Annexure B

SUBMISSION TO HEARING 12 COUNTRY LIVING ZONE

Submission by Jason Howarth

Background:

[1] WRAL comments *"Retention of the rule framework will ensure that properties within the ASCB are maintained at the current level and additional development opportunities/additional dwellings are not provided for."* seem misguided. The first iteration of rule was introduced in 2003 under Plan Change 19 after consent order from the Environment Court. Since that time there has been significant development in Tamahere both in an outside the of ASCB.

[2] The extension of roading networks has allowed "traditional 10-acre lifestyle blocks" to be subdivided into 5000sq sections, Tamahere has been activated for growth. There are properties within the ASCB that have been subdivided allowing more properties to be formed. There are significantly more properties and dwellings in the ASCB than prior to 2003. The issue of reverse sensitivity either exists or doesn't, given that development and intensification has occurred WRAL's argument is speculative and indeed the horse has already bolted.

[3] The historical context of WRAL opposition is important, under Plan Change 19 WRAL highlighted that reverse sensitivity was due to jet aircraft operations and that it was a growth airport and needed to protect its position as well as a proposed runway extension to increase operations. 17 years later there is no longer scheduled jet operations at Hamilton, there has been a reduction in scheduled domestic services, Air New Zealand closed its Hamilton maintenance base and there is no funding proposal to fund any runway or airport upgrade.

In response to s42A Report

[4] I acknowledge *paragraph 650* of the report as the starting point and contest that the current planning rules and objectives of having the ASCB and the more restrictive controls have largely failed to control the number of sections and dwellings. As a broad statement there has been significant development within Tamahere over the past 10-15 years.

[5] I accept that paragraph 651 is a theoretical exercise and submit that a number of those properties that could subdivide using the 5000m2 rule would not be able to or indeed want to. For two reasons, firstly a number of these sections have already been subdivided and the dwelling placement is in the middle of the property and to subdivide further would not be finically viable as there would be need to move dwellings 'to make it fit'. Secondly Tamahere has a unique character in that people are choosing to live in Tamahere because of country living lifestyle.

[6] I strongly disagree with the assertions made in 652 that there is a need for a special rule. There are no grounds that require the rules to be different. The case of reverse sensitivity has yet to be made out. I believe it is important to note that there is to no practical

correlation with the ASCB and aeronautical operations. There is no obligation for a pilot to conduct aircraft operations within the ASCB. It is common to see commercial aircraft conducting their decent and approach outside the ASCB over areas that have been permitted to subdivide to 5000m2.

[7] Reverse sensitivity provision relating to aircraft operations cannot be constrained to the ASCB as aircraft operate outside the ASCB. It is with this understand that I support other submissions calling for the removal of the boundary entirely.

[8] I also disagree with the comment in 653 that "additional development is not appropriate". There has been transformation infrastructure investment within the ASCB that has promoted subdivision, this has included roading, storm water infrastructure, footpath sand cycleways, reduced speed limits all of which has led to "additional development".

[9] Paragraph 655 acknowledges the Environment Court proceedings; however, I understand that it was resolved via consent rather than a finding/judgement of the court. I highlight that at the time some 17 years ago the situation was significantly different as outlined in [3]. There was also no enabling infrastructure and any such development would have been at the direct cost to the developer. Today the situation is different with Council and NZTA funding development that has allowed growth to occur within the area.

[10] I outright reject commentary in 658, it is a fallacy that the ASCB is a method of control for reverse sensitivity issues for the airport. The ASCB does not include all properties that would be affected by aircraft operations, therefore the ASCB has become useless and discriminatory without evidence. As previously stated, development and intensification has occurred outside the ASCB despite aircraft operations also occurring outside of the ASCB.

[11]I reject statements made in the evaluation. There are significant costs for those land owners wishing to subdivide to below 1.1ha and the high threshold of non-complying, given the activity is permitted in the immediate vicinity. Not removing the ASCB from maps and its subsequent conditions continues to falsely perpetuate that it has some practical purpose to reduce reverse sensitivity issues.

[12]As a Commercial Pilot, who worked as a flight instructor locally I understand the local operations of Hamilton airport. As a Tamahere resident for 30 years I understand the interaction between airport and the local community. The retention of the maps, ASCB and conditions do not address the issue that aircraft operate outside of the ASCB which means residents outside have a claim to the issues of noise and disturbance. As previously stated, the proposed plan does not consider the current practical applications of aircraft operations.

