

**Before the Christchurch Replacement District Plan Independent Hearings Panel**

**IN THE MATTER OF** The Canterbury Earthquake  
(Christchurch Replacement District Plan)  
Order 2014

**AND**

**IN THE MATTER OF** Chapter 6: General Rules and Procedures and  
Chapter 14 Residential

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**Memorandum of “Submitter Group” In reply to joint memorandum filed by CCC and CIAL seeking minor corrections to Chapter 6 and Chapter 14**

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**“Submitter Group”** : David Bastin (2078), Bruce Campbell (2489), David LAWRY (2524), Mike Marra (2054), Vanessa Payne (2191), John Sugrue (2567, Gerrit Venema (2091)

**Date:** 4 September 2017

## **May it please the Panel**

Our submitter group thanks Judge Hassan for ensuring that our group has been given the opportunity to consider and reply to the requested changes outlined in the CIAL and CCC joint memorandum. It seems that both Council and CIAL have learnt little, over this rather long process, about the importance of transparency that comes from openly communicating with our submitter and our obvious interest in these matters. This failure does not augur for the level of communication expected when the re-evaluation of the existing air noise contours resumes.

We advise that our submitter group has no comment to make with regards to the requested Chapter 14 minimum building setback issue.

With regards to the Chapter 6 Air Noise Compliance Contour issue, we have had extreme difficulty in determining what version of the composite 65dB Ldn/ 95 dB LAe contour that is alleged to have been incorrectly used, is being referred to. As a result of this Mr. Marra who was tasked to investigate this matter has sought further clarification from the IHP via the secretariat. Helpfully the Secretariat has supplied CIAL and CCC contact details, but at the time of making this submission we have been unable to obtain any clarification from those sources.

**We therefore respectfully seek ten working days additional time in order to fully understand this requested correction and its impact. It maybe that CCC and CIAL could assist in this matter by provision of contour maps that are actually able to be understood and clearly viewed. Given past reluctance to directly communicate with our submitter group, a direction from the Deputy Chair to both CIAL and CCC do so with regards to this matter would assist.**

**I have also included as an attachment a list of some of the questions around the contour that we are trying to gain clarity on in order to identify the difficulty we are having in understanding the requested minor change, and why time and further explanation is being sought.**

The reality is that the documentation currently available to the public and our submitter group relating to all the contours is very poor. Given the importance of these contours and their impact on land user's rights it is our view that this needs to be significantly improved. Information as to the methodology CIAL or more correctly Marshall Day uses to manipulate the contours is also difficult to obtain.

With Regards to the requested correction to Chapter 6 – Commencement of Airport Noise Standards: we advise that representatives from our submitter group attended the initial Airport Liaison Committee meeting and raised the issue of when these requirement's actually commenced. It was clear that clarity was required therefore it is pleasing to see such clarity is now being sought.

With the spirit of trying to gain a fixed date that CIAL will actually commit too taking the required actions, our submitter group is prepared to accept the dates as indicated in point 20 of the joint memorandum.

We note however that the word "airport operator" has at some stage been included as the party responsible for providing the information to CCC when previously CIAL was the identified body so tasked and responsible. We note that there is no definition of "airport operator". CIAL are a clearly identifiable entity, which can be legally held to account for any failure to abide by the new rules that our submitter group has fought so hard for. We are unsure when "CIAL" was altered to "Airport operator" but question why this has been done.

We offer an example as to why we feel this is important enough to require change. Rule 6.1.2.1.5 requires CIAL to offer appropriate acoustical treatment in respect of residential units.... Said owners know who to call when seeking that assistance. It is far less clear who to contact had "airport operator" been substituted in this Rule as it has been in the rules currently being discussed.

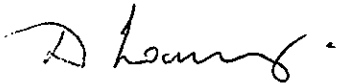
Improvement of clarity in the rules is one of the higher order goals of this entire Independent Hearings process. The change from "CIAL" to "airport operator" works against that goal.

This may be seen as a simple error that can easily be corrected by reinserting "CIAL" as the tasked and responsible entity for carrying out these rules, wherever

the current "airport operator" has been substituted. **We seek that minor change.** Alternatively a definition cementing in that that the "airport operator" is CIAL would ensure the needed clarity.

Finally we note that the previously abused Airport By-Law that was relied on by CIAL to avoid noise compliance and utilized by CCC to allow the noise pollution without penalty has as yet not been relinquished. Given the panel's directions relating to the new rules your honor may see merit in inviting CIAL to do so, again in the interests of providing clarity that it is the new rules that apply and not the previous Airport By-law.

Dated this 4th day of September 2017

A handwritten signature in black ink, appearing to read "D. Lawry". The signature is fluid and cursive, with a small flourish at the end.

Signed D.M LAWRY for submitter Group

**DATE: 4 September 2017**

**TO: S J Scott/C J McCallum, Counsel for Christchurch City Council  
J M Appleyard, Counsel for Christchurch International Airport Ltd**

**RE: Minute as to joint memorandum filed by CCC and CIAL seeking minor corrections to Chapter 6 and Chapter 14**

**FROM: M H Marra, on behalf of the Submitters' Group**

I have been advised by the Independent Secretariat, to direct the following to you for clarification as the Counsel for the CIAL and the Counsel for the Christchurch City Council.

**Re: Correction to Chapter 6 – Commencement of Airport Noise Standards**

I agree that to be consistent and to construct a meaningful timetable, that a commencement date of 6 March 2017 is appropriate.

**Re: Corrections to Chapter 6 – Air Noise Compliance Contour**

With reference to Appendix I of your combined CCC and CIAL Memo dated 21 August 2017.

1. Can you confirm that the only purpose for the 65/95 Air Noise Contour was to comply with Para 6-1-5-3-2 - as per evidence Glenda Dixon's evidence 3723 CCC – Dixon page 27 of 167?

**"Specific property provisions within 65/95 contour**

**5.45** Rule 6.1.5.3.2 is a legacy provision for two properties which are within the Air Noise Boundary and over the 4 ha minimum site size for a residential unit as of right in the Rural Urban Fringe zone, but which do not have dwellings on them. Etc."

Additionally, can you confirm that the 65/95 contour is no longer applicable?

2. Can you confirm that the “four inner corners” amendment referred to in your Paragraph 10, does not apply to the 65dB noise contour line? It seems from the supplied Figures in your Memo, that more than the “corners” have altered when the second Figure is overlaid over the first Figure? Please explain.
  
3. In an effort to source reliable material, I refer to the published CIAL Noise Fact Sheets 2014, where a multitude of air noise contours are displayed. These contours show “proposed alterations” to air noise contours. However, these proposed noise contours are in fact the same noise contours as the 2005 attachment to Judge J A Smith’s Decision C166/2005 in the matter of RMA 1991 CIAL and Air New Zealand and Expert Panel. Can you explain this anomaly?
  
4. Reference CIAL 2348.171 late submission to correct the location of the air noise boundary - there were no accompanying maps. Can you please supply clarifying what were the “relatively minor changes”?
  
5. Can you provide by way of assurance that software upgrades or changes to the noise modelling programme will not produce a different contour line for either air noise contours or engine testing contours?