

BEFORE THE ENVIRONMENT COURT

ORIGINAL

Decision No. C 138/2007

IN THE MATTER of the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER of appeals against the proposed Selwyn District Plan under Clause 14 of the First Schedule of the Act

BETWEEN

D J & A P FOSTER

(ENV C 281A, B, C/04)

AND

NIMBUS CONSULTANTS LIMITED

(ENV C 308A, B, C/04)

AND

CANTERBURY REGIONAL COUNCIL

(ENV C 250G(i)(ii)/04)

AND

CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED

(ENV C 260A, B(i)(ii)/04) (RMA 467B/01)

Appellants

AND

SELWYN DISTRICT COUNCIL

Respondent

Hearing: 15-19 October 2007 inclusive, and 23 October 2007 at Christchurch

Court:

Environment Judge J A Smith
Environment Commissioner S J Watson
Environment Commissioner A J Sutherland



Date of Decision: Oral decision 23 October 2007
Written decision 1 November 2007

Appearances

Ms J M Appleyard and Ms L L Sewell for Christchurch International Airport Limited (CIAL) and the Canterbury Regional Council (CRC)
Mr P G Rogers and Mr D O Pedley for D J & A P Foster and Nimbus Consultants Limited (Foster and Nimbus)
Mr K G Smith and Mr C O Carranceja for the Selwyn District Council (Selwyn District Council)
Ms P A Stevens and Ms R M Wolt for the Waimakariri District Council (Waimakariri District Council)
Mr J G Hardie for the Christchurch City Council (Submissions only)

ORAL DETERMINATION OF THE ENVIRONMENT COURT

- A: Amendments made to Proposed Selwyn District Plan as per "A" and paragraph 36 – otherwise appeals withdrawn.
B: No orders for costs

REASONS

Introduction

[1] These appeals relate to land zoning issues and airport noise contours around Rolleston. The two issues are connected in that all the land for which zoning changes were sought is situated within the 50 dBA L_{dn} airport noise contour line on the Selwyn District Council Planning Maps.

[2] Mr Rogers for Foster and Nimbus, indicated in opening that they were only seeking the removal of the 50 dBA L_{dn} contour (**the noise contour**) from Weedons Road to the south. Ms Appleyard for CIAL indicated that they were not seeking to



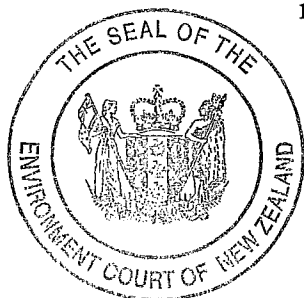
change the Living 2A zoning of certain blocks of land, which are shown on appendix "A" to this decision as C, D and E.

[3] On this basis the areas of land in dispute for a zoning of Living 2A within the contour were those two blocks marked A and B on the Plan. One had been zoned by the Selwyn District Council as Living 2A and CIAL sought its removal. The Council did not confirm B as Living 2A zoning and Foster sought its inclusion as Living 2A. CIAL opposed that relief. If the noise contour was removed Foster and Nimbus sought the zoning of the relevant portion of land A to E as Living 2.

[4] The case, however, proceeded very much on the basis of arguments relating to the modelling of the 50 dBA L_{dn} , 55 dBA L_{dn} and 65 dBA L_{dn} contours around the Christchurch Airport. There were a significant number of witnesses in this area, including a number of international experts. The Court proceeded to consider this evidence, notwithstanding its concerns about its relevance to the appeals before the Court.

[5] On Tuesday 23 October, the Court was advised that the parties had reached a settlement in respect of this matter and presented to the Court a memorandum signed by all the parties, together with draft objectives, policies and methods for insertion in the Plan, and the map "A" already referred to. Annexed to this decision is a copy of the proposed changes to the Plan marked appendix "B", and a copy of the consent memorandum marked appendix "C".

[6] The drafting changes to the Plan in "B" reflect a number of appeals that were extant before the Court, but which were secondary to the main arguments the Court has already identified. Many of them related to wording improvements and the Court directed that the planning experts meet to see if these issues could be resolved. In light of the wider agreement between the parties, the wording of these objectives, policies and methods has also been agreed.



Plan wording

[7] One of the major concerns of CIAL was the potential for the wording of policy 23 (previously policy 22) to be utilised for the rezoning of rural land to residential uses beyond the Living 2A zones shown in the Plan. That concern has now been resolved by redrafting. It is clear that the policy provides for the Living 2A zone as an exception within the noise contour, but not otherwise. This is reflected also in the removal of words in several places, which gave an exception in the following terms:

... unless any potential adverse effects on the future, unrestricted operation of Christchurch International Airport will be minor.

Those words are now removed and this avoids the potential for arguments about rezoning in the future, both under policy 2 or policy 23, based upon minor effects.

[8] The Court has no difficulty with the rewording of these objectives, policies and methods and they have greater clarity in expressing the provisions of the Plan. They are therefore incorporated into the Plan itself.

Zoning of land

[9] A further consequence of the agreement is that certain land, that is blocks C, D and E, which was already included in the Plan as Living 2A is now confirmed. Again, given the wording of the relevant policy and the historical nature of these sites, we accept that they should properly be Living 2A and that they are a proper exception within the noise contour. Accordingly the zoning of those blocks of land as Living 2A is now confirmed in accordance with the parties' agreement.

[10] In respect of block A, this nine hectare block has also traditionally been zoned as Rural Residential and was confirmed by the Selwyn District Council as Living 2A after hearing submissions. The CIAL sought Rural zoning simply because it has yet to be developed. They have now changed their position and accept that, due to its historical Rural-Residential zoning, it should be included within the Living 2A Zone. Accordingly CIAL now withdraw their appeal in that regard.



[11] We conclude that B is a block of historical Rural-Residential land which should be included in Living 2A. It would seem counter-intuitive to this Court that people should be punished for not developing land in accordance with its highest zoning use and we do not see that there is any proper basis for this land to be excluded from Living 2A zoning.