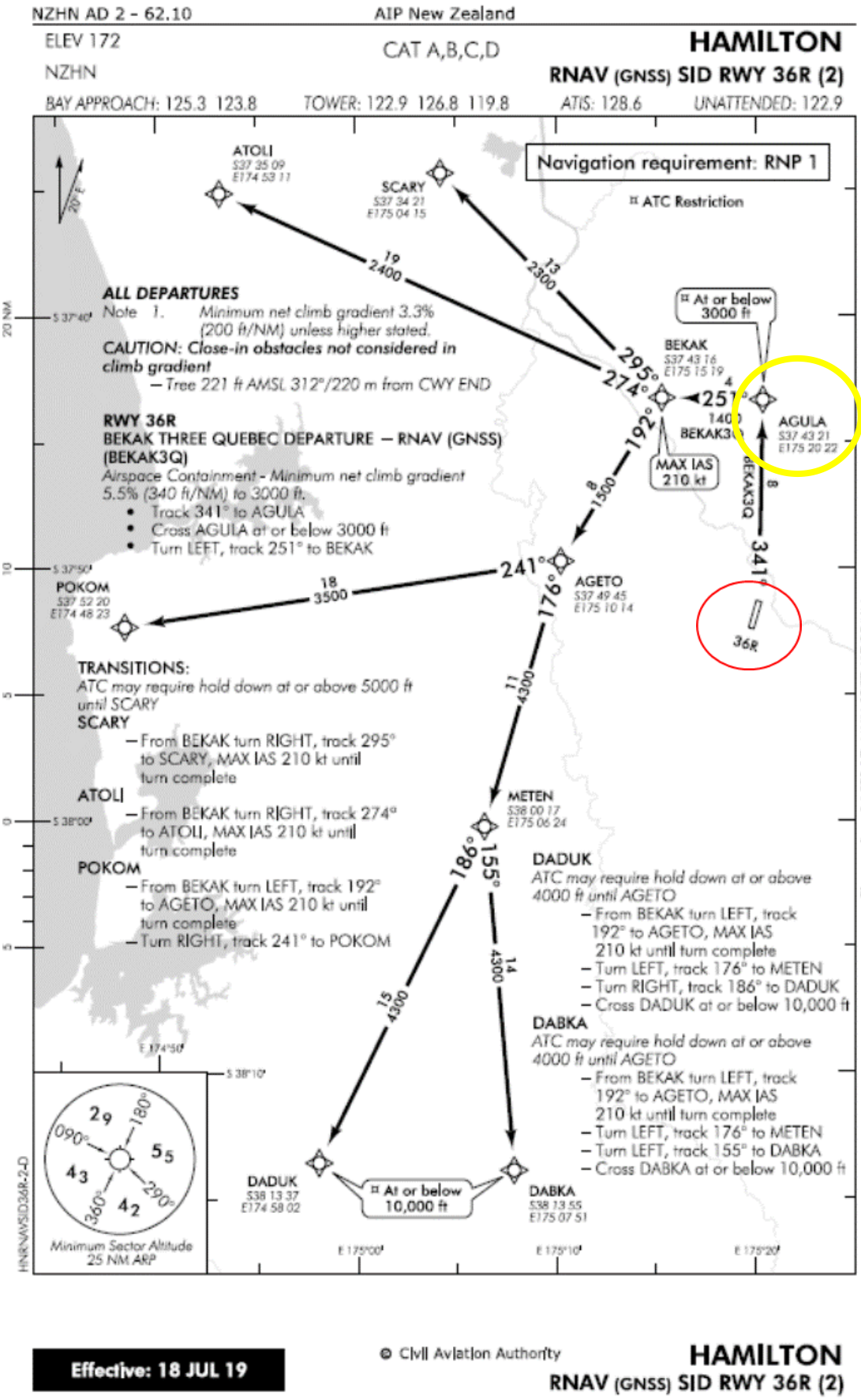

Fig 1. GNSS departure Hamilton Airport (SID)

[13]Fig 1 is an aeronautical departure plate for Hamilton that indicates how this particular departure should be conducted. The red circle is the airport and the yellow circle is the GPS reporting point “AGULA” at position point 37°43'21.0"S 175°20'22.0"E (Puketaha) which is heading 341 degrees from Hamilton Airport.

