Tabled @ Hearing
26.11.15
D LAWRY

Proposes Canterbury Air Plan

My name is David Michael LAWRY,

I reside at 500 Yaldhurst Road RD6 Christchurch. I am adversely impacted by living adjacent to the Christchurch International Airport CIAL through noise and odour pollution and a number of activity restrictions arising from airport noise contours and potentially from new proposed contours.

I will outline my qualifications as an investigator from a separate document.

My submitter number in this Air Plan Process is 62024 I have submitted on 7.3 odour discharge 7.4 (14) rule and 6.33 wood burner clear air areas.

I advise that I am also a submitter to the Christchurch Replacement District Plan submitter number 2154.

In that process I have submitted on proposed engine testing noise contours and a range of other CIAL requested planning controls that if approved will add significantly more complexity to that plan, in direct contradiction to the Government's expectations and the Order in Councils Statement of Expectations for that processes outcomes.

I have made submissions to the Chair of that process that Christchurch International Airport (CIAL) has been enabled by its owner Christchurch City Council to generate very significant noise pollution by way of a By-Law that authorizes the "airport manager" to carry out on wing engine testing day and night as he or she determines. Engine testing is related to this issue as it generates aviation fuel odour that extends past the Special Purpose Airport Zone (SPAZ) boundaries adversely impacting, on adjacent land owners as does the noise.

Hearing noise pollution in one process and odour pollution in another when both are generated by the same or similar activities taking place in the SPANZ is simply wrong. It assists CIAL in masking the size of the aggregation of the adverse impacts on the amenity values of its neighbours these activities create. A similar splitting up of various CIAL land use control requests of Council, throughout the Replacement Plan is now being addressed by the Chair for this very reason.

Plan Change 84 was a review of activities to be enabled in the Special Airport Zone (SPAZ) The Independent Commissioner to Plan Change 84, Paul THOMAS following my submissions in that hearing, found that it was inappropriate that engine testing noise be solely controlled by this by-law. At points 45 and 46 on page 15 of his Report and Recommendations he states "I

consider that it is inappropriate for an activity with significant potential noise effects such as engine testing to be controlled only by way of a 1996 Bylaw "This Order in Council under the Airport Authorities Act 1966 Section 52, seems to provide considerable flexibility as to where engine testing is permitted to occur with accountability being to the "airport manager" rather than the resource management consent authority.

This adverse finding has resulted in the now proposed new land planning control of an "engine testing" contours being supported by Council Planning Staff on behalf of CIAL, in the Replacement District process, as a remedy to the problem they now face in carrying out this activity.

I raise this issue in opening to indicate that Christchurch City Council is currently facing considerable reputation damage arising from its Planning Divisions culture of "exclusion" with regards to engaging with stakeholders and even Council elected members. Such that a question of natural justice arises if some stakeholders are given preferential treat as I believe some have.

The Council CEO initiated a Review of the development of the Christchurch Replacement District Plan carried out by Peter Winder and Tanya Perrott following criticism of the council by Minister's, Crown Council, the Hearing panel Chair, stakeholders and submitters. This was completed in August 2015.

The time I have simply does not allow me to articulate the findings of this damning 30 page review.

I now submit a hard copy of that review document as evidence to you. **Produce Exhibit One**

It can be found electronically at www.ccc.govt.nz/the-council/New-releases/show/247 the link to the PDF for the full report less redacted parts can also be found at this site.

I submit that these reputational issues are set to significantly increase when evidence alleging bias decision making favouring CIAL land control requests by Council Planning division staff is outlined in the upcoming relevant Chapters of the Replacement District Plan.

I recommend that this panel reads this review which I submit should ring clear reputational warning bells to you, as it has for the Council CEO. There is a need to start listening to submitters who suggest Council Planning Division are not open to alternative methods of mitigating pollution at source and via operational means. This Division of Council is so locked into group think, around growing land planning rules and activity restriction rules, that the entire Replacement Plan has been put at risk. This recovery Replacement Plan is aimed at encouraging economic recovery via greater flexibility, less controls to development and the use of easily understood language that will encourage developer's to invest in the rebuild and

provide. The review outlines a long list of serious shortcomings such that it concludes that the Council has NOT produced an effective plan for the IHP to consider. Add bias towards favouring land planning requests, of its company CIAL, into this mix then these reputational issue are set to grow. Enabling engine testing through a Council By-law is just one example. I submit that a large red flag should emerge in your consideration of Council and CIAL submissions. Have viable alternatives really been objectivity considered? Has mitigation of the odour at source even been considered let alone required of CIAL? If not why not, given that this is best practice? Why are exemptions to the rules being requested of you instead of mitigation to achieve compliance?

On wing engine testing generates significant aviation fuel odour. This pollution adversely impacts on numerous neighbouring property owners amenity values. The actual number adversely impacted is dependent on the site the "airport manager" carries out the on wing engine testing.

