

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2022-AKL**

**I MUA I TE KŌTI TAI AO O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

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

**AND**

**IN THE MATTER** of an appeal under clause 14(1) of the First  
Schedule of the Act

**BETWEEN** **NZTE OPERATIONS LIMITED**  
**Appellant**

**AND** **WAIKATO DISTRICT COUNCIL**  
**Respondent**

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**NOTICE OF APPEAL FOR NZTE OPERATIONS LIMITED**

***(Te Kowhai Airpark Zone)***

**Dated: 1 March 2022**

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Solicitors on Record

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**TO:** The Registrar  
Environment Court  
Auckland

1. NZTE Operations Limited (**NZTE**) appeals part of Waikato District Council's (**WDC**) decision on the Proposed Waikato District Plan (**PWDP**).
2. NZTE received notice of the decision on the PWDP on 17 January 2022.
3. The decision was made by an Independent Hearing Panel of the WDC.
4. NZTE made a submission (**823**) and a further submission (**40**) on the PWDP.<sup>1</sup>
5. NZTE's appeal is not brought for trade competition purposes under s. 308D of the Act.

#### **PARTS OF THE DECISION APPEALED**

6. NZTE owns and operates the Te Kowhai Aerodrome (**Aerodrome**), which has been operating for more than 50 years. The aerodrome is provided for under the PWDP as the Te Kowhai Airpark Zone (**TKAZ**).
7. NZTE appeals the following parts of WDC's decision on the TKAZ:<sup>2</sup>

#### **Water supply for firefighting**

- (a) Rules SUB-R142 (1)(a)(ii), SUB-R143 (1)(a)(ii)(1), SUB-R143 (1)(a)(ii)(2); SUB-R143 (1)(a)(iii); and SUB-R143 (1)(a)(iv)(1) – The subdivision standards requiring lots within the TKAZ to be connected to a public reticulated water supply network.

#### **Transitional Side Surfaces**

- (b) Rule ANOC-R3 (2)(a) – The restricted discretionary activity status for non-compliance with the Transitional Side Surfaces standard of the Airport Obstacle Limitation Surface for the Aerodrome.

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<sup>1</sup> Attached as **annexure A**.

<sup>2</sup> Attached as **annexure C**.

## REASONS FOR THE APPEAL

### General reasons

8. The general reasons for the appeal are that the decisions on the rules and standards identified under paras. 7(a) and (b) will not:
  - (a) Achieve the sustainable management purpose of the Act;
  - (b) Manage the use, development, and protection of the Aerodrome infrastructure (as a physical resource) in a manner that enables its continued safe operation;
  - (c) Ensure that reverse sensitivity effects on the Aerodrome are appropriately avoided, remedied or mitigated; or
  - (d) Enable aviation, commercial, and residential activities in a manner that is consistent with the objectives, policies, and rules for the TKAZ or the PWDP.

### Water supply for firefighting

9. The TKAZ is not connected to a “*public reticulated*” water supply “*network*” and is not anticipated that it will be connected to a public network in the immediate future.
10. The Fire and Emergency New Zealand’s (**FENZ**) submission (**378.76**)<sup>3</sup> sought that proposed TKAZ lots (within Precincts B, C, and D)<sup>4</sup> be required “*to be connected to a public-reticulated water supply or water supply sufficient for firefighting purposes*”.
11. NZTE’s further submission (**40**) supported FENZ’s submission because FENZ’s use of the conjunctive “or” indicated its view that the water supply merely needs to be sufficient for firefighting purposes (i.e., irrespective of its source).

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<sup>3</sup> Attached as **annexure B**. It is noted that WDC misnumbers FENZ’s submission on this point as 378.75.

<sup>4</sup> In the Proposed Waikato District Plan - Decisions Version these Precincts are re-named as Precincts 28, 29 and 30 respectively.

12. Expert evidence produced before the Independent Panel demonstrated that the TKAZ could maintain its own water supply for firefighting purposes. No contrary expert evidence was produced suggesting that the TKAZ water supply would not be sufficient for firefighting purposes.

### **Transitional Side Surfaces**

13. The PWDP and Variation 1 to the PWDP introduced a new Obstacle Limitation Surface into the District Plan. The Obstacle Limitation Surface extends out to 2500m from the runway. Running parallel to the runway, on both the northern and southern side, lie the Transitional Side Surfaces.
14. The Transitional Side Surfaces extend over adjacent land zoned as General Residential Zone, General Rural Zone, and Future Urban Zone (under the decision version of the PWDP).
15. The restricted discretionary activity status under Rule ANOC-R3(2)(a) for non-compliance with the Transitional Side Surfaces is inconsistent with the:
  - (a) Non-complying activity status under Rule ANOC-R2(2) for non-compliance with the Approach and Take-off Surfaces;
  - (b) Need for appropriate control of obstacles which could affect the safe operation of aircraft (e.g., tall buildings, structures, or vegetation); and
  - (c) Safe operation of the Aerodrome under the Civil Aviation Rules of the Civil Aviation Act 1990 and the Health and Safety Work Act 2014.



**RELIEF SOUGHT**

16. NZTE seeks the following relief:

**Water supply for firefighting**

- (a) The TKAZ subdivision rules (standards) are amended to delete the requirement for a publicly reticulated water supply network as follows:

- i. SUB-R142 (1)(a)(ii):

*“Proposed lots must be connected to a ~~public reticulated~~ potable water supply network that is also sufficient for firefighting purposes.”*

- ii. SUB-R143 (1)(a)(ii)(1):

*“ ... 450 m<sup>2</sup> if connected to the Te Kowhai Airpark private reticulated wastewater network and connected to a ~~public reticulated~~ potable water supply network that must also be sufficient for firefighting purposes and not bordering the 25m building setback perimeter; or”*

- iii. SUB-R143 (1)(a)(ii)(2):

*“ ... 1000 m<sup>2</sup> if connected to the Te Kowhai Airpark private reticulated wastewater network, and connected to a ~~public reticulated~~ potable water supply network that must also be sufficient for firefighting purposes and borders the 25m building setback perimeter; or“*

- iv. SUB-R143 (1)(a)(iii):

*“Every allotment within the ‘Airside Overlay’ of PREC30 has a net site area (excluding access legs) of at least 800m<sup>2</sup> and is connected to the Te Kowhai Airpark private reticulated wastewater network and connected to a ~~public reticulated~~ potable water supply network that must be sufficient for firefighting purposes; or”*

- v. SUB-R143 (1)(a)(iv)(1):

*“The net site area (excluding access legs) may be reduced to no less than 1000m<sup>2</sup> providing it is connected to a private reticulated wastewater network and connected to ~~public reticulated~~ potable water supply network that must be sufficient for firefighting purposes and is not bordering the perimeter 25m building setback.”*

### **Transitional Side Surfaces**

- (b) Rule ANOC-R3(2)(a) is amended to make provision for non-compliance with Transitional Side Surfaces as a non-complying activity as follows:

(2) Activity status where compliance not achieved: NC RDIS Council's discretion is restricted to the following matters:  
~~(a) Effects on the safe and efficient operation of Te Kowhai aerodrome and airpark.~~

### **Alternative / Consequential**

- (c) Any alternative relief of like effect; and
- (d) Such further or consequential relief as may be necessary to address the issues raised in this appeal.

### **ANNEXURES**

17. NZTE attaches the following documents to this notice:
- (a) A copy of NZTE's submission and further submission (**annexure A**).
- (b) A copy of FENZ's relevant submission (**annexure B**).
- (c) A copy of the relevant decision (**annexure C**).
- (d) A list of names and addresses of persons to be served with a copy of this notice (**annexure D**).

**Dated this 1<sup>st</sup> day of March 2022**



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**M J Doesburg**

Solicitor on record for NZTE Limited

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Barrister

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## **Advice to recipients of copy of notice**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland.

## **ANNEXURE A**

### **NZTE's submission and further submission**



ECM Project:	DPRPh5-03
ECM #	.....
Submission #	.....
Customer #	148386
Property #	N/A

**To:** **Waikato District Council**  
**Private Bag 544**  
**Ngaruawahia 3742**  
[districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)



**Name of Submitter:** **NZTE Operations Limited**

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**SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN**

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- 1 This is a submission on Stage 1 of the proposed Waikato District Plan (*pWDP*).
- 2 NZTE Operations Limited (*the Submitter*) could not gain an advantage in trade competition through this submission.
- 3 NZTE Operations Limited wishes to be heard in support of its submission.

**Background**

- 4 The Submitter owns the Te Kowhai aerodrome (*the Airfield*) and surrounding land (*the Property*), located off Limmer Road, near the settlement of Te Kowhai. The existing Airfield consists of a grass runway 983 metres long and has a number of hangers that are leased for the storage of aircraft and aviation related commercial activities. The Airfield is a non-certificated aerodrome which operates under a Visual Flight Rule (*VFR*) basis. The balance of the land owned by the Submitter surrounding the Airfield consists of paddocks.
- 5 The Airfield and surrounding land are proposed to be zoned Te Kowhai Airpark Zone (*TKAZ*) under the *pWDP*. The *TKAZ* recognises existing Airfield infrastructure and enables the establishment of a complementary residential 'airpark'. The airpark comprises four precincts that variously provide for aviation, commercial and residential activity. Central to the airpark concept is the ability to taxi aircraft from residential and commercial precincts onto the existing runway. It is this unique characteristic which differentiates airpark residential from conventional residential elsewhere in the Waikato region. The airpark is intended to be used solely for people who have an interest in aviation and wish to utilise the Airfield facilities as part of their day-to-day living environment. Notwithstanding that, the Airfield operates separately as an existing piece of infrastructure and, while being part of the *TKAZ*, needs to be protected through the provision of appropriate development controls to ensure that safe operation, growth and reverse sensitivity effects are adequately managed.
- 6 The Airfield is currently recognised in the Operative District Plan (*ODP*) through an Obstacle Limitation Surface (*OLS*) and Airport Noise Control Boundary (*ANCB*) provisions. As part of

the re-zoning to TKAZ, the rules as notified seek to future proof the Airfield in order for it to operate on an Instrument Flight Rule (*IFR*) non-air transport basis, as well as a VFR basis. Under the Civil Aviation Circular AC139-7 Aerodrome Standards and Requirements, this will necessitate changes to the OLS and transitional side surfaces, which are reflected in the pWDP.

- 7 As notified, the pWDP has adopted the existing ANCB provisions from the ODP. Following notification of the pWDP a peer review has been undertaken of the ANCB provisions by Marshall Day Acoustics (*the Marshall Day Report*). The Marshall Day Report has identified that the existing ANCB is inadequate to service both the operational needs of the Airfield and those of the airpark. Increasing the ANCB is now considered essential to future proof the Airfield and to allow it to operate as an airpark. In addition to providing more effective protection for surrounding landowners from aircraft noise, a change to the ANCB will also protect the aerodrome from potential reverse sensitivity noise complaints.
- 8 This submission supports the introduction of the Te Kowhai Airpark Zone and the relevant rules that relate to the functioning of the zone in the pWDP. However, in order to ensure the Airfield and associated Airpark can operate effectively, this submission seeks an increase to the ANCB as well as a number of amendments to rules in various chapters. Further details of these changes are set out below and in the table in **Appendix A**. A copy of the Marshall Day Report is attached at **Appendix B** to this submission.
- 9 The Chapters of pWDP that this submission relates to are:
  - (a) Chapter 9 – Objectives and Policies
  - (b) Chapter 14 – Infrastructure and Energy
  - (c) Chapter 16 – Residential
  - (d) Chapter 17 – Business
  - (e) Chapter 20 – Industrial
  - (f) Chapter 22 – Rural
  - (g) Chapter 23 – Country Living
  - (h) Chapter 24 – Village
  - (i) Chapter 25 – Reserve
  - (j) Chapter 26 – Residential
  - (k) Chapter 27 – Te Kowhai AirPark Zone



(l) Appendix 1

(m) Appendix 9

(n) The Planning Maps

10 The submission is set out below.

### **Objectives and Policies**

11 The objectives and policies for the TKAZ give direction to the rules and other methods that are necessary to manage development of the Airfield and the airpark. The Submitter supports the objectives and policies in section 9.2 as notified. However, while Policy 9.2.1.6 partially addresses reverse sensitivity, a more specific objective and corresponding policy is required which recognises the importance of that issue in the context of existing infrastructure. The additional objective and policy proposed in Appendix A will ensure that the operational needs of the Airfield are not compromised by sensitive land use activities with the potential for reverse sensitivity conflict.

12 The Submitter therefore seeks the following amendment to the pWDP:

(a) New Objective 9.2.3 and Policy 9.2.3.1 to be inserted as worded in Appendix A.

### **Infrastructure and Wastewater**

13 The provisions of Chapter 14 in respect to Transportation and Wastewater require amendment to ensure the Airpark is appropriately provided for.

#### *Wastewater*

14 The TKAZ intends to have on-site treatment and disposal of wastewater in the form of a Packed Bed Reactor (or similar) to meet relevant Waikato Regional Council standards. Accordingly, a wastewater treatment plant is accounted for in the TKAZ as a permitted activity in the Chapter 27.1.1 Activity Status Table. However, Chapter 14 (Infrastructure and Energy) is inconsistent with this rule because Rule 14.11.4 classifies wastewater treatment plants as a non-complying activity in the TKAZ. The Section 32 report has assessed the appropriateness of on-site wastewater treatment and concluded that a Packed Bed Reactor (or similar) is an appropriate method to effectively deal with wastewater from the Airfield and Airpark developments. The permitted activity rule in Chapter 27 should therefore take precedence over the general rule in Chapter 14.

15 The Submitter therefore seeks the following amendment to the pWDP:

(a) That Rule 14.11.4 NC2(g) is deleted as detailed in the table attached to this submission at Appendix A.



### *Transportation*

- 16 Chapter 14 contains permitted activity standards for trip generation for the Te Kowhai Airpark Zone. As notified, Rules 14.12.1.4(h) and (i) set daily trip generation limits in separate precincts. Precincts A and B are limited to 250 vehicles and Precincts C and D are limited to 30 vehicles before a restricted discretionary status is triggered. However it is not clear that these limits are per site limits and they could be interpreted as being limits that apply to the whole of the precincts.
- 17 The Submitter therefore seeks the following amendment to the pWDP:
- (a) That the daily vehicle limits in Rules 14.12.1.4(h) and 14.12.1.4(i) are clarified by the insertion of the words "per site" as set out in the table at Appendix A to this submission.
- 18 Chapter 14 contains a permitted activity rule that requires the layout of the taxiway network, future connectivity and road alignment within the Te Kowhai Airpark to be in accordance with the Te Kowhai Airpark Framework Plan in Appendix 9. As notified, Rule 14.12.1.7(2) will not allow for minor amendments in layout are in general accordance with the road alignment and taxiway network detailed in Appendix 9.
- 19 The Submitter therefore seeks the following amendment to the pWDP:
- (a) That Rule 14.12.1.7(2) and (3) are amended to include the wording "in general accordance with.... The Te Kowhai Airpark Plan.

### **Te Kowhai Airpark Zone**

- 20 Within the notified rules of Chapter 27, Rule 27.2.14(d) does not allow direct site access from a 'national route' or 'regional arterial' road for Temporary Events as a permitted activity. The terminology is not in accord with the One Network Road Classification used by the New Zealand Transport Agency whereby state highways have either 'National', 'Arterial', 'Regional', 'Primary Collector', 'Secondary Collector' or 'Access' status.
- 21 The One Network Road Classification for Limmer Road (State Highway 39) is 'Arterial'. If the intent of Rule 27.2.14(d) is to prevent direct access onto an 'Arterial' highway, then this provision is opposed by NZTE Operations Ltd. Currently, the only vehicular access into the Te Kowhai Airpark Zone is off State Highway 39, meaning that there is effectively no permitted activity status for temporary events. It appears the provision is a carry-over from the Rural Zone rules in the ODP and therefore may not be intended to be applicable to State Highway 39. We submit it should be deleted altogether as the rule is not relevant to the Te Kowhai Airpark Zone.
- 22 The Submitter seeks the following amendment to the pWDP:

(a) Delete Rule 27.2.14(d).

23 The Zoning Plan in Appendix 9 refers to 'Special Activity Zone Te Kowhai Airpark'. In the interests of consistency, the Zoning Plan should be changed to refer to the 'Te Kowhai Airpark Zone', which better aligns with the terminology in Chapter 27. The submitter seeks the following change to Appendix 9:

(a) Amend the Zoning Plan in Chapter 29 - Appendix 9 to read 'Te Kowhai Airpark Zone' to more appropriately align with the terminology in Chapter 27.

## Noise

### *Airport Noise Control Boundary*

24 Typically, as seen at the Waikato Regional Airport, the airport noise control boundary (ANCB) concept involves fixing an Outer Control Boundary (OCB) and a smaller Air Noise Boundary (ANB). An OCB is usually based on a day/ night noise exposure level of 55dB  $L_{dn}$  and the ANB is based on 65dB  $L_{dn}$ . This is derived from the New Zealand Standard NZS 6805: 1992 Airport Noise Management and Land Use Planning (*Standard 6805*). The approach recommended in Standard 6805 is to implement practical land use planning controls and airport management techniques to protect and conserve the health of people living near airports without unduly restricting the operation of the airport. This is achieved by fixing a limit on noise emissions from the airport by way of noise boundaries, and then allowing an airport operator to determine how best to manage operations to comply with the limit. The Submitter understands this is consistent with the generally accepted approach to aircraft noise control in New Zealand.

25 The current OCB for Te Kowhai Airfield has been rolled over from the ODP, where its only purpose is to impose acoustic insulation standards on new noise sensitive development: it does not impose restrictions on aircraft noise. Further, the current OCB does not adequately allow for the proposed use of the Airfield under Chapter 27 of the pWDP or protect the Airfield from reverse sensitivity effects, which could lead to complaints and aircraft operations being curtailed in the future. Nor does the current OCB take into account aircraft noise from the perimeter taxiways, which is managed instead by the proposed Te Kowhai Airpark Noise Buffer in the Rural Chapter.

26 A peer review of the pWDP acoustic provisions has been carried out by Marshall Day Acoustics (*the Marshall Day Report*), a copy of which is attached as Appendix B. Modelling undertaken by Marshall Day has established that the current ANCBs would not be adequate to safeguard ongoing activities of the aerodrome, or the operational needs of the airpark. Therefore, Marshall Day has identified more appropriate ANCBs for the current and future use of the Airfield. The revised ANCBs have been developed not only to safeguard the operational needs of the aerodrome, but to set acoustic limits within which the aerodrome will need to operate. In doing so, it establishes aircraft noise controls for the protection of



landowners which did not exist previously. The ANCB inputs used to produce the proposed ANCBs is set out in the Marshall Day Report at Appendix B.

- 27 The revised ANCB has also factored in the use of perimeter Taxiways, meaning that the notified provisions relating to the 'Te Kowhai Airpark Buffer Zone' will no longer be necessary.
- 28 The Submitter therefore seeks the following amendment to the pWDP:
- (a) That new rules, as detailed in Appendix A, are added to Chapter 27 – Te Kowhai Airpark Zone to ensure the ANCB is expanded to a size that appropriately reflects best practice for aerodromes of this nature. These rules will ensure:
    - (i) any new Noise Sensitive Activity within the inner 65dB L<sub>dn</sub> ANB is to have a Non-Complying activity status (with the exception of noise sensitive development associated with the Airpark which is otherwise provided for); and
    - (ii) Only permit new Noise Sensitive Activities or alterations to existing Noise Sensitive Activities within the 55- 65 dB L<sub>dn</sub> OCB that have sound insulation and ventilation installed in accordance with the standards in Chapter 29 Appendix 1.
  - (b) That Chapter 29 – Appendix 1 is updated as detailed in Appendix A to reflect the proposed new Airpark Noise Control Boundaries and the appropriate performance standards.
  - (c) That the Planning Maps are updated to depict the proposed new Airpark Noise Control Boundaries as identified in the Marshall Day Report, a copy of which is attached as Appendix B to this submission.
  - (d) Any consequential amendments are made to other zone provisions affected by the proposed new Te Kowhai Airpark Noise Control Boundaries.

*Noise Buffer and Taxiways*

- 29 As described above, the noise from the Taxiways is currently dealt with as part of the Te Kowhai Airpark Noise Buffer as referenced in Rule 22.3.7.3 and depicted in the Planning Maps. In accordance with the Marshall Day Report, the Submitter proposes the inclusion of noise from the perimeter Taxiways as part of the Te Kowhai ANCB. This is because the Te Kowhai Airpark Noise buffer could be considered overly-restrictive on neighbors as it is based on the number of aircraft movements every 15 minutes continuously. Inclusion of taxiing within the ANCB is considered a more practical methodology. It would obviate the need for the Te Kowhai Airpark Noise Buffer (and associated rules) because taxiway noise would be adequately managed through the revised Airpark Noise Control Boundaries.