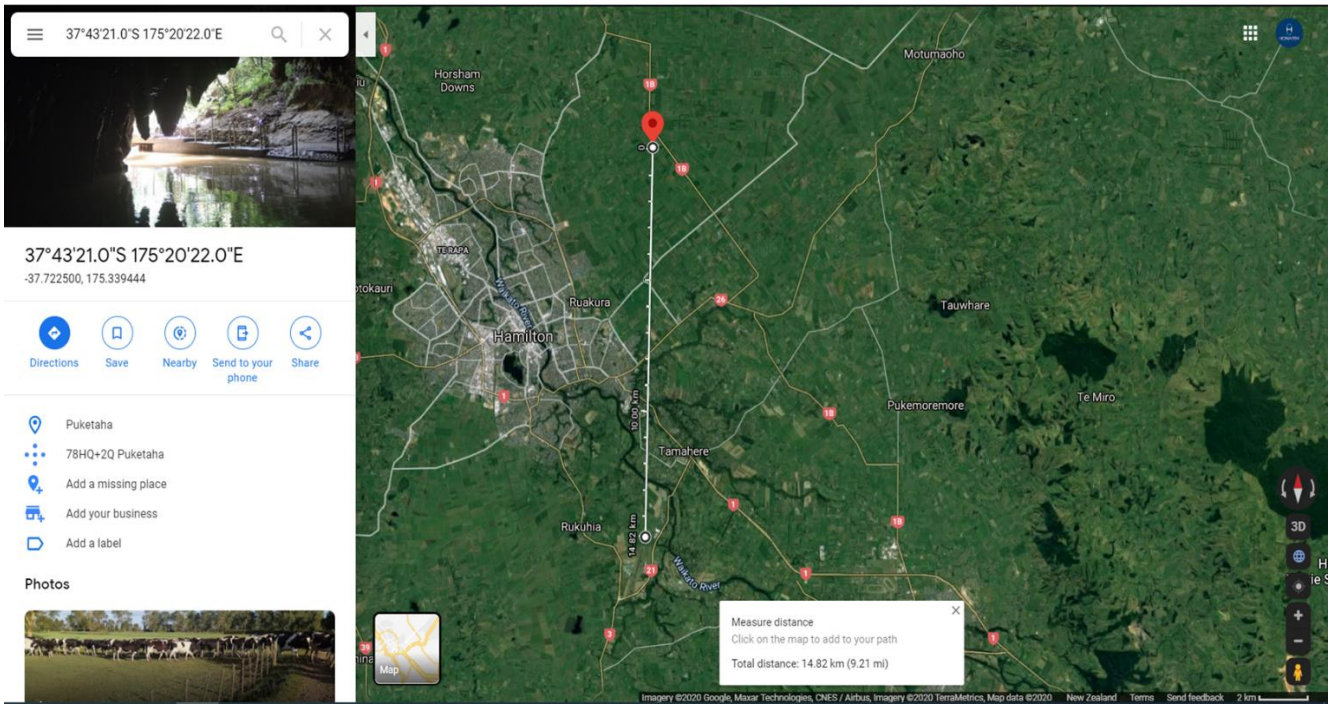

Fig 2 Transposed aeronautical information onto google maps

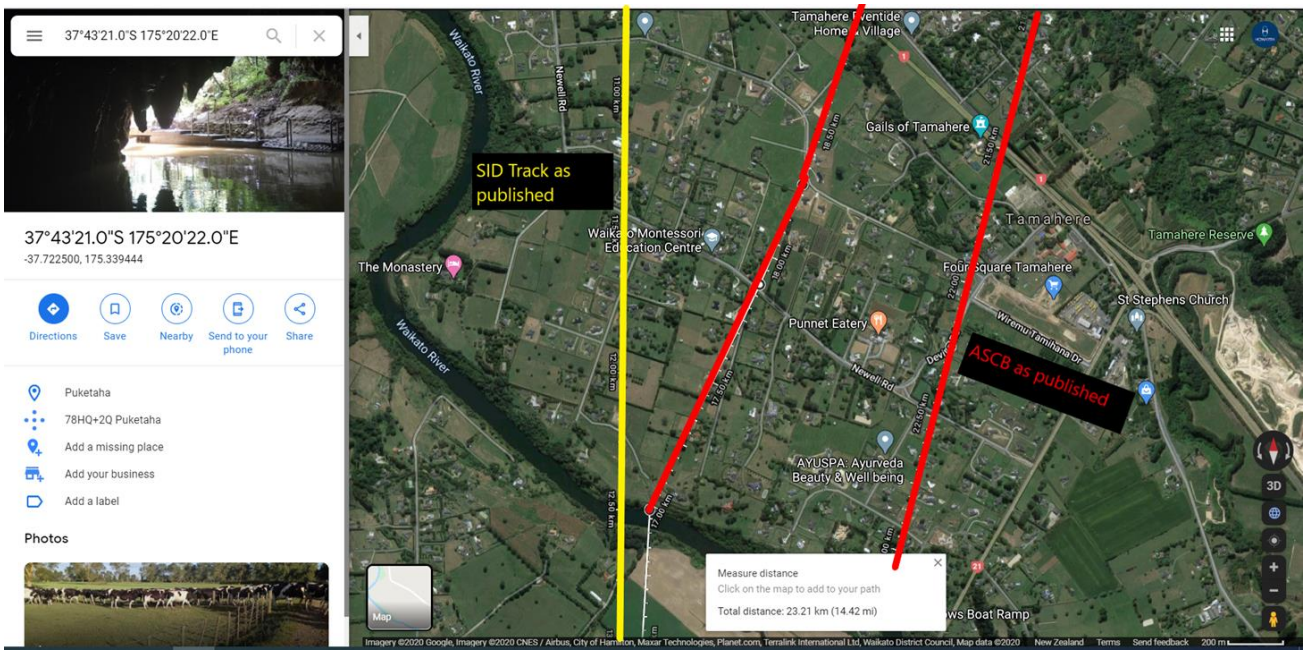

Fig 3 Transposed aeronautical information and ASCB onto google maps

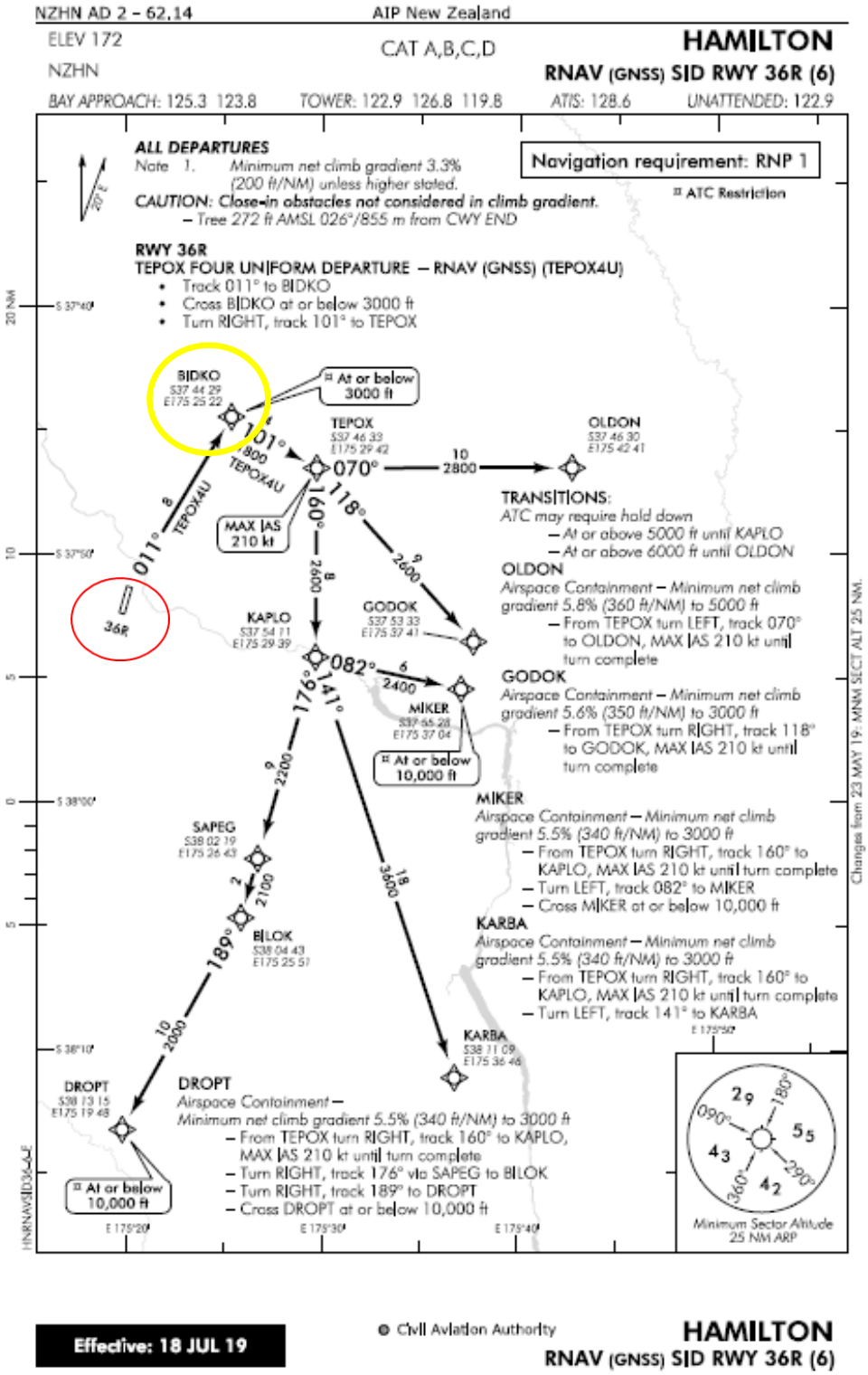

Fig. 4 GNSS SID-alternate

[14]Fig4 is an aeronautical departure plate for Hamilton that indicates how this particular departure should be conducted. The red circle is the airport and the yellow circle is the GPS reporting point “BIDKO” at position point E 175 25 22 S37 44 29 (Eureka) which is heading 011 degrees from Hamilton Airport.