Turning then to mitigation best practice.

The International Aviation Organisation (ICAO) has established four ways to reduce aviation noise called the Balanced Approach to Aircraft Noise Management. The four ways are

Reduction of noise at source

Reduction of noise through operational measures

Reduction of noise through land-use planning

Restrictions on operations, (curfews).

From the limited research I have carried out there seems to be very similar options in reducing odour.

The Good Practice Guide for Assessing and Managing Odour in New Zealand, Published in June 2003 by the Ministry for the Environment Air Quality Report 36 ISBN 0-478-24090-2 ME:473 contains advice on the following:

How to assess the effects of odour, including how to determine what "no objectionable or offensive odour" means

How to monitor the effects of odour through community surveys, odour diaries and council investigations.

Case law developed under the RMA relating to odour management in New Zealand.

When to use dispersion modeling.

How to manage odour emissions, including some basic information, on suitable mitigation methods.

It also sets out the roles and responsibilities of Regional councils, unitary authorities and territorial councils.

Under the RMA Regional council are responsible for managing discharges of contaminants into the air. Councils are responsible for monitoring compliance with resource consent conditions applied to odour discharges or to facilitate discussions between discharger and any affected communities. If there is no agreement and the issue cannot be resolved, then councils should ensure that the effects are assessed using the methods they outline in section 4 of this paper and appropriate action be taken in accordance with the RMA.

Produce Exhibit 2

Given the ownership relationship between Christchurch City Council and CIAL, and the way it abdicated its resource management consent regulatory role with regards to engine testing noise, I have absolutely no faith in that Authority actually taking any action to address breeches of any odour resource consent that results from this process!

In fact in this process they seek exceptions from even having to have such consents at all.

Land Planning control mechanisms such as contours are a weapon of first choice of the Council Planning Division. Seldom, if ever, are mitigation actions at source or of an operational nature required of CIAL in order to mitigate the adverse effects their business generates. This reliance on land planning controls is very unusual as most airports around the world do not have a friendly land planning authority as their owner and focus on at source and operational mitigation methods exclusively.

As past behaviours often predict future ones it is my real concern that unless on site mitigation of this pollution is required by you, then CIAL neighbours will again bear the brunt of the adverse effects unassisted by the body that should be monitoring compliance.

Thankfully, the cited Good Practice paper at page 43 point 5.2.1 under the heading Site design states:

Site planning is the key consideration for all odour sources, particularly those that are diffuse and difficult to capture and control. It recommends the following issues should be considered

The designated land use of the site and the surrounding land under the district plan.

The location of activities within the site and their orientation in relation to prevailing winds and sensitivity and downwind receptors.

The presence of buffer distances to the site boundary and to sensitive land uses.

The need for screening, such as earth bunds, shelter belts or natural topography.

A further highly relevant document titled Emission Impossible; Wickham, L (2012) Separation Distances for Industry a discussion document prepared for Auckland Council 9 July 2012, further supports the focus on, on site mitigation. It is my understanding that it is being used to inform the Auckland Council in preparing its Unitary Plan.

While that paper does talk to land planning controls such as avoiding locating incompatible activities next to each other, minimizing reverse sensitivity issues to provide industry with some level of certainty for future use and risk management. It is categorical, that first and foremost, the use of separation distances should not undermine assessment of environmental effects and the use of best practice for emission control.

Best practice is firmly seated in on site and operational mitigation if the pollution generating activity is to be allowed at all in accordance with the RMA.

Produce Exhibit Three

Having read Mr AKACICH'S suite of submissions to you a very familiar format emerges.

His submissions outline the strategic importance status of the Airport. A status conferred upon it by its owner the Council. That the SPAZ allows for "Airport Purposes" activities, he words "it allows for activities directly related to Aircraft Operation", but fails to advise that Council has evaded for many years defining what "Airport Purposes" means. To the point that selling tractors as part of the now dominate CIAL property development business activities has been deemed "Airport Purposes". Aircraft Operations as defined do not include repair activities. He proposes that CIAL's current exemptions to normal on site pollution mitigation rules, should remain in the new plan (refer page 2 : 10 Rule 7.3 of AKACICH'S submission). This exemption is it seems based on the untested assertion that to actually mitigate those pollution matters may in some manner adversely impact on their business or growth there-by hurting all of New Zealand.

The wording of this rule allows for activities directly related to Aircraft Operation, Aircraft Idle testing/Aircraft Repairs and Fire training which are excluded from the plan to be then assessed under Schedule 2 and considered a non-complying activity. He seeks on behalf of CIAL certainty these activities remain exclude from the plan.

I seek you to objectively assess way such exclusion exists enabling CIAL's odour pollution at all.

