

**REPORT BY THE CHAIRPERSON OF THE
FENDALTON/WAIMAIRI COMMUNITY BOARD**

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. PROPOSED PLAN CHANGE 16: PRIVATE PLAN CHANGE TO AMEND RUNWAY END PROTECTION AREAS FOR CROSS-RUNWAY 11/29, CHRISTCHURCH INTERNATIONAL AIRPORT

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Environmental Policy and Approvals Manager
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PURPOSE OF REPORT

1. This report describes a private plan change application to Council for a change to the City Plan and the process which must be followed under the Resource Management Act 1991 (RMA).

EXECUTIVE SUMMARY

2. The application is to amend Runway End Protection Area provisions and Approach Surface provisions as they relate to the Cross-wind runway (Runway 11/29) at the Christchurch International Airport, to enable increased airfield operational capacity and more efficient and safe use of the airport's combined runway system.
3. The purpose of this report is not to consider the application on its merits. Rather, it is to recommend which of several options under the RMA is to be used in processing the application.
4. The Council has the option of declining this application on the grounds that the City Plan has not been operative for two years, of accepting the application as a private application and publicly notifying it for submission and hearing at the cost of the applicant, or of adopting the change as the Council's own change and accepting the responsibility and costs of processing it. The Council is obliged to consider this request under the due process set out in the RMA.

FINANCIAL IMPLICATIONS

5. The financial considerations will differ depending on how the Council chooses to handle this application. Should it reject the application it is possible that the applicant would challenge this decision in the Environment Court, which would be a costly process for Council regardless of the outcome. Costs cannot be predicted accurately but could be in the vicinity of \$50,000 for this preliminary step.
6. Should the Council accept and notify the change at the expense of the applicant there will be a no direct costs to Council as the Council's costs would be recovered. However there would be an impost on staff time.
7. Should the Council adopt the change as its own then Council will need to absorb all the costs, likely to run to at least \$50,000.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. The recommendation will have no cost to Council and therefore will not impose on the LTCCP budget.

LEGAL CONSIDERATIONS

9. There is a legal process set out in the RMA which must be followed. It includes initial consideration of what process to follow, then notification, submissions, reporting, hearings, decisions and possible appeals.

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Have you considered the legal implications of the issue under consideration?

10. The process mentioned above is very familiar to Council and should create no particular risks or liabilities if followed correctly.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Regulatory Services ongoing programme of improvements (pages 145 and 146 of the LTCCP) to enhance the City Plan including plan changes, as part of planning and providing for the sustainable management, development and protection of natural and physical resources of the City, as required by section 5 of the Resource Management Act 1991. Also Economic Development (p117 and 118 of the LTCCP) to promote and manage regional economic development and attract international and domestic visitors to Christchurch.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

12. Yes.

ALIGNMENT WITH STRATEGIES

13. Statement of Intent with CCHL.

Do the recommendations align with the Council's strategies?

14. Yes.

CONSULTATION FULFILMENT

15. The applicant has consulted with City Council officers. Under the RM Act consultation with parties affected by a private plan change is not mandatory. In this instance the applicant considered that the requirement under Clause 5 of the First Schedule to, upon public notification, send a copy of the public notice and further information on the plan change to all parties considered to be directly affected by the plan change, would serve as adequate notice of the application.
16. It is anticipated that the applicant will arrange meetings with affected landowners once the application is notified, if requested.

STAFF RECOMMENDATION

That the Council agree to accept the plan change application pursuant to clause 25 of the 1st schedule to the Resource Management Act 1991 and publicly notify it accordingly.

BOARD RECOMMENDATION

The Board considered the report and recommended that the Council note that the outcome of this plan change will need to be considered in the development of the area plan for the Memorial-Russley-Hawthornden area.

BACKGROUND AND DISCUSSION

The application

17. A copy of the application is attached. "Runway End Protection Areas" (REPAs) are land adjacent to the ends of the airport runway strips which is required to be kept free of obstructions or activities that could interfere with aeronautical navigation. "Strips" in this context are areas of land kept free of all obstacles surrounding the sealed runway surface. The proposed plan change makes provision for the widening of the existing strip for the cross-wind runway and the enlargement (both widening and lengthening) of the existing cross-runway REPAs. The change also introduces "Deferred REPA" provisions that will protect land to be affected by a possible future relocation of this cross-runway to a new alignment 182.5m to the south of its existing centreline.