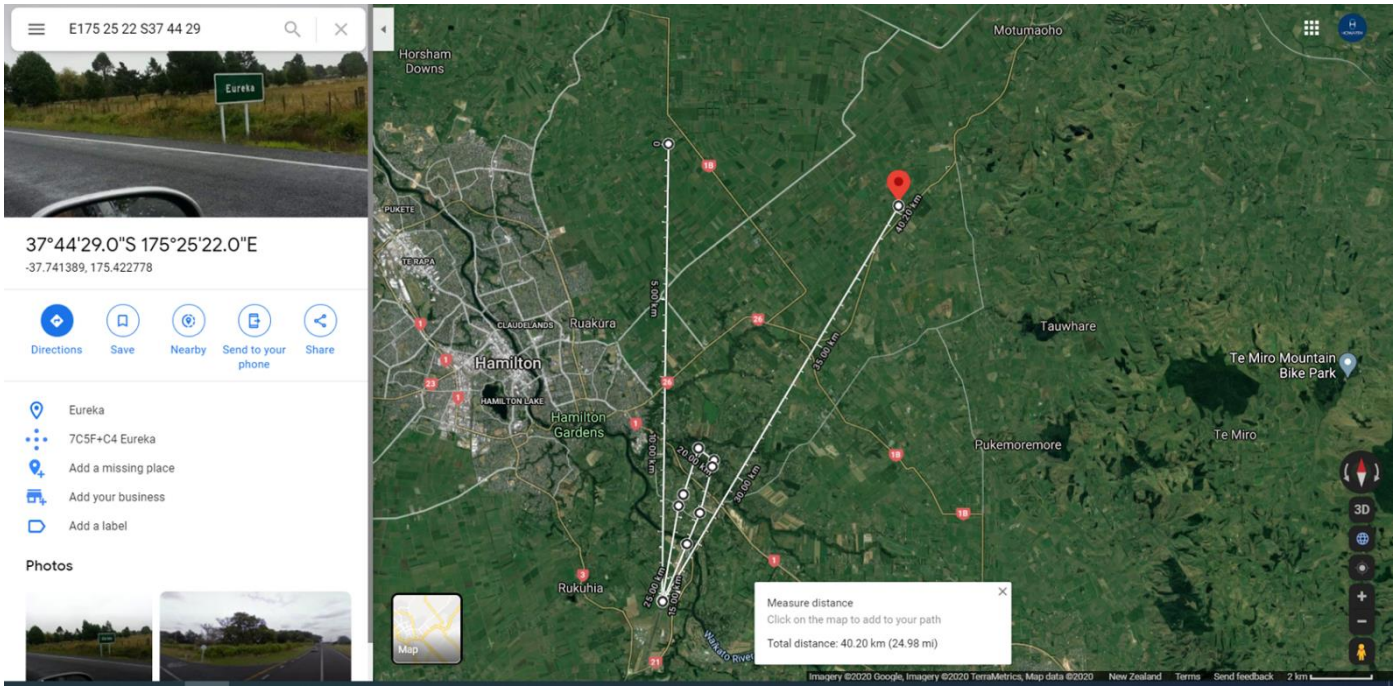

Fig 5 Transposed aeronautical information onto google maps (including approximate ASCB)

