

[65] We note the 4.5ha Hughes block of land is included within the same ODP map and ODP narrative that we referred to for V1-0093 BDRG.

[66] We recommend that the submission is 'accepted in part'.

[67] We recommend that the SDC:

- (a) zones the land at 7/487 Weedons Road as MRZ;
- (b) includes the land in DEV-RO15 – Rolleston 15 Development Area, and
- (c) Inserts into the PDP the ODP map and narrative for DEV-RO15 that is included in Appendix 1 to this Recommendation Report.

[68] We adopt Ms Lewes' and Mr Brown's advice that the s32AA analysis undertaken in Patricia Harte's planning evidence in chief is appropriate for the rezoning request.

## **9 V1-0053 Four Stars Development and Gould Developments Ltd**

[69] These submitters were not addressed in the Section 42A Report, but they were represented by counsel Gerard Cleary and planning witness Fiona Aston. The reason being that CIAL presented legal submissions and evidence to this Hearing<sup>20</sup> and counsel for V1-0053 (Gerard Cleary) requested to cross-examine the CIAL witnesses. The relevant issue being the zoning of land under the operative 50dBA CIAL Noise Control Overlay and whether or not that operative provision should be replaced by reference to recently remodelled 50dBA noise contours based on either a 'Outer Envelope' (that assessed the noise from the three worst months for each runway alignment) or an 'Annual Average' (based on the average noise received over a 12 month period). Mr Cleary understandably advocated the adoption of the 'Annual Average' remodelled contour because it did not impinge on his client's land.

[70] To summarise our findings:

- Variation 1 did not include the CIAL noise contour as a qualifying matter in HPW30 because at the time of notification, the operative 50dBA Noise Control Overlay only covered land zoned GRUZ;
- We accept that if the 50dBA CIAL Noise Control Overlay did impinge on MRZ zoned land then it would clearly be an appropriate qualifying matter under RMA s771(e). However, we decline to recommend amending HPW30 to refer to either of CIAL's recently remodelled 50dBA noise contours in the absence of an SDC assessment under ss32 and 77L of the RMA;
- With regard to the submission of Four Stars and Gould regarding DEV-RO12 (land included within PC71) we agree with the findings of the Hearing Panel for the Rolleston PDP Rezoning hearing that it would be inappropriate to rezone land within the operative 50 dB Noise Control Overlay from GRUZ to either GRZ Deferred, Future General Residential Zone, Future Urban Zone or in this case MRZ. To do so would rely on the as yet unknown outcome of CRC's review of the remodeled airport noise contours. It would also not give effect to Objectives 5.2.1(f) and (g) and Policy 6.3.5(4) of the CRPS. We find that land should remain GRUZ;

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<sup>20</sup> See Appendix 2 of this Recommendation Report.

- At this Hearing we confirmed that the inclusion of any ‘remodeled’ noise contours (or Noise Control Overlay) in the CRPS would have to follow an RMA Schedule 1 process. In answer to our questioning, Darryl Miller advised that it was not possible to categorically rule out the potential for the currently modelled contours (whether they be the Outer Envelope or Annual Average contour) being amended as a result of submissions and expert evidence presented as part of the CRPS Schedule 1 process; and
- We agree that DEV-RO12 land outside the operative 50 dB Noise Control Overlay should be zoned MRZ as has occurred through Variation 1

[71] This same matter was also considered by the IHPs<sup>21</sup> for ISPP Hearing 01 covering ‘Residential’ matters and Hearing 05 covering ‘District Wide, Area Specific and Qualifying Matters’. Those Panels also recommended retaining the land within the 50 dB Noise Control Overlay as GRUZ.

## 10 V1-0085 Survus and V1-0089 Gould Developments

[72] For the following submissions we adopt Ms Lewes’ recommendations and reasons.

Sub #	Submitter	Submission Points
V1-0085	Survus	001, 002, 003
V1-0089	Gould Developments	001, 002, 003

[73] These submitters sought to rezone land bounded by Lincoln Rolleston Road, Selwyn Road and Weedons Road within the UGO<sup>22</sup> from GRUZ to MRZ. They also sought to remove the rural density and urban growth overlays from the land. The submissions overlapped other submissions<sup>23</sup> referred to earlier in this Recommendation Report and no specialist evidence was provided by the submitters. On that basis Ms Lewes recommended that the submissions be rejected.

[74] We agree that is appropriate to reject this submission. In saying that we note that the submitters did not request to be heard at the Hearing.

## 11 V1-0072 Hill Street Limited

[75] For the following submissions we adopt Ms Lewes’ recommendations and reasons.

Sub #	Submitter	Submission Points
V1-0072	HSL	003, 004

[76] HSL sought to rezone an irregular shaped block bounded by Selwyn Road and Edwards Road from GRUZ to MRZ. In the alternative, the submitter sought the rezoning of the balance of the block bounded by Selwyn Road and Edwards Road to MRZ. The land is outside the UGO but as it comprises LUC Class 4 soils it is not subject to the NPS-HPL.

[77] No specialist evidence was provided by the submitters. Ms Lewes recommended that the submissions be rejected on the basis of an absence of planning and technical evidence and assessments, including infrastructure requirements and timing, effects on the transport network, urban design, and the absence of a s32AA evaluation.

<sup>21</sup> The IHP for Hearing 05 comprised commissioners van Voorthuysen, Solomon and Willis. The IHP for Hearings 01 and 07 comprised commissioners van Voorthuysen, Solomon and Daysh.

<sup>22</sup> As the land is within the UGO it is not subject to the NPS-HPL.

<sup>23</sup> V1-0025 Yoursection, V1-0085 Applefields, V1-0093 BDRG and V1-0116 Hughes.