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18. The Christchurch International Airport Ltd (CIAL) have advised that the proposed change will not necessitate any alteration to the projected air noise contours currently shown within the City Plan within this plan period.
19. Please note that the plan change includes copies of aerial photos with existing and proposed trapezoidal shaped REPAs displayed over them, for both ends of the cross-runway. The existing REPA at the City end of the cross-runway is totally within CIAL's Airport Purposes designation, while the enlarged and deferred REPAs at this end of the runway would affect additional land outside of the designation and zoned Rural 5 on the eastern side of Russley Road (SH1). The existing REPA at the far (north-western) end of the cross-runway starts west of Pound Road and covers land outside of CIAL's Airport Purposes designation zoned Rural 5 and to a very small extent Rural 6. The enlarged and deferred REPAs at this far end of the runway would affect extra areas zoned Rural 5 and Rural 6 and a very small part of the CIAL designation.

Resource Management Act Timeframes

20. The application was initially received on 12 February 2007. Further information was requested and the revised change was received on 5 July 2007. Additional information was requested in relation to amendments made. The RMA timeframe for requesting this additional information was extended under S37. A second revision of the plan change was received on 7 September 2007. Under the RMA the Council is due to make a decision whether to accept the application or otherwise by 18 October 2007.

Description of proposal and its relationship to other changes at the Airport

21. This plan change will facilitate increased use of Cross-runway 11/29, which is anticipated to occur in three stages, as set out below. The plan change of itself only makes planning provision for Stage 1 and elements of stages 2 & 3, with these latter stages requiring additional planning processes.
 - Stage 1
Within this Plan period, widening of the strip width of the runway from 150m to 300m and widening and lengthening of the REPAs. This will mean the strip width meets ICAO (International Civil Aviation Organisation) requirements for precision approach runways and that under a limited version of SIMOPs (Simultaneous Operations) the cross-runway will be able to accommodate additional flights by mainly turboprop aircraft and smaller jet aircraft at times of peak runway demand.
 - Stage 2:
Beyond the life of the current City Plan, lengthening of the cross-runway from its current 1741m to 2000m (at the far end of the cross-runway) to facilitate, under a fuller version of SIMOPs, increased takeoff capability for Code D (e.g. B767) and Code E (e.g. B777, B787 and A350) aircraft in northwest wind operational conditions. The current 305m displacement of this REPA from the runway threshold provides space for this lengthening. Runway lengthening will require further LG Act and RM Act processes to close or divert Pound Road and designate additional land for airport (runway) purposes. SIMOPs will also require the lengthening of the main runway at the northern end by 300m which can be accommodated within the existing airport purposes designation. The timing of the lengthening of the main runway is currently uncertain.
 - Stage 3:
Significantly beyond the life of the current City Plan, Runway 11/29 may be reconstructed on a new parallel alignment 182.5m to the south of its existing centreline and having an overall extended length of 3000m. Such a runway alignment would enable the southerly expansion of the airport terminal precinct and more efficient provision of freight areas. This plan change includes a deferred REPA to enable potential protection of the further extent of land which would be necessary for the future southern alignment of the cross-runway but at its current length. A future plan change would be needed to shift the operative REPA and approach slope provisions to the south and in the case of the REPA at the far end of the cross-runway to the west, and remove REPA and approach slope provisions from areas of land where they are no longer needed. Again additional land would need to be designated for airport (runway) purposes.

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Description of Issues

22. The direct effects of this plan change are additional land use restrictions on those landowners within the enlarged and deferred REPAs. In REPAs (but not the proposed deferred REPAs) any additional building or structure or activities resulting in activities such as mass assembly of people, release of any substance which may impair visibility, production of reflective glare etc is a prohibited activity. In the proposed deferred REPAs these activities will be assessed as restricted discretionary activities. It should be noted that the rurally zoned parts of these areas already have little further subdivision potential because of existing lot sizes and that additional residential or other noise sensitive activities are already prohibited within the 65 dBA Ldn /95 SEL dBA Air Noise Boundary. (This includes all of the land within the north-western REPA).
23. CIAL has made it clear that this plan change does not request or result in the need for any amendment to the existing City Plan noise contours. The plan change states that any increase in noise generation as a consequence of aircraft movement, either due to growth of airport operations or increased usage of the cross-runway as a consequence of this plan change, will be able to be accommodated within the existing noise contours for this planning period.