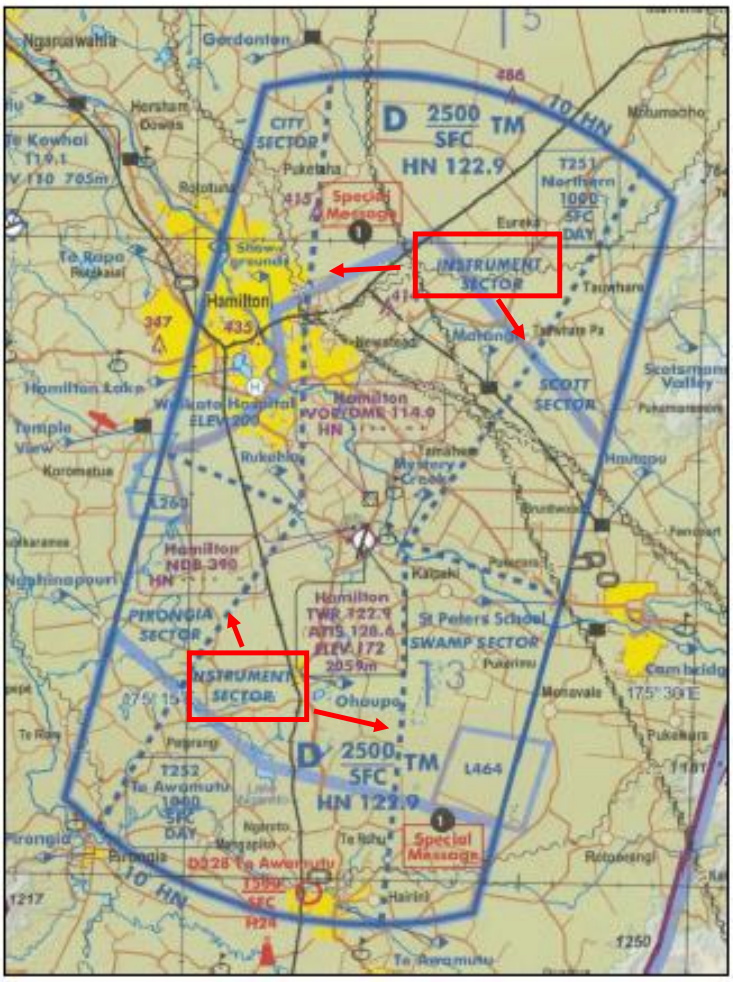

Fig 6 Aeronautical chart Hamilton

[15] Fig 3 highlights the lack of relationship between ASCB and operational procedures of aircraft as the track of the aircraft does not enter the ASCB zone. The concern is that the track enters a zone that has not been identified as not having reverse sensitivities despite having aircraft operating. It is not reasonable to exclude properties outside the current ASCB from having reverse sensitivity issues being applicable given the operational situation. Fig 5 indicates they neither of the North East or North West departures operate with in the ASCB which is subject to restrictions.

[16] Fig 6 shows the Instrument sector indicates by the dashed blue line. at Hamilton airport stretching north and south. This is "protected" to ensure that aircraft operating under instruments only have a clear area to operate when conducting an approach or departure. It would be a more accurate position that if reverse sensitivity was such an issue that this entire area should be subject to tighter restrictions. However, changing the goal post to include more area does not assist as mentioned the horse had bolted and number of surrounding properties have already subdivided down to the 5000m2.

The issue of reverse sensitivity

[17] The issue is subjective and relates primarily to noise. The largest operational aircraft is the ATR 72-500/600 which has EPNdB of 90 comparable to a lawnmower. The duration is minimal, the aircraft passes over in a matter of seconds. The operation is infrequent with 12-18 movements a day.

[18] Commercial passenger operations begin at 6am with the first departures and the last scheduled flight is an 8.15pm arrival. Air Traffic Control operations coincide with this operation as indicate in fig 7. Hamilton Tower is "on watch" 0600-2025 Monday to Friday, 0710-1910 Saturday, 0805-2025 Sunday. Hamilton approach control based in Christchurch is operational 0545-2200 daily. The airport's operational hours are not excessive or inappropriate to a degree that would interfere with residential enjoyment.

LOCATION	SERVICE	HOURS	
Auckland	Oceanic ACC/FIS	H24	Daily
	ACC/APP/TWR/FIS	H24	Daily
	ACC/FIS ❶	0545–2200	Daily
	❶ *Raglan Sector — applies to area control services within Auckland CTA/D and Auckland CTA/C south of Auckland*		
Christchurch	ACC/APP/TWR/FIS	H24	Daily
	APP/FIS ❷	0545–2200	Daily
	❷ *Bay Sector — applies to approach control service within Hamilton CTA/D and CTR/D ❻, Rotorua CTA/D and CTR/D ❻, and Tauranga CTA/D and CTR/D ❻*		
Dunedin	APP/TWR/FIS	0600–2045 0600–0055 0600–2145 0600–0055 0600–2145 0615–1915 0810–0055	MON TUE WED THU FRI SAT SUN
Gisborne	APP/TWR/FIS	0605–2015 0605–1725 0850–2015	MON–FRI SAT SUN
Hamilton ❸	TWR/FIS	0600–2025 0710–1910 0805–2025	MON–FRI SAT SUN

Fig.7 Aeronautical information publication-Hours of Air Traffic Services.

[19] Meteorological conditions also dictate which runway is in use. If the wind is a northerly wind, then aircraft will take off 36R and climb out over Tamahere. However, all aircraft will be landing 36R and will descend south of the airport. Conversely with a southerly wind, aircraft will take off 18L and climb out to the south and landing aircraft will descend over Tamahere. The predominate wind is a westerly which allows a combination, normally landing 36R and take off 18L as all commercial operation have destinations to the south. From a financial point of view getting the aircraft on the ground quicker saves fuel.

