

24. 8. 2000

**REPORT BY THE CHAIRMAN OF THE
RESOURCE MANAGEMENT COMMITTEE**

**1. CONSULTANCY COSTS - AIRPORT NOISE POLICY
VARIATION NO. 52**

Officer responsible Environmental Services Manager	Author Bob Nixon - Team Leader City Plan
Corporate Plan Output: City Plan	

The purpose of this report is to alert the Committee to a potential consultancy cost that may significantly affect the budgets of both the Environmental Policy and Planning Unit, and the Environmental Services Unit.

The Committee may be aware that Variation 52 was notified on 2 August, and deals with policy matters in the City Plan relating to activities subject to airport noise. The most important aspect of this Variation is its proposal to restrict urban residential and other noise sensitive development within the 50Ldn noise contour. Christchurch has long enjoyed the advantages of an airport with unrestricted operations, primarily because it has been segregated from noise sensitive development.

The review of the City Plan however, resulted in a number of submissions, and subsequent references to the Environment Court, which seek residential development closer to the airport and in particular between the 50 and 55Ldn noise contours. The issue of development near the airport is an increasingly sensitive one, and recent experience has demonstrated that landowners are increasingly challenging rules which restrict development of their land in the interests of airport protection. The most recent example of this was a resource consent for a rural subdivision near the airport (the Gargiulo case) . In particular, there is increasing concern being expressed that the City Council, as a consent authority, is too closely associated with Christchurch International Airport Ltd, of which it is the major shareholder.

Briefly by way of background, the Airport Company engaged consultants (Marshall Day and Associates) to prepare noise contours and suggested land use controls for development near the airport, not long after work began on the City Plan in the early 1990s. This work was based on the new New Zealand Standard 6805. The resulting noise contours derived from this standard were considered by Council staff, adopted by the Council, and incorporated into the City Plan. These in turn formed the basis of land use controls on noise insulation and policies for noise sensitive activities. At the time of the hearings of submissions on the City Plan relating to airport matters, the Council's evidence essentially accepted the work of Marshall Day and Associates, the airport company's technical experts.

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Variation 52 resulted from a declaration to the Environment Court concerning changes made to Policy 6.3.7 dealing with urban growth near the airport. The consequence of this declaration was that the policy framework in the City Plan was ambiguous in terms of future urban growth, which the Variation seeks to remedy. The content of the Variation is likely to be contentious, because it would defeat the ambitions of a number of landowners who wish to develop between the 50 and 55Ldn noise contours. On the assumption that submissions are likely to the Variation, and allowing time for further submissions, it will be possible to schedule a Council hearing in late November or early December. Because of the scheduling of urban growth references by the Environment Court, the City Council has some obligation to progress the variation reasonably quickly.

It will be appreciated that the issue of airport noise provisions is a highly specialised area of expertise. There are very few people with such specialist expertise in New Zealand, and after some deliberation Council staff have concluded that suitable persons within New Zealand are either committed to the Airport Company, or opposing landowners. However given the importance of the matters subject to the Variation, and their likely controversial nature, and also recognising claims that the Council is not sufficiently independent of the airport company itself, it is considered that there is a clear justification to engage independent specialist expertise.

Given the unavailability of such expertise in New Zealand, the Council has approached a company in Melbourne called Airplan, and in particular Mr David Cohney who is a recognised expert in the area of airport noise and associated land use controls. He has also appeared in cases involving New Zealand airports (Palmerston North and Auckland) and accordingly is familiar with our planning system. The writer has made initial contact with Mr Cohney, who has indicated his willingness to act for the Council, reviewing its case, and preparing supporting evidence for the Council hearing on Variation 52.

It is proposed that the cost of engaging Mr Cohney be shared equally between the EPPU and ESU consultancy budgets. However on the information provided to me by Mr Cohney, the consultancy rate plus accommodation, travel, and GST is likely to cost each unit approximately \$20,000. Recognising that this is a substantial sum, the following reasons are summarised as relevant in support of his employment;

- the critical importance of the International Airport to the city and the regional economy
- the Council's history of consistent support for the protection of the airport
- the specific importance of this case, and the need to be successful before the Environment Court

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- the increasing tendency of developers to challenge the independence of the Council's position
- the lack of in-house expertise within the Council on this very specialised subject
- the likelihood that the Environment Court will expect the Council to have satisfied itself that the Variation is justified, without an apparent reliance on the Airport Company's evidence
- strong advice from the Council's Legal Services staff that engaging independent expertise is essential

Whatever decisions are ultimately made by the Commissioner who will have to be appointed to hear the submissions, there is a real likelihood that the matter will proceed to a reference before the Environment Court. At this point there is a reasonable possibility that the Regional Council may be able to share the costs of that stage of the process with this Council. It should be noted however that much of the work would already have been done by this stage.

The Chairman comments:

Clearly the future operation of the International Airport is of major significance to Christchurch.

It is important that the Council provide the best evidence available.

Recommendation: That the information be received.

CONSIDERED THIS 24TH DAY OF AUGUST 2000

MAYOR