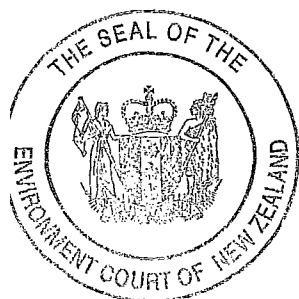
[12] In respect of the block of land marked as B on Appendix "A", the parties are agreed that this should remain Rural zoning. This is a block of approximately 19 hectares, with around 17 hectares within the noise contour. In terms of its Rural zoning it would be capable of four or possibly up to five residential houses at one dwelling per four hectares. To rezone this as Living 2A would effectively preclude its development on this basis and mean that a non-complying consent would need to be obtained for any residential dwellings upon it. In the circumstances the Fosters have withdrawn their appeal in respect of this block of land and accordingly it will remain as Rural.

[13] In our view Rural zoning represents a better outcome in terms of the Plan in any event, because it does allow a level of residential development in the meantime, although based on one house per four hectares of land. Any rezoning of the land would require a non-complying consent and is likely to be subject to the discussions about the appropriate noise contours which may occur in future variations to the Plan.

[14] Mr Rogers has now confirmed that the Fosters and Nimbus withdraw their appeals relating to the noise contour issues generally, including the placement or accuracy of the noise contour. All parties agree that there are no issues as to costs. Accordingly the appeals are determined in accordance with the memorandum of agreement signed and the directions made by this Court. The changes to the Plan are to be made without delay.

General Comment

[15] Given that the Court has heard some five days of evidence, it is appropriate to add some additional comment in relation to noise modelling issues. It was clear to this



Court that the current knowledge in respect of modelling around the Christchurch Airport shows different contour lines, at least for the 50 and 55 dBA L_{dn} , than are shown in the current versions of the Christchurch City, Waimakariri District and Selwyn District Plans.

[16] Whether those are appropriate for insertion in a Plan was not for argument before this Court and it was accepted that the Court did not have jurisdiction to adopt different contours on these appeals. At best it could have adopted a contour within the 50 dBA L_{dn} contour shown on the planning maps. However, both parties' contours show different alignments, with a wider band on the north/south and east/west axis in both cases. One showed a shorter tongue of the contours for 50 and 55 dBA L_{dn} due to certain assumptions underlying the modelling. Marshall Day, for the airport, showed them longer or approximately the same as the current contour termination points, based again on a number of assumptions.

[17] Given that the experts are meeting to discuss this issue today (23 October 2007) and given that this is an issue which will be addressed in far more detail through the Regional Policy Statement change process currently underway and potentially in terms of variations to all of the Plans, the following comments may assist those experts and their advisors when considering this issue.

The Standard

[18] The first is that all parties ascribe to the New Zealand Standard NZS 6805-1992 as the appropriate tool for minimum standards for airport noise management and land use planning around Christchurch Airport. Importantly this Court has previously accepted the adoption of a 50 dBA L_{dn} contour as the outer control boundary as appropriate. That was not an issue in this hearing and we make no further comment on it at this stage.

[19] The Standard itself recognises that an outer control contour other than the 55 dBA L_{dn} might be appropriate in particular cases. The Plan also sets out a 65 dBA $L_{dn}/95$ SEL contour (**65 contour**) and the Christchurch City Plan requires the airport to operate within that. This Court was therefore surprised to hear that there had been no



monitoring to ascertain whether that was the case. From our perception it would be very helpful to know what the actual measurements were on representative points on that 65 contour, to enable firstly a ground testing of earlier modelling and secondly as a basis for projections in the future.

[20] The Standard itself recognises that continuous noise monitoring might be appropriate and certain of the expert witnesses have identified this as being one method which could be adopted. We note the example of Port Chalmers where this has assisted noise abatement processes and also in assuring communities of compliance. It would seem to commend itself in this case as being a matter for serious consideration.

Other comments

[21] We note that Mr Mestre has also mentioned in his written evidence, although it has not been tested, that there may be significant advantage in coupling continuous noise measurement data with radar flight paths. This again seems to commend itself, although we do not know if there are any technical difficulties relating to it.

[22] That leads us to the next issue, which is that we learned late in the evidence for CIAL that currently they do not provide for instrument landings on the east/west runway, because they do not have the equipment in place. Consideration needs to be given as to whether that is likely to be installed within a reasonable period of time and whether that will result in greater use of the runway by jet aircraft.

[23] One of the other issues that the Court became confused on as the case progressed was the use of the required navigation procedures (RNP) to achieve continuous descent arrival (CDA). It was not clear to us from the evidence whether in fact the modelling was progressed on the basis of planes on their approach leg reaching the runway centre line at 17 or 18 kilometres from the runway, on low or no throttle with undercarriage up or down. Given that changes between the various possibilities would make a significant difference to the amount of noise, it is a matter which should be discussed between the experts to see if agreement can be reached on the various possibilities. There also needs to be some discussion as to whether the 4NM threshold mentioned by Mr Bethwaite as



being the position on a CDA for undercarriage deployment, is appropriate or some other distance.

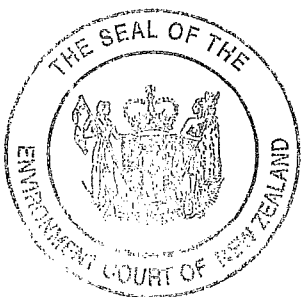
[24] This leads us on to the question generally of the relationship between INM modelling, version 7 and RNP and CDA procedures. Again it is not clear to us whether the RNP and CDA procedures are being used at any other international airports and, if so, whether noise measurements made there are included within the calibration of the INM model and on what basis. In other words, it would be useful to know that actual measurements had been taken to calibrate the CDA RNP model if it is used in the INM modelling.

[25] Much of the modelling seems to turn upon expectations as to future equipment that might be available. It became clear to us that there is the potential for far more sophisticated real time metering of aircraft, to enable real time adjustment to the RNP. That is a matter of some importance and it is affected by the planning horizon. If a shorter planning horizon of 10 or 20 years is used there does not seem to be any realistic expectation that real time metering and RNP adjustment would be in general use on a fleet-wide basis.

[26] However, if the planning horizon is for higher capacity at Christchurch Airport, which we were told was 220,000 aircraft, then that is not likely to be reached until 2045-2065. In those circumstances the ability to distribute baseleg turns at different points from the runway using RNP and CDA, for final approach on the centreline, may be in prospect.

[27] In that regard we note the comment made by Ms Steven that it was recognised by the experts that there are three critical issues relating to aircraft travelling to and from the airport, being:

- (a) safety;
- (b) efficiency for the airline; and
- (c) environmental impact for the community.



