

APPENDIX A – Airways and CIAL comments on draft conditions

RYANS ROAD INDUSTRIAL DEVELOPMENT – **DRAFT** CHRISTCHURCH CITY COUNCIL CONSENT CONDITIONS 26/03/26

PART 1: CHRISTCHURCH CITY COUNCIL S9(3) RMA LAND USE CONSENT CONDITIONS

PART 2: CHRISTCHURCH CITY COUNCIL S11 RMA SUBDIVISION CONDITIONS

Column 1: Applicant’s Proposed Conditions – Section 55 Response	Column 2: Summary of Section 53 Comments and Response to Changes Requested
<p><i>Note: Green cells indicate the condition wording is agreed between CGL and CCC with no changes from CCC’s Appendix 16 conditions in response to s53 comments.</i></p> <p><i>Note: Orange cells indicate the condition wording has been changed (red text) from CCC’s Appendix 16 conditions in response to the s53 comments received from CRC, SDC, DOC, CIAL or Airways and provides reasons for the changes.</i></p> <p><i>Note: Red cells indicate the wording is not agreed between CGL and CCC, and explains why.</i></p> <p><i>Note: Blue text indicates new or amended wording for conditions, as at 19 February 2026.</i></p> <p><i>Note: Purple text indicates new or amended wording for conditions, as at 9 March 2026.</i></p>	

PANEL COMMENTS, ADDITIONS AND EDITS IN RED TEXT.

Note: We have made all the Applicant’s changes black to avoid confusion.

NOTE: The following table contains only the draft conditions of the above resource consents that are considered relevant to CIAL and Airways in the first column. The base text in black in the first column is the applicant’s proposed conditions and the Panel’s suggest changes remain in red. CIAL and Airways’ comments are included in the second column.

Part 1: Christchurch City Council Land Use Consent Conditions

Draft condition	CIAL Comments (Airways has provided input into the conditions relevant to their interests and operations)
<p>2. The Consent Holder, and all persons exercising this consent, must ensure that all personnel undertaking activities authorised by this consent are made aware of, and have access to, the contents of this consent decision, conditions, covenants and relevant management plans, prior to the commencement of the works. A copy of these documents must also remain on-site through the duration of the works.</p> <p>For the avoidance of doubt, the term ‘consent holder’ as used in this condition and any other conditions of this consent shall apply to persons relying on and exercising this consent in relation to land development, comprehensive development of sites, or the development and subsequent use of individual sites, buildings and/or activities.</p>	<p>CIAL considers this condition does not provide sufficient certainty as to who is responsible for implementing substantive obligations, and at what stage those obligations must be fulfilled.</p> <p>In particular, the condition relies on passing responsibilities from the consent holder to “all persons exercising the consent”, including future landowners and occupiers. While this may be appropriate for some operational matters, a number of the aviation-related controls are more appropriately addressed comprehensively by the original consent holder at the subdivision or initial development stage, rather than being deferred to, and fragmented across, subsequent site-specific development.</p> <p>Deferring implementation in this way creates a risk that:</p> <ul style="list-style-type: none"> • measures are applied inconsistently across the site; • cumulative or network-wide aviation effects are not appropriately identified and managed prior to separate titles are created; and • there is no single party clearly accountable for delivering outcomes anticipated by the consent. <p>Further, it is unclear from the application and proposed conditions:</p>

		<ul style="list-style-type: none"> • what specific steps are required to achieve s224 certification, and whether all necessary aviation-related measures must be in place prior to that point; and • at what stage responsibility transfers from the consent holder to individual purchasers, particularly in relation to ongoing obligations secured via covenants or management plans. <p>Clarity on these matters is important to ensure that:</p> <ul style="list-style-type: none"> • critical safety-related measures are identified from the outset and on a cumulative and holistic basis; and • any ongoing obligations on future owners are clearly defined, enforceable, and appropriately limited to matters that can reasonably be managed at an individual site level. <p>Accordingly, consideration should be given to:</p> <ul style="list-style-type: none"> • distinguishing between obligations that must be fulfilled by the consent holder prior to s224 certification or initial development, and • those that can appropriately be passed on to future owners via covenants or other mechanisms.
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Activity Conditions on Lots 1 – 126 and Built for Standards for Lots 1 – 57 and 61 – 126

4.	<p>a. Excepted as modified below in b. and c., the future development of lots 1-126 for industrial uses must comply with the District Plan Activity Standards for the Industrial General Zone at rule 16.4.1.1 Permitted activities attached as [Appendix XX] to this decision.</p> <p>b. Specifically excluded/ not provided for activities on these lots are the following (as defined in the District Plan):</p> <ol style="list-style-type: none"> Residential Activities / Residential Units (including for management / security purposes), Education Activities, Service Stations, Yard based landscape/ garden suppliers, including activities that involve the outdoor storage, stockpiling, or sale of materials likely to attract birds including soil, mulch, or compost, Heavy Industrial Activities (Fish Processing or Packing Plants and Abattoirs or Freezing Works). <p>c. Notwithstanding condition 4 a. above, any activities that would generate any of the following effects are not authorised by this consent on land on Lots 123-126 subject to Designation D1:</p> <ol style="list-style-type: none"> Mass assembly of people; Release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam; The use or storage of hazardous substances exceeding the quantities permitted within the underlying zone (RuUF); Production of direct light beams or reflective glare which could interfere with the vision of a pilot, excluding reflections or lights from motor vehicles; Production of radio or electrical interference which could affect aircraft communications or navigational equipment; and Attraction of birds, including waterbodies (including swales or retention basins for the management of storm water). 	<p>Amend condition (c) to clarify that it is an additional and overriding control to conditions (a) and (b).</p> <p>Further amendments to (c) are required to:</p> <ul style="list-style-type: none"> • ensure the condition captures activities that may contribute to or increase the risk of aviation-related effects (not just those that directly generate them); • avoid limiting these controls to Lots 123–126, given that aviation effects are not spatially confined to those Lots; • strengthen drafting to address indirect and cumulative effects (particularly in relation to lighting, bird attraction, and interference); and • ensure that compliance is achieved through avoidance of effects, rather than reliance on operational mitigation or future management measures. <p><i>Proposed replacement for subclause 4(c):</i></p> <p><u><i>In addition to, and notwithstanding conditions 4(a) and (b) or any other condition in this consent, the following activities are not authorised by this consent on lots 1 - 126:</i></u></p> <p><u><i>Any activity that results in, may result in, contributes to, or increases the risk of adverse effects (including direct, indirect and cumulative effects) on the safe and efficient operation of aircraft (including helicopter operations), including but not limited to:</i></u></p> <ol style="list-style-type: none"> <u><i>Mass assembly of people, including events, facilities or activities that attract or accommodate large numbers of people on a regular or intermittent basis;</i></u> <u><i>The release of any substance that may impair visibility or otherwise interfere with aircraft operations, including (but not limited to) smoke, dust, steam or particulate matter, including during construction activities;</i></u> <u><i>The use, storage or handling of hazardous substances exceeding the quantities permitted within the underlying zone (RuUF), or which otherwise increase risk to aviation safety;</i></u> <u><i>The production of direct or indirect light emissions, including glare, reflection, illumination or flashing light, that may interfere with the vision of a pilot or aircraft operations, excluding standard vehicle lighting;</i></u> <u><i>Any activity, structure or interference (including radio, electrical or electromagnetic interference, whether individual or cumulative) that adversely affects, or may adversely affect, aircraft communication, navigation or surveillance systems;</i></u>
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6.	<p>Lot Specific Building Controls</p> <p>The purpose of Condition 6(a) is to ensure that proposed buildings do not result in any change in performance of Airways Christchurch International Airport communication, navigation and surveillance equipment and aircraft safety that would necessitate a modification of that equipment to maintain its current standard of performance.</p> <p>a. <u>Unless specified otherwise as a result of the findings of an assessment undertaken in accordance with and as required by condition 21D, Lots 121 and 122 (Air navigation equipment mitigation):</u></p> <ul style="list-style-type: none"> i. The west and north facing facades of any buildings on Lot 121 and 122 shall have the same orientation detailed on the DCM Urban drawing titled '2024_051 Carter Group 104 Ryans Road - Building Heights D' page [xxx] of the Approved Capture Land Development Scheme Plans. ii. Where any building or buildings are proposed that do not comply with the parameters in clause (i) of this condition, such buildings may only be constructed if a technical safeguarding assessment, undertaken by a suitably qualified and experienced professional, confirms that the effects on air navigation equipment will be of an acceptable standard, having regard to the findings of the Cyrrus Limited report titled 'Technical Safeguarding Assessment of Air Navigation Equipment, Ryans Road Industrial Development, Christchurch' dated 18 November 2025. iii. The technical safeguarding assessment required by Condition 6(a)(ii) must include consultation with Christchurch International Airport Limited, Airways Corporation of New Zealand Limited, and the Civil Aviation Authority at its commencement, during and on completion of the study draft. iv. Where there is a dispute regarding the findings of the technical safeguarding assessment between the parties listed in 6(a)(iii) above, the dispute resolution process detailed in Condition 21D shall be implemented. The parties to be consulted by that process shall be the Consent Holder, Christchurch International Airport Limited, Airways Corporation of New Zealand Limited, Garden City Helicopters and the Civil Aviation Authority, <p>b. <u>Unless specified otherwise as a result of the findings of an assessment undertaken in accordance with and as required by condition 21D, Lot 121 (Wind shadowing mitigation):</u></p> <ul style="list-style-type: none"> i. Buildings and structures shall not exceed 16m in height. i. At least 70% of the total footprint of building(s) shall be located within the southern half of the lot, as shown on the approved site plan referenced [xxx]. ii. Buildings and structures shall have maximum floor plan dimensions of: 125m x 80m, or 100m x 100m, or 80m x 125m (width, depth). <p>c. <u>Unless specified otherwise as a result of the findings of an assessment undertaken in accordance with and as required by condition 21D, Lot 122 (Wind shadowing mitigation):</u></p> <ul style="list-style-type: none"> i. Buildings and structures shall not exceed 20m in height. ii. At least 70% of the total footprint of building(s) shall be located within the southern half of the lot, as shown on the approved site plan referenced [xxx]. iii. Buildings and structures shall have maximum floor plan dimensions of: 100m x 140m (width, depth). <p>d. Lot 58 (Air navigation equipment mitigation):</p>	<p>This condition purports to resolve the potential conflict between buildings and structures on particular lots with the operation of navigational aids. However, Airways and CIAL consider it is not sufficiently certain or comprehensive to achieve that outcome.</p> <p>The purpose statement (chapeau) is unclear and requires amendment. In particular, it is not clear what threshold of effect is being managed, or how that threshold is to be assessed or enforced. It is also framed solely by reference to the current standard of performance with existing communication, navigation and surveillance equipment, and does not account for the need to protect the ongoing operation, upgrade, or replacement of such equipment over time.</p> <p>The condition is one of a number that rely on future aviation safeguarding or risk assessments, which are undefined and unclear in their scope. More fundamentally, the condition assumes that effects can be managed through design responses and future assessment post-grant of consent. However, the Panel does not currently have a sufficient evidential basis to be satisfied that development across the site can occur without:</p> <ul style="list-style-type: none"> - affecting the performance of communication, navigation and surveillance equipment; or - requiring modification of that equipment or other aspects of operations to maintain safe operations. <p>Aviation safety effects of this nature should be resolved prior to consent being granted, not deferred to later technical assessment or building design stages.</p> <p>The condition applies only to selected lots, based on the applicant's technical assessments. However, Airways and CIAL consider those assessments are not sufficiently robust. The condition should apply to all lots not just those that the applicant's technical adviser has suggested and there should be one comprehensive engineering study and radio frequency analysis should be undertaken to confirm the modelling undertaken by the applicant before section 224(c) issues (or at the very minimum, the assessment should be undertaken and completed before any construction on any lots commences).</p> <p>The current condition relies on the report prepared by Cyrrus Limited for the applicant and appears to be used as a "baseline" for what may be acceptable from an aviation safety perspective. As Airways and CIAL have made clear in their evidence to the Panel, this is only an initial desktop assessment and its conclusions need to be verified through further assessment, so it is inappropriate for this to be relied on by the consent holder when satisfying this condition.</p> <p>More generally, the condition lacks certainty as to how compliance is to be achieved. In particular:</p> <ul style="list-style-type: none"> - the scope and methodology of the required assessment is not defined; - it is unclear what constitutes an "acceptable" effect; - the requirement to have "regard to" the Cyrrus report provides no clear standard; - consultation with Airways, CIAL and the CAA does not resolve this uncertainty, as there is no requirement for the consent holder to adopt or implement the outcomes of that consultation; and - as outlined further below, the dispute resolution process is unclear and not fit for purpose. <p>In addition, the condition allows the restrictions on buildings (including orientation, height and footprint) to be modified based on the outcome of future assessments under Condition 21D. This introduces a high degree of uncertainty, as the nature and extent of those controls is not known and has not been assessed by the Panel.</p> <p>A new condition is required that clearly outlines the steps required to be completed, which were outlined in Mr Grimm's evidence of 12 March 2026 and should include electromagnetic / radiofrequency impact assessment</p>

