

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** a proposal for a designation in relation to the Christchurch International Airport notified for incorporation into the Christchurch Replacement District Plan

Date of hearing: 9 and 10 February 2015

Date of final decision: 27 August 2015

Hearing Panel: Ms Sarah Dawson, Dr Philip Mitchell, Ms Jane Huria

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**FINAL DECISION — DECISION 5**

**CHAPTER 10 (PART): DESIGNATION D1  
Christchurch International Airport Limited**

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**Outcomes:** Confirm designation in accordance with Schedule 1

## COUNSEL APPEARANCES

|                |  |
|----------------|--|
| Ms K Viskovic  | Christchurch City Council                  |
| Ms J Appleyard | Christchurch International Airport Limited |
| Ms Steven QC   | Messrs McVicar, Smith and Booth            |

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## INTRODUCTION

[1] On 2 July 2015 we issued a draft decision on ‘Designation D1 — Christchurch International Airport Limited’ (‘Designation D1’). Designation D1 modifies the ‘airport purposes’ designation in the Existing Plan, as the draft decision describes. The requiring authority seeking this is Christchurch International Airport Limited (‘CIAL’).

[2] In terms of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘OIC’), the Council served the draft decision on:

- (a) CIAL;
- (b) The submitters (Messrs McVicar, Smith, Booth and Stokes, and Memorial Avenue Investments Limited);<sup>1</sup>
- (c) The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

[3] Those persons were entitled to provide to the Council comments on any minor or technical aspects of our *draft* decision 20 working days after the Council served the *draft* decision on them.

[4] The Council then had five working days to provide any comments back to us, after which we must, as soon as practicable, make and report our *final* decision.<sup>2</sup>

## Background

[5] Our *draft* decision sets out the background to the hearing of the requirement and submissions, a description of the requirement, our consideration of the evidence and submissions received and the statutory framework. Our *draft* decision sets out our reasons for confirming the designation with modifications.

<sup>1</sup> Gary McVicar (submitter 55); Erroll Smith (777); John Booth (798); Colin Stokes (1182); Memorial Avenue Investments Limited (917).

<sup>2</sup> Those persons listed at [2] have a right of appeal to the High Court, on questions of law, against our final decision (a submitter’s appeal right being only in relation to matters raised in that submitter’s submission). The time limit for filing a notice of appeal is not later than 20 working days after the Council notifies our final decision.

### Comments on the draft decision

[6] The Council filed a memorandum, dated 3 August 2015, advising that it had not received any comments within the statutory timeframe from the requiring authority or submitters. In its memorandum the Council advised that there was a technical correction to the map contained in Schedule 2 of our *draft* decision. That map inadvertently retained the shading of the designated area over third party land to the south of the existing airport designation, outside the area identified as A2. As the Council correctly identifies, our *draft* decision made it clear, for the reasons set out therein, that the designation over that third party land was limited to providing for the requirements of the Runway End Protection Area (‘REPA’).<sup>3</sup> The Council provided an amended map showing the correct geographical extent of D1. We accept that the correction identified by the Council is necessary to give effect to our *draft* decision. Having considered the memorandum filed by the Council, we confirm our *draft* decision of 2 July 2015 with the technical correction to the map shown in Schedule 2 of the *draft* decision.

### FINAL DECISION

[7] Designation D1 — Christchurch International Airport Limited **is confirmed** for inclusion in the Replacement Plan as set out in Schedule 1 to this *final* decision.

### Identification of parts of existing designations to be modified or replaced

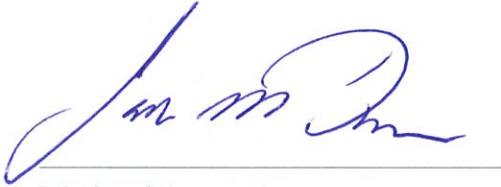
[8] On the day that the proposal is made operative, the Christchurch International Airport Limited (CIAL) Designation in Volume 3 — Part 12 Designations cl 2.1 of the Existing Plan is to be replaced by Designation D1 as modified, as set out in Schedule 1 hereof.<sup>4</sup>

<sup>3</sup> Draft decision at paras [29], [32] and [128](b)(2).

<sup>4</sup> OIC, cl 16(1).

Dated 27 August 2015

For the Hearings Panel:



Ms Sarah Dawson  
Acting Chair



Dr Philip Mitchell  
Panel Member



Ms Jane Huria  
Panel Member

**SCHEDULE 1****D1 Christchurch International Airport**

|                       |   |
|-----------------------|---|
| Designation Number    | D1  |
| Requiring Authority   | Christchurch International Airport Limited            |
| Location              | Harewood, Christchurch                                |
| Roll-over Designation | Yes (with modification)                               |
| Legacy Reference      | Christchurch City Plan, Volume 3, Part 12, Clause 2.1 |
| Lapse Date            | Given effect to                                       |
| Underlying Zone       | To be confirmed – Phase 2 District Plan Review        |
| Map Number            | 16, 17, 22, 23  |

**Purpose**

| Area (as shown on attached plan) | Purpose  |
|----------------------------------|--|
| A1                               | Airport. Airport purposes  |
| A2 and B                         | <p>Airport – Restriction in respect of land and associated airspace for the purposes of a Runway End Protection Area (REPA), for the safe and efficient functioning of the Airport, as follows:</p> <p>Restrictions on undertaking uses such as the following, including by changing the character, intensity or scale of the use:</p> <p>i. Any new building or utility,* as defined in this plan (except a navigational aid for aircraft) not present on the land covered by Area B as at 27 August 2014, or any change in any building or utility’s character, scale or intensity, excluding:</p> <ol style="list-style-type: none"> <li>a. Structures associated with upgrades for State Highway 1;</li> <li>b. Maintenance or repair works on any building or utility;</li> <li>c. Enclosed walkways associated with vehicle parking areas which are no greater than 2.4m in height and 1.8m in width.</li> </ol> <p>ii. In addition to buildings and utilities, all new activities or changes in the character, scale or intensity of existing activities carried out within Area B which generate or have potential to generate any of the following effects:</p> <ol style="list-style-type: none"> <li>a. Mass assembly of people (golf course recreation does not amount to mass assembly of people);</li> </ol> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>b. Release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam;</li> <li>c. The use or storage of hazardous substances exceeding the quantities permitted within the underlying zone;</li> <li>d. Production of direct light beams or reflective glare which could interfere with the vision of a pilot, excluding reflections or lights from motor vehicles;</li> <li>e. Production of radio or electrical interference which could affect aircraft communications or navigational equipment; and</li> <li>f. Attraction of birds, including but not limited to crops, orchards, and waterbodies (including swales or retention basins for the management of storm water).</li> </ul> <p>*Note 'new building or utility' excludes any building or utility not yet constructed but allowed by resource consent, building consent or existing use rights on 27 August 2014.</p> |
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## Conditions

N/A