Mr Bethwaite told us that the environmental impact for the community had only become an issue for flight track consideration in the last two to three years. From our perspective we suspect that anybody deciding this issue may need to look at the various elements of those three issues and particularly the question of the minimisation of environmental impact.

[28] In that regard the question of amenity impacts becomes important in setting a 50 dBA L_{dn} noise contour line. Many arguments could be had around this issue and there is an argument for concentration of flight tracks to minimise the area affected or maximisation of the number of tracks to disperse that effect. Those are arguments which are matters of public importance, because they affect how communities around the airport live. They have particular importance for communities such as Kaiapoi and Rolleston. Depending on which approach is adopted, the effects change. We need to keep in mind that even though dispersion of flight tracks may lower noise levels below 50 dBA L_{dn} there is still a noise effect, and dispersed effects over a wider area. This needs to be compared to concentrated effects over a smaller area.

[29] Those are not matters that this Court has enough information to make any judgment on, but are matters of considerable importance, not only to communities, but to the way in which arrivals and departures are modelled. In this regard we note particularly Ms Steven's concern with the north-western turn on takeoff from the runway to the north of the cross-runway point. Traditionally aircraft have turned to the north-west, rather than flying straight ahead over Kaiapoi. If the flight track is changed to a straight-ahead path, it will have consequences in terms of noise contours over Kaiapoi. Those are matters that need to be considered.

[30] In terms of modelling generally, we suggest a robust approach with sensitivity analysis would be very useful to any deciding body. We note that the parties have excluded general aircraft and also military aircraft from their modelling. Nevertheless, those aircraft have the potential to have an impact upon people and communities and should be kept in mind for the purposes of understanding the type of effects that may occur and the permitted levels of effect.



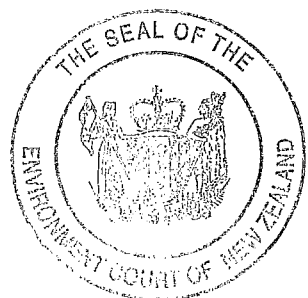
[31] We would suggest that actual data on what is occurring now and modelling into the future in various scenarios would be very helpful to any deciding body. It would also give a robustness to the data and enable the authority deciding this issue to have a grasp on the changes that are necessary to make a distinct difference. Mr Day told us that nearly doubling the number of aircraft may only affect the contour by 3-4 dBA. We are not clear whether that is the case or not, but certainly that type of information would assist in making decisions in this area.

[32] We should also note that we understood from the witnesses we heard that a decision has been made by the airport to minimise its air traffic from the east over the city. Effectively the decision is not to have aircraft take off to the east and only land from the east effectively when weather conditions require it, i.e. a north-wester. If that is the case, the undertaking should be explicit. This is because it does have an effect on the modelling generally. There is also the question of whether this undertaking could change in the future. If so, it would change the concerns of various other bodies, but would also have an effect upon the distribution of aircraft around the airport.

Conclusion

[33] Overall we commend the parties on the resolution they have reached. We understand that the noise contour issues are of widespread public importance. However we recognise that in terms of this Court's jurisdiction on these appeals, it was not possible for us to set up a new set of contours, even within Selwyn. Quite clearly we had no power to address the operative Plans of the Waimakariri District or Christchurch City. If new contours are found to be necessary, those Councils will need to consider a variation process.

[34] We understand that there is underlying agreement between the Councils and the Regional Council that any changes to the noise contours put in place by RPS Change 1 or any other document made operative by the Regional Council, would be incorporated into their District Plans. Nevertheless, in the meantime, all the parties must progress on the basis of the existing Plans and the existing contour lines. To that end we consider that some indication on the contour lines within the Selwyn District Plan would be helpful so that people understand their relationship to the properties in question.



[35] To that end we have concluded we should require the insertion on relevant pages of the Plan, or in another note, that:

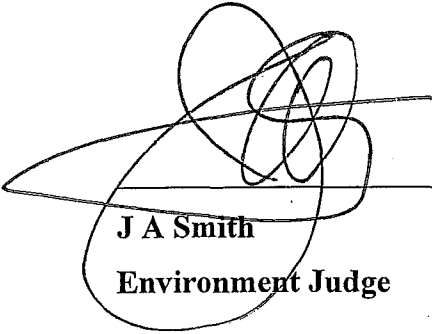
the contour lines are inserted based on modelling undertaken in 1994, which is now the subject of review.

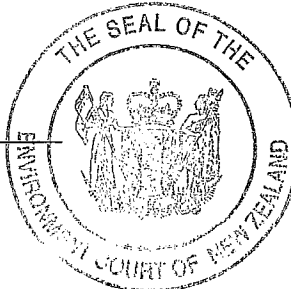
[36] The Court would be minded to consider any other equivalent wording if suggested by the parties. Subject only to that one addition, we therefore confirm the changes that have been made.

[37] We hope that the comments we have made about modelling generally are helpful to the parties and accept that these matters will be properly addressed in appropriate forums in the future.