	<p>i. Activities and buildings shall be limited to buildings of 3.5m or 4.5m maximum height in accordance with the DCM Urban drawing titled <i>Indicative Building Footprint Plan no: 2024_052/001 revision: D</i>.</p> <p>e. Lots 59 and 60 (Air navigation equipment mitigation and no build zone):</p> <p>i. There shall be no buildings on Lots 59 and 60 in accordance with the DCM Urban drawing titled '<i>Indicative Building Footprint Plan no: 2024_052/001 revision: D</i>' and Capture drawing RCPG123.</p> <p>Advice note: <i>In accordance with Condition 21, on-going compliance with this condition shall be ensured by way of a covenant pursuant to section 1082(d) of the RMA registered against the Computer Freehold Register to issue for each lot (as detailed below) of the subdivision.</i></p>	<p>to verify the modelling assumptions in the Cyrrus (and other desktop assessments prepared by the applicant) against local conditions.</p> <p>That assessment should be undertaken by a suitably qualified and experienced person appointed in consultation with Airways and CIAL.</p> <p>Finally, subclauses (b) and (c) address wind-shadowing effects, and it is not clear why these have been included within a condition that otherwise purports to address effects on communication, navigation and surveillance equipment.</p>
7.	<p>Building Height:</p> <p><u>Interpretation and advice notes</u></p> <p>A. Interpretation</p> <p>For the purposes of Condition 7:</p> <p>a. "Protection surfaces" are as shown on Capture drawings RCPG120, RCPG121, RCPG122, RCPG123, and RCPG125 (together, <i>the Airport Safeguarding Set</i>) attached and marked as [insert reference].</p> <p>b. Advice note: The Airport Safeguarding Set corresponds, in part, to the Christchurch District Plan provisions in Sub-chapter 6.7 (Aircraft Protection). Those provisions continue to apply to all activities authorised by this consent. Particular attention is drawn to prohibited activities under Rules 6.7.4.1.6 PR1 and 6.7.4.2.6 PR1–PR4.</p> <p>c. Advice note: Capture drawings RCPG130, RCPG131, RCPG132, and RCPG135 are included for guidance as to the height limits relative to existing ground levels imposed by the Airport Safeguarding Set and are not for the purposes of validating building height under condition 7D or determining compliance with Rules 6.7.4.1.6 PR1 and 6.7.4.2.6 PR1–PR4.</p> <p>d. "Road boundary" means the legal road boundary of Ryans Road or Grays Road respectively.</p> <p>e. For the avoidance of doubt, any references in this condition to 'building' or 'structure' shall be deemed to include shipping containers and/or stacks of materials.</p> <p>f. Where there is any conflict between the general requirements in Condition 5 and the more specific requirements in Condition 6 or Condition 7, the more restrictive limit prevails.</p> <p><u>Building height – general envelope</u></p> <p>B. Airport protection surfaces (primary control)</p> <p>a. No building, structure, vegetation or utility (including any part thereof) shall penetrate the airport protection surfaces shown on the Capture drawings RC-PG120, RC-PG121, RC-PG122, RC-PG123, and RC-PG125.</p> <p>b. No buildings shall exceed the maximum heights and maximum widths shown on the drawing titled '<i>2024_051 Carter Group 104 Ryans Road - Building Heights D</i>' page xx of the Approved Plans'</p>	<p>The heading and wording of this condition (including sub conditions) should refer to "buildings and structures" rather than "buildings" alone, to ensure it fully captures all relevant physical elements that may penetrate airport protection surfaces or otherwise affect aviation safety.</p> <p>Subclause B: This condition is inappropriate and should be deleted or fundamentally amended.</p> <p>Subclauses (c)–(e) purport to establish an alternative pathway whereby buildings that do not comply with airport protection surfaces may nevertheless be approved through a "technical safeguarding assessment". This approach is inconsistent with the statutory framework for designated land and airport protection under the Christchurch District Plan.</p>

c. Where any building or buildings are proposed that do not comply with the parameters in clause (7Bb) of this condition, such buildings may only be constructed if a technical safeguarding assessment, undertaken by a suitably qualified and experienced professional, confirms that the effects on air navigation equipment will be of an acceptable standard, having regard to the findings of the Cyrrus Limited report titled 'Technical Safeguarding Assessment of Air Navigation Equipment, Ryans Road Industrial Development, Christchurch' dated 18 November 2025 .

d. The technical safeguarding assessment required by Condition 7Bc. must include consultation with Christchurch International Airport Limited, Airways Corporation of New Zealand Limited, and the Civil Aviation Authority at its commencement, during and on completion of the study draft.

e. Where there is a dispute regarding the findings of the technical safeguarding assessment between the parties listed in 7Bc. above, the dispute resolution process detailed in Condition 21E shall be implemented. The parties to be consulted by that process shall be the Consent Holder, Christchurch International Airport Limited, Airways Corporation of New Zealand Limited, Garden City Helicopters and the Civil Aviation Authority,

C. Base zone height (secondary control)

Subject to Conditions 7B and 7F, the maximum height of any building or structure shall be 20 m, except that:

- a. Within 10 m of the Ryans Road road boundary, the maximum height shall be 12 m.
- b. Within 10 m of the Grays Road road boundary on Lots 68-70 (only), the maximum height shall be 12 m.

D. Survey certification (design, set-out and as-built)

- a. At the time of building consent submission, the Consent Holder shall provide to the Council's Resource Consents Manager (or nominee) ground level, floor level and building height levels in sufficient detail to confirm compliance with Condition 7.
- b. Prior to the building consent inspection of foundations for any building/structure/utility, the Consent Holder shall provide to the Council's Resource Consents Manager (or nominee) a Building Location & Level Certificate prepared by a Registered Surveyor, certifying compliance with Condition 7.
- c. Prior to applying for code compliance certification for any building/structure/utility, as built certification by a Registered Surveyor shall be provided to the Council's Resource Consents Manager (or nominee) confirming the works as constructed comply with Condition 7.

E. Ongoing notice on titles (covenant)

Ongoing compliance with condition 7 shall be ensured by way of a covenant pursuant to section 1082(d) of the RMA being registered against the Computer Freehold Register to issue for each lot (as detailed below) of the subdivision.

Temporary penetrations and construction plant

F. Temporary cranes and construction plant

In particular:

- The airport protection surfaces are given effect through Chapter 6.7 of the District Plan, which includes prohibited activity rules where those surfaces are penetrated.
- Section 176(1)(b) of the Resource Management Act requires that no person may do anything that would prevent or hinder the operation of a designation without the consent of the requiring authority. CIAL, as the requiring authority, is the decision-maker on such matters.

Subclauses (c)–(e) therefore:

- impermissibly fetter the operation of section 176(1)(b) by introducing an alternative approval pathway outside that statutory process;
- attempt to enable outcomes that would otherwise be prohibited under Rule 6.7.4.1.6; and
- introduce a technical assessment and dispute resolution process that is inconsistent with the CIAL's statutory role as requiring authority.

An assessment cannot be used to circumvent these statutory requirements.

These provisions are also inconsistent with the Application itself, which states that no intrusions into airport protection surfaces are proposed during either construction or operation. There is therefore no lawful or evidential basis for including a mechanism that enables such intrusions.

More generally, and consistent with the concerns raised in relation to Condition 6, the condition lacks certainty as to how compliance is to be achieved. In particular:

- the scope and methodology of the required assessment is not defined;
- it is unclear what constitutes an "acceptable" effect;
- the requirement to have "regard to" the Cyrrus report provides no clear standard and sets an inappropriate baseline based on a desktop study which has not been verified; and
- consultation with CIAL, Airways and the CAA does not resolve this uncertainty, as there is no requirement for the consent holder to adopt or implement the outcomes of that consultation.

In addition, subclauses (c)–(e) allow the applicable building height controls, and the potential for penetration of airport protection surfaces, to be modified based on the outcome of future assessments. This introduces a high degree of uncertainty, as the nature and extent of those controls is not known and has not been assessed by the Panel.

Clauses (c)–(e) should therefore be deleted to ensure that compliance with airport protection surfaces is achieved in accordance with the District Plan and designation framework.

Suggested redraft of subclauses (c) – (e) which should be replaced with the following:

c. For the avoidance of doubt:

i. Any activity that would result in a penetration of airport protection surfaces is not authorised by this consent and is a prohibited activity under the Christchurch District Plan; and

ii. Nothing in this consent removes or limits the requirement to obtain any approval required under section 176(1)(b) of the Resource Management Act 1991 from the requiring authority (Christchurch International Airport Limited).

d. Compliance with this condition must be demonstrated at the time of building consent and must include certification of building height, location and extent relative to airport protection surfaces.

	<p>Temporary cranes, masts and other construction plant (including any part thereof) shall not penetrate the airport protection surfaces shown on the Capture drawings RC-PG120, RC-PG121, RC-PG122, RC-PG123, and RC-PG125 <u>except where authorised by the Civil Aviation Authority under Civil Aviation Rule Part 77;</u> and unless:</p> <p>a. A temporary works management plan addressing heights, locations, durations, lighting, and notification protocols is prepared. [Advice note: Such a plan should be prepared in accordance with Christchurch Airport's "Requirements for Working at the Airport" document]; and</p> <p>b. Airport operator consent is obtained from Christchurch International Airport Limited; and</p> <p>c. Civil Aviation Authority (CAA) authorisation is obtained under Civil Aviation Rule Part 77; and</p> <p>d. Temporary cranes, masts or other construction plant are established and operated in accordance with all requirements specified in clauses a. – c. of this condition.</p>	<p><u><i>e. This condition applies to all stages of development, including construction activities, temporary structures, and the use of cranes or lifting equipment.</i></u></p> <p>Subclause F: Clause F is inappropriate and should be deleted or amended to align with Condition B and the statutory framework applying to airport protection surfaces.</p> <p>As drafted, the condition enables temporary structures (including cranes) to penetrate airport protection surfaces where authorised under Civil Aviation Rule Part 77. This is not appropriate for the following reasons:</p> <ul style="list-style-type: none"> - The airport protection surfaces are protected through the Christchurch District Plan and the airport designation, and any exceedance is a matter for the requiring authority under section 176(1)(b) of the Resource Management Act. - Civil Aviation Rule Part 77 is a notification and airspace management regime. It does not provide a comprehensive assessment of effects on airport operations or navigation systems and does not override the District Plan or designation framework. - CAA determination may permit an activity subject to operational changes (such as raising minima), which can impose restrictions or inefficiencies on airport operations. This represents an adverse effect on the airport, rather than an assessment of whether such effects should be avoided. <p>The condition as drafted therefore:</p> <ul style="list-style-type: none"> - incorrectly elevates CAA authorisation above the requiring authority's role; - enables outcomes that may compromise the safe and efficient operation of the airport; and - is inconsistent with the approach taken elsewhere in the conditions (including in the application documents themselves), which requires compliance with airport protection surfaces. <p>There is no need for a separate condition for temporary structures if compliance with airport protection surfaces is already required in condition B. Temporary cranes and construction plant should be captured within the same framework (see proposed new subclause 7B(c) above) and subject to the same restrictions.</p> <p>Accordingly, Clause F should either be deleted or amended to require full compliance with airport protection surfaces, with any exceedance requiring approval from the requiring authority.</p>
Other General Development Conditions – Noise, Outdoor Lighting, Aircraft Protection, Signs, Earthworks, Landscaping		
8.	<p>Noise</p> <p>a. Future development of lots 1 – 126 for industrial purposes must comply with the District Plan noise rules in 6.1.4 General Noise Rules and 6.1.5 Zone Specific Noise Rules attached as Appendix XX to this decision.</p> <p>b. The noise standards for the Industrial General Zone apply to lots 1 – 126.</p> <p>Note for clarity: <i>The zone noise standards specified in Rule 6.1.5 require the noise received at the point of measurement comply with the receiving zone standard, not the generating zone.</i></p>	<p>There is currently no condition ensuring compliance with Rule 6.1.7.2.2 for buildings (including offices) within the 55 dB Ldn Air Noise Contour. The District Plan rule explicitly applies to “retail activities, commercial services and offices”, and this includes offices associated with industrial activities (such as administrative or management offices within industrial buildings). These are not excluded simply because they are ancillary to an industrial use.</p> <p>Given the rule applies to all new buildings within the contour, a condition is required to ensure that acoustic insulation is appropriately designed, implemented and verified.</p>
8B	<p>No Complaints Covenant</p> <p><i>In accordance with Condition 21c, Covenants shall be registered on the Computer Freehold Register of Lots 1 – 126 to ensure that owners and occupiers of land or buildings within the development acknowledge the right of Graden City Helicopters to generate noise associated with its existing legal operations and prevent those owners and occupiers from seeking restrictions on the noise generated by those activities.</i></p>	<p>CIAL notes the inclusion of a no-complaints covenant. However, the effectiveness of such covenants is inherently limited and they should not be relied upon as a primary mechanism to manage aviation-related effects.</p> <p>In particular:</p> <ul style="list-style-type: none"> - The covenant is limited to the existing operations of Garden City Helicopters. This does not provide for the potential expansion or evolution of helicopter operations over time, nor does it account for the possibility of different or additional operators utilising the helicopter facilities within the airport environment.

