



2. **VARIATION – SPECIAL PURPOSE (AIRPORT) ZONE POLICY - PROPOSED VARIATION: CHRISTCHURCH INTERNATIONAL AIRPORT NOISE ISSUES**

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

The purpose of this report is to seek the Committee’s approval to undertake work towards a variation, including consultation and a Section 32 analysis. This is not on the list of “priority” variations that were agreed by the Council last year, but rather has arisen as a result of a recent declaration affecting two critical policies in the City Plan.

BACKGROUND

Provisions relating to the control of development around the airport, in respect to noise effects, are based on work done by Marshall Day and Associates for the Airport Company (CIAL) and adopted by the Christchurch City Council. These are in turn based on NZ Standard 6805, designed to provide a basis for airport noise provisions in District Plans.

These result in a series of “contours” around the airport at 65L_{dn} dBA (the air noise boundary) 55L_{dn} dBA (the outer control boundary), and at 50 L_{dn} dBA. They reflect noise levels **assuming the main runway is used at capacity.**

Briefly, residential and other noise sensitive uses are prohibited within the 65 L_{dn} contour, and noise insulation is required between the 55 and 65 L_{dn} contours. There is little difficulty with these rules in respect to insulation, although there are two references against City Plan decisions restricting rural dwelling houses and subdivisions within them.

It is important to understand that noise insulation of buildings is only **one**, albeit important, means of mitigating aircraft noise. The other means are to limit the number of dwellings erected near the airport (ie through subdivision and dwelling house density rules); by preventing urban (residential) development near the airport; and by controlling the level of noise generated by aircraft operations. It is the latter two matters that raise the issue of a variation.

RESIDENTIAL DEVELOPMENT

It was always the intention of CIAL and the Council to prevent urban residential development within the **50 L_{dn}** contour.

Why was 50 L_{dn} sought as a limit for residential development, and 55 L_{dn} for noise insulation? The reasons were:

- (a) Because an ordinary modern dwelling will comply with the noise insulation requirements between 50 and 55 L_{dn} without special design measures, and
- (b) Because the likelihood of complaint from noise sensitive people (including enjoyment of **outdoor** life), is considerably greater if residential densities apply near an airport.

To put this into context, in the rural area a dwelling density of one dwelling/4 ha is expected; if urbanised, there would be at least 40 dwellings on every 4 ha of land. Even **with** noise insulation, there is a high risk of complaint if housing densities, and numbers of people, are high. For this reason, 50 L_{dn} is seen as a prudent buffer around the airport, even if insulation is only required within the 55 L_{dn} contour.

It must be noted however, that the area covered by the 50 L_{dn} contour is very large, and extends down to Rolleston in the south, and up to Kaiapoi in the north. It would also be a more stringent standard than applied at other airports in NZ, although there have been quite stringent controls in the 'old' Waimairi area for many years.

A number of landowners ambitions for residential rezoning would be affected by the application of a 50 L_{dn} contour for urban growth. These include Suburban Estates at Templeton; Apple Fields at Masham; Celtic Promotions in Russley Road; and National Investment Trust (NIT) in Memorial Avenue. All have lodged references which will make the 50 L_{dn} contour an issue. These references argue that the 55 L_{dn} contour, closer to the Airport, should be the limit of urban residential development.

THE PROBLEM

Urban rezonings are achieved through plan changes and variations, not through resource consents. Hence it is the **policies** in the City Plan not the rules, which are relevant. In this case the two policies in the City Plan are 6.3.7 and 6.3.9.

For a number of reasons, both through the submission process and the decision made by Commissioner Collins who heard the submissions, the issue of whether 50 or 55 L_{dn} was the desirable limit for urban residential growth became somewhat blurred, especially in respect to Policy 6.3.7. Although the CIAL submission was deficient, the Commissioner bravely attempted a "consequential" amendment to the explanation and reasons accompanying the policy, so that 50 L_{dn} was specified as the limit for urban expansion, as already provided for in Policy 6.3.9.

One of the referrers seeking urban rezoning (National Investment Trust) challenged the Councils decision to change the wording of the explanation and reasons for Policy 6.3.7. This challenge was upheld by the Environment Court, and the Policy now refers to 55 L_{dn} in terms of noise insulation.

The result is a degree of ambiguity about where urban growth is to be restricted, which is not desirable from the perspective of defending references. There may also be a problem (according to Judge Jackson) in attempting to specify noise levels in explanations and reasons, rather than in the policy wording itself. To put it simply, the policies need to be clarified.

It should also be noted that CIAL regards its unrestricted operations as a "matter of envy" by other airports. Any large body of future residential complaints could have a particularly severe effect on Antarctic Operations, night flying and aircraft testing in particular.

RESTRICTING AIRCRAFT NOISE

Under the New Zealand Standard, it is recommended that airport operations be conducted so that they do not exceed the levels set at the airnoise boundary (65L_{dn}). In Christchurch the airnoise boundary is a composite of the 65 L_{dn} (basically an average day/night level) and 95 dBA SEL (single event noise level).

Most plans containing major airports have adopted a “rule” requiring the relevant airport company not to exceed these levels at the airnoise contour - what is sometimes referred to as a “bucket of noise”. No such rule exists in the Christchurch City Plan. One is needed for Christchurch Airport, and would signal clearly that while there are restrictions on landowners near the airport, there are also restrictions on the noise effects created by the airport itself.

CIAL are amenable to such a rule being included in a Variation.

CONCLUSION

It is recommended that the Committee resolve that a variation be prepared (accompanied by necessary consultation and a thorough Section 32 analysis). This would be a resolution to **prepare**, not approve a variation, which would take place later. A resolution to prepare a change is required to provide the necessary support for the Council’s position at the callover of references before the Environment Court on 29 March. Following the Committee’s agreement, a letter will go to all referrers immediately after the resolution to inform them that the Council wishes to prepare a Variation, which they will be aware of prior to the callover. This will avoid any challenge to the staff’s position at the callover that they lack authority, or that other parties have been disadvantaged.

This proposed variation raises a very important strategic issue of vital importance to the future of the airport, and of major relevance to significant references on the Plan decisions.

Recommendation: That the Committee resolve that a variation to the proposed City Plan (including a Section 32 analysis and consultation) be prepared to address the following matters:

1. To clarify whether the 50L_{dn} dBA noise contour should be the limit for future residential development towards the airport.
2. To incorporate a requirement that the airport be operated in such a way that aircraft movements do not exceed the noise levels specified at the air noise boundary (65L_{dn} dBA).

Chairman’s

Recommendation: That the recommendation be adopted.