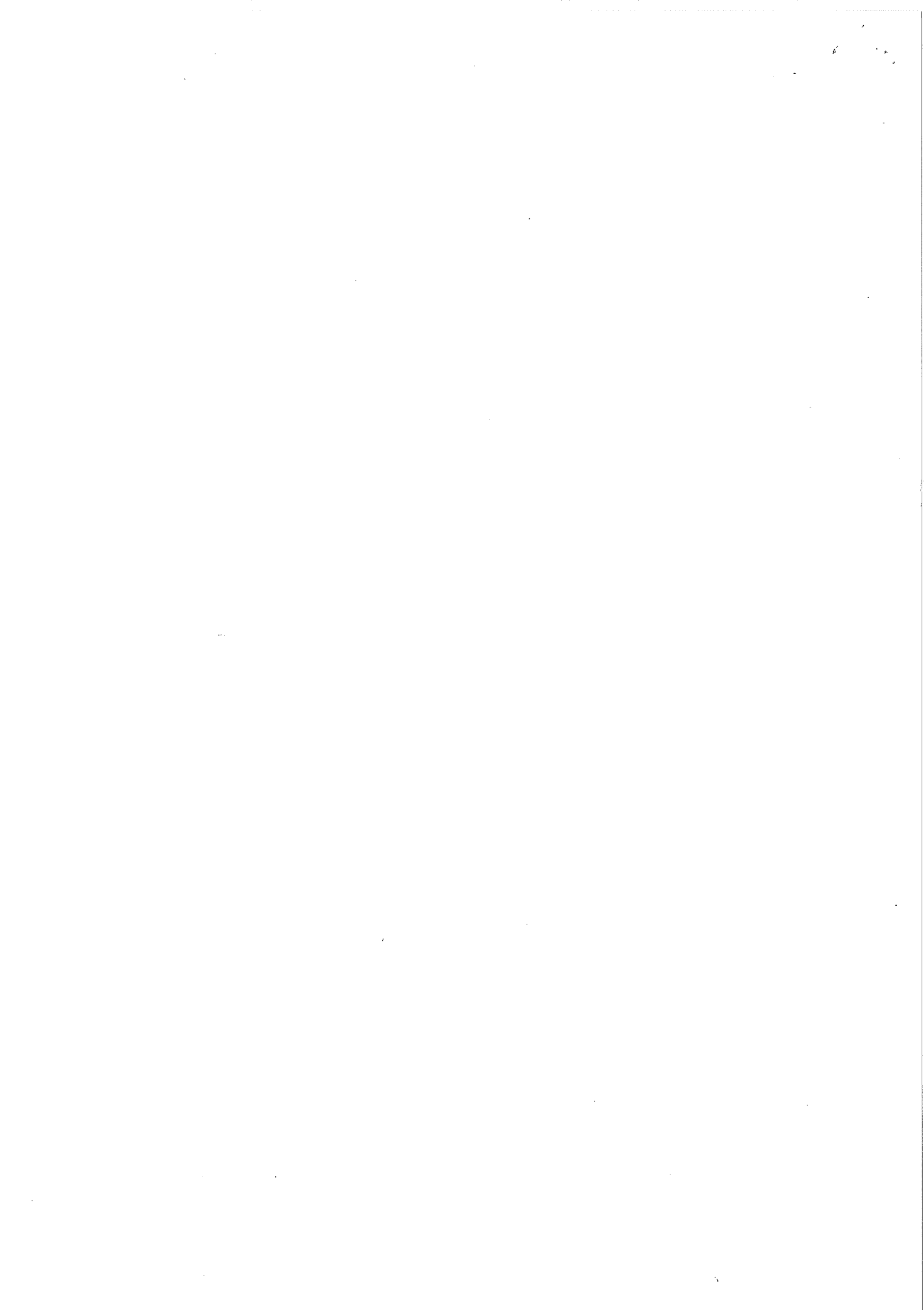
[38] As indicated by all parties there are no orders as to costs and the appeals are now at an end.

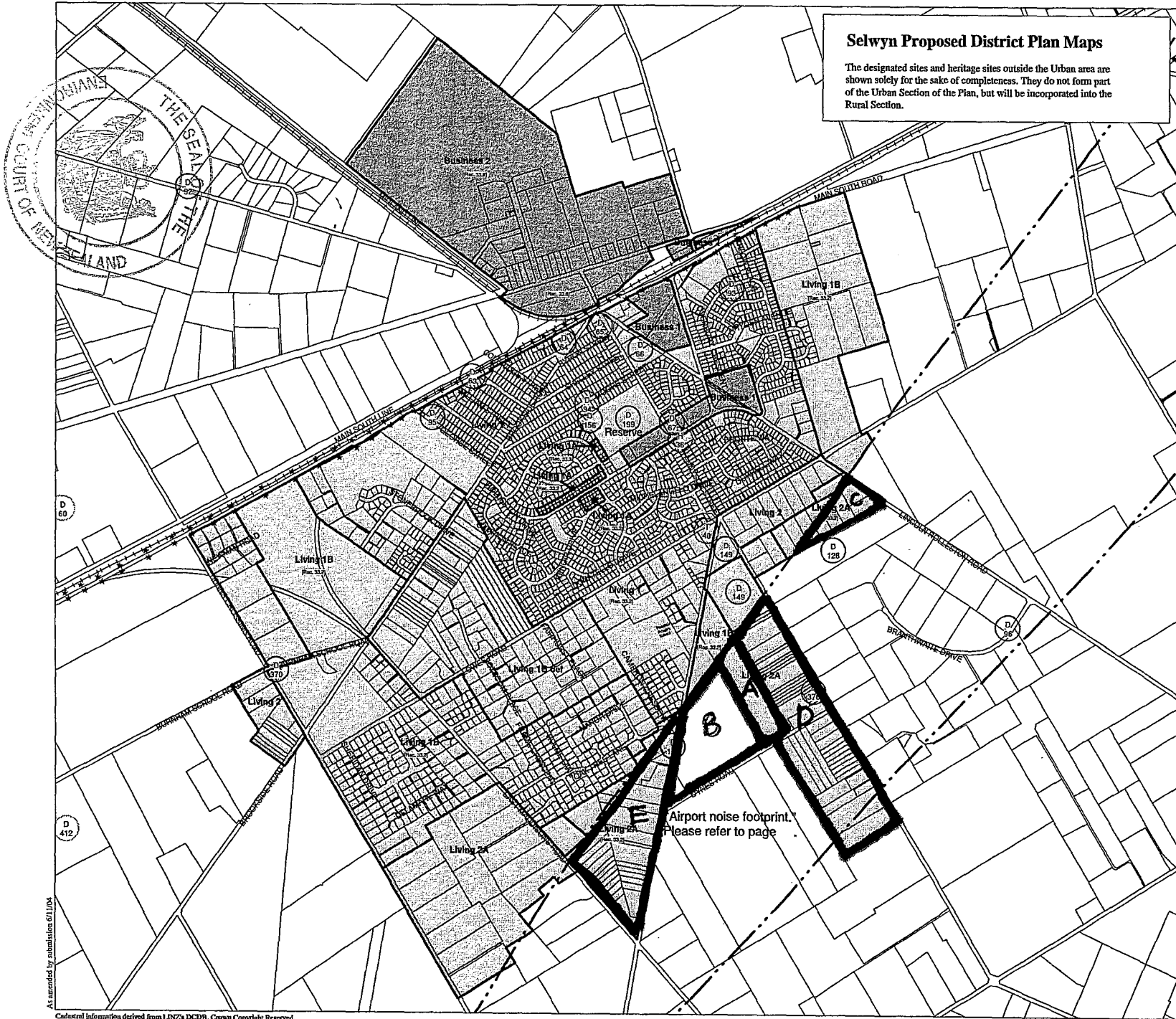
Delivered orally at Christchurch on 23 October 2007


J A Smith
Environment Judge



Issued¹: - 1 NOV 2007





Selwyn Proposed District Plan Maps

The designated sites and heritage sites outside the Urban area are shown solely for the sake of completeness. They do not form part of the Urban Section of the Plan, but will be incorporated into the Rural Section.

