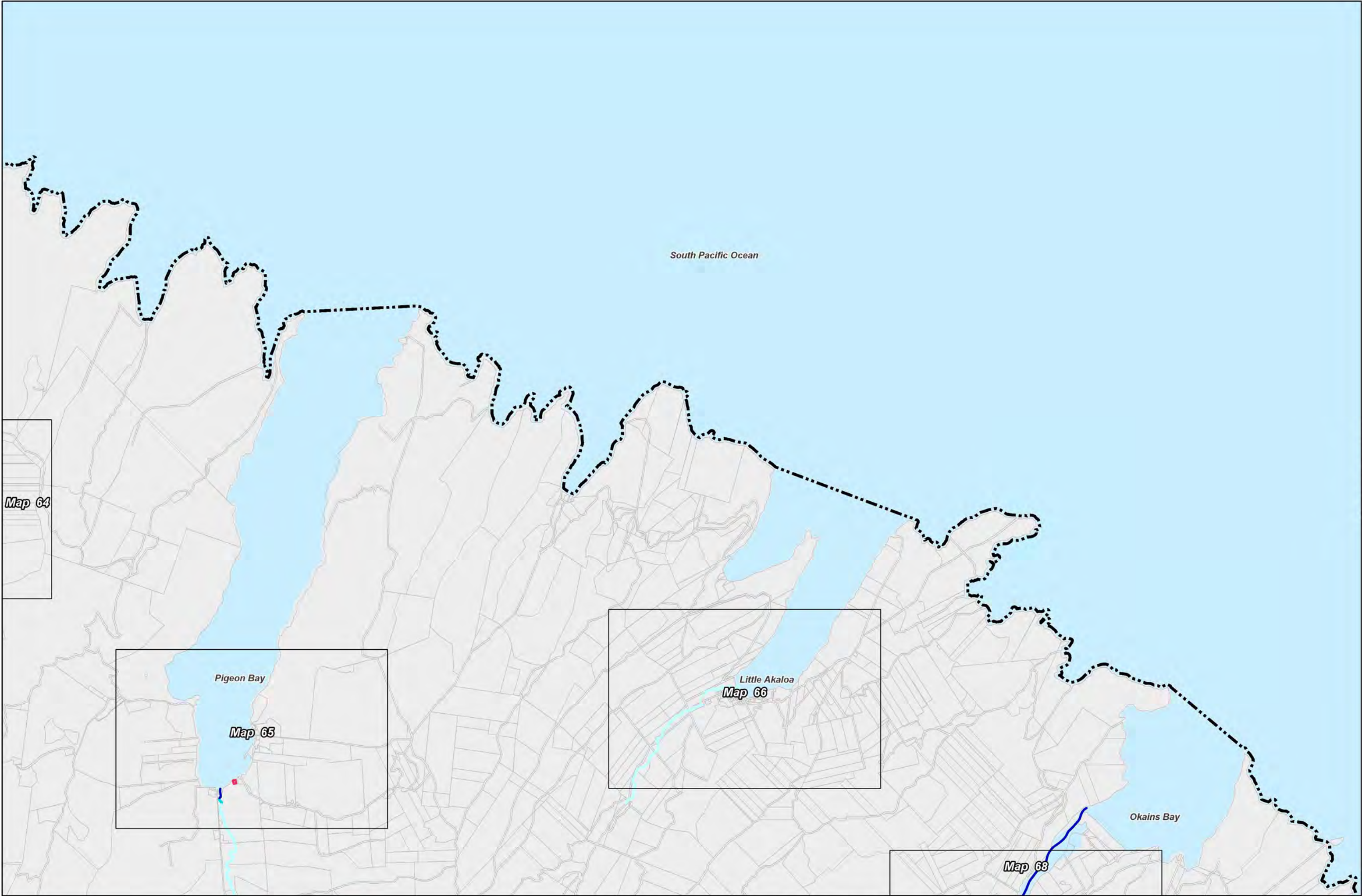


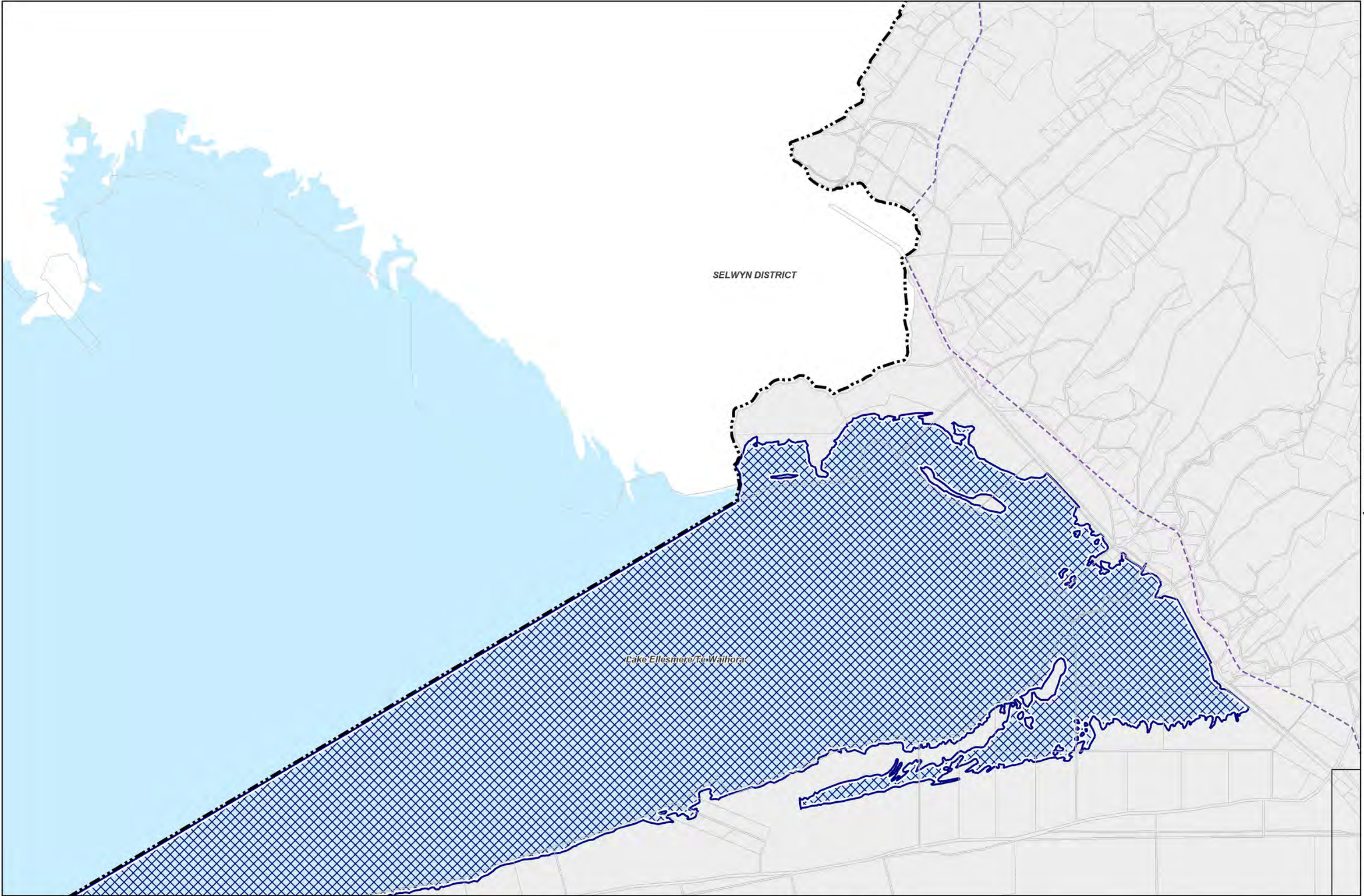
LEGEND BELOW