		<ul style="list-style-type: none"> - The covenant applies only to noise effects, whereas helicopter operations can give rise to a broader range of effects, including downwash, safety risks, lighting, and operational constraints. - A no-complaints covenant does not avoid, remedy or mitigate physical or operational effects. Rather, it only limits the ability of future landowners to seek relief. As such, it does not address the underlying compatibility of the proposed development with adjacent aviation activities. <p>For these reasons, the covenant can only operate as a supplementary measure and should not be relied upon as a substitute for appropriate land use controls and conditions that avoid or manage aviation safety and operational effects at source.</p> <p>Consideration should also be given to extending the covenant to:</p> <ul style="list-style-type: none"> - apply to both existing and future lawful helicopter operations, including those undertaken by any operator within the airport environment; and - acknowledge the full range of effects associated with such operations, not limited to noise.
9.	<p>Glare</p> <p>a. Future development and construction activities on Lots 7 – 126 for industrial purposes must comply with the District Plan Glare rules in 6.3.4.1 Permitted activities Control of Glare attached as [Appendix XX] to this decision.</p> <p>b. For the future development of Lots 7 - 126 for industrial purposes a site-specific lighting plan and assessment prepared by a suitably qualified lighting engineer must be submitted to CCC for certification prior to issue of any building consent to demonstrate compliance with NC1 and NC2 as follows:</p> <p style="padding-left: 40px;">i. Within 500m of the threshold of a runway at Christchurch International Airport, those being lots or specific portions of lots 92, 109, 110, 111, 112, 113, 114, 115, 121, 122, 123 and 124 (as shown on the Capture Land Development Plans November 2025) any activity will not result in greater than 2.5 lux spill (horizontal or vertical) on to any land outside of the Specific Purpose Airport Zone.</p> <p style="padding-left: 40px;">i. For lots 7 - 126 assessment against NC2 to ensure non-aeronautical ground lights do not shine above the horizontal.</p> <p><i>Advice note: In accordance with Condition 21, on-going compliance with this condition (b) shall be ensured by way of a covenant pursuant to section 1082(d) of the RMA registered against the Computer Freehold Register to issue for each lot (as detailed below) of the subdivision.</i></p>	<p>The intent of this condition is supported. However, as currently drafted it does not adequately address the potential effects of lighting on aircraft and helicopter operations.</p> <p>In particular:</p> <ul style="list-style-type: none"> - The condition focuses on light spill onto land outside the Specific Purpose Airport Zone, which is not the relevant effect for aviation safety. The key issue is whether lighting may interfere with pilot vision or aircraft operations, including during approach, landing and take-off. - With helicopter emergency response operations (including 24/7 air rescue and medical flights), pilots may operate at any time, including at night using night vision goggles. Bright or poorly designed lighting can interfere with pilot vision, including causing blooming or temporary blindness when using night vision equipment, and may adversely affect the safe conduct of approach, departure and emergency response operations. - Compliance based on lux levels alone does not address risks such as glare, distraction, or confusion with aeronautical lighting, which are critical considerations in proximity to the runway and helicopter flight path. - The condition does not clearly address reflected light, including from highly reflective surfaces such as roof materials or solar panels that could be included on buildings, which may give rise to glare effects affecting pilots. <p>The condition should therefore be amended to:</p> <ul style="list-style-type: none"> - focus on effects on aircraft operations and pilot perception, rather than light spill onto adjacent land; - explicitly address glare, reflection, distraction, and potential confusion with navigational lighting systems; - require assessment of all potential light sources, including reflected light from buildings and solar installations; and - require consultation with relevant aviation stakeholders, including CIAL and Airways, while preparing the site-specific lighting plan, and must include evidence of that consultation, including how any matters raised have been addressed. <p>Without these amendments, the condition does not provide sufficient certainty that aviation safety effects will be avoided.</p> <p>This could be achieved by adding a new subclause (b):</p> <p><u><i>For the future development of Lots 1–126 for industrial purposes, a site-specific lighting plan and assessment prepared by a suitably qualified lighting engineer must be submitted to Christchurch City Council for certification prior to the issue of any building consent.</i></u></p>

		<p><u>The lighting plan and assessment must:</u></p> <ol style="list-style-type: none"> 1. <u>Demonstrate compliance with NC1 and NC2 as follows:</u> <ul style="list-style-type: none"> - <u>Within 500m of the threshold of a runway at Christchurch International Airport (being Lots or specific portions of Lots 92, 109, 110, 111, 112, 113, 114, 115, 121, 122, 123 and 124 as shown on the Capture Land Development Plans November 2025), any activity must not result in greater than 2.5 lux spill (horizontal or vertical) onto any land outside of the Specific Purpose Airport Zone; and</u> - <u>For Lots 7–126, demonstrate compliance with NC2 to ensure non-aeronautical ground lights do not shine above the horizontal;</u> 2. <u>Be prepared in consultation with Christchurch International Airport Limited and Airways New Zealand, and include evidence of that consultation, including how any matters raised have been addressed;</u> 3. <u>Demonstrate that all external lighting and reflective surfaces (including building materials and solar photovoltaic installations) are designed, installed and operated such that they do not:</u> <ul style="list-style-type: none"> - <u>cause glare or distraction to pilots;</u> - <u>impair pilot vision during approach, landing or take-off;</u> - <u>be capable of being mistaken for, or interfere with, aeronautical lighting systems; or</u> - <u>result in reflected light effects that may adversely affect aircraft operations.</u>
10.	<p>Construction Lighting</p> <p>No construction activities on Lots 1-126 requiring external artificial lighting may occur during the hours of darkness, except where:</p> <ol style="list-style-type: none"> i. A temporary works management plan addressing construction lighting and notification protocols is prepared. [Advice note: Such a plan should be prepared in accordance with Christchurch Airport's "Requirements for Working at the Airport" document]; and ii. Airport operator consent is obtained from Christchurch International Airport Limited; and iii. Civil Aviation Authority (CAA) authorisation is obtained under Civil Aviation Rule Part 77; and iv. Construction lighting is operated in accordance with all requirements specified in clauses i-iv. of this condition. <p>Advice note: <i>In accordance with Condition 21, on-going compliance with this condition shall be ensured by way of a covenant pursuant to section 1082(d) of the RMA registered against the Computer Freehold Register to issue for each lot (as detailed below) of the subdivision.</i></p>	<p>Given the proximity of the site to the runway and the sensitivity of aircraft operations to lighting effects, CIAL and Airways consider that construction activities requiring external artificial lighting during hours of darkness should not be authorised.</p> <p>Night-time construction lighting has the potential to give rise to glare, distraction, and confusion with aeronautical lighting, which are difficult to reliably manage through post-design controls.</p> <p>Accordingly, the condition should be amended to remove the exception and instead provide that:</p> <p><i>No construction activities on Lots 1-126 requiring external artificial lighting may occur during the hours of darkness.</i></p> <p>If, however, the Panel is minded to provide for such activities, the condition as currently drafted raises significant concerns.</p> <p>In particular, the condition does not define clear performance standards or limits for construction lighting. Instead, it makes it contingent on the preparation of a management plan and the obtaining of approvals from third parties, including Christchurch International Airport Limited and the Civil Aviation Authority.</p> <p>This creates uncertainty as to what level of lighting effects is acceptable and how compliance is to be assessed.</p> <p>In addition, reliance on Civil Aviation Rule Part 77 introduces a separate regulatory regime that does not assess the full range of land use and operational effects relevant under the Resource Management Act. Authorisation under Part 77 may still result in operational constraints on the airport and does not ensure that adverse effects are avoided.</p>
11.	<p>Control of Light Spill</p> <p>a. Future development and construction activities on lots 1 – 126 for industrial purposes must comply with the District Plan Light Spill rules in 6.3.5.1 Permitted Activities Control of Light Spill and 6.3.6 Light Spill Standards by Zone for Industrial zones (permitted lux spill horizontal or vertical 20 Lux) attached as Appendix XX to this decision.</p> <p>Advice noteNote for clarity: <i>The light spill standards specified in Rule 6.3.5.1 require the light spill received at the point of measurement comply with the receiving zone standard, not the generating zone.</i></p>	<p>CIAL notes that this condition applies the District Plan light spill standards in Chapter 6.3. While this provides a baseline control for amenity effects, those standards are not directed at managing effects on aircraft operations.</p> <p>In particular, compliance with light spill limits (e.g. 20 lux) does not ensure that lighting will not give rise to glare, distraction, or potential confusion with aeronautical lighting, which are the relevant effects in proximity to a runway.</p>