Map 15 Rolleston

Legend

- Living
- Business
- Rural
- Designated Site
- Heritage Site
- Heritage Tree
- Road not formed
- Airport noise contour
- Transit road widening designations (Refer to map 23)

Note:

- All rail corridors and road corridors on planning maps are designated.
- For Rolleston township development policies, see Part 2, Section 4.3.

NOTE :

Refer to the relevant rural planning map which surrounds this township for information on zoning, designations, flood hazards and other features.

NORTH

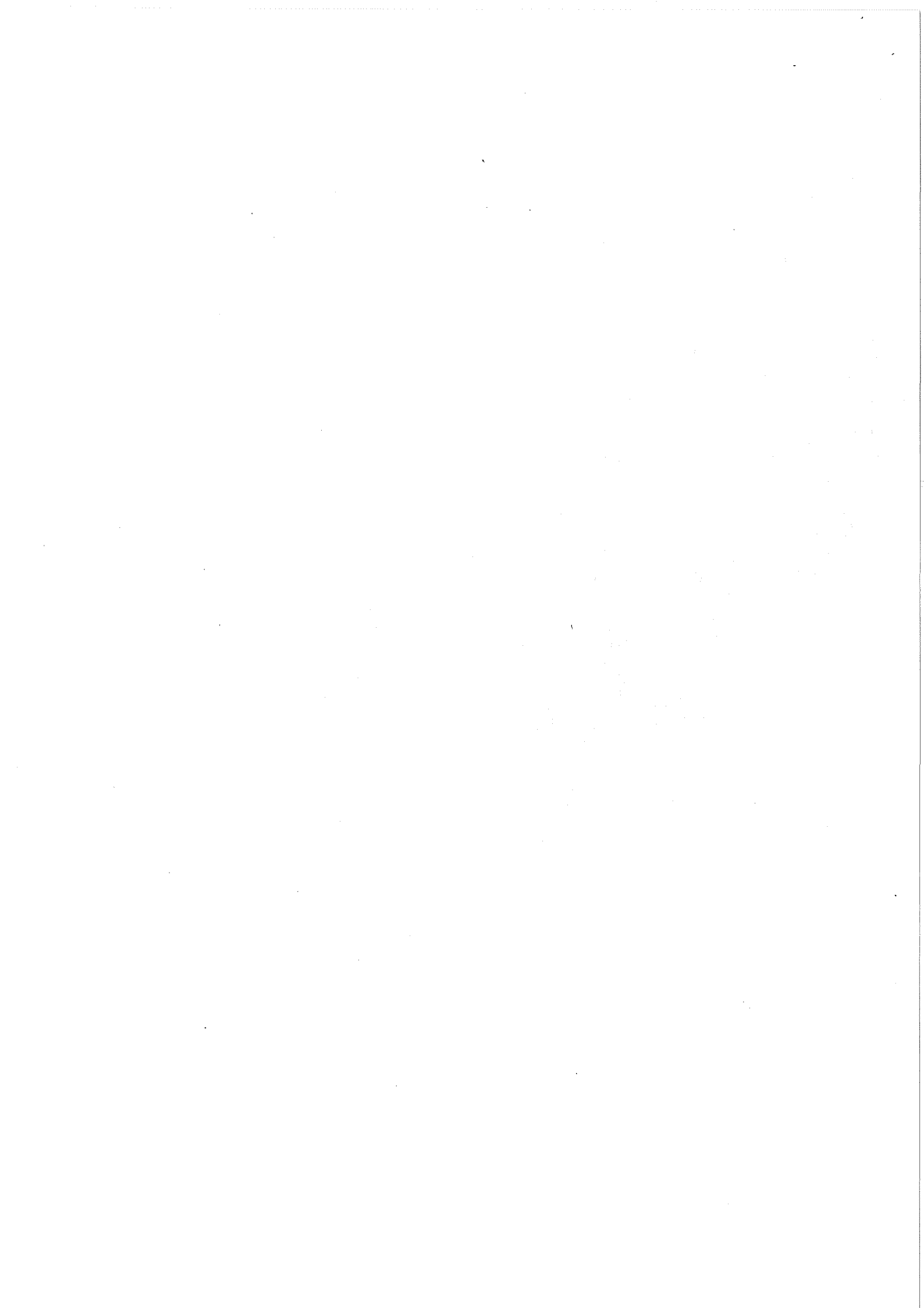
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As amended by submission 01/1/04

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Objective 4

(Previously Objective 3)

- 1 The future, unrestricted operation of Christchurch International Airport is not jeopardised by "reverse sensitivity" effects from residential development in the Selwyn District.

Policy 22 - Christchurch International Airport

(Previously Policy 21)

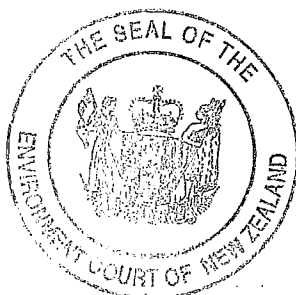
- 2 ~~Except as provided for in Policy 23 below, a~~ Avoid new residential development and other activities which may be sensitive to aircraft noise occurring on land which is located underneath the airport flightpath noise contours shown on Planning Map 15 for 50 dBA Ldn or greater.

Explanation and Reasons

- 3 CIAL is one of the few international airports which currently operates without any restrictions on the type of aircraft or times of flights, to manage effects of aircraft noise. Unrestricted operation is very important to both the Airport and the South Island's economy because New Zealand is often the 'last leg' on the International Flight Schedule. Many overseas aircraft arrive at night. (The country's position on the International Flight Schedule is due to its geographic location.)
- 4 Christchurch International Airport Ltd (CIAL), the Airport Company, is anxious to maintain unrestricted operation in the future. Therefore, CIAL wants to prevent residential activities, or other activities which may be sensitive to aircraft noise, locating close to the airport and then lobbying for restrictions on the airport's operations.