30 The submitter therefore seeks the following amendments to the pWDP as set out in Appendix A:

- (a) Include perimeter taxiing in the ANCB calculation and revise Rule 27.2.7 to ensure that taxiing complies with 55dB  $L_{dn}$  at the ONB and 65dB  $L_{dn}$  at the ANB.
- (b) Rename Rule 27.2.6 to read Noise – Other than Aircraft Operations.
- (c) Remove Rule 22.3.7.3 Building – Te Kowhai Airpark Noise Buffer as the Taxiing Noise is now dealt with in the ANCB.
- (d) Amend Chapter 29 – Appendix 1 to reflect the deletion of the Te Kowhai Airpark Noise Buffer.

#### *Surrounding Zones*

31 As the ANCBs are proposed to be increased as set out in Appendix B in the Marshall Day Report, subsequent amendments need to be made to Land Use activity rules in a number of zones to recognise the need for acoustic insulation should a Noise Sensitive Activity in that zone fall within one of the proposed ANCB.

32 The Submitter seeks the following amendments to the pWDP:

- (a) Add a new Rule 16.3.12 to Chapter 16 – Residential as set out in Appendix A to include provisions that determine acoustic treatment requirements for Noise Sensitive Activities within the new ANCB.
- (b) Amend Rule 22.1.5 – Non-complying activities in Chapter 22 – Rural as set out in Appendix A to include a non-complying activity for a Noise Sensitive Activity within the proposed 65dB  $L_{dn}$  ANB.
- (c) Amend Rule 22.3.7.4 P1(a)(i) as proposed in Appendix A, clarifying that both the Te Kowhai Airpark and Waikato Regional Airport ANCB are being referred to.
- (d) That a new Rule 24.3.9 be added to Chapter 24 – Village Zone as set out in Appendix A, to include provisions that determine acoustic treatment requirements for Noise Sensitive Activities within the new ANCB.
- (e) Amend Rule 24.1.3 – Non-complying activities in Chapter 24 – Village as set out in Appendix A include a non-complying activity for a Noise Sensitive Activity within the proposed 65dB  $L_{dn}$  ANB.

#### **Obstacle Limitation Surface Height Controls**

33 The OLS (as notified) is necessary to ensure compliance with Civil Aviation Circular AC139-7 Aerodrome Standards and Requirements for Code 1 aerodromes operating on a VFR and an



IFR (non-air transport) basis. The extent of the OLS is described in Chapter 29 – Appendix 9. Rules are also provided in the pWDP to protect the OLS from being breached by buildings, structures and vegetation. Although Rule 27.3.1 as notified correctly protects the proposed OLS from buildings, structures, trees and other vegetation, the corresponding height rules in other zones omits reference to 'trees'. It is critical that there is consistency amongst OLS provisions and that the provisions control 'trees' as well as buildings, structures and other vegetation. It is proposed that the relevant rules in each chapter are amended to align with the (correct) wording in Chapter 27, Rule 27.3.1.

33.1 The Submitter seeks the following amends to the pWDP:

- (a) That Rule 16.3.3.3, Rule 17.3.1.2, Rule 20.3.3, Rule 22.3.4.3, Rule 23.3.4.2, Rule 24.3.3.2 and Rule 25.3.1.2 are all amended in accordance with the wording set out in the table at Appendix A to this submission.

**NZTE OPERATIONS LIMITED**

**DATED** this 9<sup>th</sup> day of October 2018



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**S D Hutchings (for the Submitter)**

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Auckland 1010

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**APPENDIX A – DETAILED SUBMISSION POINTS**

Relevant Section	Support/ Oppose	Issue	Amendment Sought
<i>Objectives and Policies</i>			
Chapter 9.2 – Specific Zones Te Kowhai Airpark	Support but seek amendments	No objective in relation to reverse sensitivity outcomes	<p><i>Insert new objective 9.2.3 – reverse sensitivity and relevant policy 9.2.3.1</i></p> <p><u>Objective 9.2.3</u></p> <p><u>The operational needs of Te Kowhai Airpark are not compromised by sensitive land use activities with the potential for reverse sensitivity conflict.</u></p> <p><u>Policy 9.2.3.1</u></p> <p><u>Manage reverse sensitivity risk by:</u></p> <ul style="list-style-type: none"> <li>(i) <u>ensuring that noise sensitive activities within the Te Kowhai Airpark Noise Control Boundaries are acoustically insulated to appropriate standards; and</u></li> <li>(ii) <u>ensuring that Te Kowhai aerodrome operates within the noise limits specified by the Te Kowhai Airpark Noise Control Boundaries.</u></li> </ul>

<i>Infrastructure and Wastewater</i>			
Chapter 14 – Infrastructure and Energy Rule 14.11.4 NC2 (g)	Oppose	Wastewater treatment plants in the Te Kowhai Airpark Zone are a non-complying activity in Chapter 14 while it is permitted in the Te Kowhai Airpark Zone Chapter 27.1.1 Activity status table.	<p><i>Delete Rule 14.11.4 NC2(g) as a Wastewater Treatment Plant is provided for in Chapter 27.</i></p> <p>14.11.4 Non-Complying Activities</p> <p>(a) the activities listed below are non-complying activities</p> <p>NC2 Waste water treatment plants located in the following:</p> <p><del>(g)Te Kowhai Airpark Zone</del></p>
Chapter 14 – Infrastructure and Energy Rule 14.12.1.4 (1) (h) and 14.12.1.4(i)	Support but seek amendments	The insertion of <u>per site</u> per day is to clarify that this limit does not apply for the whole of the precincts taken together.	<p><i>Amend Rule 14.12.1.4 (h) and Rule 14.12.1.4(i) as set out below:</i></p> <p>14.12.1.4</p> <p>(1) any activity must comply with the following traffic generation conditions:</p> <p>(h) within Precincts A and B of the Te Kowhai Airpark Zone there is a maximum 250 vehicle movements <u>per site</u> per day and no more than 15% of these vehicle movements are heavy vehicle movements.</p> <p>(i) Within Precincts C and D of the Te Kowhai Airpark Zone there is a</p>



			<p>maximum of 30 vehicle movements <u>per site</u> per day and no more than 4 of these vehicle movements are heavy vehicle movements except:</p> <p>(i) Movement restrictions do not apply if the activity is an event or promotion (including temporary events) in Precinct C or a community facility in Precinct C</p>
<p>Chapter 14 – Infrastructure and Energy Rule 14.12.1.7</p>	<p>Support but seek amendments</p>	<p>Rule 14.12.1.7(2) and (3) is too prescriptive in its reference to Appendix 9 and will not allow for minor amendments to occur that still keep in general accordance with the road alignment and taxiway network detailed in Appendix 9.</p>	<p><i>Amend Rule 14.12.1.7(2) to read:</i></p> <p>P7 Access and New Roads – Te Kowhai Airpark 14.12.1.7</p> <p>...</p> <p>(2) road alignment and the taxiway network within the Te Kowhai Airpark Zone shall be in <u>general</u> accordance with Appendix 9 – The Te Kowhai Airpark Framework</p> <p>(3) the western boundary of the Te Kowhai Airpark Zone shall provide for future connectivity options (vehicular and/ or pedestrian) in <u>general</u> accordance with the location identified in Appendix 9 – Te Kowhai Airpark Framework Plan.</p>

<i>Chapter 27 - Te Kowhai Airpark Zone</i>			
Chapter 27 – Te Kowhai Airpark Zone Rule 27.2.14	Support but seek amendments	No direct site access from a national route or regional arterial route permitted during temporary events. The zone currently only has one access point, this being to State Highway 39. This rule was carried over from the Rural Zone provisions in the ODP and is not required for Te Kowhai Airpark Zone.	<i>Delete Rule 27.2.14</i>
Appendix 9	Support but seek amendments	The Zoning Plan refers to 'Special Activity Zone Te Kowhai Airpark'. Should be changed to 'Te Kowhai Airpark Zone' in accordance with zone terminology in Chapter 27.	<i>Amend Zoning Plan in Appendix 9 to read:</i> <del>Special Activity Zone</del> Te Kowhai Airpark Zone
<i>Noise</i>			
Appendix 1: Acoustic Insulation Rule 3	Support but seek amendment	The rule refers to the old Te Kowhai Outer Control Noise Boundary (OCNB) which is to be replaced and Te Kowhai Airpark Noise Buffer which is to be deleted.	<i>Amend Rule 3 to read as follows:</i> 3. Te Kowhai Airpark  The Te Kowhai Airpark Outer Noise Control Boundary <u>ies</u> identify areas that experience high noise levels from aircraft landing and taking off from the Te Kowhai Airpark. The Te Kowhai Airpark Noise Buffer identifies land within the Rural Zone around the Te Kowhai Airfield that experiences high noise levels from aircrafts using the taxiways. <u>Noise Sensitive Activities</u> Dwellings within the Te Kowhai Airpark Outer Noise Control

			Boundaries that are required to be acoustically insulated <del>must</del> to achieve the internal noise standards specified in sections 3.1 and 3.2 below.
Appendix 1: Acoustic Insulation Rule 3 Figure 2	Support but seek amendment	The old OCNB has been rolled over from the operative district plan and does not adequately control aircraft noise, futureproof the existing Airfield and protect against reverse sensitivity effects.	<i>Introduce the new Te Kowhai Airpark Airport Noise Control Boundaries (ANCB) recommended in the Marshall Day Report and replace Rule 3 Figure 2 with the Figure 3 in the Marshall Day Report attached at Appendix B.</i>
Appendix 1: Acoustic Insulation Rule 3.1	Support but seek amendment	The rule only considers the notified OCNB and will need to be amended to reflect the proposed ANCB in the new Rule 3 Figure 2.	<p><i>Amend Rule 3.1 to read as follows:</i></p> <p><u>3.1 Conditions for <del>Permitted Activities</del> Noise Sensitive Activities</u> inside the Te Kowhai Airpark <del>Outer Control</del> Noise Control Boundaries</p> <p>(3) Where a building is partly or wholly contained within the Te Kowhai Airpark <del>Outer Noise Control</del> Noise Boundaries, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating to that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 – Ventilation.</p>



Appendix 1: Acoustic Insulation Rule 3.2	Oppose	The proposed ANCB's includes taxiing noise from aircraft which negates the need for the Te Kowhai Airpark Noise Buffer.	Delete Rule 3.2 in Appendix 1
Appendix 1: New Figure 3	Support but seek amendment	In order to appropriately determine the level of acoustic treatment for noise sensitive activities between the 55 and 65 dB L <sub>dn</sub> OCB a new Figure 3 should be included in Appendix 1 showing 2 decibel contours within the OCB.	Insert a new Figure 3 into Appendix 1, being Figure 4 of the Marshall Day Report attached at Appendix B.
Planning Maps	Support but seek amendment	As notified, the Planning Maps shows the OCB from the operative district plan.	Amend Planning Maps to show the proposed ANCB shown in Figure 3 of the Marshall Day Report attached at Appendix B.
Chapter 27 – Te Kowhai Airpark Zone Rule 27.2.6	Support but seek amendment	Rule 27.2.6 as notified does not anticipate the proposed ANCB's so needs to be amended accordingly.	Rename Rule 27.2.6 to read:  27.2.6 Noise – Other than Aircraft Operations than Taxiways
Chapter 27 – Te Kowhai Airpark Zone Rule 27.2.7	Support but seek amendment	Taxiing noise is not currently anticipated in the notified OCNB but is provided for through the Te Kowhai Buffer Zone and specific rules in Chapter 27 Rule 27.2.7. Taxiing noise is included in the proposed ANCB therefore Rule 27.2.7 needs to be deleted and replaced with wording to reflect this.	Replace Rule 27.2.7 to with the below:  <u>27.2.7 Noise – Aircraft Operations</u>  <u>Noise from aircraft operations in ALL PRECINCTS, including aircraft movements on taxiways, shall not exceed 65 dB L<sub>dn</sub> outside the Air Noise Boundary and 55dB L<sub>dn</sub> outside the Outer Control Boundary as shown in the Planning Maps. These limits do not apply inside the Te Kowhai Airpark Zone. For the purpose of this control aircraft noise shall be assessed in accordance with NZS6805:1992 "Airport</u>

			<p><u>Noise Management and Land Use Planning</u>” and logarithmically averaged over a three month period. For the purposes of this rule aircraft operations shall include aircraft taking-off, landing, taxiing and flying on circuit flight paths. The following operations are excluded from the calculation of noise for compliance with noise limits:</p> <ul style="list-style-type: none"> <li>• <u>Aircraft engine testing and maintenance</u></li> <li>• <u>Aircraft landing or taking off in an emergency</u></li> <li>• <u>Emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency</u></li> <li>• <u>Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002</u></li> <li>• <u>Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere</u></li> <li>• <u>Aircraft undertaking firefighting duties</u></li> <li>• <u>Air Shows (for one air show per year)</u></li> </ul>
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			<p><u>Aircraft movements shall be recorded monthly and once the total movements in the busiest three month period reaches 4,500, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated once every three years. When the calculated noise level is within 1 decibel of the limit, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated annually and verified with infield monitoring once every three years.</u></p>
Chapter 16 – Residential Zone Rule 16.3	Support but seek amendment	Chapter 16 Rule 16.3 does not provide for the ANCB's as proposed by this submission. A new Rule 16.3.12 is required to address ANB requirements.	<p><i>Insert new Rule 16.3.12 as follows:</i></p> <p><u>16.3.12 Noise Sensitive Activities</u></p> <p><u>P1 – Construction, addition, or alteration to a building containing a Noise Sensitive Activity located between the Waikato Regional Airport or Te Kowhai Air Noise Boundary and the Outer Control Boundary must comply with Appendix 1 – Acoustic Insulation.</u></p> <p><u>RD1(a) Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 16.3.12 P1.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u>  <u>(i) internal design sound levels;</u>  <u>(ii) on-site amenity values; and</u></p>



			<u>(iii) potential for reverse sensitivity effects.</u>
Chapter 22 – Rural Zone Rule 22.1.5	Support but seek amendment	Amendment is required to Rule 22.1.5 to clarify that noise sensitive activities within the ANB (inner control boundary) are a Non-Complying Activity unless the dwelling comprises part of Te Kowhai Airpark, in which case alternative site-specific noise management methods will be in place.	<p><i>Amend Rule 22.1.5 – Non Complying Activities to include:</i></p> <p><u>NC5 (a) Noise Sensitive Activities within the Te Kowhai Air Noise Boundary (Ldn 65), except this restriction does not apply to Noise Sensitive Activities associated with Te Kowhai Airpark Zone.</u></p> <p>NC56 Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary</p>
Chapter 22 – Rural Zone Rule 22.3.7.3	Oppose	The Te Kowhai Noise Buffer is no longer required as the noise from Taxiing aircraft is proposed to be controlled by the new proposed Te Kowhai ANCB's, therefore Rule 22.3.7.3 can be deleted.	<i>Delete Rule 22.3.7.3 Building – Te Kowhai Noise Buffer</i>
Chapter 22 – Rural Zone Rule 22.3.7.4	Support but seek amendment	Rule 22.3.7.4 refers to the need for compliance with Appendix 1 (Acoustic insulation) within 'The Airport Outer Control Boundary' but does not specify which airport is being referred to.	<p><i>Amend P1(a)(i) to read:</i></p> <p>The <u>Waikato Regional Airport and Te Kowhai Airpark Zone Air Noise Boundary and Outer Control Boundary</u>"</p>
Chapter 24 – Village Zone Rule 24.1.3	Support but seek amendment	Chapter 24 Rule 24.1.3 does not provide for the proposed ANCB as notified. Amendment is required to Rule 24.1.3 to clarify that noise sensitive activities within the ANB (inner control boundary) are a Non-Complying Activity unless the dwelling	<p><i>Amend Rule 24.1.3 – Non Complying Activities to include:</i></p> <p><u>NC2 Noise Sensitive Activities within the Te Kowhai Airpark Air Noise Boundary (Ldn</u></p>

		comprises part of Te Kowhai Airpark, in which case alternative site-specific noise management methods will be in place.	<u>65), except this restriction does not apply to Noise Sensitive Activities within Te Kowhai Airpark</u>
Chapter 24 – Village Zone Rule 24.3.7	Support but seek amendment	Chapter 24 Rule 24.3.7 does not provide for the proposed ANCBs in Figure 3 of the Marshall Day Report. Rule 24.3.7 is required to be amended.	<p><i>Amend Rule 24.3.7 to read:</i></p> <p>Rule 24.3.7 <del>Airport Noise Outer Control Boundary</del> <u>Noise Sensitive Activities</u></p> <p>P1 – Construction, addition to or alteration of a <del>dwelling building containing a Noise Sensitive Activity located between the Te Kowhai Airpark Air Noise Boundary and the Outer Control Boundary</del> must comply with Appendix 1 – Acoustic Insulation, Section 3</p> <p>RD1(a) Construction, addition to or alteration to a <del>dwelling building</del> that does not comply with a condition in Rule 27.3.7 P1.</p> <p>(b) Council’s discretion is restricted to the following matters:  (i) on-site amenity values;  (ii) noise levels received at the notional boundary of the <del>building dwelling</del>;  (iii) timing and duration of noise received at the notional boundary of the <del>dwelling building</del>; and  (iv) potential for reverse sensitivity effects</p>



<i>Obstacle Limitation Surface</i>			
Chapter 16 – Residential Zone Rule 16.3.3.3	Support but seek amendments	Rule 16.3.3.3 is inconsistent with the OLS Rules in Chapter 27 – Te Kowhai Airpark Zone and does not included reference to trees as is industry standard. An amendment is required.	<p><i>Rule 16.3.3.3P1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps.</p> <p><i>D1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 16.3.3.3 P1.</p>
Chapter 17 – Business Zone Rule 17.3.1.2	Support but seek amendments	Rule 17.3.1.2 is inconsistent with the OLS Rules in Chapter 27 – Te Kowhai Airpark Zone and does not included reference to trees as is industry standard. An amendment is required.	<p><i>Rule 17.3.1.2P1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface as shown on the planning maps.</p> <p><i>D1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 17.3.1.2 P1.</p>
Chapter 20 – Industrial Zone Rule 20.3.3	Support but seek amendments	Rule 20.3.3 is inconsistent with the OLS Rules in Chapter 27 – Te Kowhai Airpark Zone and does not included reference to trees as is industry standard. An amendment is required.	<p><i>Rule 20.3.3P1 amend to read:</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any</p>

			<p>airport obstacle limitation surface as shown on the planning maps.</p> <p><i>D1 amend to read</i></p> <p>D1 amend to read "Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 20.3.3 P1.</p>
Chapter 22 – Rural Zone Rural 22.3.4.3	Support but seek amendments	Rule 22.3.4.3 is inconsistent with the OLS Rules in Chapter 27 – Te Kowhai Airpark Zone and does not include reference to trees as is industry standard. An amendment is required.	<p><i>Rule 22.3.4.3P1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface <u>identified in Appendix 9 Te Kowhai Airpark and</u> as shown on the planning maps.</p> <p><i>D1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 22.3.4.3 P1.</p>
Chapter 23 – Country Living Zone Rule 23.3.4.2	Support but seek amendments	Rule 23.3.4.2 is inconsistent with the OLS Rules in Chapter 27 – Te Kowhai Airpark Zone and does not include reference to trees as is industry standard. An amendment is required.	<p><i>Rule 23.3.4.2P1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation <del>must that</del> does not protrude through any airport obstacle limitation surface <u>identified in Appendix 9 Te Kowhai Airpark and</u> as shown on the planning maps.</p> <p><i>NC1 amend to read</i></p>

			<del>NC1</del> D1 "Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 23.3.4.2 P1.
Chapter 24 – Village Zone Rule 24.3.3.2	Support but seek amendments	Rule 24.3.3.2 is inconsistent with the OLS Rules in Chapter 27 – Te Kowhai Airpark Zone and does not include reference to trees as is industry standard. An amendment is required.	<p><i>Rule 24.3.3.2P1 amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps.</p> <p><i>D1 amend to read</i></p> <p>D1 amend to read "Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 24.3.3.2 P1.</p>
Chapter 25 – Reserve Zone Rule 25.3.1.2	Support but seek amendment	Rule 25.3.1.2 is inconsistent with the OLS Rules in Chapter 27 – Te Kowhai Airpark Zone and does not include reference to trees as is industry standard. An amendment is required.	<p><i>P1 Amend to read</i></p> <p>Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and defined in Section E, Designation N – Waikato Regional Airport.</p> <p><i>NC1 amend to read</i></p> <p><del>NC1</del> D1 "Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 25.3.1.2 P1.</p>

**APPENDIX B - MARSHALL DAY REPORT**



## CONSULTANT ADVICE

<b>Project:</b>	Te Kowhai Airpark	<b>Document No.:</b>	Ca 002 r01		
<b>To:</b>	NZTE	<b>Date:</b>	8 October 2018		
<b>Attention:</b>	NZTE Directors	<b>Cross Reference:</b>			
<b>Delivery:</b>	Shutchings@greenwoodroche.com	<b>Project No.:</b>	20180994		
<b>From:</b>	Laurel Smith	<b>No. Pages:</b>	4	<b>Attachments:</b>	4
<b>CC:</b>					
<b>Subject:</b>	Proposed Airport Control Noise Boundaries				

### INTRODUCTION

MDA has prepared future airport noise contours for Te Kowhai Airfield generally in accordance with New Zealand Standard NZS 6805:1992 "Airport Noise Management and Land Use Planning". It is recommended that these contours form the basis for revised Airpark Noise Control Boundaries in the Proposed Waikato District Plan.