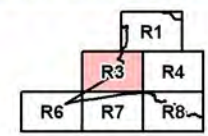
LEGEND BELOW

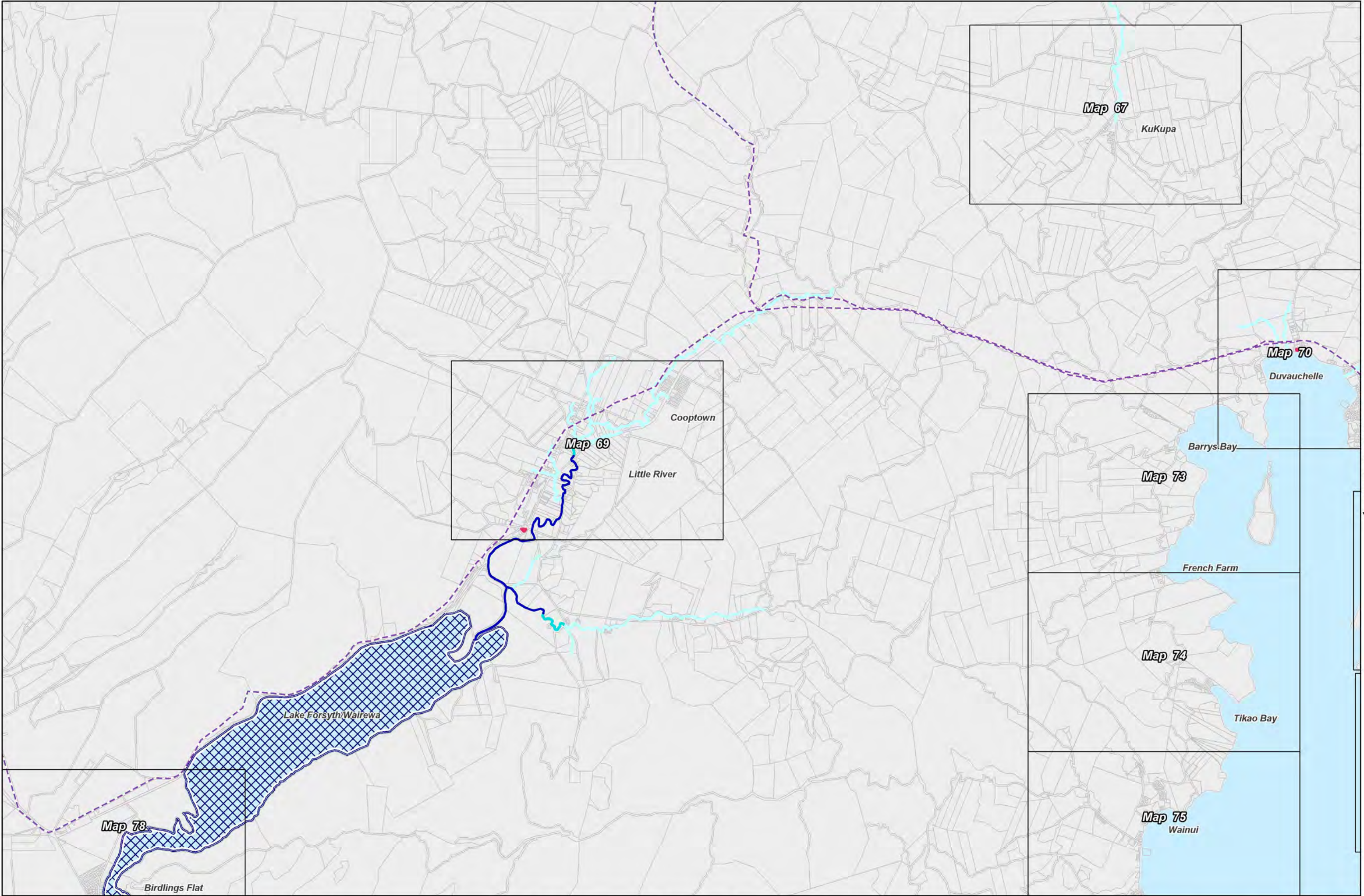