	<p>Advice Note: Condition 9, 10 and 12 must also be complied with.</p>	<p>Accordingly, compliance with Chapter 6.3 alone is not sufficient to address aviation safety and operational effects, and the condition should not be relied upon for that purpose. More specific aviation-related lighting controls are required.</p>
12.	<p>Lighting within 500m runway threshold</p> <p>Future development and construction activities within 500m of the threshold of a runway at Christchurch International Airport, those being lots or specific portions of lots 92, 109, 110, 111, 112, 113, 114, 115, 121, 122, 123 and 124 (as shown on the Capture Land Development Plans), must comply with the following:</p> <ol style="list-style-type: none"> a. No illuminated signage shall be installed within 500m of the runway. b. There shall be no loading areas within 500m of the runway operating outside daylight hours to avoid the need for yard lighting. c. Parking areas within 500m of the runway must be lit to PR4 standard (>1.3lux average, <2.5lux max). <p>Advice note: In accordance with Condition 21, on-going compliance with this condition shall be ensured by way of a covenant pursuant to section 1082(d) of the RMA registered against the Computer Freehold Register to issue for each lot (as detailed below) of the subdivision.</p>	<p>Clause (b) is too narrowly framed and does not adequately control lighting effects within 500m of the runway threshold.</p> <p>While it restricts the operation of loading areas outside daylight hours to avoid yard lighting, external lighting may be required for a range of other activities, including security, parking, circulation, and general site illumination. As such, the condition could be complied with while still enabling lighting that gives rise to glare, distraction, or other effects on aircraft operations.</p> <p>The condition should therefore not be limited to specific activities (such as loading) but should instead address all sources of external lighting within this area and focus on the effects of that lighting on aircraft and helicopter operations.</p>
13.	<p>Aircraft Protection</p> <p>Future development and all structures and activities relating to construction on lots 1 – 126 must comply with the District Plan Aircraft Protection permitted activity rules in 6.7.4 of the Christchurch District Plan, including:</p> <ol style="list-style-type: none"> i. 6.7.4.1.1 Protection Surfaces, ii. 6.7.4.2.1 Runway End Protection Surfaces, iii. 6.7.4.3.1 Bird Strike Management Areas, and iv. 6.7.4.4 Protection Surfaces for Christchurch International Airport <p>attached as Appendix XX to this decision.</p> <p>Advice note: In accordance with Condition 21, on-going compliance with this condition shall be ensured by way of a covenant pursuant to section 1082(d) of the RMA registered against the Computer Freehold Register to issue for each lot (as detailed below) of the subdivision.</p>	<p>This condition would benefit from clarification as to how it operates in relation to the existing statutory framework applying to the site.</p> <p>In particular:</p> <ul style="list-style-type: none"> - For those parts of the site subject to the airport designation, the primary control over activities remains the designation and section 176(1)(b) of the Resource Management Act. The condition should not be interpreted as replacing or modifying those controls, or as providing any alternative pathway for activities that would otherwise require approval from the requiring authority. - For areas of the site outside the designation, the condition applies the aircraft protection provisions of Chapter 6.7 of the District Plan. However, it should be clear that compliance with this condition alone does not address all potential aviation safety effects associated with the development. - The drafting should be clarified to ensure that it explicitly applies to all temporary and construction-related structures and equipment, including cranes, scaffolding, temporary buildings and plant, to avoid any ambiguity.
14.	<p>Signs</p> <p>Any signs part of the future industrial development of lots 1 – 126 must comply with the District Plan Sign Rules in 6.8.4 attached as Appendix XX to this decision, as if the site were zoned Industrial General (not Rural Urban Fringe). Except that:</p> <ol style="list-style-type: none"> a. There shall be no LED/ Digital Signs or Billboards permitted by this consent, and b. Freestanding signs shall not be located within or forward of the 3m wide landscape strip on the Grays Road and Ryans Road frontages, other than a single free-standing sign in association with the vehicle/ pedestrian access to the site. <p>Note: Illuminated signs will need to meet the glare and light spill requirements of Conditions 9 and 11 above.</p>	<p>This condition should be amended to ensure consistency with the aviation-related lighting controls.</p> <p>In particular:</p> <ul style="list-style-type: none"> - The note should also refer to Condition 12(a) (lighting within 500m of the runway threshold), to ensure there is no ambiguity regarding restrictions on illuminated signage in that area. - The condition currently relies on glare and light spill controls. While these provide a baseline level of control, they do not fully address potential effects on aircraft operations, including distraction to pilots or the potential for signage to be mistaken for aeronautical lighting. <p>Illuminated signage has the potential to cause distraction to pilots or be mistaken for aeronautical lighting, particularly in proximity to the runway. These effects are not necessarily captured through lux or spill controls alone.</p> <p>The condition should therefore be expanded to ensure that any signage (including illuminated signage) does not:</p> <ul style="list-style-type: none"> - cause distraction to pilots; or - give rise to visual effects that may be confused with aeronautical lighting systems.

16.	<p>Any change in ground levels must:</p> <ul style="list-style-type: none"> a. not cause a ponding or drainage nuisance to neighbouring properties. b. Not cause ponding with the site (except the stormwater treatment functions of Lots 200 and 201). b. not affect the stability of the ground or fences on neighbouring properties and maintain existing drainage paths for neighbouring properties (if applicable). 	<p>CIAL generally supports the Panel's new clause (b), which appropriately restricts ponding within the site given the associated bird strike risk.</p> <p>However, based on the applicant's updated stormwater design, the exception for stormwater treatment areas is not considered necessary. The revised Stormwater360 Filterra Bioscape system is intended to avoid standing water, with the applicant stating that any temporary ponding would be limited to rare high-intensity rainfall events and would dissipate rapidly (within minutes).</p> <p>On that basis, the condition should require avoidance of ponding across the entire site, without exception.</p>
17.	<p>Landscaping</p> <p>Landscaping within Lots 1 – 126 (except for the 3m wide landscaping strip on Ryans Road and Grays Road, installed as part of the subdivision), shall be limited to the plant species in District Plan Appendix 6.11.9 Plant Species for Water Bodies and Stormwater Basins in the Bird strike Management Area in Appendix 6.11.7.5.</p>	<p>The condition should also require consistency with the proposed Wildlife Hazard Management Plan (WHMP), including input from CIAL on appropriate planting species.</p>
Avifauna Ongoing Management – Wildlife Hazard Management Plan (WHMP)		
	Deleted.	<p>CIAL considers that compliance with the Wildlife Hazard Management Plan must be imposed as a condition of both the subdivision and land use consents, as effects can arise at both stages. These include subdivision-related activities such as earthworks and stormwater detention, and land use and development activities such as landscaping, refuse storage, and building design, all of which have the potential to attract wildlife and increase bird strike risk.</p>
Covenants		
21.	<p>The following covenants pursuant to 108 2(d) of the Resource Management Act 1991 will be issued by the Council:</p> <ul style="list-style-type: none"> a. Condition 6 Lot Specific Building Controls: Covenants shall be registered on the Computer Freehold Register of lots 58, 59, 60, 121 and 122 (as relevant) to secure ongoing compliance with Conditions 6(a)-(e) (as applicable to future buildings). b. Condition 7 Building Height: Covenants shall be registered on the Computer Freehold Register of Lots 1 – 126 to secure ongoing compliance with Condition 7 (as applicable to future buildings). c. Condition 8B No Complaints Covenant: Covenants shall be registered on the Computer Freehold Register of Lots 1 – 126 to secure ongoing compliance with Condition 8B (as applicable to future buildings). d. Condition 9 Glare: For the future development of Lots 7 - 126 for industrial purposes a site-specific lighting plan and assessment prepared by a suitably qualified lighting engineer must be submitted to CCC for certification prior to issue of any building consent to demonstrate compliance with NC1 and NC2 as follows: <ul style="list-style-type: none"> i. Within 500m of the threshold of a runway at Christchurch International Airport, those being lots or specific portions of lots 92, 109, 110, 111, 112, 113, 114, 115, 121, 122, 123 and 124 (as shown on the Capture Land Development Plans) any activity will not result in greater than 2.5 lux spill (horizontal or vertical) on to any land outside of the Specific Purpose Airport Zone. i. For lots 7 - 126 assessment against NC2 to ensure non-aeronautical ground lights do not shine above the horizontal. e. Condition 10 Construction Lighting: No construction activities on Lots 1-126 requiring external artificial lighting may occur during the hours of darkness, except where: <ul style="list-style-type: none"> i. A temporary works management plan addressing construction lighting and notification protocols is prepared. [Advice note: Such a plan should be prepared in accordance with Christchurch Airport's "Requirements for Working at the Airport" document]; and ii. Airport operator consent is obtained from Christchurch International Airport Limited; and iii. Civil Aviation Authority (CAA) authorisation is obtained under Civil Aviation Rule Part 77; and iv. Construction lighting is operated in accordance with all requirements specified in clauses i-iv. of this condition. 	<p>The issues identified in relation to the underlying conditions apply equally to these covenant provisions. It is important that obligations imposed on future owners are clear, enforceable, and capable of consistent implementation over time, given the scale and fragmented ownership of the development.</p>

	<p>f. Condition 12 Lighting within 500m runway threshold Future development and construction activities within 500m of the threshold of a runway at Christchurch International Airport, those being lots or specific portions of lots 92, 109, 110, 111, 112, 113, 114, 115, 121, 122, 123 and 124 (as shown on the Capture Land Development Plans), must comply with the following:</p> <ul style="list-style-type: none"> i. No illuminated signage shall be installed within 500m of the runway. ii. There shall be no loading areas within 500m of the runway operating outside daylight hours to avoid the need for yard lighting. iii. Parking areas within 500m of the runway must be lit to PR4 standard (>1.3lux average, <2.5lux max). <p>g. Condition 13 Aircraft Protection Future development and all structures and activities relating to construction on lots 1 – 126 must comply with the District Plan Aircraft Protection permitted activity rules in 6.7.4 of the Christchurch District Plan, including:</p> <ul style="list-style-type: none"> i. 6.7.4.1.1 Protection Surfaces, ii. 6.7.4.2.1 Runway End Protection Surfaces, iii. 6.7.4.3.1 Bird Strike Management Areas, and iv. 6.7.4.4 Protection Surfaces for Christchurch International Airport <p>h. Helicopter downwash hazard: Covenants shall be registered on the Computer Freehold Register of Lot 121 to ensure awareness of the helicopter downwash hazard, in accordance with advice note A.</p> <p>i. Condition 21A Civil Aviation Act 2023: Covenants shall be registered on the Computer Freehold Register of Lots 1 – 126 to secure ongoing compliance with Condition 21A (as applicable to future buildings, structures, cranes, plant or activities).</p> <p>j. Condition 21B Aviation Contact and Incident Reporting: Covenants shall be registered on the Computer Freehold Register of Lots 1 – 126 to secure ongoing compliance with Condition 21B.</p> <p>Note: Council will prepare the covenants.</p>	
Advice Notes		
A.	<p>Lot 121 Helicopter Downwash Hazard, Advice Note</p> <p>The consent holder's attention is drawn to helicopter downwash hazards that may affect Lot 121. Practical management of this hazard can be achieved through subdivision and building construction management (through a Construction Management Plan) and through owner/ occupier health and safety plans, especially for roof and yard operations.</p>	<p>This advice note identifies a helicopter downwash hazard affecting Lot 121 but does not impose any enforceable control to address that risk.</p> <p>The response proposed, being reliance on construction management and health and safety measures, confirms that the effects are not resolved through site design but deferred to operational management. That is not an appropriate response to a safety-related effect of this nature.</p> <p>Critically, the presence of a downwash hazard introduces uncertainty as to whether development can be safely accommodated in this location. The extent, frequency, and severity of these effects have not been clearly defined, and it is therefore not possible to conclude that risks to people and property can be appropriately avoided.</p> <p>It is also unclear why the advice note is limited to Lot 121. Mr Robertson considers that downwash effects may extend to adjacent lots, such as Lot 122. CIAL does not consider that the spatial extent of the hazard has been properly identified.</p>
New aviation safety related conditions (as at February 2026):		
21A.	<p>Civil Aviation Act 2023</p> <p>a. Where any building, structure, crane, plant or activity requires notification to the Civil Aviation Authority (CAA) under Civil Aviation Rule Part 77:</p> <ul style="list-style-type: none"> a. No construction may commence on a lot requiring Part 77 notification until written confirmation of CAA determination is provided. 	<p>This condition inappropriately elevates the role of CAR Part 77 and the Civil Aviation Authority (CAA) beyond its intended function, and in doing so defers core decision-making away from the consent authority.</p> <p>CAR Part 77 is primarily a notification regime, not a mechanism for managing or approving land use effects or aviation safety outcomes. As set out in the evidence, it is typically engaged for identifying potential airspace intrusions (often temporary, such as cranes), rather than determining whether such intrusions are appropriate</p>