This document sets out the noise model inputs and assumptions behind the future noise contours and the recommended airport noise and land use controls.

### NOISE MODEL INPUTS AND ASSUMPTIONS

Future noise contours have been calculated using the Integrated Noise Model (INM) version 7d for a future operating scenario prepared by NZTE. The noise contours are based on the  $L_{dn}$  noise metric. This metric is the sum of the sound energy from all aircraft noise events averaged over 24 hours. The night weighting means that noise events that occur between 10pm and 7am are "weighted" or penalised with an additional 10 decibels. For input to the noise model, an 'average day' of movements is calculated based on forecast future movements during the busiest three months of the year. The modelled contours for Te Kowhai Airfield are based on the following assumptions:

**Table 1: Runway Assumptions**

Runway Length	Current length 983 m
Runway Usage	65% Runway 23 35% Runway 05
Taxiways	As per proposed Airpark taxiways

The aircraft movements included in the model are listed in Table 2.

Table 2: Future Aircraft Movements in Noise Contour Calculation

User Category	Aircraft Type	Busy Average Day Movements		
		Arrivals and Departures	Touch and Goes <sup>1</sup>	Total
High Use Commercial (crop-dusting/parachute)	Cessna 206	16.0	0.0	16.0
Moderate Use Commercial (flight school)	Generic variable pitch propeller aircraft <sup>2</sup>	10.0	4.3	14.2
Hobby Flight Training	Generic fixed pitch propeller aircraft	3.0	1.3	4.3
Private Residents	Generic variable pitch propeller aircraft <sup>2</sup>	14.8	6.4	21.2
Itinerant	Generic variable pitch propeller aircraft <sup>2</sup>	10.0	4.3	14.2
<b>Busy Average Day Total</b>		<b>53.8</b>	<b>16.2</b>	<b>70.0</b>
<b>Annualised Busy Average Day</b>		<b>19,632</b>	<b>5,906</b>	<b>25,538</b>

1 This figure is the total movements (i.e. two movements are included for a touch and go)

2 This generic aircraft type also covers smaller twin piston engine propeller aircraft

All of the movements in the model occur during the day time (7am – 10pm) however this does not prevent operations from occurring between 10pm and 7am. A movement at night time is equivalent to 10 day time movements so in practice if movements do take place at night these would just use up more of the noise budget.

The flight tracks used in the model are shown in the attached Figure 2. It has been assumed that arrival and departure tracks are straight in and out aligned with the runway centreline. We have been advised that circuit tracks are left hand for Runway 23 and right hand for Runway 05 and generally follow the ground track shown in Figure 2.

Aircraft taxiing movements have also been included in the calculated noise contours. The proposed taxiways around the Airpark have been included in the model as taxi tracks and these are shown in the attached Figure 2. It has been assumed that only private resident aircraft would use the Airpark taxiways and all other aircraft would use the taxiway adjacent to the runway. As the Airpark taxiways lead to private residences, the distribution of taxiing movements on the taxiways will depend on the frequency of flying carried out by individual residents. To allow for this unknown distribution of taxiing movements we have applied a safety factor of 1.5. For each private resident aircraft movement in the model there is one taxiing movement adjacent to the runway and 1.5 taxiing movements on the Airpark taxiways (evenly distributed).



## CALCULATED NOISE CONTOURS AND RECOMMENDED NOISE CONTROL BOUNDARIES

The 55 and 65 dB  $L_{dn}$  noise contours for the future operating scenario described above are shown in attached Figure 1. It is recommended that these contours are smoothed out and form the basis for the Air Noise Boundary (65 dB  $L_{dn}$ ) and the Outer Control Boundary (55 dB  $L_{dn}$ ) in the Waikato District Plan. Figure 3 shows the recommended boundaries based on smoothed out contours from Figure 1. The Outer Control Boundary has been extended out to the Airpark Zone boundary to the south to provide for taxiing within the zone and to limit the noise at the zone boundary rather than within the Airpark.

Figure 4 provides the future  $L_{dn}$  contours in two decibel increments to be used for acoustic insulation design purposes. It is recommended that this figure is included in Appendix 1 Section 3.

## RECOMMENDED NOISE CONTROLS (CHAPTER 27)

NZS 6805 recommends that noise from aircraft operations is limited to the levels defined by the noise boundaries and that noise sensitive land use is restricted within the noise boundaries.

The Proposed District Plan (PDP) includes Rule 27.2.7 which controls noise from aircraft on taxiways within Te Kowhai Airpark. It is recommended that this rule is replaced with the following:

### 27.2.7 Noise – Aircraft Operations

Noise from aircraft operations in ALL PRECINCTS, including aircraft movements on taxiways, shall not exceed 55 dB  $L_{dn}$  outside the Outer Control Boundary and 65 dB  $L_{dn}$  outside the Air Noise Boundary as shown in the Planning Maps. These limits do not apply inside the Te Kowhai Airpark Zone. For the purpose of this control aircraft noise shall be assessed in accordance with NZS 6805:1992 "Airport Noise Management and Land Use Planning" and logarithmically averaged over a three month period. For the purposes of this rule aircraft operations shall include aircraft taking-off, landing, taxiing and flying on circuit flight paths. The following operations are excluded from the calculation of noise for compliance with the noise limits:

- Aircraft engine testing and maintenance
- Aircraft landing or taking off in an emergency
- Emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency
- Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002
- Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere
- Aircraft undertaking firefighting duties
- Air Shows (for one air show per year)

Aircraft movements shall be recorded monthly and once the total movements in the busiest three month period reaches 4,500, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated once every three years. When the calculated noise levels are within one decibel of the limit, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated annually and verified with infield monitoring once every three years.

## RECOMMENDED LAND USE CONTROLS (CHAPTERS 22 AND 24)

The PDP includes acoustic performance standards for new dwellings built inside the Te Kowhai Airfield Outer Control Boundary which applies in the Rural and Village zones. It is recommended these be modified to align with the recommendations of NZS 6805. NZS 6805 recommends the following land use planning criteria:

### Inside the ANB (>65 dB L<sub>dn</sub>):

- New noise sensitive uses (including residential) should be prohibited;
- Existing residential buildings and subsequent alterations should have appropriate sound insulation;

### Between the ANB and the OCB (55 - 65 dB L<sub>dn</sub>):

- New noise sensitive uses (including residential) should be prohibited unless a District Plan permits such use subject to appropriate sound insulation; and
- Alterations or additions to existing noise sensitive uses (including residential) should include appropriate sound insulation.

Ideally to provide the Airfield with the best level of protection from reverse sensitivity, new noise sensitive development inside both the Air Noise Boundary and the Outer Control Boundary should be prohibited. An alternative method that provides less protection but is less onerous on neighbouring landowners is to permit new noise sensitive development subject to acoustic insulation between the Outer Control Boundary and the Air Noise Boundary and to apply a Non-Complying activity status to new noise sensitive development inside the Air Noise Boundary.

## ACOUSTIC INSULATION (APPENDIX 1)

Appendix 1 Section 3 sets out acoustic insulation performance standards that apply to new noise sensitive activities developed within the Te Kowhai Airpark Outer Control Boundary and Noise Buffer.

Inside the Outer Control Boundary the design criterion of 40 dB L<sub>dn</sub> is reasonable and appropriate and the octave band adjustments are appropriate for the types of aircraft operating at Te Kowhai Airpark. It is also appropriate to require a ventilation system and the associated acoustic criteria are reasonable. It would be appropriate to include a map showing the noise contours in two decibel increments in order to identify the outdoor design levels on affected properties. It is recommended that Figure 4 be included in Appendix 1 Section 3 for this purpose.

It is recommended that the Noise Buffer and associated acoustic standards be removed if the revised Airpark Noise Control Boundaries are accepted. The revised boundaries include noise from taxiing aircraft therefore the Noise Buffer becomes unnecessary.





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**Figure 1 - Te Kowhai Airpark Predicted Future Noise Contours for Aircraft Operations**





**Map Legend**

**Flight Tracks**

- Arrival
- Departure
- Touch and Go
- Taxi

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**Figure 2 - Te Kowhai Airfield Noise Model Flight Tracks**





Figure 3 - Proposed Te Kowhai Airpark Noise Control Boundaries





**Map Legend**

**Future Noise Contour**

	55 dB Ldn
	57 dB Ldn
	59 dB Ldn
	61 dB Ldn
	63 dB Ldn
	65 dB Ldn
	67 dB Ldn
	69 dB Ldn

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**Figure 4 - Te Kowhai Airpark Future Noise Contours for Acoustic Insulation**

First Name:

Sam

Last Name: \*

Hutchings

Organisation:

Greenwood Roche

On behalf of:

NZTE Operations Limited

Postal Address:

PO Box 106006, Auckland City

Suburb:

City:

Auckland

Country:

New Zealand

PostCode:

1143

eMail: \*

shutchings@greenwoodroche.com

Preferred method of contact

Email

Postal

Daytime Phone:

093060521

Mobile:

0226516486

Would you like to present your submission in person at a hearing?

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing:

Attached Documents

File
NZTE Further Submission on Proposed Waikato District Plan

**To:** **Waikato District Council**  
**Private Bag 544**  
**Ngaruawahia 3742**  
[districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

**Name of Submitter:** **NZTE Operations Limited**

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## **FURTHER SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN**

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- 1 This is a further submission on Stage 1 of the proposed Waikato District Plan (*pWDP*).
- 2 NZTE Operations Limited (*NZTE*) could not gain an advantage in trade competition through its submission.
- 3 NZTE Operations Limited wishes to be heard in support of its further submission.

### **Scope of Further Submission**

- 4 The Submitter has an interest in the Proposed Plan that is greater than the interest that the general public, as NZTE Operations Limited has made an extensive submission on the pWDP to which this further submission relates. The submitter also owns the Te Kowhai Aerodrome (*the Airfield*) and surrounding land (*the Property*), located off Limmer Road, near the settlement of Te Kowhai which is potentially affected by the relevant submissions either directly or indirectly. This further submission responds to points raised in other submissions that relate to the Submitter's land or may have implications for the NZTE's assets and activities.

### **Submissions Supported and Opposed**

- 5 The submissions supported and opposed are set out in the table **attached** as a schedule to this further submission.

### **Reasons for Further Submission**

- 6 For the submissions set out in the schedule that the NZTE supports, those submissions should be allowed as they:
  - (a) Promote the sustainable management of resources, achieve the purpose of the Resource Management Act 1991 (*RMA*) and give effect to Part 2 and other provisions of the RMA;



- (b) enable the social, economic and cultural well-being of the community in the Waikato Region;
  - (c) sustain the potential of the physical resource of the existing Airfield infrastructure and enable its protection through appropriate development controls that ensure the safe operation, growth and reverse sensitivity effects are adequately avoided, remedied or mitigated; and
  - (d) support the introduction of the Te Kowahi Airpark Zone (*TKAZ*) to enable the development of a 'airpark' providing for aviation, commercial and residential activity to meet the reasonably foreseeable needs of future generations.
- 7 For the submissions set out in the schedule that NZTE opposes, those submissions should be disallowed as they do not:
- (a) promote the sustainable management of resources, achieve the purpose of the RMA and give effect to Part 2 and other provisions of the RMA;
  - (b) enable the social, economic and cultural well-being of the community in the Waikato Region;
  - (c) sustain the potential of the physical resource of the existing Airfield infrastructure and enable its protection through appropriate development controls that ensure the safe operation, growth and reverse sensitivity effects are adequately avoided, remedied or mitigated; and
  - (d) support the introduction of the Te Kowahi Airpark Zone (*TKAZ*) to enable the development of a 'airpark' providing for aviation, commercial and residential activity to meet the reasonably foreseeable needs of future generations.
- 8 Without limiting the generality of the above, the specific reasons why NZTE supports or opposes each submission are set out in the **attached** schedule.

### **Decisions Sought**

- 9 NZTE seeks the following relief:
- (a) That the submissions supported in the **attached** schedule be allowed.
  - (b) That the submissions opposed in the **attached** schedule be disallowed.
  - (c) Such further, alternative or other consequential amendments as may be necessary to fully address NZTE's further submission as set out in above and below.

**NZTE OPERATIONS LIMITED**

**DATED** this 16th day of July 2019.



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**S D W Hutchings (for NZTE)**

**Address for Service:**

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## Schedule 1: Submissions in Support or Opposed

<b>List of Abbreviations</b>	
Proposed Waikato District Plan	pWPD
NZTE Operations Limited	NZTE
Te Kowhai Airpark Zone	TKAZ
Obstacle Limitation Surface	OLS
Civil Aviation Authority	CAA
Aeronautical Information Publication	NZAIP
Instrument Flying Rules	IFR
Visual Flight Rules	VFR
Global Positioning System	GPS

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
<b>Section B: Objectives and Policies</b>						
<b>Chapter 4: Urban Environment</b>						
1	662.39	Blue Wallace Surveyors Ltd tim.lester@bluewallace.co.nz	Retain Policy 4.1.17 Te Kowhai as notified.	Support	It is appropriate to provide for growth in Te Kowhai. This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that this submission be allowed.
<b>Chapter 9: Specific Zones</b>						
2	781.6	Ministry of Education andrew.hill@beca.com	<b>Add</b> new policy to Chapter 9: Specific Zones that provides for education facilities in Specific Zones including Te Kowhai Airpark.	Support	NZTE supports the addition of an education facility policy as teaching facilities are an anticipated activity in the TKAZ. NZTE agrees that such facilities form part of the essential social infrastructure required to support district growth. This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that this submission be allowed.
3	81.226	Waikato Regional Council Lisette.balsom@waikatoregion.govt.nz	<b>Seek</b> further assessment of Te Kowhai Airpark to enable adequate consideration of the area including, but not limited to, covering alignment with Waikato Regional Policy Statement / Future Proof settlement pattern, assessment of precedent of alternative land release, availability of infrastructure, and impacts of the proposal on Te Kowhai settlement as a whole.	Oppose	NZTE opposes this submission. A full assessment of the TKAZ has been undertaken in the section 32 report.  NZTE does not consider Future Proof to be a 'one size fits all' approach to growth. The Airfield is partially located in Te Kowhai's future urban boundary. There are no other proposed facilities of this nature that exist in the Waikato District. For these reasons the Future Proof settlement pattern	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>is not as relevant to the TKAZ. Precedent issues do not arise as the TKAZ represents a unique, site specific, residential airpark that is intended to utilise the Airfield facilities as part of their day to day living environment.</p> <p>The TKAZ includes provision for future connections to Te Kowhai village and will operate as an attraction for Te Kowhai, benefiting the village as a whole. Subdivision lot sizes and timing have been developed to facilitate the Airpark design and on-site wastewater disposal is appropriate for a unique development of this type and density.</p> <p>In addition, in discussing 'management of the built environment' the WRPS states that specific focus should be directed to the following matters:</p> <p><i>d) the need to use existing infrastructure efficiently and to maintain and enhance that infrastructure;</i></p> <p><i>i) the integrated relationship between land use and development, and the transport infrastructure network;</i></p> <p>Te Kowhai Aerodrome meets the WRPS definition of 'infrastructure', which includes airports as defined in section 2 of the Airport Authorities Act 1966. The TKAZ seeks to maintain and enhance that infrastructure and ultimately make more efficient use of that</p>	



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					scarce resource. It <i>must</i> locate adjacent to aerodrome infrastructure.	
4	216.1; 206.1; 208.1; 211.1; 219.1; 220.1; 221.1; 222.1; 224.1; 225.1; 226.1; 227.1; 229.1; 237.1; 277.1; 285.1; 429.1; 473.1; 475.1; 476.1; 477.1; 478.1; 490.1; 491.1; 492.1; 497.1; 500.1; 528.1; 538.1; 541.1; 547.1; 549.1; 559.1; 560.1; 566.1; 582.1; 586.1; 613.1; 621.1; 631.1; 635.1; 649.1;	scott.montagu@pbanz.com horton.ind@xtra.co.nz brucenik@xtra.co.nz tony_knowling@xtra.co.nz bmcooke@waikato.ac.nz peter@jpgroup.co.nz sally@sportflying.co.nz sally@sportflying.co.nz peter@reivernet.com stevegun@eim.ae totalmal@xtra.co.nz Geoffrey Gatenby 621 Te Kowhai Road, RD8, Hamilton 3288 stuart@sparxfly.co.nz admin@raanz.org.nz achernyshev@gmail.com olivia.henwood@outlook.co.nz Jim@actiongaming.co.nz granpadave@gmail.com KennethLoganMitchell@gmail.com benfieke@outlook.com miket@originwindows.co.nz kiwiflyer@live.com dwayne@altusuas.com ryan@altusuas.com shane@civtec.co.nz anjules@gmail.com amandaschaake@gmail.com paulbrydon@gmail.com J.Schaake@vcp.co.nz dargavilleac@gmail.com Shanon Eyre P.O. Box 296, Matamata, 3440 cmcalley@heritage.org.nz jk.farmer@xtra.co.nz dave.e@cube.co.nz penny.gallagher@synlait.com simon@WestAucklandAirport.co.nz nenya@sirron.nz pete@smartliving.co.nz allandennis@xtra.co.nz	<b>Retain</b> Chapter 9.2 Te Kowhai Airpark as notified.	Support	NZTE supports these submission points to the extent that they are consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that these submissions be allowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
	650.1; 666.1; 700.1; 702.1; 708.1; 725.1; 727.1; 734.1; 736.1; 752.1; 753.1; 767.1; 770.1; 773.1; 808.1; 809.1; 810.1; 811.1; 868.1; and 878.1.	neroli@supercub.co.nz m.visser@xtra.co.nz Jacob.stead.ltd@gmail.com bill@supercub.co.nz girkal73@yahoo.co.nz anton@aerosport.co.nz neil.mchugh@avalonltd.co.nz harryharris@kinect.co.nz jschmidt@xtra.co.nz suecam@xtra.co.nz irchapman@gmail.com flyingkiwifqu@gmail.com gavinandmaree@gmail.com surfysimon@hotmail.com gsandersnz@gmail.com mikehmail@mac.com gyfly@aol.com gordonandcarrol@xnet.co.nz phil.north@north-ridge.co.nz martyn.seay@gmail.com mail@huib.online wilsonnz@xtra.co.nz				
5	664.1	Mark Morgan Waikato Regional Airport Limited mark@hamiltonairport.co.nz	No specific decision sought, but submission opposes Chapter 9.2 Te Kowhai Airport due to aeronautical safety considerations through amending the Obstacle Limitation Surface (OLS).	Oppose	The proposed OLS will not have an impact on the commercial operations of Hamilton Airport. All aircraft operating under IFR rules at the aerodrome will be for private operations only.  Waikato Regional Airport Limited has submitted that it could gain an advantage in trade competition through its submission. NZTE seeks that this submission is limited in accordance with clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.  OLS implementation is likely to increase safety for Hamilton airport by reducing smaller general aviation traffic congestion with larger scheduled commercial	NZTE seeks that this submission be disallowed.