[20] Pilot discretion, the pilot in command of any aircraft has the authority to manoeuvre and the navigate the aircraft in a safe and efficient manner. This allows pilots of any size aircraft to conduct approaches how they see fit. This includes conducting visual approaches, which is essentially the pilot eye balling the runway to a landing. Every visual approach is different by their nature which gives a wide margin of aircraft operations.

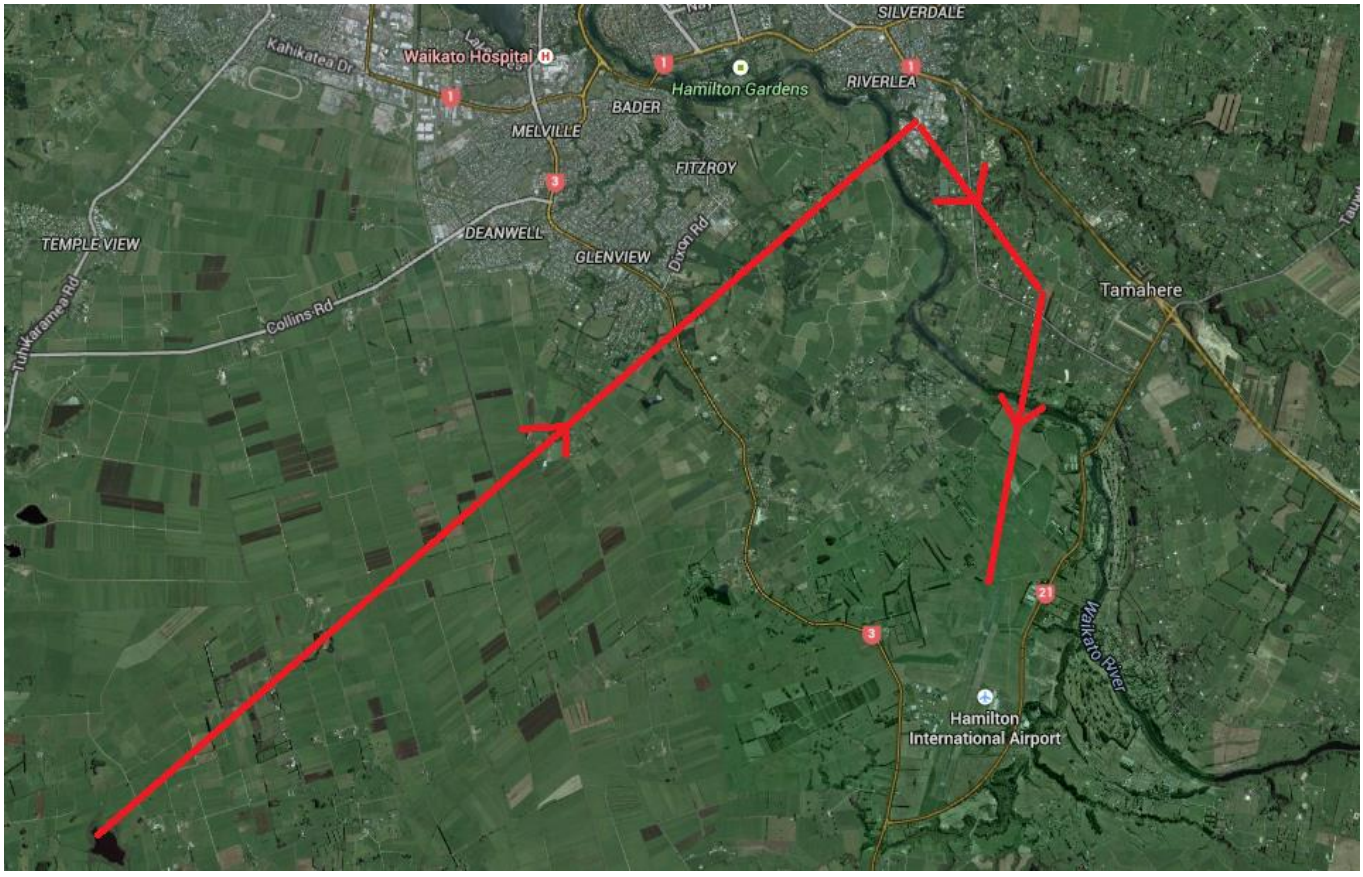

Fig. 8 Wide view of a south arriving aircraft on a visual approach. (lines indicative only)

[21] Fig. 8 is a representation of the flight taken from NZ5812 on the 12th of March 2020. This again highlights that aircraft operations are occurring without reference to the ASCB and properties outside the ASCB are also "impacted" by aircraft operations.