~~5 In addition, persons residing or carrying out noise sensitive activities in the 50 dBA Ldn noise contour may experience adverse effects on amenity.~~

- 56 ~~Therefore,~~ Policy 22 is intended to restrict new residential development at urban densities or other 'noise sensitive' activities, in areas subject to aircraft noise. The reason is both to reduce the potential for people trying to restrict the operation of CIAL in the future, as a means of mitigating noise effects, ~~and also to avoid adverse effects on the amenity of persons living within the contours.~~ New Zealand Standard 6805:1995 recommends such restrictions apply where aircraft noise exposure is 55 dBA Ldn or greater, but notes that greater protection may be appropriate in some areas. CIAL advocates for land use restrictions from 50 dBA Ldn. Overseas research shows people become annoyed by aircraft noise at levels lower than 55 dBA Ldn, so the risk of "reverse sensitivity" effects occurs before then. At 50 dBA Ldn it is appropriate to restrict residential activities rather than requiring noise insulation. The reason is that the effects from aircraft



noise at 50 dBA Ldn are mostly experienced outdoors or when windows are open.

~~67~~ Objective ~~43~~ and Policy 22 recognises that any risk of potential "reverse sensitivity" effects on CIAL (other than a minor risk) must be avoided because of the importance of the unrestricted operation of CIAL to the Region's and District's economy.

~~78~~ The 50 dBA Ldn noise contour affects land in the existing Living 2A zone in Rolleston township. The Council does not believe completing the development of this zone will result in any more than a minor increase in the number of houses occupying land under the 50 dBA Ldn noise contour in Selwyn District, Waimakariri District and Christchurch City. However, the historic existence of this zoning cannot be regarded as a precedent to further extend residential areas under the 50 dBA Ldn noise contour.

9 The noise contours shown in Planning Map 15 are those for aircraft noise from aircraft taking off or landing on the north east/south west runway at Christchurch International Airport. The noise contours are developed using a combination of loudness and frequency of flights (which is why the contours are much longer for the north/south runway than the less used east/west runway). The contours are based on the projected number of flights when CIAL is operating at full capacity on one runway. Therefore, some of the land shown under the noise contours is not affected by this level of aircraft noise now; and aircraft fly over areas now which will be less affected in the future. The reasons are:

7-19.1 As the number of flights increase the dBA Ldn noise contours elongate (because they measure frequency as well as loudness)).

7-29.2 As the number of flights increase aircraft will have to join the approach path to the Airport sooner and queue. Aircraft will join the approach path further south than they do now.

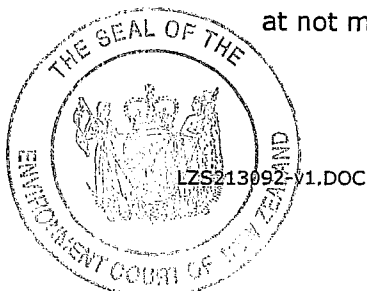
Method

District Plan Policy To assess plan change requests to rezone land for the expansion of townships; or resource consent applications for the subdivision of land

Policy 23

(Previously Policy 22)

810 Avoid adverse effects on amenity and potential reverse sensitivity effects on the future unrestricted operation of Christchurch International Airport by maintaining residential density in the existing Living 2A zone at Rolleston at not more than 1 housedwelling per hectare, with the exception of lots



~~less than 1 ha existing at 17/10/07, unless any potential 'reverse sensitivity' effects on the future unrestricted operation of Christchurch International Airport will be minor.~~

Explanation and Reasons

11 ~~The 50 dBA Ldn noise contour affects land in the existing Living 2A zone in Rolleston township. The Council does not believe completing the development of this zone will result in any more than a minor increase in the number of houses occupying land under the 50 dBA Ldn noise contour in Selwyn District, Waimakariri District and Christchurch City. However, the historic existence of this zoning cannot be regarded as a precedent to further extend residential areas under the 50 dBA Ldn noise contour.~~

~~1012~~ The land in the Living 2A zone at Rolleston includes areas zoned Rural Residential in Plan Change 10 to the transitional district plan for Selwyn District, ~~or the proposed plan 1995.~~ Most of this area has been subdivided and developed, except a small area of some 34 potential allotments. Policy 23 recognises the historic existence of this zoning and provides for its development to the extent and density intended in Plan Change 10 ~~the proposed plan 1995~~ (reflecting the 1 hectare average intended to apply in the zone). This zoning is regarded by the Council as a special case, due to its history. It cannot be used as a precedent to enable further rezoning of land for residential development under the 50 dBA Ldn noise contour, if such rezoning is contrary to Policy 22 of this plan.

Method

District Plan Rules

Subdivision Living 2A Zone

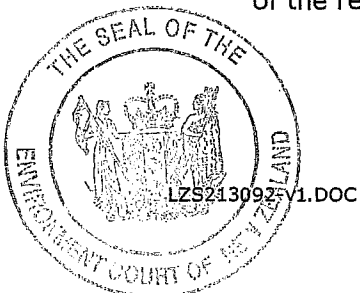
Residential Density Living 2A Zone

(IV) SPECIFIC POLICIES FOR TOWNSHIPS - ROLLESTON

Introduction

~~1113~~ The policies in this Section apply to the growth of specific townships. The policies apply in addition to any relevant policies in Part 2, Sections 1.1 to 4.2 and 4.4 of the plan; and in addition to the policies in Section 4.3 (iii). The policies in this Section are based on application of the general policies in Sections 1.1 to 4.2 and Section 4.3 (iii) to the circumstances of specific townships at the time of writing the plan. Should any policy in this Section conflict with any relevant policy in Sections 1.1 to 4.2 and Section 4.3 (iii), the latter policies shall apply.

~~1214~~ The notes and references under each township do not limit the application of the relevant objectives and policies of the plan.



Rolleston

Note: Preferred Growth Option

1315 There may be more than one area that complies with all relevant plan provisions for the future expansion of Rolleston.

Policy 1

1416 Avoid rezoning land for new residential or business development (other than Business 2 zoning), west of SH1 and the South Island Main Trunk Line (SIMTL).

Explanation and Reasons

1517 Rolleston Township is currently confined to one side of SH1 and the SIMTL except for the Business 2 zone. Policy 1 is consistent with Part 2, Section 2.1, Policy 16.