	<b>Sub #</b>	<b>Submitter</b> <i>Contact details and address</i>	<b>Position</b>	<b>Support / Oppose</b>	<b>Reasons</b>	<b>Decision Sought</b>
					<p>operators using Hamilton Airport. (eg Air NZ).</p> <p>An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome. These surfaces should be free of obstacles.</p> <p>The proposed OLS notified in the pWDP is to recognise and protect the existing activity at the Airfield while allowing for improvements in navigational technology for small aircraft. This will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology. This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (Civil Aviation Authority (CAA) Qualifying Aerodrome) under CAA aerodrome standards and requirements. The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather</p>	



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>conditions under IFR rules during a civil emergency or by military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the Aerodrome because it will provide pilots with more flexibility to use and utilise advancements in navigational GPS based IFR technologies which were once cost prohibitive for smaller general aviation aircraft.</p> <p>Aerodrome Design Standards, as specified in CAA AC-139-7, restrict aircraft operations of any commercial Air Transport aircraft operating under IFR Rules. The design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that for Waikato Regional Airport.</p>	
6	742.62	NZTA Kim Harris-Cottle kim.harriscottle@nzta.govt.nz	<p><b>Retain</b> Policy 9.2.1.1 Development, except for the amendment sought below:</p> <p><b>Amend</b> Policy 9.2.1.1 <i>Develop Te Kowhai Airpark in accordance with the Te Kowhai Airpark Framework Plan <u>Appendix 9</u></i></p> <p><b>Clarify</b> whether it is the Framework Plan or the entirety of Appendix 9 which should be referred to in Policy 9.2.1.1(b).</p>	Support	NZTE supports the amendment to create consistency within the pWDP.	NZTE seeks that this submission be allowed.
7	378.5	Fire and Emergency alec.duncan@beca.com	<p><b>Retain</b> Policy 9.2.1.2 Servicing, as it requires development to be adequately serviced for essential services, except for the amendments sought below AND</p> <p><b>Amend</b> Policy 9.2.1.2(a) Servicing – seek that the provision for water supply is adequate for</p>	Support	NZTE supports the amendment sought by Fire and Emergency on the grounds that water supply for firefighting purposes is appropriate at an airpark development. This submission	NZTE seeks that this submission be allowed.

	<b>Sub #</b>	<b>Submitter</b> <i>Contact details and address</i>	<b>Position</b>	<b>Support / Oppose</b>	<b>Reasons</b>	<b>Decision Sought</b>
			firefighting purposes.		is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	
8	369.1	Linnett Watson S W Ranby natalie_watson@icloud.com	No specific decision sought, but submission opposes the increased OLS in Chapter 9.2 Te Kowhai Airfield.	Oppose	<p>NZTE opposes this submission. The OLS gradient over the Ranby property has a minimal height limitation of approximately 2.5 metres below the current Rural building height limit of 10 metres. Construction of any dwelling or structure in this area would not be recommended for safety reasons due to the existing and future flight path of arriving or departing aircraft and their actions in the event of an emergency.</p> <p>NZTE notes that no change to the aircraft flight path is to occur with the proposed OLS implementation.</p> <p>The Ranby property is proposed to retain its existing Rural zoning under the pWDP, because residential development is not provided for in the Future Proof settlement pattern. In the event of long-term rezoning of the Ranby property, NZTE do not consider that the imposition of the OLS to be onerous because it would have a limited effect, if any, on the development capability of the Ranby property.</p> <p>An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the</p>	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>aerodrome. These surfaces should be free of obstacles.</p> <p>The proposed OLS notified in the pWDP is to recognise and protect the existing activity at the Airfield while allowing for improvements in navigational technology for small aircraft. This will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology. This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (CAA Qualifying Aerodrome) under CAA aerodrome standards and requirements. The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather conditions under IFR rules during a civil emergency or by military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the Aerodrome</p>	



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>because it will provide pilots with more flexibility to use and utilise advancements in navigational GPS based IFR technologies which were once cost prohibitive for smaller general aviation aircraft.</p> <p>Aerodrome Design Standards, as specified in CAA AC-139-7, restrict aircraft operations of any commercial Air Transport aircraft operating under IFR Rules and the design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that for Waikato Regional Airport. The Proposed OLS will not result in aircraft flying lower.</p>	
9	535.57	Lance Vervoort Hamilton City Council laura.galt@hcc.govt.nz	No specific decision sought, but submission opposes the objectives and policies in Chapter 9.2 Te Kowhai Airfield.	Oppose	NZTE does not agree that the range of activities proposed are not adequately justified or controlled by the associated rules. The objectives and policies in Chapter 9.2 are designed specifically to enable development of an airpark at the Airfield and the provisions related to service are designed appropriately.	NZTE seeks that this submission be disallowed.
10	602.37	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Add</b> clauses to Policies 9.2.2.1 – Airpark standards. Include Fly Neighbourly principles, hours of operation and maximum aircraft movements.	Oppose	NZTE oppose the amendments sought to Policy 9.2.2.1 – Airpark Standards as the Air Noise Control Boundaries designed by Marshall Day Acoustics and included in the submission of NZTE would adequately manage airpark noise effects. Total aircraft noise would be limited at the Air Noise Control Boundaries which effectively limits aircraft	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>movements.</p> <p>NZTE does not oppose the “Fly Neighbourly” principles but considers that they are appropriately managed by the CAA provisions discussed below.</p> <p>The Aerodrome operates in accordance with the information provided to CAA NZAIP (Aeronautical Information Publication), which is a procedural and descriptive document for pilots intending to use an aerodrome.</p> <p>This document outlines the operational procedures for all pilots and is specified by a delegated Aerodrome Operator. These procedures may include the establishment of an Operational Safety and Management Working Group to operate as a community liaison.</p> <p>These operating procedures also cover flight path tracking restrictions, specific arrival and departure procedures (including any warnings or cautions), which act as an aviation sanctioned method of establishing the “Fly Neighbourly” principles to appropriately manage the submitters concerns.</p>	
11	697.568	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> Policy 9.2.2.(1)(b) to clarify wording of the policy.	Support	Agree that the amendment provides clarity to the policy.	NZTE seeks that this submission be allowed.

**Chapter 13 - Definitions**

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
12	602.33	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<p><b>Add</b> definitions for the following terms:</p> <ul style="list-style-type: none"> <li>• Identified Area;</li> <li>• Boundary Adjustment;</li> <li>• Wastewater Treatment Plant;</li> <li>• General Aviation;</li> <li>• Recreational Flying;</li> <li>• Flight Training School;</li> <li>• Circuit Training;</li> <li>• Community Scale Wastewater System;</li> <li>• Wastewater Treatment Plant; and</li> <li>• Real Estate Header Sign.</li> </ul> <p>These terms are not defined in the District Plan which leads to ambiguity and uncertainty.</p>	Oppose in part	<p>NZTE is only concerned with the proposed definitions of Wastewater Treatment Plant, General Aviation, Recreational Flying, Flight Training School and Circuit Training.</p> <p>NZTE opposes the inclusion of these proposed definitions as the Rules provided for in Chapter 27 and the Air Noise Control Boundaries proposed in NZTE's submission means that these specific definitions are not required to be added to the pWDP.</p> <p>The Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission require the Airfield operator to manage the type and frequency of aircraft movements used for any activity in order to comply.</p> <p>The proposed Marshall Day noise thresholds adequately control aircraft used for any activity, irrespective of whether it is a training flight or a circuit.</p>	NZTE seeks that this submission be disallowed in part.
14	419.113	Lucy Deverall Horticulture New Zealand lucy.deverall@hortnz.co.nz	<p><b>Amend</b> definition of "Airfield" to include rural airstrips and helicopter landing areas.</p>	Support in part	<p>NZTE has does not oppose the expansion of the definition of Airfield. NZTE submits that, if amended, the definition of Airfield should be amended to align with the definition of an "Aerodrome" in the CAA document Aviation Definitions and Abbreviations in Part 1 CAA Consolidation Document, dated 20 July 2018, which is:</p> <p>Aerodrome –</p> <p>(1) means any defined area of</p>	NZTE seeks that this submission be allowed in part.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>land or water intended or designed to be used either wholly or partly for the landing, departure, and surface movement of aircraft; and</p> <p>(2) includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.</p> <p>This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.</p>	
15	695.57	Sharp Planning Solutions sharp.k19@gmail.com	<b>Amend</b> definition of "Airfield" to include area for aircraft to be stored and maintained. Can include airport administration buildings.	Support in part	<p>NZTE does not oppose the expansion of the definition of Airfield. NZTE submits that, if amended, the definition of Airfield should be amended to align with the definition of an "Aerodrome" in the CAA document Aviation Definitions and Abbreviations in Part 1 CAA Consolidation Document, dated 20 July 2018, which is:</p> <p>Aerodrome –</p> <p>(1) means any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, and surface movement of aircraft; and</p> <p>(2) includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the</p>	NZTE seeks that this submission be allowed in part



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					aerodrome or its administration.  This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	
16	986.46	KiwiRail pam.butler@kiwirail.co.nz	<b>Amend</b> definition of "noise sensitive activity" to be based on the Proposed National Planning Standards definition. Would also support the amalgamation of the definitions of "noise sensitive activity" and "sensitive land use"	Oppose	NZTE oppose the amalgamation of the two definitions on the grounds that they concern different activities therefore need to be separately defined in the plan.	NZTE seeks that this submission be disallowed.
<b>Chapter 14 – Infrastructure and Energy</b>						
17	697.519;  697.79	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> Chapter 14 reference to Te Kowhai Airpark to be 'Te Kowhai Airpark Zone' in rules: <ul style="list-style-type: none"> <li>• 14.4.1.2</li> <li>• 14.10.1.7</li> <li>• 14.12.1.7</li> <li>• 14.12.2 RD7</li> </ul>	Support	NZTE supports the amendments to provide consistency to the pWDP.	NZTE seeks that this submission be allowed.
18	697.48          697.49	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Add</b> new activity specific conditions 14.11.1.10. <i>(a) Development or subdivision within the Residential, Village, Business, Business Town Centre, Industrial, Industrial Zone Heavy Reserve, Te Kowhai Airpark and Rangitahi Peninsula Zone must have a water supply that complies with the following conditions:</i> <i>(i) Is connected to public, reticulated water network if a reticulated system is within 20m of the site;</i> <i>(ii) Water supply must be provided on site if a public, reticulated water supply is not available.</i> <i>(b) Development in the Rural, Country Living and Motorsport and Recreation Zone must have a</i>	Support	These submission points are supported to the extent they are consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that this submission be allowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
			<u>water supply on-site</u> <b>Add</b> a new activity RD10 to Rule 14.11.2 Restricted Discretionary Activities as follows; <u>RD10 Water supply that does not comply with Rule 14.11.1(P1) Discretion is restricted to:</u> <u>(a) Health and safety of the occupants; and</u> <u>(b) Sufficiency of supply for fire fighting.</u>			
19	697.61	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> numbering of rule 14.11.4.NC2.	Support	NZTE supports the submission to correct the numbering.	NZTE seeks that this submission be allowed.
20	697.78; 697.79	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> table 14.12.5.14 – Access and Road conditions to include Te Kowhai Airpark Zone, Rangitahi Peninsula Zone and Motorsport and Recreation Zone in the heading and footnote.	Support	NZE supports the amendment to the heading to reflect the zones covered by the table.	NZTE seeks that this submission be allowed.
21	559.206;  559.211;	Sherry Reynolds Heritage New Zealand Pouhere Taonga cmcalley@heritage.org.nz	<b>Retain</b> 14.12.1.7(4) relating to P7 Access and New Roads – Te Kowhai Airpark Zone.  <b>Amend</b> matters of discretion 14.12.2(i) relating to RD7 access and new roads to read: <i>(i) "the location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site or area".</i>	Support  Support	This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that this submission be allowed.
22	742.109	Kim Harris-Cottle NZTA kim.harriscottle@nzta.govt.nz	<b>Retain</b> rule 14.12.2.RD7 except: <b>Add</b> 14.12.2.RD7 a matter of discretion being <u>(i) adverse effects on the safety and efficiency of the land transport network.</u>	Support	This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that this submission be allowed.
<b>Chapter 16 – Residential Zone</b>						

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
23	697.131; 697.132;	Waikato District Council will.gauntlett@waidc.govt.nz	<p><b>Amend</b> rule 16.3.3.3PI – Height to specify which airport is being referred to (both Waikato Regional Airport and Te Kowhai Airfield).</p> <p><b>Amend</b> rule 16.3.3.DI – Height to clarify the rule.</p>	Support	NZTE supports the clarification of the OLS Height rules in the pWDP and Residential Chapter and also seeks that the rules be amended in accordance with point number 823.7 in NZTE's submission on the pWDP for the OLS rule to include a <i>tree or other vegetation</i> .	NZTE seeks that this submission be allowed.
24	697.140	Waikato District Council will.gauntlett@waidc.govt.nz	<p><b>Add</b> rule 16.3.10A Building – Horotiu Acoustic Area. There is residential land zoned close to Te Kowhai Airfield and therefore there needs to be a rule managing internal noise limits in dwellings in the Residential Zone.</p> <p><u>16.3.10A Building – Te Kowhai Noise Buffer</u></p> <p><u>P1</u></p> <p><u>Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix 1 (Acoustic Insulation).</u></p> <p><u>RD1</u></p> <p><u>(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 16.3.10A P1</u></p> <p><u>(b) Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) on-site amenity values;</u></p> <p><u>(ii) noise levels received at the notional boundary of the dwelling;</u></p> <p><u>(iii) timing and duration of noise received at the notional boundary of the dwelling;</u></p> <p><u>(iv) potential for reverse sensitivity effects.</u></p>	Oppose	<p>NZTE supports the inclusion of a rule managing noise limits in dwellings and noise sensitive activities in the Residential Zone but opposes Rule 16.3.10A and the relevant Restricted Discretionary Rule as the Te Kowhai Noise Buffer is no longer required as taxiing noise is now dealt within the Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission.</p> <p>Point 823.25 of the NZTE Submission seeks to have Rule 3.2 in Appendix 1 deleted. Internal noise levels in the Residential Zone are sought to be controlled in accordance with point 823.15 of NZTE's submission which seeks new Rule 16.3.12 P1 and RD1 Noise Sensitive Activities (as set out in the submission) as it is drafted to reflect the Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission.</p>	NZTE seeks that the submission be disallowed.
25	831.22	Gabrielle Parson Raglan Naturally	<p><b>Amend</b> rule 16.2.1.1 P1 – Noise – General to apply noise and time limits to activities affecting Residential Zones, such as airfields.</p>	Oppose	This submission is opposed as there are rules in the pWDP that provide for aircraft noise.	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
		raglannaturally@gmail.com			The submitter is seeking a generalised amendment to address a location-specific issue. The generalised solution sought would conflict with the specific provisions designed for Te Kowhai aerodrome, which include the revised Air Noise Control Boundaries produced by Marshall day in accordance with the NZ Standard NZS 6805:1992 Airport Noise Management. These are the recommended airport noise and land use controls.	
<b>Chapter 17 – Business Zone</b>						
26	697.201; 697.305;	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> Rule 17.3.1.2 PI – Height for additional clarity.  <b>Amend</b> Rule 17.3.1.2 – to include calculation to determine permitted height with the airport OLS.	Support	NZTE supports the clarification of the OLS Height rules in the pWDP and supports the inclusion of a calculation to determine a permitted height in the OLS. NZTE also seeks that Rules 17.3.1.2 P1 and 17.3.1.2 D1 be amended in accordance with point number 823.8 in NZTE’s submission on the pWDP for the OLS rule to include a <i>tree or other vegetation</i> .	NZTE seeks that this submission be allowed.
27	697.210	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Add</b> new permitted activities Rule 17.3.5A – Building - Te Kowhai Noise Buffer P1 as the Business Zone does not currently have a rule relating to the Te Kowhai noise buffer. There is a need for a noise insulation rule.  <b>Add</b> Restricted Discretionary Rule – construction / addition / alternation to dwelling that does not comply with Rule 17.3.5A P1:  <u>RD1</u> <u>(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule</u>	Support but with amendments	NZTE supports the inclusion of a rule managing noise limits in dwellings and noise sensitive activities in the Business Zone but opposes the Rule 17.3.5A and the relevant Restricted Discretionary Rule as the Te Kowhai Noise Buffer is no longer required as Taxiing Noise is now dealt within the Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission.	NZTE seeks that this submission be allowed with amendments.



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
			<p><u>17.3.5A P1</u></p> <p><u>(b) Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) on-site amenity values;</u></p> <p><u>(ii) noise levels received at the notional boundary of the dwelling;</u></p> <p><u>(iii) timing and duration of noise received at the notional boundary of the dwelling;</u></p> <p><u>(iv) potential for reverse sensitivity effects</u></p>		<p>Point 823.25 of the NZTE Submission seeks to have Rule 3.2 in Appendix 1 deleted.</p> <p>NZTE submits that internal noise levels in the Business Zone would be better controlled by the insertion of a new Rule 17.3.9 P1 and RD1 Noise Sensitive Activities drafted in accordance with a similar rule for the Residential Zone in point 823.15 of NZTE's submission (as set out in the submission) as it is drafted to reflect the Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission.</p>	
<b>Chapter 22 – Rural zone</b>						
28	697.808;	Waikato District Council will.gauntlett@waidc.govt.nz	<p><b>Amend</b> Rule 22.3.7 - Building setback by adding in new 22.3.7(d) and (e):</p> <p><u>(d) Rule 22.3.7.3 – Building Te Kowhai Noise Buffer provides for permitted setbacks within the Te Kowhai Noise Buffer.</u></p> <p><u>(e) Rule 22.3.7.4 – Building – Noise Sensitive Activities provides setbacks for Noise Sensitive Activities</u></p>	Support in part and oppose in part	NZTE supports the need for setbacks for Noise Sensitive Activities and therefore supports the addition of 22.3.7(e) but opposes the addition of 22.3.7(d), as in accordance with point 823.16 of the NZTE Submission, Rule 22.3.7.3 should be deleted as the Taxiing Noise is now dealt within the Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission.	NZTE seeks that this submission be allowed in part and disallowed in part.
<b>Chapter 23 – Country Living Zone</b>						
29	697.907;	Waikato District Council will.gauntlett@waidc.govt.nz	<p><b>Add</b> new Rule 23.3.8B Building – Te Kowhai Noise Buffer RDI(g)to Chapter 23 – as an area of Country Living Zone lies in close proximity to the Te Kowhai Airpark. In order to manage internal</p>	Support but with amendments	NZTE supports the inclusion of a rule managing noise limits in dwellings and noise sensitive activities in the Country Living	NZTE seeks that this submission be allowed with amendments.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
			<p>noise levels, the rule regarding noise buffers needs to be inserted in Chapter 23.</p> <p><u>23.3.8B Building – Te Kowhai Noise Buffer</u></p> <p><u>P1 Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix 1 (Acoustic Insulation). RD1</u></p> <p><u>(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 23.3.8B P1</u></p> <p><u>(b) Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) on-site amenity values;</u></p> <p><u>(ii) noise levels received at the notional boundary of the dwelling;</u></p> <p><u>(iii) timing and duration of noise received at the notional boundary of the dwelling;</u></p> <p><u>(iv) potential for reverse sensitivity effects.</u></p>		<p>Zone but opposes the new rule 23.8.8B as, in accordance with point 823.25 of the NZTE Submission, Rule 3.2 in Appendix 1 should be deleted. Taxiing noise is now managed via the Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission, meaning there is no longer a need for the Te Kowahi Noise Buffer.</p> <p>NZTE submits that internal noise levels in the Country Living Zone would be better controlled by the insertion of a new Rule 23.3.10 P1 and RD1 Noise Sensitive Activities, drafted in accordance with a similar rule for the Residential Zone in point 823.15 of NZTE's submission (as set out in the submission), as it is drafted to reflect the Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission.</p>	
30	697.894;	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> rule 23.3.4.2 PI – Height for consistency with other Chapters and to specify which airport is being referred to (both Waikato Regional Airport and Te Kowhai Airfield).	Support	NZTE supports the clarification of the OLS Height rules in the pWDP for consistency with other chapters and also seeks that the Rules be amended in accordance with point 823.11 in NZTE's submission on the pWDP for the OLS rule to include a <i>tree or other vegetation</i> .	NZTE seeks that this submission be allowed.
<b>Chapter 24 – Village Zone</b>						
31	602.2	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Amend</b> rule 24.3.3.2 – Buildings, structures and vegetation within an airport obstacle limitation surface to not include a reference to vegetation	Oppose	The inclusion of vegetation and trees in an OLS rule is an industry standard and is	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
			<p>or only to vegetation not already existing as at 18 July 2018.</p>		<p>included in the majority of district plans in New Zealand that have an OLS. Any existing or future buildings, structures, vegetation and trees must therefore be included in the OLS rules to ensure protrusions into the OLS do not occur.</p> <p>The protrusion through the OLS of any structure, including vegetation and trees, would make it unsafe for aircraft to operate at the Aerodrome and would make the OLS non-compliant under the CAA Aerodrome Standards and Requirements (AC139-7), therefore certain vegetation cannot be precluded from compliance.</p> <p>An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome.</p> <p>The OLS is a specifically designed, invisible volume of airspace extending off the end of each runway, off the sides of the runway and above the aerodrome. This must remain obstacle free in and around the aerodrome for the safety of aircraft operating under IFR (instrument flying rules). as the Pilot does not have visual reference to the ground initially during an approach to the runway or circling manoeuvre during inclement weather. Therefore, there must be a greater safety margin or area than that required under VFR</p>	

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					(visual flight rules).	
32	697.455; 697.979; 697.980	Waikato District Council will.gauntlett@waidc.govt.nz	<p><b>Amend</b> Rule 24.3.3.2 - Buildings, structures and vegetation within an airport obstacle limitation surface.</p> <p><b>Amend</b> Rule 24.3.3.2 P1 – Height – Buildings, structures and vegetation within an airport obstacle limitation surface.</p> <p><b>Amend</b> Rule 24.3.3.2 D1 – Height – Buildings, structures and vegetation within an airport obstacle limitation surface.</p>	Support	NZTE supports the clarification of the OLS Height rules in the pWDP and supports the inclusion of a calculation to determine a permitted height in the OLS. NZTE also seeks that Rules 24.3.3.2 P1 and 24.3.3.2 D1 be amended in accordance with point 823.12 in NZTE's submission on the pWDP for the OLS rule to include a <i>tree or other vegetation</i> .	NZTE seeks that this submission be allowed.
33	943.58	McCracken Surveys Limited davem@mccrackensurveys.co.nz	No specific decision sought but submission opposes Rule 24.3.3.2PI due to effects that the OLS (with respect to the Te Kowhai Airfield) will have on landowners.	Oppose	<p>An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome.</p> <p>The OLS is a specifically designed, invisible volume of airspace extending off the end of each runway, off the sides of the runway and above the aerodrome. This must remain obstacle free in and around the aerodrome for the safety of aircraft operating under IFR (instrument flying rules) as the Pilot does not have visual reference to the ground initially during an approach to the runway or circling manoeuvre during inclement weather. Therefore, there must be a greater safety margin or area than that required under VFR (visual flight rules).</p> <p>The protrusion through the OLS of any structure, including vegetation and trees, would make it unsafe for aircraft to</p>	NZTE seeks that this submission be disallowed.