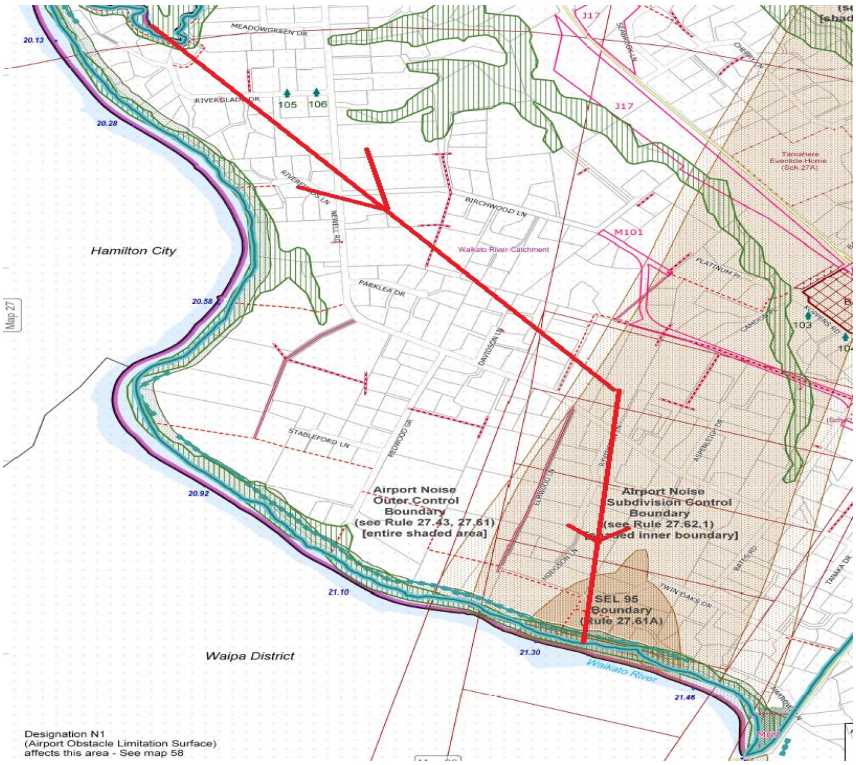

Fig. 9 Track of aircraft conducting a visual approach.(Lines indicative only)

[22] When the track of the visual approach is overlaid on the planning maps there is an obvious issue that a decent is occurring outside of the ASCB and very little time of the approach is spent in the ASCB and large portion outside. This again indicating how ineffective and redundant the ASCB is.

Conclusions

[23] The current ASCB does not include all aircraft operations and properties that may be affected do not fall within the boundaries. It can not be reasonable to ignore that the ASCB may need to be wider to accommodate true mitigation of reverse sensitivity issues. I also believe that any increase in size of the ASCB would create further anomalies within the zone this is unreasonable. I do not believe the ASCB is the appropriate tool to mitigate any sensitivity issues as it does not cover all those who may be affected.

[24] I do not believe there is a significant issue relating to reverse sensitivity. Airport operations have a minor effect on the properties. The airport time of operations, type of aircraft and frequency do not have an affect greater than minor on the properties.

[25] The argument about the need to control development and “additional development is not appropriate” yet additional development has been occurring and substantial amount of sections at 5000m2 created resulting in large influx into the area in a short period of time.

[26] By maintaining the 1.1ha restriction and ASCB the proposed plan is creating an ineffective anomaly which has no evidence to justify its existence.

[27] I recommend **Rule 23.4.2 RD1** be amended as follows:

(a) Subdivision must comply with all of the following conditions, where applicable:

(i) All proposed lots must have a net site area of at least 5000m².

~~(ii) Where the land being subdivided is wholly inside the Airport Subdivision Control Boundary, or wholly or partly inside the SEL 95 Boundary identified on the planning maps, the average net site area of all proposed lots must be at least 1.1ha;~~

~~(iii) Where the land being subdivided straddles the Airport Subdivision Control Boundary, the maximum number of proposed titles must be the smallest nearest whole number calculated by the following formula: Proposed Record of Titles allotments =~~
~~area (ha) outside* + area (ha) inside*~~
~~0.5 1.1~~
~~* outside and inside Airport Subdivision Control Boundary~~

(b) Council's discretion is restricted to the following matters:
(i) Adverse effects on amenity values;

(ii) Effects on the operation of the airport ~~Airport Subdivision Control Boundary or the SEL 95 Boundary~~