	<p>b. The consent holder shall provide a copy of any determination or direction issued by the Director of Civil Aviation to Christchurch City Council, Christchurch International Airport Limited and Airways Corporation of New Zealand Limited.</p> <p>c. The consent holder shall ensure that the activity is carried out strictly in accordance with that determination or direction.</p> <p>b. If the Director of Civil Aviation imposes conditions that are inconsistent with this consent, the Director's conditions shall prevail to the extent of the inconsistency.</p> <p>c. Following receipt of a CAA determination under Part 77, the Council may review the conditions of this consent solely for the purpose of ensuring consistency with that determination, but shall not impose additional aviation safety controls beyond those required by the Director of Civil Aviation.-safety controls beyond those required by the Director of Civil Aviation.</p>	<p>in the first place. This condition incorrectly treats a CAA determination as a substitute for a robust upfront planning and aviation safety assessment.</p> <p>The requirement that "no construction may commence... until written confirmation of CAA determination is provided" is also unclear in its drafting (i.e. provided to whom). It also effectively transfers control of development timing and acceptability to the CAA, which is an entity operating outside the RMA framework and not responsible for land use planning decisions.</p> <p>The condition assumes that a Part 77 determination can legitimise an airspace breach. However, as outlined by Mr Robertson, where development results in operational impacts, the consequences fall on the aerodrome operator and aviation users (e.g. operational restrictions, procedural changes, or safety mitigations), not the consent holder. This creates a misalignment where adverse aviation effects are effectively externalised rather than avoided.</p> <p>The condition also introduces unnecessary and inappropriate duplication. Clause (a)(c) already requires strict compliance with any CAA determination, making the subsequent review power in clause (c) redundant. In any event, the Council is not suitably qualified to undertake or reinterpret highly technical aeronautical determinations, reinforcing that this review mechanism is not meaningful in practice.</p> <p>There is also a fundamental issue with the hierarchy established by the condition. By allowing CAA-imposed conditions to prevail over consent conditions, and constraining Council from imposing any additional aviation safety controls, it creates a one-way pathway where safeguards can only be weakened, not strengthened. This is inconsistent with established airport safeguarding practice and the approach that is necessary to ensure aviation safety.</p> <p>Finally, the condition fails to address the core issue identified in the evidence: that aviation safety risks should be identified, assessed, and managed upfront through a structured aeronautical assessment, rather than deferred to a reactive, notification-based regime. Reliance on Part 77 in this way risks enabling incremental encroachment into operational airspace without a clear understanding of cumulative or system-wide effects.</p>
21B	<p>Aviation Contact and Incident Reporting</p> <p>a. The Consent Holder shall, at all times during construction and operation of the development, nominate a suitably qualified and authorised aviation contact person(s) who shall be available on a 24 hours per day, 7 days per week basis to respond to any aviation related matters arising from activities authorised by this consent.</p> <p>b. The name, position, telephone number and email address of the aviation contact person(s) shall be provided in writing to:</p> <ul style="list-style-type: none"> a. Christchurch City Council; b. Christchurch International Airport Limited; and c. Airways Corporation of New Zealand <p>c. The aviation contact person(s) shall have authority to initiate immediate response actions in relation to aviation safety matters.</p> <p>d. An aviation incident and complaints register shall be maintained by the consent holder, recording:</p> <ul style="list-style-type: none"> a. The nature of any aviation related complaint, incident or observation; b. The name and contact details of the complainant (if they are provided to the consent holder); c. The date and time it was received or identified; d. The response actions taken; and e. Any follow up or mitigation implemented to prevent the reoccurrence of the situation that gave rise to the complaint. 	<p>This is simply a complaints procedure. It does not result in real time risk management being achieved. Nothing compels the consent holder to respond in a proactive way to resolve the matters raised or take steps (such as to cease all construction activities on site until the matter is resolved) and to take those steps immediately – the condition only states that the person has the "authority" to respond.</p> <p>In circumstances where resolution of a safety matter is at issue, it is unclear from the condition who should determine whether actions taken are adequate to determine whether the matter has been successfully resolved.</p> <p>It is also unclear what types of aviation-related incidents this condition is intended to address, or in what circumstances it would provide a meaningful response to managing those incidents or any effects of them.</p> <p>While the condition may assist with recording and communication of aviation-related incidents, it remains a reactive mechanism and should not be relied upon to manage aviation safety risks in real time.</p> <p>In addition, the requirement to notify incidents within 5 working days is excessive. For aviation-related matters, more immediate notification (within 24 hours) would be expected for complaints to the CAA.</p>

	<p>e. Any verified aviation incident or complaint shall be notified as soon as practicable (but no longer than 5 working days after receipt of the complaint) to CIAL and, where relevant, the CAA.</p> <p>f. The consent holder must provide details of any complaint or its complaints register to the Council upon request.</p>	
21C	<p>Aviation risk assessment</p> <p>a. Within six months of the commencement of this consent, and prior to the commencement of any construction activities that requires notification under Civil Aviation Rule Part 77, the consent holder shall initiate preparation of an aviation risk assessment by engaging a suitably qualified and experienced aviation practitioner.</p> <p><i>CAA Scoping Consultation</i></p> <p>b. At the outset of preparing the aviation risk assessment, the consent holder shall provide written notice to the Civil Aviation Authority (CAA) advising that an aviation risk assessment is being prepared for the consented development, and shall invite the CAA to identify any aviation safety matters it considers should be addressed within the scope of the aviation risk assessment.</p> <p>c. The consent holder shall allow the CAA a minimum of 15 working days to provide written comment on the proposed scope of the aviation risk assessment.</p> <p>d. Nothing in Conditions b or c requires the CAA to approve, certify or endorse the aviation risk assessment, and the absence of comment from the CAA shall not prevent the aviation risk assessment from being completed.</p> <p><i>Purpose and Content of the aviation risk assessment</i></p> <p>e. The purpose of the aviation risk assessment is to identify and evaluate any aviation safety issues associated with the implementation of the consented development outside the operational control of the aerodrome operator, that are not already addressed by:</p> <ol style="list-style-type: none"> the conditions of this consent; determinations, authorisations or directions issued under the Civil Aviation Act 2023 or Civil Aviation Rules. <p>f. The aviation risk assessment shall:</p> <ol style="list-style-type: none"> have regard to the scale, location and staging of the consented development; consider potential aviation safety effects, including where relevant: <ul style="list-style-type: none"> obstacle limitation and notification surfaces; temporary construction activities (including cranes and construction lighting); effects on air navigation equipment, radar or communications; helicopter operations; and wildlife and bird strike risk; identify any practicable mitigation measures that the consent holder is legally able to implement, to the extent such measures are not already required by conditions of this consent. <p>g. The aviation risk assessment shall be prepared having regard to the Civil Aviation Act 2023 and relevant Civil Aviation Rules.</p> <p><i>Consultation with Aviation Stakeholders</i></p> <p>h. At the commencement, and prior to finalising the aviation risk assessment, the consent holder shall undertake meaningful engagement with, and provide a draft of the aviation risk assessment to:</p>	<p>The proposed aviation risk assessment condition is fundamentally flawed and should not be adopted in its current form.</p> <p>As drafted, Airways and CIAL are concerned the condition:</p> <ul style="list-style-type: none"> defers the assessment until up to six months after consent is granted, with no requirement for completion prior to construction; is highly uncertain, leaving the scope, methodology and outcomes of the assessment to be determined by the consent holder; requires only that aviation stakeholders be consulted, with no obligation to resolve issues or adopt their recommendations; only requires "practicable" mitigation measures that the consent holder can implement, leaving this entirely within the consent holder's hands as to what is appropriate in the circumstances; does not require certification, approval, or verification of the assessment by any authority; and does not require the assessment to meet any specified standard or to demonstrate that aviation safety effects are avoided. <p>As set out above, a comprehensive engineering study and radio frequency analysis to confirm the modelling is required to be completed before section 224(c) is issued and well before any construction occurs on site. Under the proposed conditions, buildings could, in theory, be erected almost immediately on the commencement of this land use consent, before aviation safety effects are properly understood. At that point, adverse effects may be irreversible or only able to be addressed through operational constraints on the Airport or Airways. This approach is inappropriate.</p> <p>The scoping provisions are similarly inadequate. Inviting the CAA to contribute to scope (within a limited timeframe) is not sufficient, particularly where:</p> <ul style="list-style-type: none"> there is no requirement for the CAA to agree the scope; and clause (d) expressly allows the consent holder to proceed regardless of whether comments are received or addressed. <p>This effectively enables the consent holder to ignore CAA input entirely, which is wholly inappropriate. More broadly, the condition does not require that the scope be agreed with the key aviation stakeholders, including CIAL and Airways, who are best placed to identify relevant risks and appropriate assessment methods.</p> <p>The condition also lacks any mechanism for independent verification. There is also no requirement for the aviation assessments to be certified, approved, or otherwise validated against defined criteria. The contents of the study and mitigation measures it identifies are therefore entirely within the control of the consent holder, creating a risk that the process becomes nominal rather than substantive.</p> <p>Further, the current wording to "consider" comments and "seek to resolve" matters is insufficient. As drafted, the consent holder could entirely disregard comments from Airways and CIAL. This undermines the purpose of the condition and does not provide any assurance that aviation safety risks will be appropriately identified or addressed. Effective management of aviation risk requires genuine collaboration with, and input from, those parties responsible for aviation operations. This is required to ensure all parties meet their respective requirements under the CAA.</p>

	<ul style="list-style-type: none"> a. Christchurch International Airport Limited; b. Garden City Helicopters; and c. Airways Corporation of New Zealand Limited. <p>For the purposes of this condition, “meaningful engagement” means providing sufficient information to enable informed comment, allowing reasonable timeframes for response, and participating in discussions in good faith, proportionated to the scale and nature of the issues identified. Meaningful engagement does not require agreement to be reached between the consent holder and any consulted party.</p> <p>The consent holder shall consider all comments received and, where requested, meet with those parties to discuss and seek to resolve matters raised. The aviation risk assessment shall be finalised taking those comments into account.</p> <p>If a consulted party does not provide comments within 20 working days of being provided a draft of the aviation risk assessment, or if matters raised cannot reasonably be resolved despite good faith engagement, the consent holder may finalise the aviation risk assessment, provided that the aviation risk assessment documents the engagement undertaken and the reasons why agreement was not reached.</p> <p><i>Finalisation and Implementation</i></p> <ul style="list-style-type: none"> i. The completed aviation risk assessment shall be provided to the Council, Christchurch International Airport Limited, Garden City Helicopters and Airways Corporation of New Zealand Limited, together with an explanation of why any comments were not incorporated. j. The consent holder shall implement any mitigation measures identified in the aviation risk assessment that: <ul style="list-style-type: none"> a. are within the control of the consent holder; and b. are not already required by the conditions of this consent or by the Civil Aviation Act 2023 or Civil Aviation Rules. <p>I. Nothing in this condition limits or replaces:</p> <ul style="list-style-type: none"> a. the obligation to notify the Civil Aviation Authority under Civil Aviation Rule Part 77; or b. the authority of the Director of Civil Aviation to make determinations or impose conditions in relation to aviation safety. <p>Advice Note:</p> <p>The intention of this condition is to ensure that the development does not give rise to effects on airport safety that necessitate changes to the communications, navigation and surveillance equipment and Airport and GCH heliport operations.</p>	<p>This approach is inconsistent with established aviation safety practice. The evidence before the Panel confirms that developments of this scale and proximity to aviation infrastructure require a structured aeronautical study undertaken prior to development, not a discretionary, post-consent “risk assessment”. Such studies must include quantified analysis, detailed modelling and testing, and iterative engagement with affected aviation system participants so that risks are identified and resolved at the design stage.</p> <p>The Panel has emphasised the need to avoid adverse aviation effects. The proposed condition does not achieve that. By deferring substantive assessment until after consent is granted, it creates a real risk that effects will only be identified once development has occurred—at which point avoidance may no longer be possible.</p> <p>Instead, the condition enables a scenario where aviation safety effects are addressed retrospectively. This is contrary to the fundamental aviation safety principle that risks must be identified, tested and confirmed in advance, not managed after development has occurred.</p> <p>The condition should be replaced with a requirement for a comprehensive aeronautical study, undertaken prior to any construction and prior to section 224(c) certification, with scope and methodology agreed with Christchurch International Airport Limited and Airways Corporation of New Zealand Limited, and with all resulting mitigation measures required to be implemented before development proceeds.</p> <p>Notwithstanding CIAL and Airways consider the assessment being undertaken post-grant of the consent is inappropriate, the parties have considered and proposed an alternative condition to replace conditions 6(a)(ii) – (iv); Condition 7B(c) – (e) and Conditions 21C, 21D, 21E. This is separately enclosed for the Panel's consideration.</p>
21D	<p>Condition precedent – specific aviation risk assessment (Lots 71, 91, 92, 121 and 122 only)</p> <ul style="list-style-type: none"> A. At least 60 working days prior to the commencement of construction of any building or structure on Lots 71, 91, 92, 121 and 122, the consent holder must have engaged a suitably qualified and experienced practitioner to prepare who has prepared a specific aviation risk assessment. B. The specific aviation risk assessment is to be prepared in consultation with Christchurch International Airport Limited (“CIAL”), Airways Corporation of New Zealand (“Airways”) and Garden City Helicopters Limited (“GCH”). C. The purpose of the specific aviation risk assessment is to identify any potential aviation safety risks and mitigations required in relation to the development of Lots 71, 91, 92, 121 and 122 (as relevant) in accordance with relevant Civil Aviation Authority (‘CAA’) requirements and Civil Aviation Rules. As a minimum, the assessment must assess: 	<p>As per comments above, reference to specific lots needs to be removed and a full assessment is required prior to title issuing and well before any construction commences on any of the lots (the condition only requires the consent holder to have engaged a suitable qualified expert within 60 working days prior to commencement of construction). This is insufficient and creates a real risk that buildings may be constructed before aviation safety effects are properly understood. As CIAL and Airways have made clear in their comments to the Panel, CGL has not completed the work required to confirm that the effects of construction of structures will be limited to specific lots and in any case, there could be a clustering or cumulative effect when all structures are built which needs to be properly assessed.</p> <p>This condition is not appropriate in its current form and should be deleted or fundamentally restructured.</p> <p>As set out in the comments above, a comprehensive aviation assessment (including engineering and radiofrequency analysis) is required prior to section 224(c) certification and well before any construction occurs on any lot.</p>