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>operate at the Aerodrome and would make the OLS non-compliant under the CAA Aerodrome Standards and Requirements (AC139-7).</p> <p>The inclusion of vegetation and trees in an OLS rule is an industry standard and is included in the majority of district plans in New Zealand that have an OLS. Any existing or future buildings, structures, vegetation and trees must therefore be included in the OLS rules to ensure protrusions into the OLS do not occur.</p>	
<b>Chapter 25 – Reserve Zone</b>						
	34	697.409 Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> rule 25.3.1.2 – Height – Buildings, structures and vegetation within an airport obstacle limitation surface.	Support	NZTE supports the clarification of the OLS Height rules in the pWDP. NZTE also seeks that Rules 25.3.1.2 P1 and 24.3.3.2 D1 be amended in accordance with point 823.13 in NZTE's submission on the pWDP for the OLS rule to include a <i>tree or other vegetation</i> .	NZTE seeks that this submission be allowed.
<b>Chapter 27 – Te Kowhai Airpark Zone</b>						
	35	216.2; 206.2; 208.2; 211.2; 219.2; 220.2; 221.2; 222.2; 224.2; 225.2; 226.2; 227.2; 229.2; scott.montagu@pbanz.com horton.ind@xtra.co.nz brucenik@xtra.co.nz tony_knowling@xtra.co.nz bmcooke@waikato.ac.nz peter@jpggroup.co.nz sally@sportflying.co.nz sally@sportflying.co.nz peter@reivernet.com stevegun@eim.ae totalmal@xtra.co.nz Geoffrey Gatenby 621 Te Kowhai Road, RD8, Hamilton 3288	<b>Retain</b> Chapter 27 Te Kowhai Airpark as notified.	Support	NZTE supports these submissions to the extent that they are consistent with NZTE's submission and further submission.	NZTE seeks that these submissions be allowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
	237.2; 277.2; 285.2; 429.2; 473.2; 475.2; 476.2; 477.2; 478.2; 490.2; 491.2; 492.2; 497.2; 500.2; 528.2; 535.2; 538.2; 541.2; 547.2; 549.2; 560.2; 566.2; 582.2; 586.2; 613.2; 621.2; 631.2; 635.2; 649.2; 650.2; 666.2; 700.2; 708.2; 725.2; 734.2; 736.2; 752.2; 753.2; 767.2; 770.2; 773.2; 808.2; 809.2; 810.2; 811.2; 868.2;	stuart@sparxfly.co.nz admin@raanz.org.nz achernyshev@gmail.com olivia.henwood@outlook.co.nz Jim@actiongaming.co.nz granpadave@gmail.com KennethLoganMitchell@gmail.com benfieke@outlook.com miket@originwindows.co.nz kiwiflyer@live.com dwayne@altusuas.com ryan@altusuas.com shane@civtec.co.nz anjules@gmail.com amandaschaake@gmail.com paulbrydon@gmail.com J.Schaake@vcp.co.nz dargavilleac@gmail.com Shanon Eyre P.O. Box 296, Matamata, 3440 cmcalley@heritage.org.nz jk.farmer@xtra.co.nz dave.e@cube.co.nz penny.gallagher@synlait.com simon@WestAucklandAirport.co.nz nenya@sirron.nz pete@smartliving.co.nz allandennis@xtra.co.nz neroli@supercub.co.nz m.visser@xtra.co.nz Jacob.stead.ltd@gmail.com bill@supercub.co.nz girka173@yahoo.co.nz anton@aerosport.co.nz neil.mchugh@avalonltd.co.nz harryharris@kinect.co.nz jschmidt@xtra.co.nz suecam@xtra.co.nz irchapman@gmail.com flyingkiwifqu@gmail.com gavinandmaree@gmail.com surfysimon@hotmail.com gsandersnz@gmail.com mikehmail@mac.com gyfly@aol.com qordonandcarrol@xnet.co.nz				

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
	878.2;	phil.north@north-ridge.co.nz martyn.seay@gmail.com  mail@huib.online wilsonnz@xtra.co.nz				
36	781.19	Ministry of Education andrew.hill@beca.com	<b>Amend</b> rule 27.1.1 Activity Status Table <b>Add</b> matters of discretion to Rule 27.1 Land Use Activities	Support	NZTE supports the addition of an education facility policy as teaching facilities form part of the anticipated activity in the TKAZ. NZTE agrees that such facilities are an essential social infrastructure required to support district growth. This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that this submission be allowed.
37	742.174; 742.175; 742.176; 742.177; 742.178; 742.179; 742.180; 742.181	Kim Harris-Cottle NZTA kim.harriscottle@nzta.govt.nz	<b>Retain</b> Rule 27.2.9 P1 Glare and Lighting as notified. <b>Retain</b> Rule 27.2.9 RD1 Glare and Lightning as notified. <b>Retain</b> Rule 27.2.12 P1 Signs as notified. <b>Retain</b> Rule 27.2.12 P2 as notified. <b>Retain</b> Rule 27.2.12 P4 as notified. <b>Retain</b> Rule 27.2.12 RD1 as notified. <b>Retain</b> rule 27.2.13 P1 Signs except: <b>Amend</b> rule 27.2.13 P1(a)(vi) Signs – effects on traffic. <b>Retain</b> rule 27.2.13 RD 1 except: <b>Amend</b> rule 27.2.13 RD1(b)(ii) Signs – effects on traffic. <b>Retain</b> Rule 27.2.14 RD 1 except: <b>Amend</b> Rule 27.2.14 RD1(b)(iv) – Temporary Events. <b>Retain</b> Rule 27.3.7 P1 Building setback as	Support	NZTE supports these submission points and the amendments as proposed to Rule 27.2.13 P1(a)(iv), Rule 27.2.13RD1(b)(ii) and Rule 27.2.14RD1(b)(iv).	NZTE seeks that these submission points be allowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
			notified. <b>Retain</b> 27.4.5 RD1 Road access as notified. <b>Retain</b> Rule 27.4.5 D1 Road access as notified.			
38	378.76	Fire and Emergency alec.duncan@beca.com	<b>Amend</b> rule 27.2.11 – Hazardous Substances to exclude fire service operations in order to allow Fire and Emergency New Zealand to operate easily and smoothly as needed.	Support	This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that these submission points be allowed.
39	378.56;	Fire and Emergency alec.duncan@beca.com	<b>Retain</b> Rule 27.2.6 Noise – Other than Taxiways.	Support with amendments	NZTE agrees that this Rule should be retained but submits that the title of the Rule should be amended to read Noise – Other than Aircraft Operations in accordance with 823.27 of NZTE's submission. This amendment will not affect the submission of Fire and Emergency.	NZTE seeks that this submission be allowed as amended in accordance with submission point 823.27.
40	378.75;	Fire and Emergency alec.duncan@beca.com	<b>Retain</b> Rule 27.4.2 – Subdivision, except: <b>Amend</b> Rule 27.4.2 – Subdivision allotment size.	Support	NZTE supports the amendment sought by Fire and Emergency on the grounds that water supply for firefighting purposes is appropriate at an airpark development. This submission is supported to the extent that it is consistent with the relief sought in NZTE's submission and this further submission	NZTE seeks that this submission be allowed.
41	602.9;	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Amend</b> activities (flight training school and circuit training) to be Non-Complying under Rule 27.1.1.	Oppose	NZTE opposes the inclusion flight training school and circuit training as non-complying activities in Rule 27.1.1.  A circuit is an operationally recognised procedure used by pilots to arrive and depart, to ensure aerodrome safely to maintain adequate separation from other aircraft traffic and provide sufficient spacing	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>between aircraft. A circuit is also the procedure used by pilots to maintain compliance with the CAA Rules Part 61 61.37 to ensure a Pilot has the required recent flight experience to be in command of an aircraft.</p> <p>The Air Noise Control Boundaries designed by Marshall Day and sought in the NZTE submission require the Airfield operator to manage the type and frequency of aircraft movements used for any activity in order to comply. The proposed Marshall Day noise thresholds adequately control aircraft used for any activity, irrespective of whether it is a training flight or a circuit.</p>	
42	602.10;	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Amend</b> rule 27.2 – Land use – Effects, by inserting appropriate standards for general aviation and recreational flying so that these activities are carried out in accordance with “Fly Neighbourhood” principles to avoid adverse impacts on neighbours.	Oppose	<p>NZTE oppose the amendments sought to Policy 9.2.2.1 – Airpark Standards as the Air Noise Control Boundaries designed by Marshall Day Acoustics and included in the submission of NZTE would adequately manage airpark noise effects. Total aircraft noise would be limited at the Air Noise Control Boundaries which effectively limits aircraft movements.</p> <p>NZTE does not oppose the “Fly Neighbourly” principles but considers that they are appropriately managed by the CAA provisions discussed below.</p> <p>The Aerodrome operates in accordance with the information provided to CAA</p>	NZTE seeks that this submission be disallowed.



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>NZAIP (Aeronautical Information Publication), which is a procedural and descriptive document for pilots intending to use an aerodrome. This document outlines the operational procedures for all pilots and is specified by a delegated Aerodrome Operator.</p> <p>These procedures may include the establishment of an Operational Safety and Management Working Group to operate as a community liaison.</p> <p>These operating procedures also cover flight path tracking restrictions, specific arrival and departure procedures including any warnings or cautions, which acts as a aviation sanctioned method of establishing the "Fly Neighbourly" principles to appropriately manage the submitters concerns.</p>	
43	602.11;	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Amend</b> Rule 27.2.6 P1(a) and P2 Noise – Other than Taxiways to include reference to the Village Zone as well as the Rural Zone as the Village Zone is also located near the Airpark.	Support	NZTE agrees that it is appropriate for the Village Zone to be referred to in Rule 27.2.6 P1(a) and P2.	NZTE seeks that this submission be allowed.
44	602.12;	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Amend</b> Rule 27.2.7 P1 (a)(ii) – Noise - Taxiways to include reference to the Village Zone as well as the Rural Zone as the Village Zone is also located near the Airpark.	Support	NZTE agrees that it is appropriate for the Village Zone to be referred to in Rule 27.2.7 P1(a) and P2.	NZTE seeks that this submission be allowed.
45	602.56	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Amend</b> Rule 27.2.12 P3(a) – Signs.	Neutral	NZTE is neutral to the extent that any relief arising from the submission is consistent with the relief sought in NZTE's submission and this further submission.	NZTE does not support or oppose these submissions.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
46	796.3; 796.4; 796.5	New Zealand Defence Force rebecca.davies@nzdf.mil.nz	<p><b>Add</b> new district wide permitted activity rule for temporary military training activities to chapters including Chapter 27: Te Kowhai Airpark Zone.</p> <p><b>Add</b> new permitted activity noise standards for temporary military training activities to chapters including Chapter 27: Te Kowhai Airpark Zone.</p> <p><b>Add</b> new controlled rule for temporary military training activities that do not meet permitted activity standards to Chapter 27: Te Kowhai Airpark Zone.</p>	Neutral	NZTE is neutral to the extent that any relief arising from the submission is consistent with the relief sought in NZTE's submission and this further submission.	NZTE does not support or oppose these submissions.
47	830.14	Linda Silvester lgsilvester@gmail.com	<b>Add</b> new provisions to Chapter 27 to include energy efficient policies and rules.	Oppose	NZTE supports the idea of energy efficient policies and rules but does not support the inclusion of them in Chapter 27 as energy efficiency is addressed in the Building Act.	NZTE seeks that this submission be disallowed.
48	923.5;	Waikato District Health Board Richard.Wall@waikatodhb.health.nz	<b>Amend</b> Chapter 27 to add a statement of purpose and anticipated outcomes of corresponding zone or subzone, and where appropriate make links to health and wellbeing considerations.	Oppose	The submission does not provide sufficient detail to understand the relief sought and is not required as the purpose of the TKAZ is well understood.	NZTE seeks that this submission be disallowed.
49	923.168;	Waikato District Health Board Richard.Wall@waikatodhb.health.nz	<b>Amend</b> Rule 27.2.6 P1, P2, P3 and D1 – Noise other than Taxiways.	Support in Part	NZTE supports this submission in part insofar as the noise limits should be written in accordance with NZS 6802:2008 guidelines and to the extent that the rules are consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that this submission be allowed in part.
50	923.167	Waikato District Health Board Richard.Wall@waikatodhb.health.nz	<b>Delete</b> Rule 27.2.7 – Noise – Taxiways for a number of reasons, including that the separation of noise into 27.2.6 and 27.2.7 adds unnecessary complexity.	Support in Part	NZTE has proposed the deletion of Rule 27.2.7 in point 823.14 of its submission but has proposed a new Rule 27.2.7 Noise – Aircraft Operations that is designed in accordance with NZS6805:1992 and the Air	NZTE seeks that this submission be allowed but that Rule 27.2.7 is substituted in accordance with point 823.14.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					Noise Control Boundaries designed by Marshall Day.	
51	535.82;	Lance Vervoort Hamilton City Council laura.galt@hcc.govt.nz	<b>Amend</b> Rule 27.1.1 P31 and P32 Activity Status Table to ensure commercial zoning at the airpark does not increase in scale and risk impacting on established commercial centres within Hamilton City.	Oppose	<p>The Airfield and proposed Airpark is a unique development with nothing similar in the Waikato Region. The small amount of permitted commercial activity is intended to complement the Airpark and the residents living within the TKAZ and will not undermine the viability of commercial nodes within Hamilton City.</p> <p>NZTE is concerned that Hamilton City Council's opposition to a small amount of commercial activity designed to support an Airpark in a neighbouring district is based trade competition.</p> <p>Hamilton City Council does not appear to have given any thought to trade competition. Indeed, Hamilton City Council's submission fails to confirm that it could not gain an economic advantage through its submission on commercial activities within the TKAZ.</p>	NZTE seeks that this submission be disallowed.
52	535.83	Lance Vervoort Hamilton City Council laura.galt@hcc.govt.nz	<b>Amend</b> rule 27.4.2 – Subdivision Allotment Size.	Oppose	The TKAZ represents a unique, site specific, residential Airpark intended to utilise the Airfield facilities as part of a key piece of infrastructure in the Waikato District. The subdivision sizes have been developed accordingly in order to cater for such a development. The subdivision rules recognise the complexity of airparks and provide for a variety of scenarios, depending on the	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					availability of infrastructure.	
53	304.1; 304.2	Graham Taylor tekowhai.taylors@xtra.co.nz	<b>Amend</b> rule 27.2.6 Noise – Other than Taxiways to include a night curfew on general aviation and recreational flying between 10pm and 7am.  <b>Amend</b> Rule 27.2.7 – Noise – Taxiways to include a night curfew on general aviation and recreational flying between 10pm and 7am.	Oppose	Oppose the amendments sought to rules 27.2.6 and 27.2.7 – Noise. The Air Noise Control Boundaries designed by Marshall Day Acoustics and included in the submission of NZTE adequately manage airpark noise effects. Total aircraft noise would be limited at the Air Noise Control Boundaries which effectively limits aircraft movements.	NZTE seeks that this submission be disallowed.
54	945.29; 945.30; 945.31	First Gas Limited teina.malone@beca.com	<b>Add</b> new condition (viii) to Rule 27.2.10 PI that requires a 12m setback from gas transmission pipelines where earthworks are proposed to a depth greater than 200mm.  <b>Add</b> matter of discretion to Rule 27.2.10 RDI (b) – Earthworks to address potential effects on earthworks on gas transmission lines.  <b>Add</b> new rule to 27.4 – Subdivision that would make subdivision of a site containing a gas transmission pipeline a restricted discretionary activity.	Oppose in part	NZTE opposes this submission to the extent that a 12 metre setback condition is not necessary in the pWDP as First Gas already has the benefit of two 12 wide easements in respect of their pipelines, negating the need for an assessment under Rule 27.2.10 P1 and Rule 27.2.10 RD1 (b).  NZTE is neutral on the submission of the addition of a new rule to 27.4 related to subdivision to the extent that any relief sought is consistent with the relief sought in NZTE's submission and this further submission.	NZTE seeks that part of this submission be disallowed in part.
55	369.2	Linnet Watson and S W Ranby natalie_watson@icloud.com	No specific decision sought, but submission opposes Chapter 27 due to allowance of general aviation with no limits on aircraft numbers or noise, potential for twin engine aircraft and/or small jets and residential subdivision being proposed at a restricted discretionary activity upon high class soils, which is at odds with other strategies in the district.	Oppose	The Airfield is an existing piece of infrastructure that has operated for approximately 50 years with varying levels of aviation and currently has no controls on the number of aircraft movements or on noise levels beyond the runway footprint.  NZTE has proposed to	NZTE seeks that this submission be disallowed.

	<b>Sub #</b>	<b>Submitter</b> <i>Contact details and address</i>	<b>Position</b>	<b>Support / Oppose</b>	<b>Reasons</b>	<b>Decision Sought</b>
					<p>introduce Air Noise Control Boundaries developed by Marshall Day Acoustics through its submission on the pWDP that will adequately manage airpark noise effects. Total aircraft noise would be limited at the Air Noise Control Boundaries which effectively limits aircraft movements. This will provide a much greater level of certainty for nearby landowners in terms of managing noise effects.</p> <p>The TKAZ is aimed at utilising this unique resource in the Waikato District to develop an Airpark for aviation enthusiasts to live at the Airpark and utilise its facilities. It is not a typical residential development therefore requires a targeted bespoke approach to development.</p>	
56	81.227	Waikato Regional Council Lisette.balsom@waikatoregion.govt.nz	Seeks further assessment of Te Kowhai Airpark including alignment with Future Proof, assessment of precedent of land release and availability of infrastructure and impacts on Te Kowhai settlement as a whole.	Oppose	<p>NZTE opposes this submission. A full assessment of the TKAZ has been undertaken in the section 32 report. The Airfield is partially located in Te Kowhai's future urban boundary.</p> <p>NZTE does not consider Future Proof to be a 'one size fits all' approach to growth. There are no other proposed facilities of this nature that exist in the Waikato District so the Future Proof settlement pattern is not as relevant to TKAZ.</p> <p>Precedent issues do not arise as TKAZ represents a unique, site specific, residential airpark that is intended utilise the</p>	NZTE seeks that this submission be disallowed.