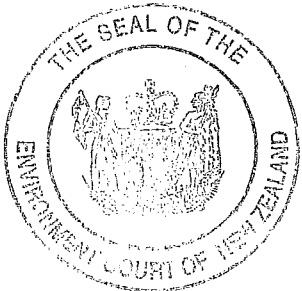
Policy 2

1618 Avoid rezoning land for new residential development in areas shown under the Airport Flightpath Noise Contours for 50 dBA Ldn or greater, on planning map 15, ~~unless any potential adverse effects on the future, unrestricted operation of Christchurch International Airport will be minor.~~

Explanation and Reasons

1719 Land within Rolleston township is under an approach path for aircraft to Christchurch International Airport. Policy 2 is consistent with Part 2, Section 2.1, Policy ~~21~~. 22

1820 The existing Living 2A zone, partially in this area, is an historic zoning and cannot be used as a precedent for extending the zone. Denser residential development is discouraged in that zone – see Part 2, Section 2.1, Policy ~~22~~. 23



In the Environment Court

in the matter of: the Resource Management Act 1991 (*the Act*)

and

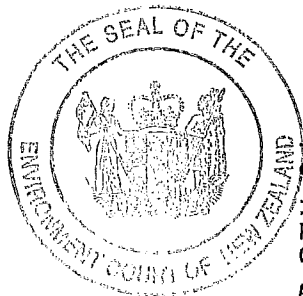
in the matter of: various appeals against the Proposed Selwyn District Plan under Clause 14 of the First Schedule to the Act

between: **DJ & AP Foster, Nimbus Consultants Limited, Canterbury Regional Council and Christchurch International Airport Limited**
Appellants

and: **Selwyn District Council**
Respondent

Consent memorandum in relation to settlement of Selwyn District Plan Appeals

Dated: 23 October 2007



Chapman Tripp Barristers & Solicitors

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PO Box 2510 Fax +64 3 365 4587
Christchurch NZ DX WP21035

Reference: JM Appleyard / LL Sewell

**CONSENT MEMORANDUM IN RELATION TO SETTLEMENT OF
SELWYN DISTRICT PLAN APPEALS**

This consent memorandum relates to the following proceedings:

Topic: Airport Noise – policies

1. Canterbury Regional Council v Selwyn District Council
Court Ref: ENV C 250 G(i) / 04
2. ChCh International Airport Ltd v Selwyn District Council
Court Ref: ENV C 260 B(i) / 04
3. Nimbus Consultants Ltd v Selwyn District Council
Court Ref: ENV C 308 B / 04

Topic: Township Growth – Rolleston (policies)

4. Canterbury Regional Council v Selwyn District Council
Court Ref: ENV C 281 B / 04

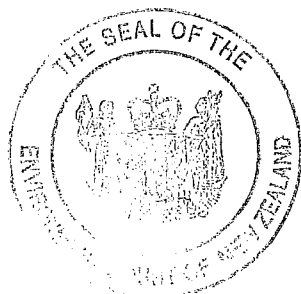
Topic: Airport Noise

5. ChCh International Airport Ltd v Selwyn District Council
Court Ref: RMA 467 B / 01
6. Christchurch International Airport Ltd v Selwyn District Council
Court Ref: ENV C 260 B(ii) / 04
7. DJ & AP Foster v Selwyn District Council
Court Ref: ENV C 281A / 04
8. Nimbus Consultants Ltd v Selwyn District Council
Court Ref: ENV C 308 A / 04

Topic: Rezoning – Rolleston (Airport noise)

9. Canterbury Regional Council v Selwyn District Council
Court Ref: ENV C 250 G(ii) / 04
10. ChCh International Airport Ltd v Selwyn District Council
Court Ref: ENV C 260 A / 04
11. Canterbury Regional Council v Selwyn District Council
Court Ref: ENV C 281 C / 04
12. Nimbus Consultants Ltd v Selwyn District Council
Court Ref: ENV C 308 C / 04

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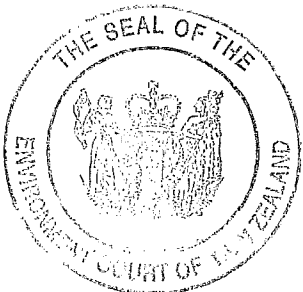
**CONSENT MEMORANDUM IN RELATION TO SETTLEMENT OF
SELWYN DISTRICT PLAN APPEALS**

MAY IT PLEASE THE COURT

- 1 The parties to the appeals set out on page 2 are:
 - 1.1 Selwyn District Council (SDC) – Respondent;
 - 1.2 Christchurch International Airport Limited (CIAL) – Appellant;
 - 1.3 Canterbury Regional Council (CRC) – Appellant;
 - 1.4 Mr and Mrs Foster (the Fosters) – Appellant;
 - 1.5 Nimbus Consultants Limited (Nimbus) – Appellant;
 - 1.6 Christchurch City Council (CCC) – Section 274 party.

- 2 The parties have reached agreement in respect of all the appeals before the Court.

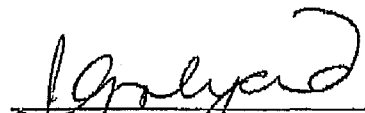
- 3 In particular, the parties have agreed as follows:
 - 3.1 the site referred to as the "Foster Finger" indicated on the map **attached** as Appendix A and marked "A" shall be rezoned LIVING 2A. *tha.*
 - 3.2 the site referred to as the "trapezoid block" indicated on the map attached and marked "B" shall remain Rural zoning and the Fosters and Nimbus withdraw their appeals with respect to this site and any Living zoning relief other than that set out at 3.1 above.
 - 3.3 CIAL and CRC withdraw their appeals which sought Rural zoning of the remaining Living 2A zoned sites, marked "C", "D" and "E" on the attached map.
 - 3.4 The Fosters and Nimbus withdraw their appeals with respect to the issue of the noise contours generally, including the placement or accuracy of those contours.
 - 3.5 The Parties agree that policies 22, 23 and 2 (and attendant explanation and reasons) to the Plan should be amended as set out in Appendix "B" to this consent memorandum.