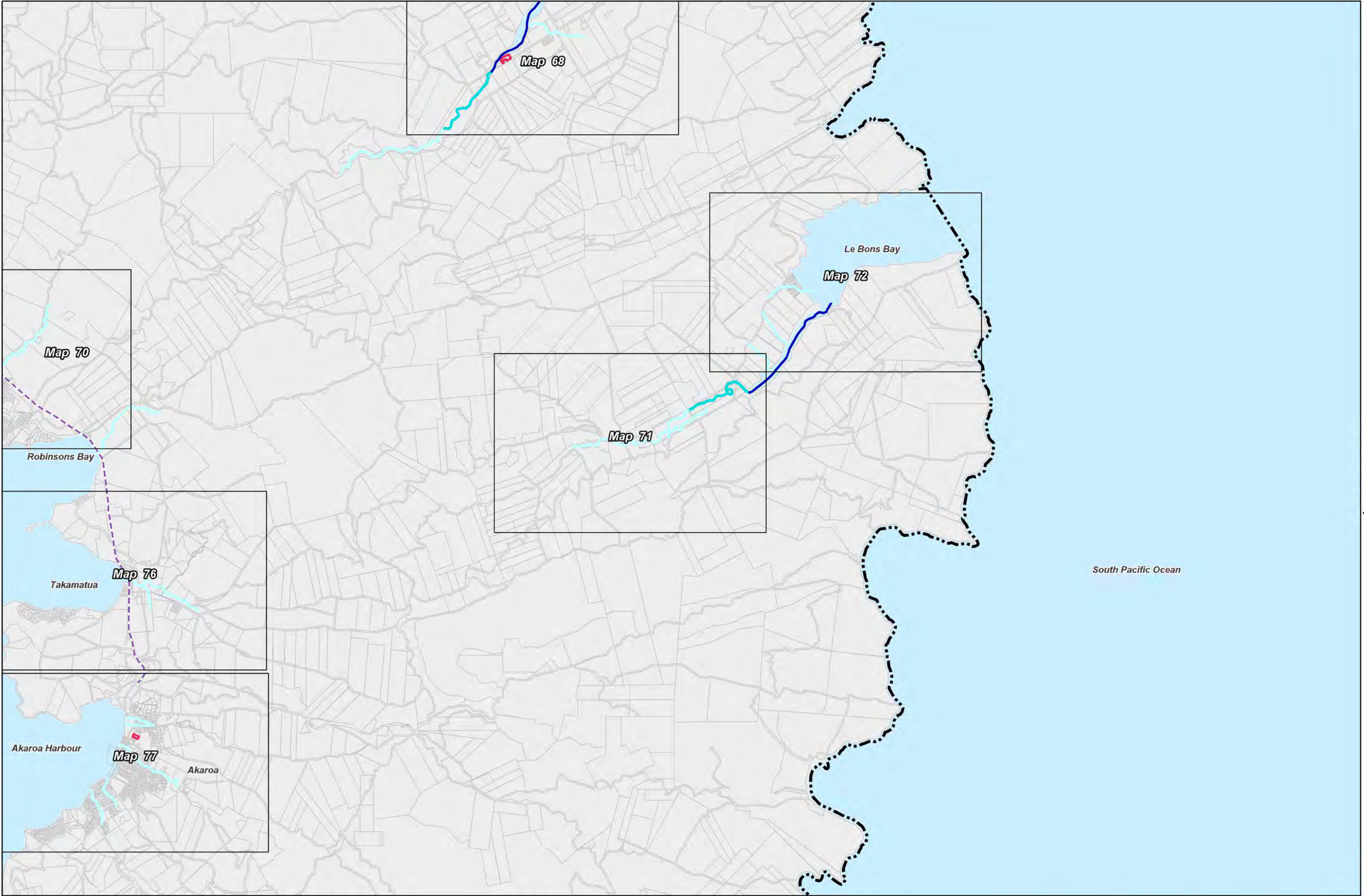


▼ LEGEND BELOW

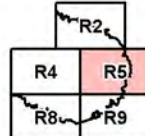