Processing of Private Plan Changes

24. The processing of private plan changes is set out in Clauses 21 -29 of the 1st Schedule to the RMA. In summary this provides:
 - Clause 21 Any person may make an application for a change to an operative district plan. The City Plan is operative.
 - Clause 22 Request to be in writing, with reasons, Assessment of Environmental Effects and assessment under section 32 of the RMA
 - Clause 23 Further information may be required. Council has done this in this case.
 - Clause 24 Council may modify the proposal but only with the consent of the applicant.
 - Clause 25 Council must consider the request, and make a decision to either
 - “accept” it and proceed to public notification, or
 - “adopt” it as if it were its own proposal, and publicly notify it, or
 - treat it as if it were a resource consent or
 - reject it.
 - Clause 26 Where Council accepts the change it must publicly notify it within four months
 - Clause 27 The applicant may appeal the decision under clause 26
 - Clause 28 Applications may be withdrawn
 - Clause 29 Unless rejected, the application is put through the standard process of public notification, submission, hearing, decision, and appeal (if any).
25. There is a significant difference between “accepting” and “adopting” the application. If the application is accepted, Council retains its independence and is able to consider it impartially at a hearing later in the process, rather like a resource consent process. The entire cost of the process can be charged to the applicant. If it adopts the application Council would be effectively supporting the application as if it had decided to propose the change itself. Council would also be unable to charge the applicant for the costs.
26. There are very narrow grounds in the Act for rejecting an application. The only relevant one in this case is that the City Plan has been operative for less than two years. The Council has a formal policy on this matter, which is attached to this report. In summary, the Council's policy is to accept such applications and allow them to proceed through the process unless:
 - The subject matter of the application affects an important strategic or policy issue the Council is currently investigating and may preclude options being considered.
 - The proposal is for rezoning of a significant amount of land for urban growth and would pre-empt options for urban growth, being considered under the Metropolitan Christchurch Urban Development Strategy.
 - The proposal is for rezoning of land for urban growth and the site is within a Priority 1 Area Plan currently under investigation by the Council. As at August 2005 Priority 1 Area Plans include Belfast, Memorial-Russley-Hawthornden, Southwest and Upper Styx-Harewood.

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27. The subject areas are not:
- Affected by any strategic or policy issue the Council is currently investigating
 - Being proposed for rezoning under this plan change or land being considered for urban growth under the UDS.
28. While part of the land affected at the City end of the cross-runway is within a Priority 1 Area Plan (Memorial-Russley-Hawthornden), the proposal is not for rezoning and the Area Plan is at an early stage of preparation and is currently on hold. Work is not currently programmed to resume on this area plan before late 2008. It would not be appropriate to reject the plan change in these circumstances and the plan change and its outcome will need to be considered in the Area Plan.

THE OPTIONS

29. Council's options are:
- (i) Reject the application
 - (ii) Accept the application, proceed to publicly notify and decide the application at the expense of the applicant
 - (iii) Council adopt the change as its own and assume the responsibility for putting it through the process outlined in the RMA including all costs.

THE PREFERRED OPTION

30. The preferred option is Option b. There is no status quo, i.e. do nothing option. The application must be considered and either accepted, adopted or rejected. There do not appear to be valid reasons for rejecting the plan change.
31. Existing REPA provisions in the City Plan affect primarily land owned and designated by CIAL as well as the Harewood Golf Course. However the amended REPA provisions in this plan change including Deferred REPAs affect further privately owned land which is not designated for airport purposes. CIAL has chosen not to use the designation process but rather to seek amendments to existing City Plan rules to achieve protection for this land. This plan change along with other planning processes yet to be commenced will facilitate increased usage of Cross-runway 11/29 in the future, which will have an indirect effect on the wider community living within the air noise contours relating to the cross-runway, through a gradual increase in aircraft noise over time.
32. Although the Council holds a majority interest in CIAL through CCHL, it would be inappropriate for Council in its resource management role to express support for the plan change ahead of making a decision on the merits of the plan change through the submission and hearing process. The Council has an adopted City Plan programme and this item is not on it.
33. Therefore the application should be accepted and considered on its merits, following public notification and the receipt of submissions.