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>existing Airfield facilities,.</p> <p>The TKAZ includes provision for future connections to Te Kowhai village and will operate as an attraction for Te Kowhai, benefiting the village as a whole. Subdivision lot sizes and timing have been developed to facilitate the Airpark design and on-site wastewater disposal is appropriate for a unique development of this type and density.</p> <p>In addition, in discussing 'management of the built environment' the WRPS states that specific focus should be directed to the following matters:</p> <p><i>d) the need to use existing infrastructure efficiently and to maintain and enhance that infrastructure;</i></p> <p><i>i) the integrated relationship between land use and development, and the transport infrastructure network;</i></p> <p>Te Kowhai aerodrome meets the WRPS definition of 'infrastructure', which includes airports as defined in section 2 of the Airport Authorities Act 1966. The TKAZ seeks to maintain and enhance that infrastructure and ultimately make more efficient use of that scarce resource.</p> <p>It <i>must</i> locate adjacent to aerodrome infrastructure.</p>	
57	535.81	Lance Vervoort	No specific decision sought, but submission opposes the rules for Te Kowhai Airport in	Oppose	NZTE does not agree that the range of activities proposed are	NZTE seeks that this submission be

	<b>Sub #</b>	<b>Submitter</b> <i>Contact details and address</i>	<b>Position</b>	<b>Support / Oppose</b>	<b>Reasons</b>	<b>Decision Sought</b>
		Hamilton City Council laura.galt@hcc.govt.nz	Chapter 27.		not adequately justified or controlled by the associated rules. The rules in Chapter 27 are designed specifically to enable development of an airpark at the Airfield and the provisions related to service are designed appropriately.	disallowed.
58	664.2	Mark Morgan Waikato Regional Airport Limited mark@hamiltonairport.co.nz	No specific decision sought but opposes Chapter 27 Te Kowhai Airpark.	Oppose	<p>OLS implementation is likely to increase safety for Hamilton airport by reducing smaller general aviation traffic congestion with larger scheduled commercial operators using Hamilton Airport (e.g. Air NZ).</p> <p>The proposed OLS will not have an impact on the commercial operations of Hamilton Airport due to all aircraft operating under IFR rules being for private operations only.</p> <p>Waikato Regional Airport Limited has submitted that it could gain an advantage in trade competition through its submission. NZTE seeks that this submission is limited in accordance with clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.</p> <p>The Rules proposed in Chapter 27 TKAZ represents a unique, site specific, residential airpark that is intended to utilise the Airfield facilities as part of the residents' day to day living environment. The OLS and proposed Air Noise Control Boundaries will ensure the safe and efficient operation of the</p>	NZTE seeks that this submission be disallowed.

	<b>Sub #</b>	<b>Submitter</b> <i>Contact details and address</i>	<b>Position</b>	<b>Support / Oppose</b>	<b>Reasons</b>	<b>Decision Sought</b>
					<p>Airpark.</p> <p>An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome. These surfaces should be free of obstacles.</p> <p>The proposed OLS notified in the pWDP is to recognise and protect the existing activity at the Airfield while allowing for improvements in navigational technology for small aircraft that will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology. This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (CAA Qualifying Aerodrome) under CAA aerodrome standards and requirements.</p> <p>The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather conditions under IFR rules</p>	

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>during a civil emergency or by military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the Aerodrome. It will provide pilots with more flexibility to use and utilise advancements in navigational GPS based IFR technologies which were once cost prohibitive for smaller general aviation aircraft.</p> <p>Aerodrome Design Standards, as specified in CAA AC-139-7, restricts aircraft operations of any commercial Air Transport aircraft operating under IFR Rules and the design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that for Waikato Regional Airport.</p>	
59	785.7	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited  'Oil Companies' jmccall@burtonconsultants.co.nz	<b>Delete</b> rule 27.2.11 – Hazardous substances.	Neutral	NZTE is neutral to the extent that the relief sought in the submission is consistent with the relief sought in NZTE's submission and this further submission.	NZTE is neutral on whether this submission should be allowed or disallowed.
<b>Section D – Chapter 29 – Appendices</b>						
60	697.317	Waikato District Council will.gauntlett@waidc.govt.nz	<b>Amend</b> Appendix 1 (Acoustic Insulation) – Section 3 (Te Kowhai Airpark) to make it broader to apply to any building containing a noise sensitive activity.	Support in Part	NZTE supports that Appendix 1 – Section 3 should apply to any building containing a noise sensitive activity but submits that the Appendix 1 – Section 3 should be amended in accordance with NZTE submission point 823.25 which seeks the same outcome.	NZTE seeks that this submission be allowed in part to the extent sought in submission point 823.25.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
61	602.13	Greig Metcalfe bevan.houlbrooke@ckl.co.nz	<b>Amend</b> Appendix 9: Te Kowhai Airfield to retain the existing OLS from the ODP which satisfies the requirements set out in the CAA Advisory Circular AC138-7 section 3.2 Day VFR Runway.	Oppose	<p>An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome. These surfaces should be free of obstacles.</p> <p>The proposed OLS notified in the pWDP is to recognise and protect the existing activity at the Airfield while allowing for improvements in navigational technology for small aircraft that will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology.</p> <p>This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (CAA Qualifying Aerodrome) under CAA aerodrome standards and requirements. The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather conditions under IFR rules during a civil emergency or by</p>	NZTE seeks that this submission be disallowed.



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the Aerodrome. It will provide pilots with more flexibility to use and utilise advancements in navigational GPS based IFR technologies which were once cost prohibitive for smaller general aviation aircraft.</p> <p>Aerodrome Design Standards, as specified in CAA AC-139-7, restricts aircraft operations of any commercial Air Transport aircraft operating under IFR Rules and the design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that for Waikato Regional Airport.</p>	
<b>Maps</b>						
62	834.3	Marshall and Kristine Stead jacowils@gmail.com	<b>Retain</b> the Airpark Zone at the Te Kowhai Airfield  No specific decision sought. However, submitter supports in principle the Te Kowhai Airpark Zone, particularly in regards to own property.	Support	NZTE supports this submission to the extent that it is consistent with the relief sought in NZTE's submission and this further submission	NZTE seeks that this submission be allowed.
63	879.1	Don Wilkinson SAA Auckland Chapter bdwilkinson@xtra.co.nz	<b>Retain</b> Te Kowhai Airfield Zone.	Support	NZTE supports this submission to the extent that it is consistent with the relief sought in NZTE's submission and this further submission	NZTE seeks that this submission be allowed.
64	832.3	Niksha Farac Hounsell Holdings Limited niksha@zelkogroup.co.nz	<b>Amend</b> the OLS for the Te Kowhai Airpark to reduce the area to that shown on the Operative Waikato District Plan.	Oppose	An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the	NZTE seeks that this submission be disallowed.

	<b>Sub #</b>	<b>Submitter</b> <i>Contact details and address</i>	<b>Position</b>	<b>Support / Oppose</b>	<b>Reasons</b>	<b>Decision Sought</b>
					<p>aerodrome. These surfaces should be free of obstacles.</p> <p>The proposed OLS notified in the pWDP is to recognise and protect the existing activity at the Airfield while allowing for improvements in navigational technology for small aircraft. This will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology. This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (CAA Qualifying Aerodrome) under CAA aerodrome standards and requirements. The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather conditions under IFR rules during a civil emergency or by military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the</p>	

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>Aerodrome. It will provide pilots with more flexibility to use and utilise advancements in navigational GPS based IFR technologies which were once cost prohibitive for smaller general aviation aircraft.</p> <p>Aerodrome Design Standards, as specified in CAA AC-139-7, restricts aircraft operations of any commercial Air Transport aircraft operating under IFR Rules and the design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that for Waikato Regional Airport.</p>	
65	645.1	Robert Clear rob@clearcivil.nz	<b>Amend</b> the zoning of the property at 176 Limmer Road RD8, Hamilton from Rural Zone to Village Zone.	Neutral	NZTE is neutral to the extent that the relief sought in this submission it is consistent with the relief sought in NZTE's submission and further submission.	NZTE is neutral on whether this submission should be allowed or disallowed.
66	92.1	Warren Jonson jonsonfamily@xtra.co.nz	<b>Amend</b> the zoning of the property at 158 Limmer Road RD8, Hamilton from Rural Zone to Village Zone.	Neutral	NZTE is neutral to the extent that the relief sought in this submission it is consistent with the relief sought in NZTE's submission and further submission.	NZTE is neutral on whether this submission should be allowed or disallowed.
67	494.1	Derek Tate D & J Tate derekate60@gmail.com	<b>Delete</b> the OLS Overlay from the property at 219 Woolrich Road, Te Kowhai.	Oppose	<p>An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome. These surfaces should be free of obstacles.</p> <p>The proposed OLS notified in the pWDP is to recognise and protect the existing activity at the Airfield while allowing for</p>	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>improvements in navigational technology for small aircraft. This will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology. This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (CAA Qualifying Aerodrome) under CAA aerodrome standards and requirements. The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather conditions under IFR rules during a civil emergency or by military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the Aerodrome. It will provide pilots with more flexibility to use and utilise advancements in navigational GPS based IFR technologies which were once cost prohibitive for smaller</p>	

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					general aviation aircraft. Aerodrome Design Standards, as specified in CAA AC-139-7, restricts aircraft operations of any commercial Air Transport aircraft operating under IFR Rules and the design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that for Waikato Regional Airport.	
68	823.26	NZTE Operations Limited shutchings@greenwoodroche.com	<b>Amend</b> the planning maps to show the proposed Te Kowhai Air Noise Control Boundaries shown in Figure 3 of the Marshall Day Report attached to NZTE's submission.	Support but seek amendment	NZTE supports the amendment as stated but seeks to clarify that the notified Outer Control Boundary should be deleted when the planning maps are amended in accordance with submission point 823.26.	NZTE seeks that this submission be allowed with the proposed amendments.
69	987.1	Graham and Di McBride on behalf of Self and M & P Stock, H & B Stratford, D & R Potter, J & P Stock, KG McBride  gmcbride@xtra.co.nz	<b>Delete</b> the OLS at Te Kowhai from the Proposed Waikato District Plan.  The reasons included: <ul style="list-style-type: none"> <li>• Lack of public engagement by Waikato District Council before it was notified.</li> <li>• Lack of technical data to support/justify the inclusion of the Obstacle Limitation Surface.</li> <li>• Design of the Obstacle Limitation Surface in terms of effects on the submitter's properties (213 and 220 Collie Road).</li> <li>• Potential adverse effects of the Obstacle Limitation Surface - noise, duration, intensity and safety.</li> <li>• Noise abatement from aircraft vis-à-vis mitigation in existing houses.</li> <li>• No limitations on incremental growth of airfield/traffic/ancillary services.</li> </ul>	Oppose	An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome. These surfaces should be free of obstacles.  The proposed OLS notified in the pWDP is to recognise and protect the existing activity at the Airfield while allowing for improvements in navigational technology for small aircraft. This will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology. This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR	NZTE seeks that this submission be disallowed.



	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					<p>rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (CAA Qualifying Aerodrome) under CAA aerodrome standards and requirements.</p> <p>The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather conditions under IFR rules during a civil emergency or by military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the Aerodrome. It will provide pilots with more flexibility to use and utilise advancements in navigational GPS based IFR technologies which were once cost prohibitive for smaller general aviation aircraft.</p> <p>Aerodrome Design Standards, as specified in CAA AC-139-7, restricts aircraft operations of any commercial Air Transport aircraft operating under IFR Rules and the design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that</p>	

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
					for Waikato Regional Airport.	
<b>General Plan</b>						
70	606.13	Bill Wasley Future Proof Implementation Committee bill@wasleyknell.co.nz	<b>Amend</b> the provisions relating to growth of Te Kowhai (including Airpark Zone) by restricting additional growth at Te Kowhai until delayed structure planning work is undertaken and servicing is in place.	Oppose	NZTE opposes this submission. The TKAZ represents a unique, site specific, Airpark that is intended to utilise the Airfield facilities as part of their day to day living environment. The proposed Airpark is not a conventional residential or commercial development and therefore the applicability of Future Proof to this scenario is limited.  The provisions of the TKAZ have been specifically designed to accommodate the unique nature of the Airpark activity. The ability to service the TKAZ has been an integral consideration in the development of provisions.	NZTE seeks that this submission be disallowed.
71	941.2	Graham McBride on behalf of the Te Kowhai Community Group smartdr@xtra.co.nz	No specific decision sought but submitter raises concerns about extension of the Te Kowhai Airport Obstacle Limitation Surface and the need to "give effect to the principles of the Resource Management Act with the Proposed District Plan (avoid, remedy, mitigate)."  The Te Kowhai Community Group has a number of concerns with the proposed extension to the Obstacle Limitation Surface: <ul style="list-style-type: none"> <li>Lack of consultation by Waikato District Council within the wider district prior to notification.</li> <li>Lack of clarity about future activities at the airpark.</li> <li>No proposed limitations concerning noise abatement, hours of flying, night flying, duration and frequency of flights and scope and scale of future activities.</li> </ul>	Oppose	The position of the Te Kowhai Community Group is at odds with one of the stated objectives of the Te Kowhai Community Plan 2011-2021 which states that "the Te Kowhai airport needs to be supported and encouraged to grow". The proposed OLS is a necessary part of that growth.  An OLS is required to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome. These surfaces should be free of obstacles.  The proposed OLS notified in	NZTE seeks that this submission be disallowed.

	Sub #	Submitter <i>Contact details and address</i>	Position	Support / Oppose	Reasons	Decision Sought
			<ul style="list-style-type: none"> <li>Lack of enforcement capability within the Obstacle Limitation Surface rules.</li> <li>Lack of clarity about the safety of residential properties under the flight path footprint.</li> </ul>		<p>the pWDP is to recognise and protect the existing activity at the Airfield while allowing for improvements in navigational technology for small aircraft. This will ensure safer operations for departing/arriving aircraft during inclement weather conditions by allowing the use of readily available GPS based navigational technology. This will improve the safety and efficiency of the Aerodrome for aircraft operation under IFR rules.</p> <p>The Aerodrome is to remain a non-certificated Aerodrome (CAA Qualifying Aerodrome) under CAA aerodrome standards and requirements.</p> <p>The OLS as notified in the pWDP through its design and implementation ensures an enhanced level of flight safety from the existing OLS in accordance with the CAA AC139-7 Aerodrome Standards and Requirements for aircraft at or below 5700Kg.</p> <p>The notified OLS also allows the Aerodrome to be available during inclement weather conditions under IFR rules during a civil emergency or by military and rescue aircraft if required.</p> <p>The proposed OLS is necessary to ensure the future sustainability of the Aerodrome. It will provide pilots with more flexibility to use and utilise advancements</p>	

	<b>Sub #</b>	<b>Submitter</b> <i>Contact details and address</i>	<b>Position</b>	<b>Support / Oppose</b>	<b>Reasons</b>	<b>Decision Sought</b>
					<p>in navigational GPS based IFR technologies which were once cost prohibitive for smaller general aviation aircraft.</p> <p>Aerodrome Design Standards, as specified in CAA AC-139-7, restricts aircraft operations of any commercial Air Transport aircraft operating under IFR Rules and the design category for the type of aircraft using the aerodrome will be Code 1A+, being a significantly lower level of categorisation than that for Waikato Regional Airport.</p> <p>The Air Noise Control Boundaries designed by Marshall Day Acoustics and included in the submission of NZTE would adequately manage airpark noise effects. Total aircraft noise would be limited at the Air Noise Control Boundaries which effectively limits aircraft movements.</p>	

**To:** **Waikato District Council**  
**Private Bag 544**  
**Ngaruawahia 3742**  
[districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

**Name of Submitter:** **NZTE Operations Limited**

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**SUBMISSION ON VARIATION 1 TO THE PROPOSED WAIKATO DISTRICT PLAN**

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- 1 This is a submission on Variation 1 to the proposed Waikato District Plan (*pWDP*) (Stage 1) – Te Kowhai Airport Obstacle Limitation Surface (*Variation 1*).
- 2 NZTE Operations Limited (*the Submitter*) could not gain an advantage in trade competition through this submission.
- 3 The Submitter has an interest in the pWDP that is greater than the interest that the general public.
- 4 The Submitter has previously lodged a submission (#823) and further submission (#1339) on the pWDP.
- 5 The Submitter supports Variation 1.
- 6 The Submitter wishes to be heard in support of its submission.

**Submission**

- 7 The Submitter owns the Te Kowhai aerodrome (*the Aerodrome*) and surrounding land located off Limmer Road, near the settlement of Te Kowhai. The existing Aerodrome consists of a grass runway 983 metres long and has a number of hangers that are leased for the storage of aircraft and aviation related commercial activities. The Aerodrome is a non-certificated aerodrome which operates under a Visual Flight Rule (*VFR*) basis. The balance of the land owned by the Submitter surrounding the Aerodrome consists of paddocks.
- 8 The Airfield and surrounding land are proposed to be zoned Te Kowhai Airpark Zone (*TKAZ*) under the pWDP. The TKAZ recognises existing Aerodrome infrastructure and enables the establishment of a complementary residential 'airpark'. The airpark comprises four precincts that variously provide for aviation, commercial and residential activity. Central to the airpark concept is the ability to taxi aircraft from residential and commercial precincts onto the existing runway. It is this unique characteristic which differentiates airpark residential from



conventional residential elsewhere in the Waikato region. The airpark is intended to be used solely for people who have an interest in aviation and wish to utilise the Aerodrome facilities as part of their day-to-day living environment. Notwithstanding that, the Aerodrome operates separately as an existing piece of infrastructure and, while being part of the TKAZ, needs to be protected through the provision of appropriate development controls to ensure that safe operation, growth and reverse sensitivity effects are adequately managed.

- 9 The Aerodrome is currently recognised in the Operative District Plan (*ODP*) through an Obstacle Limitation Surface (*OLS*) and Airport Noise Control Boundary provisions. As part of the re-zoning to TKAZ, the rules as notified (including the Variation 1 amendments) seek to future proof the Aerodrome in order for it to operate on an Instrument Flight Rule (*IFR*) non-air transport basis, as well as a VFR basis. Under the Civil Aviation Circular AC139-7 Aerodrome Standards and Requirements, this will necessitate changes to the OLS and transitional side surfaces, which are reflected in Variation 1.
- 10 The OLS is necessary to ensure compliance with Civil Aviation Circular AC139-7 Aerodrome Standards and Requirements for Code 1A+ aircraft operating on a VFR and an IFR (non-air transport) basis. The extent of the OLS is described in Chapter 29 – Appendix 9. Rules are also provided in the pWDP to protect the OLS from being breached by buildings, structures, trees and vegetation.
- 11 Following notification of the pWDP provisions and close of the subsequent submission timeframes, it was recognised by the Submitter that the dimensions of the OLS were incorrectly notified by the Council in the planning maps of the pWDP, yet correctly described in the text of Chapter 29 - Appendix 9. Variation 1 is therefore not an expansion of the notified proposed OLS on the planning maps, but a reflection of what is described in Chapter 29 - Appendix 9 and was intended to be shown on the planning maps at the outset.
- 12 The Submitter supports the Variation 1 as:
  - (a) the map in Variation 1 correctly shows the OLS in accordance with Civil Aviation Circular AC139-7 Aerodrome Standards and Requirements; and
  - (b) the amendments made to Appendix 9 clarify the description and function of the OLS.

**NZTE OPERATIONS LIMITED**

**DATED** this 24<sup>th</sup> day of July 2020



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**S D W Hutchings (for the Submitter)**

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**ANNEXURE B**

**FENZ's relevant submission**

**Point Number**

378.76

**Summary of Decision Requested:**

**Retain** Rule 27.4.2 Subdivision allotment size, as subdivision is a restricted discretionary activity, except for the amendments sought below

AND

**Amend** Rule 27.4.2 Subdivision allotment size, as follows:

*(a) Subdivision within PRECINCT B.*

*(b) Council's discretion is restricted to the following matters:...*

*(x) Proposed lots must be connected to public-reticulated water supply or water supply sufficient for firefighting purposes.*

*(a) Subdivision within PRECINCT C AND D where:...*

*(x) Proposed lots must be connected to public-reticulated water supply or water supply sufficient for firefighting purposes.*

*Council's discretion is restricted to the following matters:...*

*(x) Provision of infrastructure, including water supply for firefighting purposes.*

AND

**Amend** the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.

## **ANNEXURE C**

**The relevant decision**



# WAIKATO DISTRICT COUNCIL

## Hearings of Submissions on the Proposed Waikato District Plan

### Report and Decisions of Independent Commissioners

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#### Decision Report 26: Te Kowhai Airpark Zone

17 January 2022

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#### Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Mr Dynes Fulton

Mr Weo Maag

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## Glossary of Terms

ANB	Air Noise Boundary
Council	Waikato District Council
Panel	The Waikato District Plan Hearings Panel
PDP	Proposed Waikato District Plan
OLS	Obstacle Limitation Surface

## 1 Introduction

- 1.1 Hearing 17 concerned all submissions received by Waikato District Council (Council) in relation to the provisions of Te Kowhai Airpark Zone within the Proposed District Plan (PDP). This hearing specially related to the objectives, policies and rules within the aforementioned zone.
- 1.2 Provisions relating to the Airport Noise Boundaries (ANB), Obstacle Limitation Surface (OLS), and Building Setbacks for Noise-Sensitive Activities in the following zones were also considered in this hearing:
  - a) Chapter 16 – Residential Zone;
  - b) Chapter 17 – Business Zone;
  - c) Chapter 20 – Industrial Zone;
  - d) Chapter 22 – Rural Zone;
  - e) Chapter 23 – Country Living Zone;
  - f) Chapter 24 – Village Zone; and
  - g) Chapter 25 – Reserves Zone.
- 1.3 Te Kowhai Airpark Zone is intended to provide for the continued use of the privately-owned (but publicly available) runway strip and associated aerodrome infrastructure, as well as an airpark. In addition to the above, the airpark comprises of four precincts that provide for aviation, commercial and residential activities. Central to the airpark concept is the opportunity for aircraft operators to live or work at the aerodrome, with the ability to taxi aircraft from residential and commercial precincts onto the existing runway.<sup>1</sup>
- 1.4 Te Kowhai aerodrome (the site) is situated at 172 Limmer Road, Te Kowhai. The site is approximately 44 hectares (ha) in area and has vehicle access off Limmer Road, otherwise known as State Highway 39. The site is located on the southern periphery of Te Kowhai village.<sup>2</sup>
- 1.5 Te Kowhai aerodrome has been operating for more than 50 years. The site consists of a grass runway strip which is 983 metres long as well as aircraft hangars, a refuelling facility, clubrooms, office, workshop, coffee cart, car parking area and grass paddocks. Flights currently operate on a non-instrument Visual Flight Rules (VFR) basis.<sup>3</sup>
- 1.6 The site is owned and operated by NZTE Operations Limited who are a submitter on the PDP and for clarity are not the proponent of the zone. Te Kowhai Airpark Zone was included in the notified PDP by Council.
- 1.7 Land adjacent to the site comprises a mixture of uses including residential activities on small lots, a school, some commercial activities, a retirement village, public recreation

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<sup>1</sup> Paragraph 25, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>2</sup> Paragraph 19, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>3</sup> Paragraph 6, Opening Statement of Ms Emma Ensor, Hearing 17: Te Kowhai Airpark, dated 5 March 2021.

reserve, rural-residential activities, and land used for rural purposes. There is also a mixture of indigenous and exotic trees and other vegetation within this locality.<sup>4</sup>

#### Procedural matters

- 1.8 The proposed Te Kowhai Airpark Zone was included in the PDP as a special purpose zone by Council and notified on 18 July 2018.
- 1.9 Following notification, a discrepancy was identified between the PDP text which describes the Te Kowhai Airport OLS and the planning maps. A variation to the PDP was then notified by Council on 29 June 2020 to resolve this error. The purpose of the OLS is described later in this decision.
- 1.10 Both the provisions of the Te Kowhai Airpark Zone in the PDP and Variation 1 to the PDP formed part of this hearing.