	<p>a. For Lots 71, 91, 92 and 121- Acceptable building footprints, heights, and positions so as to ensure safe emergency landing capability for all helicopters using the Garden City Helicopters facility.</p> <p>b. For Lot 121- Management of helicopter downwash hazards.</p> <p>c. For Lots 121 and 122- Acceptable building footprints, heights, and positions so as to avoid or mitigate wind shadowing.</p> <p>d. For Lots 121 and 122 - Acceptable building footprints, heights, position, materiality, and façade angles so as to avoid or mitigate effects on air navigation equipment.</p> <p>D. The consent holder must provide a draft version of any specific aviation risk assessment to CIAL, Airways and GCH, and a period of at least 20 working days must be allowed for consultation and for feedback to be provided by CIAL, Airways and GCH to the consent holder on the contents of the draft specific aviation risk assessment.</p> <p>E. The consent holder must consider all comments received from CIAL, Airways and/or GCH on the draft specific aviation risk assessment and, if requested to do so by CIAL, Airways and/or GCH, meet with that party to discuss its comments and seek to resolve any matters of disagreement. The consent holder must engage the suitably qualified and experienced practitioner referred to in 21D(A) to update the draft specific aviation risk assessment taking into account the comments made by CIAL, Airways and/or GCH, and ask CIAL, Airways and GCH to confirm within 10 working days whether the updated assessment addresses its comments.</p> <p>F. The completed specific aviation risk assessment must be provided to CIAL, Airways and GCH and the Christchurch City Council, along with an explanation as to why any comments made by CIAL, Airways and/or GCH on the draft specific aviation risk assessment were not incorporated into the completed specific aviation risk assessment.</p> <p>G. The consent holder must implement any recommended aviation safety mitigation measures contained in the specific aviation risk assessment that the consent holder is legally able to implement if those mitigation measures are not already required by other conditions of this consent.</p> <p>H. This condition shall be satisfied prior to the commencement of construction of any building or structure on Lots 71, 91, 92, 121 and 122.</p> <p>I. Nothing in this condition limits or replaces:</p> <p>a. the obligation to notify the Civil Aviation Authority under Civil Aviation Rule Part 77; or</p> <p>b. the authority of the Director of Civil Aviation to make determinations or impose conditions in relation to aviation safety.</p>	<p>Limiting this condition to Lots 71, 91, 92, 121 and 122 for the identified aviation effects is not supported by the evidence. As CIAL and Airways have set out, the applicant has not demonstrated that aviation effects—particularly in relation to:</p> <ul style="list-style-type: none"> air navigation equipment; helicopter operations (including downwash and emergency manoeuvring); and cumulative or clustering effects across the site <p>can be confined to the specific lots identified in this condition. The potential for cumulative effects as development occurs across multiple lots has not been assessed. A lot-by-lot approach is therefore inappropriate. It also assumes that development on those lots is appropriate from an aviation safety perspective, which has not been established by the evidence.</p> <p>The condition also duplicates and fragments the broader aviation assessment framework. There is no clear distinction between this “specific aviation risk assessment” and the more general assessment required elsewhere in the conditions, resulting in an incoherent and piecemeal approach to aviation safety. A single, comprehensive aeronautical assessment is required, rather than multiple overlapping and inconsistently scoped assessments.</p> <p>In relation to helicopter operations, the condition does not appropriately reflect the nature and extent of potential effects identified in the evidence. While the Navigatus and L+R assessments acknowledge risks such as downwash and reduced availability of emergency landing areas, these effects are not confined to Lot 121 or the specific lots identified in the condition and may extend across a wider area of the site.</p> <p>More fundamentally, those assessments do not establish that such effects can be appropriately mitigated through design or operational measures. In particular, they do not include a robust evidential basis, such as analysis of forced landing probabilities, defined risk thresholds, or quantified downwash effects, to determine acceptable risk parameters in the New Zealand context and whether development on these lots is acceptable at all. Depending on the extent of downwash and the spatial requirements for safe emergency manoeuvring, it is possible that some of these lots may be unsuitable for development altogether.</p> <p>A more comprehensive and evidence-based assessment is therefore required to define the spatial extent of helicopter operational requirements, including approach and departure paths, manoeuvring areas, and areas necessary to maintain safe emergency landing capability, and to ensure that development controls are appropriately applied across all affected lots.</p> <p>Accordingly (and in addition to the comprehensive assessment Airways and CIAL consider is required at the outset), prior to the commencement of development, a Helicopter Operations Protection Plan should be required, prepared in consultation with Christchurch International Airport Limited, identifying:</p> <ul style="list-style-type: none"> helicopter approach and departure paths; manoeuvring areas; and areas required to maintain safe emergency landing capability <p>associated with existing and reasonably foreseeable helicopter operations. This framework should then inform development controls across all affected lots.</p> <p>Finally, as with other aviation-related conditions, the consultation provisions are insufficient. The requirement to “consider” comments does not ensure that identified risks are resolved, and the consent holder retains full discretion over the final content of the assessment and any mitigation measures adopted.</p> <p>The condition should be replaced with a single, comprehensive aeronautical assessment framework applying to all lots, supported by a helicopter operations protection plan that defines the spatial extent of effects and informs development controls across the site.</p>
21E	<p>Dispute resolution</p> <p>A. This condition applies to any disagreement as to satisfaction of Condition 21D, Condition 6a.iii or 7Be.</p> <p>B. In the event of any dispute being raised or identified, the applicant shall invite CIAL, Airways and/or GCH to provide within 10 working days written notice of:</p>	<p>This condition is inappropriate and should be deleted.</p> <p>Management of aviation safety should not be assigned to a dispute resolution process. A genuine safety study is completed in a collaborative way with all interests fairly represented. This condition instead assumes that</p>

<p>a. the specifics of the dispute;</p> <p>b. the reasons for the view; and</p> <p>c. the action(s) or additional information reasonably required to resolve the matter.</p> <p>C. The Consent Holder shall respond in writing within 10 working days, either:</p> <p>a. providing confirmation that the requested action(s) will be undertaken and by when; or</p> <p>b. providing the additional information; or</p> <p>c. explaining why the requested action(s) or information is not reasonably necessary to achieve or determine compliance.</p> <p>D. If the dispute is not resolved within 15 working days of the Consent Holder's response under clause (C), the matter shall be referred to an independent person who is accredited under s 39A of the RMA appointed under clause (E).</p> <p>E. The independent person shall be agreed between the Consent Holder and Christchurch City Council after inviting input from CIAL, Airways and GCH. If agreement is not reached within 10 working days, the expert shall be appointed by Christchurch City Council.</p> <p>F. The independent person shall review the information relied upon and advise whether the disputed condition has been satisfied and/or what additional steps (if any) are required to satisfy it, and shall provide a written opinion within 20 working days of appointment.</p> <p>G. For the avoidance of doubt, failure by CIAL, Airways or GCH to provide comments within the timeframes specified in the relevant condition or within this condition does not prevent the Consent Holder from progressing, provided the Consent Holder has complied with other relevant requirements and conditions of the consent.</p> <p>H. Christchurch City Council shall have regard to the independent person's opinion when forming its view as to whether the conditions of consent has been satisfied.</p> <p>H. The costs of the independent person shall be met by the Consent Holder.</p>	<p>any disagreement can be resolved through a procedural mechanism after the fact, which is not an appropriate substitute for proper aviation safety assessment.</p> <p>The scope of the condition is also unclear. It applies to "disagreement as to satisfaction" of certain conditions, but it is not evident whether this is limited to whether procedural steps have been followed, or whether it extends to substantive disagreement as to the adequacy of outcomes. The exclusion of other related conditions (including Condition 21C) further highlights the lack of a coherent framework.</p> <p>More fundamentally, the underlying conditions do not require aviation safety effects to be avoided or demonstrably managed to an acceptable standard. In that context, this dispute resolution process is of limited value, as it does not address the core issue of whether the development is safe, but instead focuses on process.</p> <p>The condition also assumes that the consent authority is qualified to determine matters relating to aviation safety. That is not the case.</p> <p>The proposed process is also procedurally deficient:</p> <ul style="list-style-type: none"> - The timeframes are unreasonably short and appear to be driven by development timelines rather than the need for robust technical input; - the appointment of the independent person is controlled by the consent holder and Council, with no requirement for agreement from key aviation stakeholders. Airways and CIAL should also agree to the appointment of the independent person, rather than this being determined between the Council and consent holder; - the independent person provides only a written opinion, with no opportunity for that opinion to be tested; and - it is unclear who the opinion is provided to and who ultimately determines whether the relevant condition has been satisfied. <p>Overall, the condition introduces uncertainty, lacks technical robustness, and provides no assurance that aviation safety issues will be appropriately resolved. It should not be relied upon as a mechanism for managing aviation-related effects.</p>
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PART 2: Christchurch City Council Subdivision Consent Conditions

