

## COMMENTS ON THE LAND USE RECOVERY PLAN REVIEW

TO: Environment Canterbury  
Christchurch

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### Topic Area: Air Noise Contours

- 1 Independent Fisheries Limited (IFL) is the owner of land comprising 21.9 hectares on Styx Mill Road. In July 2007, when the Canterbury Regional Council first published Plan Change 1 (PC1) to the RPS, which introduced an urban limit for Christchurch identifying land for future residential development, IFL's site was identified as a Greenfield Residential Development Area.
- 2 The urban limit as then notified was not necessarily based solely on air noise contour considerations but took into account relevant aspects in relation to servicing, connectivity to existing development, natural land features, drainage patterns, as well as wider contextual matters.
- 3 Subsequently and following a remodelling exercise of its contours late 2007, the contours for the Christchurch International Airport were amended and formally introduced into PC1 by Variation 4. The remodelled contours reduced the length of the noise contour areas that stretched from Rolleston to Woodend, but widened the contours in the Johns Road area so that most of IFL's site lay within the revised 50 dBA contour and was consequentially excluded from the Greenfield Residential Development Area.
- 4 Since then, a new Chapter 6 of the Canterbury Regional Policy Statement has been inserted by direction of the Minister through the Land Use Recovery Plan which was gazetted in December 2013, and which identifies Priority Residential Areas. These are for the most part based upon areas first identified by the UDS Partners when PC1 was notified in 2007.
- 5 As the Council will be aware, there has been a history of litigation involving IFL in relation to the use of the 50 dBA contour as the basis for a policy of avoidance of new residential development as opposed to the 55 dBA Ldn contour. IFL's grievance lay in the fact that it was denied the opportunity to fully test the basis for that policy in the Environment Court.

- 6 IFL now accepts that for the purpose of the proposed Replacement District Plan, the policy of avoidance for noise sensitive activities within the 50 dBA is now imbedded in the RPS. However, the issue of the location of the 50 and other noise contours remains at large. IFL understands that it is to be addressed in a further stage of the proposed Replacement District Plan process (at least that is IFL's expectation according to statements made by a Council witness in his evidence before the Hearings Panel).
- 7 The current contours resulted from a comprehensive modelling exercise by an expert panel undertaken in 2007 as a result of an Environment Court process arising out of an appeal by *DJ & AP Foster v Selwyn District Council* (C138/07) (**the Expert Panel Report**). At the relevant time, district plans contained noise contours based on a computer modelling process undertaken in 1994 and were due for review. The Expert Panel Report also recommended that the revised contours be remodelled in ten years' time, i.e. in 2017.
- 8 It is now anticipated that the remaining contours (the 55, 60 and 65 composite contours) are to be introduced in a later stage of the Replacement District Plan process despite the fact that it is now only two years before they are due for a review in accordance with the recommendations of the Expert Panel.
- 9 Moreover, in the current proposed Replacement District Plan hearing process, very real questions have been asked as to the veracity of the assumptions upon which they are based and, in particular, the extent to which the anticipated number of aircraft movements which underpin the model are realistic or whether they may be "grossly exaggerated".
- 10 These concerns have surfaced in the context of a hearing of the request by Christchurch International Airport Limited (CIAL) to extend the restrictions into existing urban areas that lie within the 50 dBA Ldn contour where they are identified for intensification (for example, around Canterbury University).
- 11 Through cross-examination of CIAL and Council witnesses on the costs and benefits of extending those restrictions, the following has become apparent:
- 11.1 There are opportunity costs incurred by members of the community which may be unnecessarily borne if the contours are based upon grossly exaggerated predictions as to aircraft movements, which as at 2013, sat at approximately 50% of the 140,000 pa capacity scenario used for the 1994 old contours, and even lower than that for the 175,000 pa capacity scenario used in the 2007 revised modelling;
- 11.2 The corollary of this is that the benefits to CIAL of avoiding new residential development within the 50 contour are overstated;
- 11.3 Accordingly, the costs and benefits of disabling intensification in the Residential zones may be different if the contours are in the wrong location.
- 12 IFL acknowledges that its land is not in an area that is the subject of the intensification provisions, although as stated earlier, it is, but for the position of the revised 50 dBA contour, ideally suited to urban development. But for the revision of the contours in 2007, all of its land would now be included within the Priority Residential Area that is being rezoned through the current phase of the Replacement District Plan.
- 13 For IFL, if the contours are based on a "grossly exaggerated" capacity scenario, there is a very real opportunity cost to it for no apparent advantage to CIAL.

- 14 IFL requests a review of the location of the contours and the modelling process through the LURP Review, in light of evidence to the Hearings Panel in this hearing process, and given that the Expert Panel recommended that the contours be reviewed in 2017.
- 15 A copy of the transcript of cross-examination is **attached** as further amplification of this submission.

**Dated** this 29th day of May 2015.



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**P A Steven QC**

For Independent Fisheries Limited