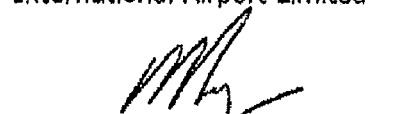
213091.01

- 4 This settlement requires the amendment of the Policies and explanations and reasons in the Plan as set out in Appendix B. No amendment to Planning maps is necessary.
- 5 The Parties agree there is no issue as to costs.
- 6 Subject to the Court's approval, this agreement will result in all the appeals being allowed to the extent set out above and otherwise dismissed. There are no outstanding points of appeal remaining.

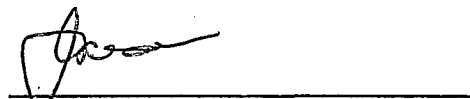
Dated: 23rd October 2007




J Appleyard / L Sewell
 Counsel for Christchurch
 International Airport Limited




P Rogers
 Counsel for Nimbus Consultants
 Limited and Mr and Mrs Foster



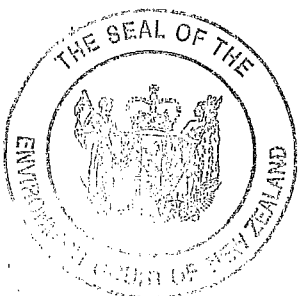
J Hardie
 Counsel for Christchurch City Council

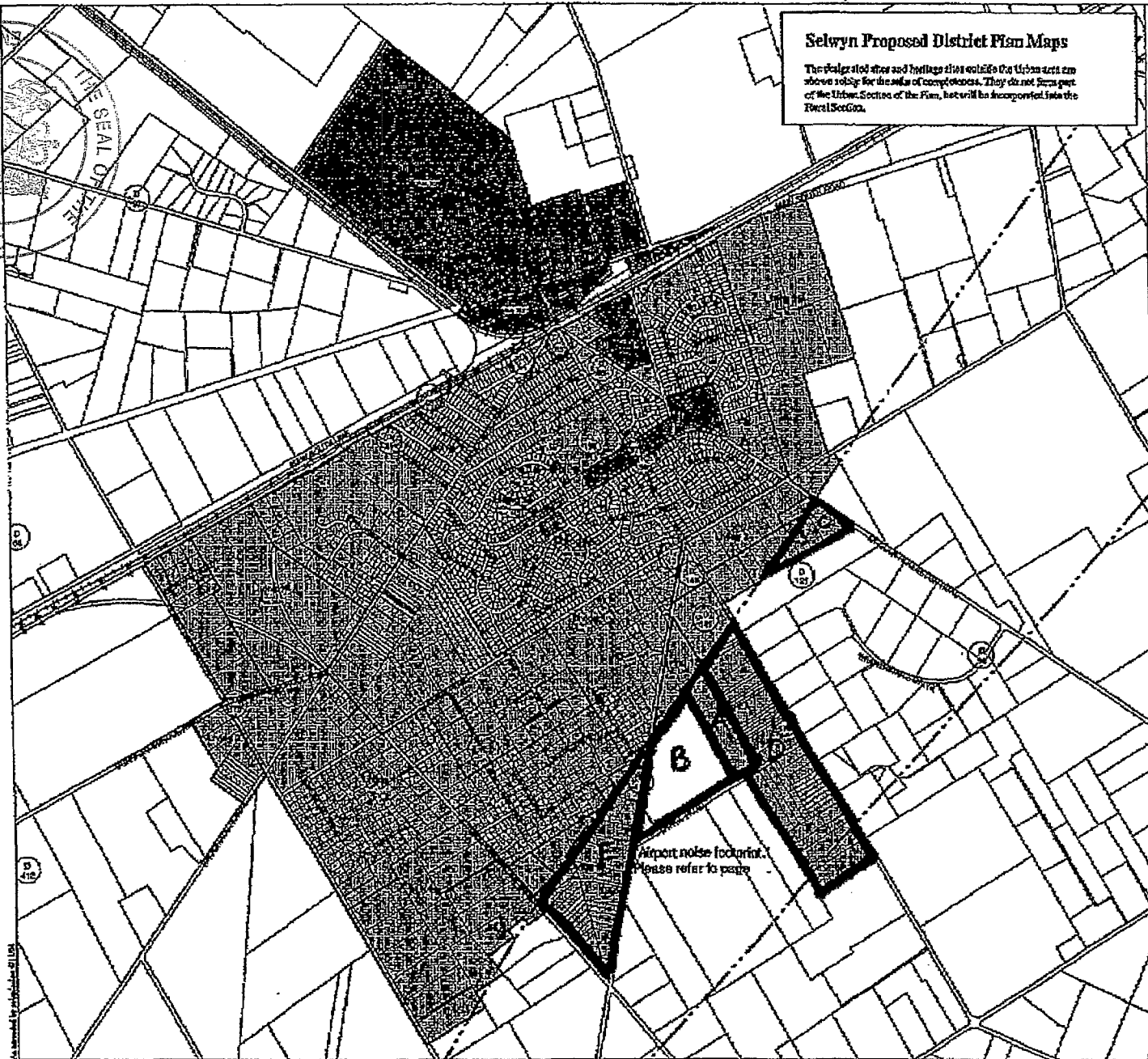
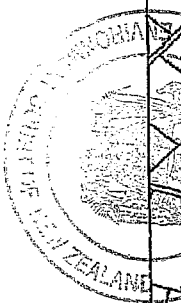


K Smith
 Counsel for Selwyn District Council



J Appleyard
 Counsel for Canterbury Regional
 Council














Selwyn Proposed District Plan Maps

The design and other and heritage sites outside the Urban area are shown solely for the sake of completeness. They do not form part of the Urban Section of the Plan, but will be incorporated into the Rural Section.

Map 15

Rolleston

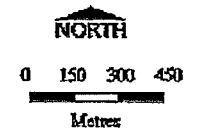
Legend

- Living 
- Business 
- Rural 
- Designated Site 
- Heritage Site 
- Heritage Tree 
- Road not formed 
- Airport noise contour 
- Transit road widening designations (Refer to map 23) 

- Note:**
1. All rail corridors and road corridors on planning maps are designated.
 2. For Rolleston township development policies, see Part 2, Section 4.3.

NOTE:

Refer to the relevant rural planning map which surrounds this township for information on zoning, designations, flood hazards and other features.



Scale 1:15000 (A3)



APPENDIX A

Information contained here is for general information only. It does not constitute an offer of any financial product or service. For more information, please contact your financial adviser.