Scheme Plan and Staging	
3.	<p><u>Staging</u></p> <p>The subdivision may be carried out in stages but is not required to be. If staged, each stage is to be in accordance with the staging shown on the application plan. That the development may proceed in stages in no particular order in accordance with the approved subdivision plan except as set out below. At each stage any balance land is to be left as a fully serviced allotment.</p> <p>The subdivision must be staged, comprising:</p> <ol style="list-style-type: none"> 1. Roading and services, Ryans Road (including naturalisation of the Paparua Water Race) and Grays Road upgrades, and Lot 200 and Lot 201 stormwater treatment facilities. 2. Creation of legal title and release of 50% of the lots; 3. Creation of legal title and release of the balance of the lots. <p>Stage 3 must not occur until either:</p> <ol style="list-style-type: none"> a. The intersection of Pound Road/ Ryans Road is upgraded to the satisfaction of CCC; or b. Modelling has been updated and demonstrated to the satisfaction of Council that the intersection can safely accommodate the additional traffic generated by occupier lots within the development. The second stage must not occur where the updated model demonstrates the average queue length associated with right turns into Ryans Road extends beyond the available stacking space for the modelled period. This modelling shall be based on an agreed annual turning movement survey of the intersection arranged by the consent holder and provided to Council for input into the agreed model. <p>At each stage any balance land is to be left as a fully serviced allotment.</p>
	<p>CIAL supports the inclusion of a proposed staging condition relating to the timing of development with respect to Pound Road / Ryans Road. It appropriately responds to the uncertainty identified in the transport evidence, including Christchurch City Council's assessment of the limitations in the underlying modelling, the expected contribution of traffic generation from the development to the intersection traffic volumes, and the need to manage effects at the Pound Road / Ryans Road intersection over time from both an efficiency and safety perspective.</p> <p>This approach is also consistent with expert advice received by CIAL, which identifies that the development will increase traffic volumes and delays at the Pound Road / Ryans Road intersection and contribute to increased safety risk.</p> <p>Given the importance of this intersection as a key access point for people and freight movements to and from the airport, both currently and increasingly in the future, the staging condition provides an appropriate mechanism to ensure that development proceeds in a manner that maintains safe and efficient network performance.</p> <p>CIAL seeks the following clarifications to the condition:</p> <ol style="list-style-type: none"> 1. Staging terminology <p>The stages should be explicitly defined as Stage 1, Stage 2, and Stage 3 to avoid confusion with subdivision plan staging. For example:</p> <p><i>“ The subdivision must be staged, comprising:</i></p> <ul style="list-style-type: none"> • <i>Stage 1: <u>Roading and services, Ryans Road (including naturalisation of the Paparua Water Race) and Grays Road upgrades, and Lot 200 and Lot 201 stormwater treatment facilities;</u></i> • <i>Stage 2: <u>Creation of legal title and release of 50% of the lots;</u></i> • <i>Stage 3: <u>Creation of legal title and release of the balance of the lots.</u>”</i> 2. Stage 3 – infrastructure upgrade requirements <p>The phrase “to the satisfaction of CCC” introduces uncertainty, as it relies on a future subjective approval. The condition should instead define the required outcomes.</p> <p>CIAL recommends the following amendment:</p> <ol style="list-style-type: none"> a. <i><u>The intersection of Pound Road/ Ryans Road is upgraded to the satisfaction of CCC, and achieves the following minimum outcomes:</u></i> <ol style="list-style-type: none"> i. <i><u>Safe separation and/or or interaction of turning and through traffic on Pound Road in accordance with good transportation engineering practice, such as that described in Austroads guidance;</u></i> ii. <i><u>Management of vehicle delays to a level that enables safe and efficient turning movement by all vehicle types using the intersection, and consistent with expectations for movement to and from an arterial road.</u></i> 3. Stage 3 – modelling and assessment requirements <p>For Stage 3 pre-condition modelling requirements we consider there is a need to add further clarity:</p> <ul style="list-style-type: none"> - a defined future analysis period should be defined; - independence should be introduced through peer review of traffic modelling and forecasts; - a safety assessment should be required (as this is not an output of intersection modelling alone; and - the 95th percentile queue length should be used (rather than average queue length), as this is the appropriate measure for assessing queue storage. <p>CIAL recommends the following changes to clause (b):</p>

		<p><i>b. Traffic modelling and safety assessment demonstrates to the satisfaction of the CCC that the intersection can accommodate additional development traffic safely and efficiently, by carrying out the following assessments:</i></p> <p><i>i. Suitably calibrated and peer reviewed base year and forecast future year (2038) traffic forecasts and intersection traffic models demonstrate that during typical weekday peak periods the intersection can efficiently accommodate the additional traffic generated by occupier lots within the development. As a minimum the modelling must demonstrate the 95 percentile queue length associated with right turns into Ryans Road does not extend beyond the available stacking space for the modelled period.</i></p> <p><i>ii. With reference to changes in performance from the intersection models, a safety assessment by a suitably qualified person that the additional traffic generated by occupier lots within the development can be safely supported by the available intersection infrastructure in accordance with good transportation engineering practice, such as that described in Austroads guidance.</i></p>
Earthworks / Erosion and Sediment Control		
22.	<p>The Erosion and Sediment Control Plan must show the positions of all stockpiles on site. Temporary mounds must be grassed or covered to prevent erosion until such time as they are removed/reused. Stockpiles must be located to avoid being impacted by helicopter down wash or cause other risk to aircraft safety.</p>	<p>It is unclear how compliance with the requirement to avoid helicopter downwash and aircraft safety risks is to be assessed, including by whom and against what criteria. Given this introduces an aviation safety consideration, further clarity is required to ensure the condition is workable and enforceable.</p> <p>In addition, the reference to stockpiles being “impacted by” helicopter downwash is unclear. Consideration should be given to whether the intent is to avoid exposure to downwash effects, which more accurately reflects the potential risk.</p>
26.	<p>a. The EMP must include (but is not limited to):</p> <ul style="list-style-type: none"> i. The identification of environmental risks including erosion, sediment and dust control, spills, wastewater overflows, and excavation and disposal of material from contaminated sites and the management of activities that may attract birds, including but not limited to ponding, stockpiles, grassing/seeding, and waste management; ii. A site description, i.e. topography, vegetation, soils, sensitive receptors such as waterways, the airport, etc; iii. Details of proposed activities; iv. A locality map; v. Drawings showing the site, type and location of sediment control measures, on-site catchment boundaries and off-site sources of runoff, stockpiles; vi. Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate; vii. Drawings showing the protection of natural assets and habitats; viii. A programme of works including a proposed timeframe and completion date; ix. Emergency response and contingency management; x. Procedures for compliance with resource consents and permitted activities; xi. Environmental monitoring and auditing, including frequency; xii. Corrective action, reporting on solutions and update of the EMP, and reporting to CCC, CIAL and other relevant stakeholders as required; xiii. Procedures for training and supervising staff in relation to environmental issues; xiv. Contact details of key personnel responsible for environmental management and compliance. <p>Advice note: <i>IDS clause 3.8.2 contains further detail on Environmental Management Plans.</i></p>	<p>Given the aviation-related matters addressed in the EMP, a draft EMP should be provided to CIAL and GCH for comment prior to certification, with the EMP demonstrating how that input has been addressed.</p> <p>Ongoing engagement during construction should also be required.</p>

	<p>b. In addition to the matters required in clause a. of this condition, the EMP must be prepared in accordance with the CIAL publication <i>'Requirements for Working at the Airport 2023'</i> and shall include the following matters, as a minimum, in order to address construction activity risks to Christchurch International Airport operations:</p> <ul style="list-style-type: none"> i. Management of bird-attracting activities in accordance with the WHMP and the requirements specified in conditions 109-111 of this consent, including active and remedial management actions if bird numbers exceed thresholds. ii. Procedures to ensure compliance with REPA restrictions and prohibited activities within the REPA, referencing District Plan rules. iii. Management of the height of temporary cranes, construction plant and any other buildings or structures in accordance with condition 7 of the land use consent, including notification to CAA if required under Civil Aviation Rules Part 77. iv. Management of glare and lighting effects in accordance with conditions 9 and 10 of the land use consent, including the limitations on construction activities requiring external artificial lighting during the hours of darkness. v. Dust, stockpile, waste and debris management, including procedures for securing materials and objects to prevent windblown debris or hazards to aircraft. vi. Visibility risk management, including dust and debris controls to prevent impairment of pilot vision or air traffic control. vii. Site manager contact details, provision of information and communication undertakings to Christchurch International Airport Limited and Garden City Helicopters Limited. viii. Obligations under the Civil Aviation Act 2023 and Civil Aviation Rules Part 77, including notification and compliance with any determinations issued by the Director of Civil Aviation. <p>c. The EMP must be submitted to Christchurch City Council for certification prior to commencement of any works. No construction or earthworks may commence until written certification of the EMP has been provided by CCC.</p>	
28.	<p>Dust emissions must be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.</p>	<p>The applicant appears to rely on permitted activity status under Rule 7.32. However, where more than 1000 m² of exposed or unconsolidated land is present, that status is contingent on the preparation and implementation of a dust management plan in accordance with Schedule 2 of the Regional Air Plan.</p> <p>The proposed requirement to "appropriately manage" dust does not reflect this and provides no clear or enforceable standard.</p> <p>A dust management plan under Schedule 2 must address the nature, frequency, intensity and location of discharges, and identify sensitive receptors and management measures. In this location, immediately adjacent to an operational airport and helicopter base, that level of control is necessary to manage risks to visibility and aircraft operations.</p> <p>A specific Dust Management Plan should therefore be required incorporating clear and enforceable standards of compliance to be achieved.</p>
31.	<p>Any change in ground levels must:</p> <ul style="list-style-type: none"> a. not cause a ponding or drainage nuisance to neighbouring properties. b. Not cause ponding within the site (except for the stormwater treatment functions of Lots 200 and 201). c. not affect the stability of the ground or fences on neighbouring properties. d. maintain existing drainage paths for neighbouring properties (if applicable). 	<p>CIAL generally supports the Panel's new clause (b), which appropriately restricts ponding within the site given the associated bird strike risk.</p> <p>However, based on the applicant's updated stormwater design, the exception for stormwater treatment areas is not considered necessary. The revised Stormwater360 Filterra Bioscape system is intended to avoid standing water, with the applicant stating that any temporary ponding would be limited to rare high-intensity rainfall events and would dissipate rapidly (within minutes).</p> <p>On that basis, the condition should require avoidance of ponding across the entire site, without exception.</p>
<p>Construction Stage Lighting</p>		

84.	<p>No construction activities requiring external artificial lighting may occur during the hours of darkness, except where:</p> <ul style="list-style-type: none"> i. A temporary works management plan addressing construction lighting and notification protocols is prepared. [Advice note: Such a plan should be prepared in accordance with Christchurch Airport's "Requirements for Working at the Airport" document]; and ii. ii. Airport operator consent is obtained from Christchurch International Airport Limited <p>Civil Aviation Authority (CAA) authorisation is obtained under Civil Aviation Rule Part 77; and iv. Construction lighting is operated in accordance with all requirements specified in clauses i-iv. of this condition.</p>	<p>Please refer to CIAL's comments on draft condition 10 above. For those reasons, CIAL seeks that this condition be amended as follows:</p> <p><i>No construction activities on Lots 1-126 requiring external artificial lighting may occur during the hours of darkness.</i></p>
Landscaped Setback Ryans and Grays Road		
86.	<ul style="list-style-type: none"> a. A Landscape Concept, Maintenance and Management Plan shall be prepared by a suitably qualified landscape architect and include the following: <ul style="list-style-type: none"> i. A comprehensive landscape concept for the 3m landscape strip extending from Ryans Road and Grays Road; ii. A schedule of plant species; iii. A statement of compliance with approved landscape plans and relevant landscape conditions of this consent; iv. A maintenance schedule including for the establishment period. b. Landscaping shall be established in accordance with the Landscape Concept, Maintenance and Management Plan. c. The following conditions must be recorded pursuant to Section 221 of the RMA in a consent notice registered on the titles of Lots 1-10, 20-21, 40-41, 55-61, 63-70, 121: Landscaping on this lot shall be maintained in accordance with the attached Landscape Concept, Maintenance, and Management Plan. Any dead, diseased, or damaged landscaping must be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping <p>Note: <i>This is an ongoing condition of Consent for which a consent notice pursuant to s221 of the Resource Management Act will be issued.</i></p>	<p>The condition should require that plant species selection is consistent with the relevant District Plan provisions and the Wildlife Hazard Management Plan (WHMP), to ensure that landscaping does not create bird strike risk.</p> <p>Given the proximity to the airport, provision should also be made for input from CIAL on plant species selection to ensure aviation safety considerations are appropriately addressed.</p>
Reserve Landscape Plans		
89.	<p>The Landscape Plans (in general accordance with the DCM Urban set pages 55 – 65 of the approved consent plans) and Design Report are to provide sufficient detail to confirm compliance with the requirements of the IDS, the CSS, and the WWDG (current versions): All landscaping required by this condition is to be carried out in accordance with the accepted plan(s) at the Consent Holder's expense, unless otherwise agreed.</p> <p>Advice Note: <i>Planting is also required to comprise of species in Appendix 6.11.9 Plant Species for Water Bodies and Stormwater Basins in the Bird strike Management Area in Appendix 6.11.7.5 to meet the WHMP.</i></p>	As above.
Streetscape Landscape Plans		
95.	<p>Landscape plans (in general accordance with the DCM Urban set pages 55 – 65 of the approved consent plans) and an accompanying Design Report for street trees and street garden beds are to be submitted to the Technical Design Services (Landscape Architecture and Environment Team at landscape.approval@ccc.govt.nz) for acceptance under the IDS.</p> <p>Advice note: <i>Grassed berms within road reserves do not form part of the landscape acceptance or landscape bond.</i></p> <p>Advice Note: <i>Planting is also required to comprise of species in Appendix 6.11.9 Plant Species for Water Bodies and Stormwater Basins in the Bird strike Management Area in Appendix 6.11.7.5 to meet the WHMP.</i></p>	As above.

