

Before an Independent Hearings Panel
appointed by the Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to the
proposed Waimakariri District Plan, Variation 1 and
Variation 2

and: **Christchurch International Airport Limited**
Submitter 254

Memorandum of counsel on behalf of Christchurch International
Airport Limited

Dated: 30 September 2024

Reference: J M Appleyard (jo.appleyard@chapmantripp.com)
M E Davidson (meg.davidson@chapmantripp.com)

chapmantripp.com
T +64 3 353 4130
F +64 3 365 4587

PO Box 2510
Christchurch 8140
New Zealand

Auckland
Wellington
Christchurch



**MEMORANDUM OF COUNSEL ON BEHALF OF CHRISTCHURCH
INTERNATIONAL AIRPORT LIMITED**

- 1 This memorandum of counsel is provided on behalf of Christchurch International Airport Limited (*CIAL*).
- 2 The legal submissions provided on behalf of CIAL in relation to Hearing Stream 12E referenced the PC71 land and planning processes in the Selwyn context.¹ At that hearing the Panel asked us to provide the relevant decisions.
- 3 Rezoning of the PC71 land was pursued as a private plan change under the Operative Selwyn District Plan (including a MDRS variation) and the Proposed Selwyn District Plan (and Variation 1). As requested, we have provided the Panel with copies of the recommendations relating to the PC71 rezonings.
- 4 The purpose of this memorandum is to explain the context behind each of those recommendations, particularly in relation to the extent to which the decision makers in those processes were able to consider and incorporate the 50dB Ldn Remodelled Contours into its recommendations.

PC71 and the Selwyn PDP

- 5 At the time of the filing of submissions relating to the PC71 private plan change and the Proposed District Plan the contour remodelling process was underway but not yet complete. As such, CIAL sought the inclusion of appropriate rules managing land use within the Operative 50dB Ldn Air Noise Contour as set out in Map A of the CRPS.
- 6 The Draft Remodelled 50 dB Ldn Air Noise Contours (Outer Envelope and Annual Average) were provided to the Selwyn PDP Panel in November 2021 in Felicity Hayman's evidence for the PDP Noise hearing. However, it was noted in legal submissions that because the Selwyn PDP hearings were progressing ahead of any report from the Environment Canterbury expert panel with the results of its peer review, the Operative Air Noise Contours remained applicable. CIAL was in any event limited by the scope of what it had sought in its submissions.

Variation 1

- 7 In regards to Variation 1, in its submission CIAL sought the inclusion of an Airport Noise Qualifying Matter restricting development to existing plan-enabled levels (i.e. no further enablement or intensification) within the outer extent of the Operative 50 dB Ldn

¹ Legal speaking notes dated 19 August 2024 at [36]-[38].

Air Noise Contour and the then November 2021 Draft Remodelled 50 dB Ldn Air Noise Contours (Outer Envelope and Annual Average).

- 8 The peer reviewed remodelled contours only being available just before the Variation 1 hearing, and the Panel ultimately decided the draft remodelled contours sought in the submission were too uncertain to be relied upon as the remodelling process was not then peer reviewed and there was no time available for a comprehensive section 32 assessment.
- 9 Since then, the draft remodelled contours have undergone a detailed peer-review process and the location of the Remodelled 50 dB Ldn Contours have since been agreed between CIAL and Canterbury Regional Council's experts in June 2023. Therefore, in contrast to the recommendations made in the Selwyn context, this Panel are in the position of having a full suite of evidence before it on the Remodelled 50 db Ldn Outer Envelope Contour.
- 10 The Remodelled Contours are the "best available evidence" for inclusion in the Proposed Plan and to inform where intensification and new residential rezonings should be avoided because they show where the effects of 50 dB Ldn or greater will be experienced and therefore where 18-27% of the population will be highly annoyed.²

30 September 2024



J M Appleyard / M E Davidson
Counsel for Christchurch International Airport Limited

² As explained in Legal Submissions provided on behalf of Christchurch International Airport Limited at [56]-[74].