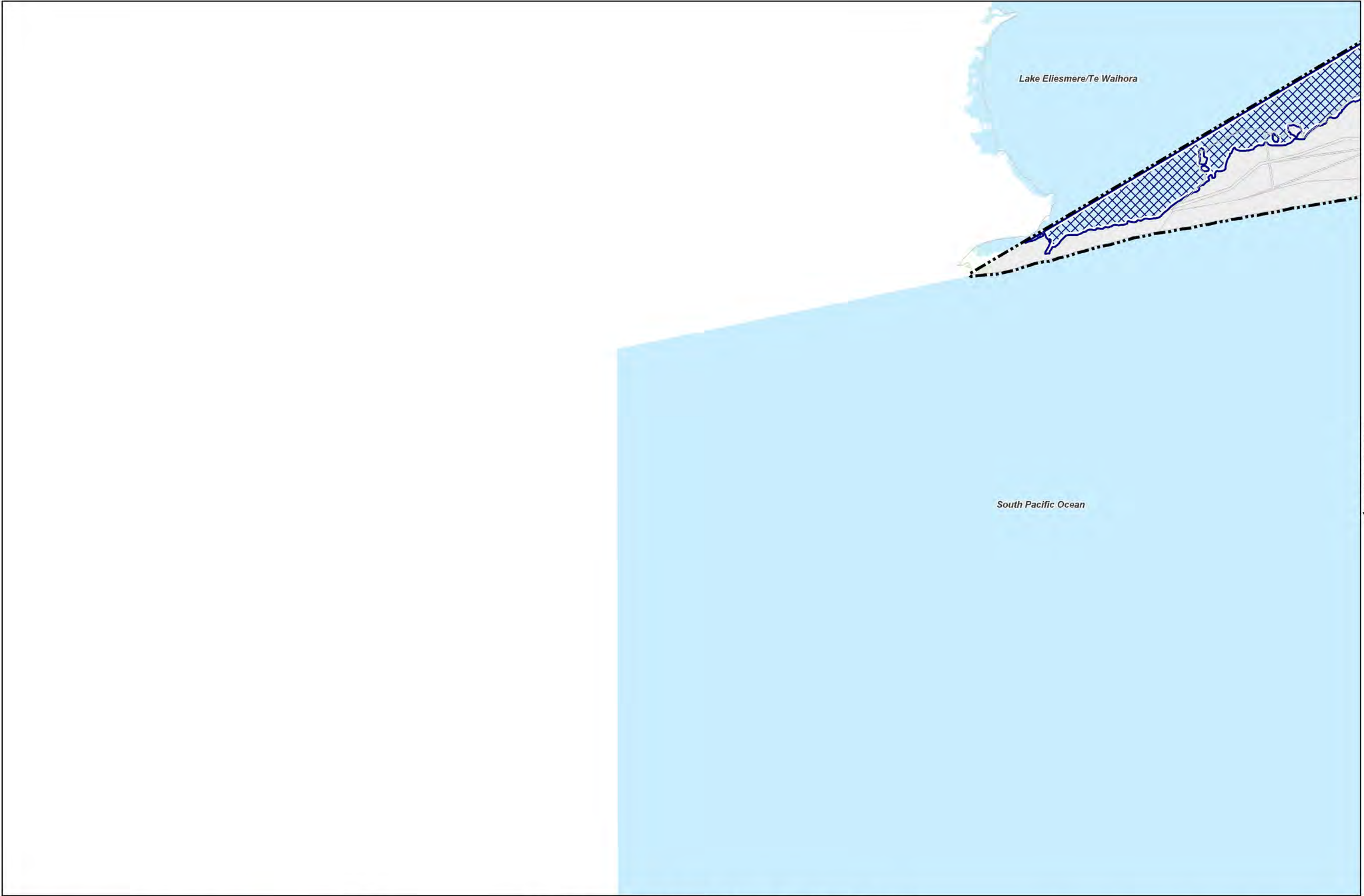


R1		R2	
R3	R4	R5	
R7	R8	R9	

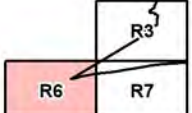


LEGEND BELOW





LEGEND BELOW





LEGEND BELOW