## 2 Hearing arrangement

- 2.1 The hearing was held on Monday 8 March, 9 April<sup>5</sup> and Friday 7 May 2021 online via Zoom. All of the relevant information pertaining to this hearing (i.e., section 42A report, legal submissions and evidence) is contained on Council's website.
- 2.2 The Panel heard from the following parties on the Te Kowhai Airpark Zone provisions of the PDP:

<b>Submitter:</b>	<b>Represented by:</b>
Waikato District Council	Ms Emma Ensor (author of the section 42A report on the provisions of the Te Kowhai Airpark Zone)
Vela Holdings Limited	Mr Geoff Burgess
SW Ranby and R Ranby	Mr Philip Lang (counsel), L Watson and R Ranby
GL and DP McBride	Mr Graham McBride
Peter and Sylvia Fowler	Ms Silvia Fowler
Sophia Yapp and Simon Barnes	Mrs Sophia Yapp
Derek Tate	Mr Derek Tate
Vikki Madgwick	Mr Kit Maxwell
Kit Maxwell and Rena Maxwell	Mr Kit Maxwell
Greig Metcalfe	Dr. Joan Forret (counsel) and Mr Bevan Houlbrooke
Marshall and Kristine Stead.	Dr. Joan Forret (counsel) and Mr Marshall Stead
Lloyd Davis	Mr Jason Strangwick

<sup>4</sup> Paragraph 7, Opening Statement of Ms Emma Ensor, Hearing 17: Te Kowhai Airpark, dated 5 March 2021.

<sup>5</sup> The hearing was adjourned on 9 April 2021 to 9 May 2021 due to the late filing of reply evidence by NZTE Operations Limited.

NZTE Operations Limited	Dr. Robert Makgill (counsel), Mr Dan Readman, Mr Jonathan Broekhuysen, Mr Dave Park, Ms Laurel Smith, Mr James Armitage and Mr Dave Serjeant
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### 3 Overview of issues raised in Submissions

3.1 In the section 42A report, Ms Emma Ensor set out the full list of submissions on Te Kowhai Airpark Zone. In brief, the key matters of relief sought by the submitters included:

- a) The retention of the objectives and policies of Te Kowhai Airpark Zone as notified in the PDP;
- b) The retention of the rules as notified;
- c) Modification to the extent of the OLS and associated requirements;
- d) Modification of the noise provisions and associated requirements; and
- e) Servicing of the proposed subdivisions and development.<sup>6</sup>

3.2 One of the more contentious issues in the hearing was the OLS. The section 42A report included extensive analysis with respect to the OLS and noise provisions included in the PDP. By way of background, as included in the PDP and then modified by Variation 1 to the PDP, the OLS is made up of three different surfaces, being the:

- a) Take off and approach surface;
- b) Inner Horizontal Surface (IHS); and
- c) Transitional surface.

3.3 The purpose of the OLS is to provide a means of controlling obstacles, whether tall buildings, structures, or vegetation around the aerodrome which could affect the safety of aircraft operations.<sup>7</sup> Each surface includes a different height limit prescribed in the PDP, of which buildings, structures and vegetation require resource consent for intrusions into the respective surface height limit. The inclusion of OLS provisions in district plans is common practice across New Zealand.

3.4 The OLS in the PDP differs from the OLS included in the Operative Waikato District Plan. The section 42A report provides a useful summary of the differences between the two OLS, which we have included in a table below:

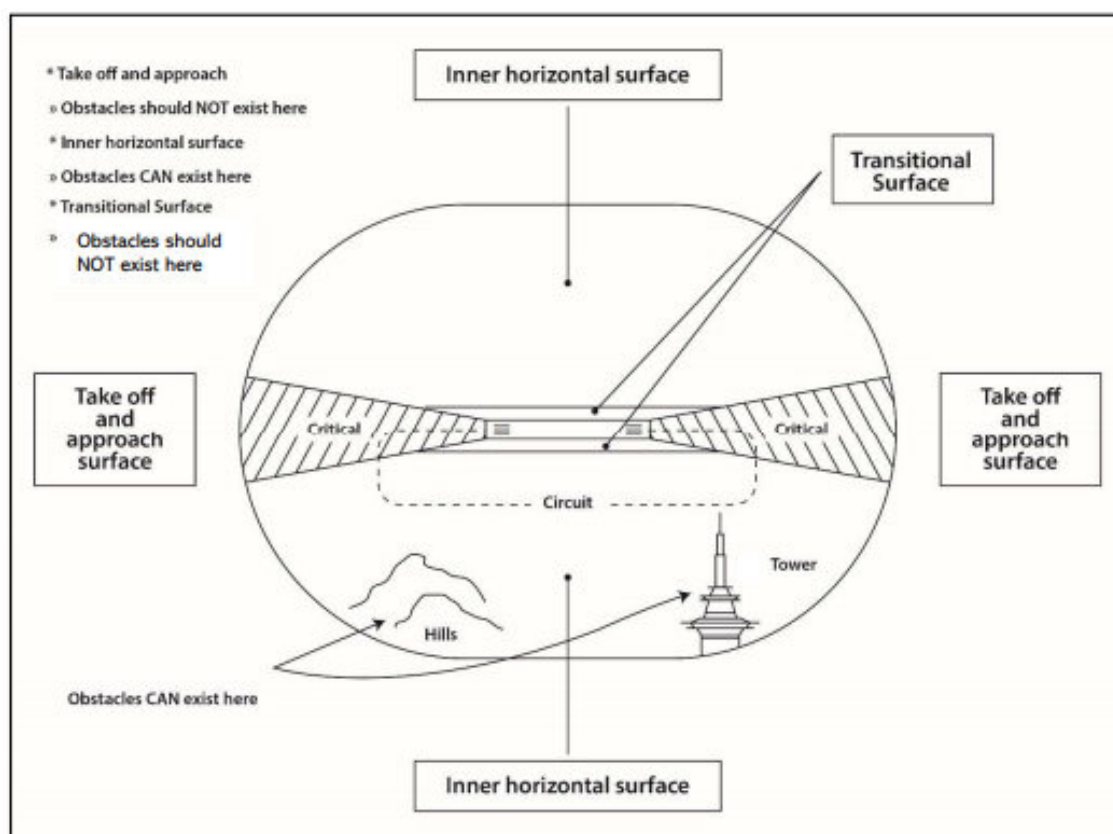
Surface	Extent of OLS in the PDP and modified through Variation 1 of the PDP <sup>6</sup>	Extent of OLS in the Operative Waikato District Plan
Take off and approach surface	2,500 m	1,200 m
Inner Horizontal Surface (IHS)	2,500 m	No IHS
Transitional surface	Yes	No transitional surface

<sup>6</sup> Paragraph 20 of the Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>7</sup> Paragraph 117, Evidence in Chief of David Park on behalf of NZTE Operations Limited, dated 15 February 2021.



- 3.5 NZTE Operations Limited support the extended OLS, as included in the PDP. NZTE consider that the extended OLS will provide an extra layer of safety for users of the aerodrome and to enable future implementation of Instrument Flight Rules (IFR).
- 3.6 The figure below which was included in the evidence of Mr David Park, an aviation expert on behalf of NZTE Operations Limited. Figure 1 depicts in generic terms, the three different surfaces of an OLS, of the type included in the PDP.



**Figure 1: Obstacle Limitation Surfaces**

#### Overview of submissions

- 3.7 Mr Geoff Burgess presented the submission on behalf of Vela Holdings Ltd (VHL). VHL owns 470 ha of land in Te Kowhai which contains 14 houses and an operating dairy farm. The VHL site is located approximately 2 km southwest of Te Kowhai aerodrome. The VHL site intersects the OLS, especially the Inner Horizontal Surface (IHS).<sup>8</sup>
- 3.8 The following matters were raised in VHL's written submission and the oral presentation by Mr Burgess:
- The natural contour of the VHL land, and trees within the IHS exceed the height restriction of 45 m stipulated in the IHS;
  - In particular a trig station is situated above the IHS; and

<sup>8</sup> The proposed Inner Horizontal surface extends outwards from the runway centre line and ends of the runway strip out to a distance of 2,500 m at a height of 71.6 metres above the Moturiki Datum.

- c) A stand of pine trees projects through the IHS.
  - d) VHL opposed provisions which would compromise its ability to construct buildings, structures and fences; and
  - e) VHL is concerned that it may be required to trim the pine trees on its site at its own expense.
- 3.9 VHL met with NZTE Operations Limited and the submitters discussed existing use rights, case by case assessment of protrusions and land-owner agreements. In summary, VHL seeks that all these matters are specifically stipulated in the PDP.
- 3.10 Mr Philip Lang presented legal submissions on behalf of SW Ranby and R Ranby. Ms Lynette Watson and Mr Roger Ranby also presented their submission. The Ranby site is located at 593 Te Kowhai Road and contains one dwelling. The Ranby site is one property removed to the northeast from the Te Kowhai aerodrome.
- 3.11 In summary, Ms Watson and Mr R Ranby presented the following points from their submission:
- a) Opposition to the Te Kowhai Airpark Zone and the OLS included in Variation 1 of the PDP;
  - b) Sought a carefully considered limit on flight numbers, coupled with limitations on flight times and annual flight limitation;
  - c) Sought limits on the number of flights per week and potentially limitations on the number of flights per day; and
  - d) Sought day-time flights as opposed to early morning, late evening, or night-time flying.
- 3.12 Mr Lang submitted that:
- a) There is no support for an enlarged airfield in the higher order planning documents such as the National Policy Statement for Urban Development 2020 (NPS-UD), or the Waikato Regional Policy Statement (RPS); and
  - b) Waikato 2070 provides little clarity on the future use or expansion for Te Kowhai aerodrome.
- 3.13 Mr Lang submitted that the Ranbys would like the aerodrome to remain as it is currently used, so effects remain the same or similar.
- 3.14 In summary, Ms Watson and Mr Ranby seek reinstatement of the Operative Waikato District Plan version of the OLS and provisions which enable a small-scale airfield as opposed to a commercial operation.
- 3.15 Ms Diane Patricia and Mr Graham McBride presented their submission. Their sites are located at 213, 220 234, 246 and 252 Collie Road and are located west of the Te Kowhai aerodrome.
- 3.16 In summary, Mr McBride highlighted the following points:

- a) Their family settled on their land in 1933. Five generations of the McBride family have lived in the house on 213 Collie Road;
  - b) Their family have planted tens of thousands of trees over 40 years;
  - c) Concerns regarding the lack of connectivity between the Te Kowhai aerodrome and Te Kowhai village;
  - d) Concerns regarding the level of consultation undertaken;
  - e) Concerns with regard to potential breaches of Civil Aviation Authority (CAA) regulations by aircraft using Te Kowhai aerodrome;
  - f) Concerns regarding noise nuisance effects;
  - g) Concerns regarding the requirements of the OLS, and implications on their property and trees;
  - h) Concerns regarding safety; and
  - i) Potential loss of productive capability of their land.
- 3.17 In summary, Mr McBride stated their opposition to the development plans at Te Kowhai aerodrome and the inclusion of the OLS in Variation 1 to the PDP.
- 3.18 Mrs Silvia Fowler presented the submission on behalf of herself and Mr Peter Fowler. Their site is located at 257 Collie Road, west of Te Kowhai aerodrome and within the OLS included in Variation 1 to the PDP.
- 3.19 In summary, Mrs Fowler presented the following points:
- a) Opposition to the proposed OLS included in Variation 1 to the PDP. This is due to the negative implications this will have on affected properties and also due to the overall lack of consultation and limited information that was issued to affected property owners;
  - b) Concerns regarding the OLS being listed on the Land Information Memorandum (LIM);
  - c) Concerns regarding who would be responsible for meeting costs of trimming or removing trees which grow into the OLS, and the lack of clarity regarding case-by-case assessments;
  - d) Opposition to a flight school and that this should not be listed as a permitted activity;
  - e) That engine testing should be undertaken within 0800 hours and 1700 hours; and
  - f) Opposition to development which increases the frequency of flights.
- 3.20 To address the above points, Mrs Fowler sought the following:
- a) Reinstatement of the OLS in the Operative Waikato District Plan;
  - b) An annual flight limit which relates to the current and historical flight frequencies;
  - c) Limiting flights to daylight hours and no night flying except for emergency services; and

- d) No circuit training, flights with repetitive movements and skydiving.
- 3.21 Mrs Sophia Yapp presented the submission on behalf of Mr Simon Barnes, Miss Imogen Barnes and Miss Phoebe Barnes. Their site is located at 90 Perkins Road, south of Te Kowhai aerodrome, within the OLS included Variation 1 to the PDP.
- 3.22 In summary, Mrs Yapp addressed the following points on behalf of the Barnes family:
- a) Their site contains several hundred Kahikatea trees, which will at some point grow taller than the OLS;
  - b) These trees may potentially be protected as a Significant Natural Area in future, based on criteria in the draft National Policy Statement for Indigenous Biodiversity; and
  - c) Concerns regarding the financial implication of trimming trees on their site and that trimming Kahikatea trees may lead to them dying.
- 3.23 Mrs Yapp sought to keep Te Kowhai aerodrome as it currently operates or else it should be moved to a different location.
- 3.24 Mr Derek Tate presented his submission. His site is located at 219 Woolrich Road, west of the Te Kowhai aerodrome. Mr Tate is a pilot and flies microlights.
- 3.25 In summary, Mr Tate made the following points:
- a) Concerns regarding trees which may protrude into the OLS;
  - b) Opposition to night flights; and
  - c) Questions on the suitability of Te Kowhai aerodrome being upgraded to a commercial airfield.
- 3.26 Mr Tate sought that the OLS be removed from his site at 219 Woolrich Road.
- 3.27 Mr Kit Maxwell presented the submission of Ms Vikki Madgwick. Her site is located at 265 Collie Road, is 17.5 ha in area and situated west of Te Kowhai aerodrome.
- 3.28 Mr Maxwell stressed the following points:
- a) Ms Madgwick's site contains six acres of mature pine trees;
  - b) Concerns regarding the cost to demonstrate compliance with the provisions such as the OLS;
  - c) Concerns regarding the impacts of the OLS on development potential as a consequence of reduced height limits; and
  - d) Concerns regarding the safety of night flights.
- 3.29 In summary Mr Maxwell on behalf of Ms Madgwick supported the recommendations of the section 42A report with regard to:
- a) Retention of the OLS as included in the Operative Waikato District Plan; and
  - b) Limitations on flight schools and circuit training.

- 3.30 Mr Kit Maxwell spoke to the submission lodged by him and his wife Rena Maxwell. Their site is located at 247 Collie Road, approximately 2.4km west of the Te Kowhai aerodrome within the OLS included in the PDP.
- 3.31 In summary, Mr Maxwell made the following points:
- a) The proposed OLS is 33km<sup>2</sup> in area and covers 75 per cent of Te Kowhai;
  - b) Concerns regarding potential LIM encumbrances;
  - c) Concerns regarding the commercial repair and testing of engines;
  - d) Concerns regarding effects from a flight school and circuit training; and
  - e) Questions regarding the need for IFR at Te Kowhai aerodrome.
- 3.32 Mr and Mrs Maxwell sought adoption of the section 42A report recommendations with respect to their submission points.
- 3.33 Dr. Joan Forret presented legal submissions and Mr Bevan Houlbrooke presented planning evidence on behalf of Mr Greig Metcalfe. Mr Metcalfe owns 702 Horotiu Road, which is 62 ha in area and located to the west of the Te Kowhai aerodrome. His site is subject to the OLS under both the Operative Waikato District Plan and the PDP.
- 3.34 Dr. Forret's legal submissions focused on the following matters:
- a) Lack of certainty on whether IFR will be approved for the Te Kowhai aerodrome;
  - b) Potential to move the runway further south with the NZTE Operations Limited land, to reduce effects on surrounding landowners;
  - c) The OLS in the PDP will reduce development potential, and as a consequence reduce property values;
  - d) Uncertainty regarding existing use rights, which trees may need to be removed or trimmed and who pays for removal or trimming; and
  - e) Noise from airborne aircraft is not an effect that can be managed by the RMA.
- 3.35 In summary, Mr Holbrook's planning evidence focused on the following matters:
- a) Support for the recommendation in the section 42A report which classifies a *flight training school* and *circuit training* as non-complying activities;
  - b) Support for the section 42A report recommendation on deletion of *general aviation* and *recreational flying* as activities and replacement with a single activity *aircraft operations* activity and an associated definition;
  - c) Opposition to an OLS based on Instrument Flight Rules (IFR) and support for the OLS to be changed back to Operative Waikato District Plan version which is based on Visual Flight Rules (VFR);
  - d) Support for the recommendation in the section 42A report to cap aircraft movements to 15,000 per annum and the subsequent adjustment to the Outer Control Boundary (OCB); and
  - e) Support to restrict flying outside of 0700 to 2200 hours.