Avifauna Management – Wildlife Hazard Management Plan		
	<p>Bird strike Management –Stormwater Basin Condition Deleted.</p>	<p>The proposed deletion relies on the assumption that the stormwater system will not result in ponding and therefore will not attract birds. However, no enforceable condition is retained to ensure that outcome is achieved in practice.</p> <p>Given the proximity to the airport, it is important that the performance of the stormwater system in avoiding ponding (and therefore bird attraction) is secured through an enforceable condition, rather than relying solely on design assumptions or the WHMP.</p> <p>A condition is required to ensure that stormwater infrastructure is designed, operated and maintained so as to avoid ponding that could attract birds.</p>
109.	<p>Prior to any development works commencing on the application site, the 'Draft Wildlife Hazard Management Plan' (WHMP) prepared by PDP and submitted with the application must be finalised by the Consent Holders suitably qualified Ecologist specialising in Avifauna, for certification by CCC under Condition 110 below.</p> <p>The final WHMP shall cover bird strike hazards during both the construction stage and the operational phase (for the lifetime for the development) to address the ongoing management and monitoring of bird strike risk at 104 Ryans Road and 20 Grays Road to ensure that the development will not increase the existing level of bird strike risk at Christchurch International Airport.</p> <p>a. The final WHMP must be prepared:</p> <ol style="list-style-type: none"> i. Giving consideration to consistency with the Christchurch International Airport Limited (CIAL) WHMP to detail management methods to help reduce bird strike risk associated with the site and CIAL airport operations; and ii. Giving CIAL and in particular their suitably qualified Ecologist specialising in Avifauna and Wildlife Manager an opportunity to participate in further consultation with the Consent Holders suitably qualified Ecologist / Avifauna expert. If CIAL does not provide a response to the WHMP within 20 working days of receiving it, the consultation will be deemed as satisfied. Evidence of this consultation (or the opportunity provided to do so) is to be submitted to CCC with the certification. <p>b. Specifically, for the construction phase the final WHMP must include as a minimum:</p> <ol style="list-style-type: none"> i. Pre-development mitigation measures (e.g., mowing site grass to disperse birds in a southward direction away from the CIAL flight path). ii. Passive and active management methods including, surveillance and monitoring, grounds management specifications (i.e., recommended grass heights to deter high-risk species), and seasonal bird counts (this could be completed by CIAL and/or site surveillance personnel). iii. Management of earthworks including location and size of stockpiles, seasonal timing of earthworks, size of areas being earth worked or depressions in the ground that may result in ponding water. iv. Landscape design standards to avoid bird attracting plant and grass species. v. Communication plan of development timelines with CIAL before development works take place to mitigate potential avifauna issues and offer support if any issues arise. vi. <ol style="list-style-type: none"> vi. Appointment of a Site Manager responsible for implementing the WHMP and provision of their contact details to CIAL. <ul style="list-style-type: none"> • Roles and responsibilities - including liaising with external stakeholders (e.g., CIAL) to determine the obligations of respective organisations and their personnel. • Monitoring and review procedures of WHMP, including liaison with CIAL with increases in bird numbers onsite being communicated so appropriate counter-measures can be implemented. <p>c. Specifically, the WHMP for the operational phase must include as a minimum:</p> <ol style="list-style-type: none"> i. On going roles and responsibilities for the lifetime of the development - including liaising with external stakeholders (e.g., CIAL) to determine the obligations of respective organisations and their personnel. 	<p>The proposed WHMP condition imposes a complex and ongoing set of obligations across multiple future landowners. However, it is unclear how these obligations will be consistently implemented, coordinated, and enforced over the lifetime of the development.</p> <p>In particular, there is no clear mechanism to ensure:</p> <ul style="list-style-type: none"> - consistent application of the WHMP across all lots; - long-term funding and resourcing (including the Site Manager role); and - effective oversight as sites are developed and ownership changes over time. <p>This creates a risk that management measures will be applied inconsistently, or degrade over time, undermining their effectiveness.</p> <p>Given the reliance on the WHMP to manage bird strike risk, a more robust and enduring mechanism is required to ensure implementation across all stages of development and over the long term.</p>

	<ul style="list-style-type: none"> ii. Passive and active management methods – surveillance and monitoring, grounds management specifications (i.e., recommended grass heights to deter high-risk species), and seasonal bird counts (this could be completed by CIAL and/or site surveillance personnel). iii. Landscape design standards and mitigations to avoid bird attracting plant and grass species iv. Waste and pest management procedures for lots/ activities. v. Mitigation options in relation to flat roof buildings and roosting/ nesting in building rafters. vi. Lighting designed not to attract insects which are a food source for birds. vii. Monitoring and review procedures of WHMP – this must include liaison with CIAL with increases in bird numbers onsite being communicated so appropriate counter-measures can be implemented. viii. In addition to monitoring by the site manager, annual bird counts conducted by an avian ecologist for 5 years following development is necessary to monitor the impacts of management measures in place. 	
110.	<p>The WHMP required by Condition 109 above must be provided to CCC (via email to rcmon@ccc.govt.nz) for certification by their Ecologist specialising in Avifauna at least 10 working days prior to any works commencing on site.</p> <p>The Ecologist specialising in Avifauna must certify the WHMP if:</p> <ul style="list-style-type: none"> a. Evidence is provided of consultation with CIAL’s Ecologist specialising Avifauna and/ or Wildlife Manager, including an explanation of how any feedback raised by them have been incorporated in the final WHMP. b. In accordance with (109 a. ii) if CIAL does not provide a response to the WHMP within 20 working days of receiving it, Condition 110(a) may be deemed satisfied. c. The matters in conditions 109 b. and c. are included in the WHMP. 	<p>The condition does not address the consequence of the WHMP not being certified. It should be explicit that no works may commence until certification has been obtained, to ensure the condition is effective and enforceable.</p>
111.	<p>Once certified under Condition 110, the WHMP must be implemented at all times by the Consent Holder and any contractors during the construction phase and by the owners and operators of lots 1 – 126, Lots 200 – 201 and Lots 400 and 500 as they are developed with buildings and activities are established and operated.</p>	<p>The condition requires implementation of the WHMP, however a number of measures referenced within the WHMP (including building design and landscaping controls) do not appear to be independently secured through enforceable conditions.</p> <p>Reliance on the WHMP alone does not provide sufficient certainty that these measures will be implemented, particularly as sites are developed over time by different owners. Key controls should be clearly reflected in conditions or other enforceable mechanisms.</p>
Consent Notices		
116.	<p>The following consent notices pursuant to Section 221 of the Resource Management Act 1991 will be issued by the Council:</p> <ul style="list-style-type: none"> a. Condition 48 Water Supply: The following condition must be recorded pursuant to Section 221 of the RMA in a consent notice registered on the titles of each Lot: <ul style="list-style-type: none"> i. This allotment shall be served by the Christchurch City Council’s pressurized water supply network and requires the installation of a high-hazard backflow prevention device. An application for water connection must be submitted to Christchurch City Council either online or by completing a WS1 form (application for water supply), including a water supply site plan. The water connection will not be activated until confirmation is provided to Council that an approved backflow prevention device has been installed. The backflow prevention device must be installed within the property boundary, on private land, as close as practicable to the water meter at the point of supply. b. Condition 57 Wastewater: The following conditions must be recorded in a consent notice registered on the titles of each Lot: <ul style="list-style-type: none"> i. The property is connected to a local pressure sewer system that has been designed to accommodate specific wastewater flow limits. Wastewater discharge from the property shall not exceed an average daily flow of 0.09 litres per second per hectare. 	<p>The issues identified in relation to the underlying conditions apply equally to these consent notice provisions. In particular, it is important that obligations imposed on future owners are clear, enforceable, and capable of consistent implementation over time, given the scale and fragmented ownership of the development.</p>

- ii. This allotment shall be serviced by a local pressure sewer unit consisting of a pump, remote monitoring control panel and storage chamber capable of accommodating at least 24 hours of wastewater flow. The unit must be supplied by either Aquatec or EcoFlow and installed at the building consent stage by a Council authorised drainlayer (Pressure Sewer Tanks), in accordance with the requirements for local pressure sewer units as specified under a Building Consent.
- iii. The owner must enter into a management agreement with the supplier of the local pressure sewer unit. This agreement shall provide Council with the necessary rights to monitor and control (as may be required) the pumping regime to support the operation and maintenance of the local pressure sewer catchment.
- iv. The owner is responsible for the ongoing operation and maintenance of the local pressure sewer unit and control panel.

a. **Condition 63 Stormwater:** The following consent notice shall be registered on the title of Lots 1 – 126 to ensure ongoing compliance with consent conditions:

- i. Stormwater generated from the roofs of all buildings within this allotment shall be collected via a sealed stormwater system separated from all other stormwater and discharged into an onsite rapid soakage disposal system. The rapid soakage infiltration system shall be designed to dispose of the runoff generated from the critical 2 percent annual exceedance probability storm event.
- ii. Roofs and flashings of all buildings within the site shall be low-zinc and low-copper generating materials (those generating less than 20 parts per million dissolved zinc and less than 3 parts per million dissolved copper, i.e.; painted steel, non-zinc treated aluminium, BUR, Modified Bitumen, Single Ply/Thermoset Membrane, Thermoplastic Polyolefin). If zinc-generating or copper-generating materials are used, treatment of stormwater runoff from the full roof area shall be provided using an approved treatment device designed to remove at least 80% of dissolved zinc and/or copper in stormwater.
- iii. Stormwater runoff from all hardstanding areas within this allotment shall be captured, treated and disposed of via private onsite treatment and soakage systems within the boundaries of the lot. The stormwater management and disposal system shall be sized to capture, contain and dispose of the runoff generated from the critical 2 percent annual exceedance probability storm.
- iv. The first flush of stormwater runoff from all sealed surfaces within this allotment shall be treated prior to disposal into land. The onsite stormwater treatment system shall be designed by a suitably qualified and experienced person, shall be tailored to the specific proposed site activities, and shall be submitted for acceptance by the Christchurch City Council Planning Engineer prior to installation.
- v. Sites engaging in any of the activities listed in Environment Canterbury's Land and Water Regional Plan Schedule 3 Hazardous Industries and Activities (or successor schedule) shall submit a Stormwater Quality Management Plan for acceptance by the Christchurch City Council Planning Engineer.

d. **Condition 86 Landscaping:** The following conditions must be recorded pursuant to Section 221 of the RMA in a consent notice registered on the titles of Lots 1-10, 20-21, 40-41, 55-61, 63-70, 121: Landscaping on this lot shall be maintained in accordance with the attached Landscape Concept, Maintenance, and Management Plan. Any dead, diseased, or damaged landscaping must be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.

e. **Condition 87 Fencing:** No fencing shall be located forward of (i.e. in front of) the 3m wide landscape strips along the Ryans Road or Grays Road frontages.

f. Condition 112 Wildlife Hazard Management Plan: The certified WHMP must be implemented at all times by the Consent Holder and any contractors during the construction phase and by the owners and operators of lots 1 – 126, Lots 200 – 201 and Lots 400 and 500 as they are developed with buildings and activities are established and operated.

Note: Council will prepare the Consent Notices.