Section 326 of the Resource Act Management defines "excessive noise" as any noise that is under human control and of such a nature as to unreasonably interfere with peace, comfort and convenience of any person (other than a person in or at the place from which the noise is being emitted) but does not include noise emitted by any-

(a) Aircraft being operated during or immediately before or after flight or
(b) ... unrelated exemption

Hence the Act contemplates excessive noise from the normal operation of aircraft **immediately** before or after flight, such as landings and take offs and provides a specific exclusion aimed at enabling these core airport activities. However it is very clear that the exclusion does not extend to excessive engine testing noise arising from the distinctly different aircraft commercial engineering activities. Such noise should be mitigated on site if it is to be allowed.

The very same logic should apply to jet fuel odour arising from aircraft taking off and landing. These odour generating activities are core the operation of the airport and therefore should be enabled. However odour resulting from full throttle or idle testing after repairs is a totally different commercial activity and is not suitable for the requested exclusions. Mitigated at source of that adverse effect is best practice if the activity is to be allowed.

The taking of extreme positions, planning scenarios and use of exaggeration of data is also a recurring theme in CIAL submissions. CIAL have learnt that Council Planners will seldom objectively test their assertions. In this case the extreme position is to seek exemptions for the odour their commercial engineering activity generates.

CIAL'S logic seems to be that they are so important that they should be exempt from on-site mitigation of, in this case odour pollution, and that exemptions should be given to them as failure to gain those exemptions would be disastrous for the country.

What happened to setting a good example. As a large important development company where in excess of 60% its income is derived from these non-core aviation activities, striving to achieve best practice should be a goal.

If CIAL growth projections are real, then its highly likely engine testing will significantly increase along with the odour and noise pollution. It is simply wrong that adjacent land owners constantly bear the brunt of CIAL pollution by way of land use restrictions on their land as opposed to mitigation at source, the best practice option used all around the world?

Yet Council Planning Division simply refuse to even consider such alternatives. I suggest this panel looks much more closely at the submissions for exemptions sought and objectively question them.

CIAL should be required to mitigate that pollution inside of their SPAZ and designation boundaries.

The building of an suitable facility, in an appropriate place, on their designated land, that effectively mitigates the aviation fuel odour pollution such that the amenity levels of their neighboring land owners are protected is best practice.

Thankfully, ECAN are a less conflicted authority than Council in respect of CIAL and I suspect will have little difficulty in seeing the need for on-site mitigation

If Council was the authority for this matter, as it is for noise, their Planning Division would likely be proposing a new aviation fuel odour activity restriction contour as well as their proposed engine testing contour line.

Therefore the remedy sought is a **strong direction** to CIAL, and therefore to their tenant Air New Zealand the polluting firm, that on site and operational mitigation is required if this activity is to be allowed at all. Rules requiring this and ensuring compliance if the activity is to be allowed are sought. Exemptions are simply not justifiable.

This may have the impact of also motivating these organisations to, at the same time, address noise pollution by way of including noise mitigation design into the same new facility designed to mitigate odour. To do so will certainly have the effect of removing upcoming reputational risk that will flow from the scheduled Replacement Plan Hearings relating to engine testing if that control method is sought to be progressed.

Low Emission Burners.

An equity issue arises, when company's such as CIAL and Air New Zealand, both with multimillion dollar profits, avoid on site and operational mitigation costs, by way of exceptions to rules controlling noise and odour adverse effects. Rules, that are supposed to be for all, especially when those adverse effects are significant, for miles past the boundaries of their designated land or Zone. While in the same hearings neighbouring residents face the full cost of on-site emission mitigation when simply trying to provide heating in their residence and when the adverse impacts, especially given the size of their land parcels, would be unable to be established past their boundary.

CIAL noise and odour pollution flows far outside their land boundaries. CIAL obtains land planning controls placing the burden of that pollution via activity constraints on their neighbours or exemptions to even having to comply with odour rules. Mitigation at source is simply walked away from.

I live on 5.66 hectares of land and the smoke emissions from my already low emission wood burner, no matter how hard the wind is blowing, remains totally inside my boundaries, creating no objectionable or offensive outcomes at the outer boundaries at all. Yet I am required to mitigate emissions at source at a proportionally high percentage of my income than mitigation of engine testing adverse pollution would be to those companies.

I submit given the reasonably large parcels of land in the Rural 5 now Rural Urban Fringe Zone that the adverse outcomes of one fire are undetectable. The existing 2 hectare exemption should remain in place. Even a staging rule that allowed existing fires to remain but to be replaced when the need arose, with what would be then even more efficient ultra-low emission fires would be I submit a more equitable and reasonable an outcome.

The remedy sought is that the greater than 2 hectare exemption remains in the Rural Urban Fringe land with new or replacement burners, when needed to be of the ultralow emission variety.

Yours Sincerely

D. M. LAWRY

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