- 3.36 Dr Joan Forret presented legal submissions on behalf of Mr Marshall Stead and Mrs Kristine Stead. Mr Stead also spoke to the submission lodged by him and his wife. Their site is located at 703b Te Kowhai Road within the OLS in the PDP.
- 3.37 Dr Forret's legal submissions focused on the same matters discussed at paragraph 3.30 of this decision. In summary, Mr Stead presented the following points from the submission lodged by him and his wife in support of the section 42A report recommendation to revert to the OLS in the Operative Waikato District Plan:
- a) That existing hangars on the NZTE site are within the OLS and may need to be moved. The hangars are owned by third parties and the land is leased from NZTE Operations Limited;
  - b) That existing trees on his site (which are up to 35m high) and fence will protrude through the proposed OLS in the PDP;
  - c) Concerns with who will be responsible for the cost for trimming trees;
  - d) Support for the recommendation in the section 42A report to limit annual aircraft movements to 15,000;
  - e) Support for the recommendation in the section 42A report to restrict flying between 0700 hours to 2200 hours;
  - f) Opposition to non-complying activity status for noise sensitive activities within the Air Noise Boundary (ANB); and
  - g) Support for the section 42A report recommendation that *flight training schools* and *circuit training* be included in the PDP as non-complying activities.
- 3.38 Mr Jason Strangwick presented the submission of Mr Lloyd Davis. Mr Davis's site is located at 703a Te Kowhai Road within the OLS and ANB.
- 3.39 In summary, Mr Strangwick made the following points:
- a) Mr Davis supports Te Kowhai aerodrome performing any activities within its boundaries, provided this does not restrict development potential on his land;
  - b) Mr Davis supports retention of the OLS as included in the Operative Waikato District Plan;
  - c) Mr Davis supports the ANBs in the Tonkin and Taylor Report, providing development is permitted within the inner ANB if there is sufficient acoustic insulation; and
  - d) To mitigate the adverse noise effects, NZTE Operations Limited could shift the airstrip southwards so that the inner ANB does not impact on Mr Davis's property.
- 3.40 Mr Peter Gore tabled a letter, on behalf of himself and Mrs Jackie Gore. Their site is located at 255 Collie Road, west of Te Kowhai aerodrome. Mr Gore's letter set out concerns regarding the lack of consultation with regard to the Te Kowhai Airpark Zone provisions.
- 3.41 Mr Gore sought:

- e) That the OLS be rejected, until the threshold for consultation with those directly affected is met;
  - f) Rejection of the proposal until NZTE Operations Limited and the Council can agree on the details and facts at an open day, and can articulate what the proposal means to those directly affected; and
  - g) Rejection of the OLS proposal on the basis that Te Kowhai aerodrome has not provided mitigation of effects that would be due process in any application lodged under the Resource Management Act 1991 (RMA) to intensify land use.<sup>9</sup>
- 3.42 Ms Alec Duncan tabled a letter on behalf of Fire and Emergency New Zealand's (FENZ) which set out their support for recommendations made by the section 42A report in response to FENZ submission points.<sup>10</sup>
- 3.43 Ms Alec Duncan tabled a letter on behalf of the Ministry of Education which sought the following amendments:
- a) Replacing the term '*Teaching and Conference Facilities*' with '*Education Facilities*, changes to activity status in precincts A, C and D and inclusion of new matters of discretion;
  - b) Changes to matters of discretion recommended by the section 42A report; and
  - c) Changes to Policy 9.2.1.1.<sup>11</sup>
- 3.44 On behalf of NZTE Operations Limited:
- a) Dr. Robert Makgill presented legal submissions;
  - b) Mr Dan Readman presented evidence as both a landowner and the Te Kowhai aerodrome operator;
  - c) Mr Jonathan Broekhuysen presented urban design evidence;
  - d) Mr David Park presented aviation evidence;
  - e) Ms Laurel Smith presented acoustic evidence;
  - f) Mr James Armitage presented infrastructure evidence; and
  - g) Mr David Serjeant presented planning evidence.
- 3.45 Dr. Makgill's legal submissions focused on the following matters:
- a) Clarification that the aerodrome has been in operation for 53 years, and not 20 years as asserted in the section 42A report;
  - b) Clarification of the RMA implications of public versus private ownership and that it is not useful or appropriate to assess resource use issues based on ownership;

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<sup>9</sup> Letter from Peter Gore ([https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-17/submitter-evidence/hearing-17---te-kowhai-airpark---jackie-gore---evidence.pdf?sfvrsn=74278ec9\\_2](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-17/submitter-evidence/hearing-17---te-kowhai-airpark---jackie-gore---evidence.pdf?sfvrsn=74278ec9_2)).

<sup>10</sup> Letter from Alec Duncan, re: Fire and Emergency New Zealand – Letter to be tabled at Hearing 17: Te Kowhai Airpark dated 12 February 2021.

<sup>11</sup> Letter from Alec Duncan, re: Ministry of Education – Waikato District Plan Review - Letter to be Tabled at Hearing 17: Te Kowhai Airpark dated 12 February 2021.

- c) Relationship between the OLS and existing use rights, particularly for trees. Dr. Makgill agrees with the Tompkins Wake legal opinion, specifically that existing use rights apply from the date of notification of a decision;
- d) Inclusion of an advice note clarifying the responsibilities regarding the removal and/or trimming costs for trees within the OLS; and
- e) Requirement for an evaluation under section 32AA of the RMA if the Panel was minded to amend the OLS included in the PDP.

3.46 Mr Readman's evidence focused on the following matters:

- a) The future vision for Te Kowhai aerodrome which incorporates both residential and commercial precincts, where Airpark residents can live onsite in their own home with their own aeroplanes;<sup>12</sup>
- b) Current operations at Te Kowhai aerodrome which include a wide range of aircraft operations from microlights to small light aeroplanes, police and rescue helicopter operations, vintage and military trainer-type aircraft and even occasionally hot air balloon flights;<sup>13</sup>
- c) Emerging technologies, such as enhancements in GPS navigation and modern flat screen instrumentation for small aeroplanes that gives them the ability to operate under IFR conditions;<sup>14</sup> and
- d) Consultation undertaken.<sup>15</sup>

3.47 Mr Readman, verbally responding to earlier questions by submitters, stated that moving the runway south may not be supported by Council. With respect to critical obstacles which breach the OLS, such as trees, Mr Readman stated that these could be managed through notifying the CAA and the critical obstacles being identified on a NOTAM.<sup>16</sup>

3.48 Mr Readman also stated that there is no difference between an aircraft's rate of climb on either IFR or VFR.

3.49 Mr Broekhuysen's urban design evidence focused on the following matters:

- a) The master planning exercise undertaken, which was:
- b) A design-led exercise that incorporated the original vision while implementing lessons garnered through extensive international and domestic research into existing airparks;<sup>17</sup> and
- c) Based on urban design principles which informed the development of the four precincts in the PDP.
- d) In relation to the OLS:

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<sup>12</sup> Paragraph 5, Summary of Evidence of Dan Readman on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>13</sup> Paragraph 7, Summary of Evidence of Dan Readman on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>14</sup> Paragraph 19, Summary of Evidence of Dan Readman on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>15</sup> Paragraph 20 - 22, Summary of Evidence of Dan Readman on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>16</sup> NOTAM means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations (<https://www.aviation.govt.nz/rules/rule-part/show/1/1>).

<sup>17</sup> Paragraph 5, Summary of Evidence of Jonathan Broekhuysen on behalf of NZTE Operations Limited, dated 3 March 2021.

- e) Development of five properties in close proximity to the runway will not be unduly affected by the OLS in the PDP; and
  - f) Future development potential of these adjoining landholdings can be appropriately managed.<sup>18</sup>
- 3.50 In response to our question, Mr Broekhuysen stated that moving the airstrip south would improve the development prospects for NZTE Operations Limited from an urban design perspective.
- 3.51 Mr Park's aviation evidence focused on the following matters:
- a) Aerodrome runways are required by the CAA to be protected by an OLS, which are intended to prevent obstacles affecting aircraft flight paths. All New Zealand aerodromes that Mr Park is familiar with have their OLS protected in district plans;<sup>19</sup>
  - b) Aircraft operating under IFR, where a pilot's ability to see obstacles is reduced, require more extensive and a lower OLS than those operating under VFR where the pilot is flying by visual reference;<sup>20</sup>
  - c) OLS protrusions are mostly an issue where they occur in the take-off and approach OLS, especially within 3,000m of the runway ends. Terrain or vegetation penetrating through the IHS (where established) is less of a concern and can usually be managed.<sup>21</sup>
- 3.52 In response to questioning by us, Mr Park confirmed that Te Kowhai could continue operating under VFR, with the Operative Waikato District Plan OLS as opposed to the OLS in the PDP.
- 3.53 Ms Laurel Smith's presentation of her acoustic evidence focused on the following matters of disagreement with the section 42A report recommendations, which she did not support:
- a) Alternative noise boundaries based on 15,000 annual movements as modelled by Tonkin and Taylor at the request of the Council;
  - b) A rule limiting the annual aircraft movements to 15,000;
  - c) A rule limiting the operational hours of the Aerodrome between 7 am and 10 pm;
  - d) A rule excluding engine testing between 10 pm and 7 am;
  - e) Non-complying status of circuit training and a flight school;
  - f) Non-complying status of activities sensitive to noise within the ANB; and
  - g) A rule requiring noise from aircraft operations to comply with the 55 and 65 dB L<sub>dn</sub> limits at the OCB and ANB respectively.<sup>22</sup>

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<sup>18</sup> Paragraph 12, Summary of Evidence of Jonathan Broekhuysen on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>19</sup> Paragraphs 9 and 10, Summary of Evidence of David Park on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>20</sup> Paragraphs 11, Summary of Evidence of David Park on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>21</sup> Paragraphs 15, Summary of Evidence of David Park on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>22</sup> Paragraphs 13, Summary of Evidence of Laurel Smith on behalf of NZTE Operations Limited, dated 3 March 2021.

- 3.54 Ms Smith did not support the smaller OCB and ANB recommended in the section 42A report as these noise boundaries are based on a 10-year planning horizon which Ms Smith considers too short for an airport, and inadequate for managing the long-term future of the aerodrome and airpark.<sup>23</sup>
- 3.55 In response to questioning by us, Ms Smith stated that the assumed number and type of aircraft movements are inputted into the model which produces the noise contours. She advised that if more and/or noisier aircraft movements occurred, compared to those used in the modelling, contours extending further from the airstrip would be required to manage effects.
- 3.56 In summary, Mr James Armitage's infrastructure evidence concluded that:
- a) The proposed wastewater solution is suitable for the airpark's development, meets the requirements of AS/NZS1547:2012, and has the ability to be connected to any future public reticulation system;<sup>24</sup>
  - b) The water supply solution will provide for adequate firefighting storage (in accordance with SN PAS4509:2008), potable use, and has the ability to be connected to any future public water supply. A private reticulated water system is therefore not required to meet the relevant standards;<sup>25</sup> and
  - c) The stormwater solution is deemed feasible for the development.<sup>26</sup>
- 3.57 Mr Dave Serjeant's presentation of his planning evidence focused on the following matters of disagreement with the section 42A report's recommendations:
- a) He did not support the insertion of definitions and the listing of *circuit training* and *flight training schools* as non-complying activities in the activity table. Mr Serjeant stated that noise generating aspects of these activities are barely distinguishable from general airport operations according to Ms Smith, and there is no other reason for defining or according them a separate status to *aircraft operations*;<sup>27</sup>
  - b) He did not support non-complying activity status for noise sensitive activities within the Te Kowhai Airpark Zone. Mr Serjeant stated that persons residing within the Te Kowhai Airpark Zone enjoy the benefits that the airpark provides and accept some trade-off in noise levels accordingly;<sup>28</sup>
  - c) He recommended that the standard in Rule 27.2.1.14 Temporary Events in relation to direct highway access should be deleted on the basis that it is redundant;<sup>29</sup>
  - d) He recommended the inclusions of the proposed OLS in the PDP, not the Operative Waikato District Plan OLS;<sup>30</sup> and
  - e) He did not support a submission by First Gas to insert a new earthworks standard in Rule 27.2.10, such that excavation deeper than 200mm within 12m of the

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<sup>23</sup> Paragraphs 14, Summary of Evidence of Laurel Smith on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>24</sup> Paragraph 31, Evidence in Chief of James Armitage on behalf of NZTE Operations Limited, dated 15 February 2021.

<sup>25</sup> Paragraph 32, Evidence in Chief of James Armitage on behalf of NZTE Operations Limited, dated 15 February 2021.

<sup>26</sup> Paragraph 33, Evidence in Chief of James Armitage on behalf of NZTE Operations Limited, dated 15 February 2021.

<sup>27</sup> Paragraph 7, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>28</sup> Paragraph 8, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>29</sup> Paragraph 9, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>30</sup> Paragraph 12, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.



centreline of the gas transmission line through the Te Kowhai Airpark Zone would trigger the need for resource consent.<sup>31</sup>

3.58 Mr Serjeant's supplementary evidence included two amendments with regard to the OLS in response to submitters concerns, namely:

- a) The insertion of an advice note which offers either tree removal or trimming on a one-off basis to achieve compliance with the OLS. If the landowner chose the trimming option, then the ongoing obligation for compliance would become their own;<sup>32</sup> and
- b) Removal of the requirement for trees and vegetation to comply with the IHS provisions of the OLS.<sup>33</sup>

#### **4 Panel Decisions**

4.1 The section 42A report addressed 485 separate submissions points on the PDP and 266 submission points on Variation 1. The section 42A report author analysed these and made a recommendation for each submission to be accepted or rejected by us, along with some changes to the PDP text and planning maps. The author also amended some recommendations in rebuttal and hearing documents.

4.2 It is noted that a number of matters between Council and NZTE Operations Limited were agreed in the provisions supplied in the section 42A report closing statements. As above, where we agree with the recommended changes and reasons, the matter is not revisited in this Decision.

4.3 Given the overlap between submitters and Council on a number of outstanding matters, the following sub-sections have been grouped by issue.

##### **Obstacle Limitation Surface (OLS)**

4.4 With respect to the OLS, NZTE Operations Limited supported the inclusion of the OLS in the PDP, as modified by Variation 1 to the PDP. This submission was supported by Mr Park's evidence for the following reasons:<sup>34</sup>

- a) NZTE Operations Limited intends to upgrade the aerodrome to allow enhanced private aircraft operations of small single or twin-engine propeller powered aircraft during daytime hours, or, under managed circumstances, at night, to navigate under IFR;
- b) When operating under IFR, the pilot can rely on flight instruments and aircraft navigation systems to determine their position with respect to the aerodrome and its runways to safely and accurately position the aircraft for approach and landing, and after take-off;
- c) IFR greatly improves the safety and reliability of aircraft operations. However, it does require a higher standard of aerodrome design to ensure sufficient clear

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<sup>31</sup> Paragraph 14, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>32</sup> Paragraph 8, Supplementary Evidence of David Serjeant for NZTE Operations Limited, dated 29 April 2021.

<sup>33</sup> Paragraph 12, Supplementary Evidence of David Serjeant for NZTE Operations Limited, dated 29 April 2021.

<sup>34</sup> Paragraph 47, Evidence in Chief of David Park on behalf of NZTE Operations Limited, 15 February 2021.

ground and airspace exists for safe operations in the reduced visibility conditions of IFR; and

- d) There are minimum CAA requirements for an OLS to be protected for night and IFR operations by small aircraft.

4.5 The section 42A report included a detailed analysis of both the OLS in the PDP and the Operative Waikato District Plan OLS and recommended that the OLS in the PDP be replaced with the OLS in the Operative Waikato District Plan. A summary of the section 42A report reasons for this recommendation is as follows:<sup>35</sup>

- a) There are nine properties in the Rural Zone and two properties in the Village Zone where the PDP OLS will impose building height restrictions that would otherwise be permitted by the general building height rules for the respective zones;
- b) For some properties, the PDP OLS height is between 0m and 6m, which also results in a restriction on built development in those areas;
- c) Some 42 trees<sup>36</sup> already intrude into the PDP OLS, by between 0.4m and 24.2m. That number only relates to trees within the western approach and take-off surface, and there may also be trees/vegetation within the IHS which may also breach the PDP OLS;
- d) The costs of compliance would fall on landowners and not the aerodrome operator, thus creating an unfair financial burden on landowners;
- e) Requiring landowners to chop or trim trees and vegetation that encroached into the PDP OLS would not maintain amenity values of Te Kowhai, as required by section 7(c) of the RMA;
- f) Kahikatea trees have ecological value, are potential habitat for endemic bats and provide stepping stones for native birds across the landscape; and
- g) The PDP OLS does not adjust for the land form underneath it, unlike other OLS in other district plans (such as Wanaka and Napier).

4.6 Submitters, particularly Vikki Madgwick; Greig Metcalfe; Kit Maxwell and Mr and Mrs McBride specifically supported the section 42A report recommendation in their submission and oral presentations for the same reasons set out in the section 42A report.

4.7 Ms Ensor's section 42A rebuttal evidence stated that if we were of a mind to include the PDP OLS, rather than the Operative Waikato District Plan OLS, it would be appropriate to assign a different activity status for intrusions into the approach and take-off surfaces from the activity status for intrusions into the transitional side surfaces and the IHS.<sup>37</sup> Ms Ensor recommended that a restricted discretionary activity status be applied to intrusions into the transitional side surfaces and the IHS. Mr Park agreed with providing

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<sup>35</sup> Paragraph 355, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>36</sup> As at 16 April 2018.

<sup>37</sup> Paragraph 18, Section 42A Rebuttal Evidence, Hearing 17: Te Kowhai Airpark, 1 March 2021.

flexibility, as described in Ms Ensor's alternative tiered activity status approach for intrusions into the PDP OLS.<sup>38</sup>

- 4.8 In addition to the above, Mr Serjeant's supplementary evidence recommended a further change to the provisions, so that trees and vegetation need not to comply with the IHS OLS height limit.<sup>39</sup>
- 4.9 After careful consideration of this issue, we accept the submission of NZTE Operations Limited to retain the OLS as notified on the planning maps, subject to implementing the alternative tiered activity status approach for intrusions as suggested by Ms Ensor and removing the requirement for trees and vegetation to comply with the IHS height limit.
- 4.10 We find with respect to the PDP OLS:
- a) It will enable NZTE Operations Limited to upgrade to IFR, which in turn will improve the safety of the aerodrome;
  - b) Submitter concerns regarding intrusions into the OLS are largely addressed by inclusion of the proposed advice note, a more restrictive activity status for protrusions into the OLS and removal of the requirement for trees and vegetation to comply with the IHS height limit;
  - c) Existing trees have existing use rights from the date of notification of this Decision; and
  - d) The inclusion of an advice note, as recommended by Mr Serjeant, addresses concerns regarding the costs and responsibility for tree trimming within the approach and take-off surfaces.
- 4.11 Regarding NZTE Operations Limited's aspirations to accommodate night flights, through implementation of IFR, we address this in subsequent sections on noise. However, in summary, we find that the hours of operation of the aerodrome should be limited and night flights should not be provided for as a permitted activity.
- 4.12 For the above reasons, the notified OLS has been retained and the PDP has been amended to include tiered activity statuses for intrusions into the OLS, the recommended advice note and removal of the requirement for trees and vegetation to comply with the IHS height limit.

### **Air Noise Boundaries**

- 4.13 The section 42A report recommended the inclusion of Airport Noise Control Boundaries in the PDP, namely the Airport Air Noise Boundary (65 dB L<sub>dn</sub>) and the Airport Outer Control Boundary (55 dB L<sub>dn</sub>) modelled by Tonkin and Taylor.
- 4.14 In summary, the Tonkin and Taylor modelling was based on the following assumptions as recommended by the section 42A report author:
- a) An operational scenario of 15,000 aircraft movements per year;
  - b) No flights between 10 pm and 7 am; and

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<sup>38</sup> Paragraph 17, Evidence in Reply of David Park for NZTE Operation Limited, 8 April 2021.

<sup>39</sup> Paragraph 12, Supplementary Evidence of David Serjeant for NZTE Operations Limited, dated 29 April 2021.

- c) No flight training school or circuit training flights.<sup>40</sup>
- 4.15 The section 42A report stated that the scenario of 15,000 movements is based on forecasting included in Appendix 13 of the section 32 report. This number is the predicted annual movements in the year 2031, a 10-year timeframe after the release of Council decisions on the PDP,<sup>41</sup> and considered to be the lifespan of a district plan.
- 4.16 NZTE Operations Limited sought that the Marshall Day Acoustics modelled Airport Noise Control Boundaries, being the Air Noise Boundary (65dB L<sub>dn</sub>) and the Outer Control Boundary (55dB L<sub>dn</sub>) be included in the PDP.
- 4.17 Ms Smith's evidence stated that the Marshall Day Acoustics modelling was based on a future forecast of 19,645 annual aircraft movements which is approximately a doubling of the 2019 number of aircraft movements and a 35 per cent increase on 2008 aircraft movements.<sup>42</sup> It is noted that 2008 was the busiest year since recording began, with 14,537 aircraft movements.<sup>43</sup> We have more to say on this issue later in the decision.
- 4.18 We consider that the purpose of the contours is twofold: to manage noise at properties near the boundary of the aerodrome; and to manage reverse sensitivity effects on the aerodrome.
- 4.19 Furthermore, we consider that if aerodrome operations do grow as forecasted, and if boundaries based on a 10-year forecast are included in the PDP, then buildings containing noise sensitive activities currently outside the boundary may be affected by lawfully expanded aerodrome operations without appropriate noise mitigation being in place.
- 4.20 Given the above, we agree with the recommendations of Ms Smith and Mr Serjeant. We find that the contours should address forecasted aircraft movements beyond the 10-year lifespan of the PDP, as the contrary may lead to development close to the airstrip not having the necessary noise mitigation measures in place.

Activity status for noise sensitive activities within the Air Noise Boundary (65dB L<sub>dn</sub>)

- 4.21 Mr Metcalfe and Mr Stead raised concerns regarding the non-complying activity status for activities and development within the Air Noise Boundary (65dB L<sub>dn</sub>). In response to questions from the Panel, Mr Serjeant conceded that a less restrictive activity status may be appropriate given the concerns of Mr Davis, Mr Stead and Mr Strangwick. Dr. Makgill also agreed that this approach may be appropriate but did not provide any further submissions on this.
- 4.22 We have given careful consideration to this matter, and the analysis in the section 42A report. We agree with Mr Serjeant that a restricted discretionary activity status is appropriate, supported by a suite of matters of discretion which includes the need to comply with the criteria in Appendix 1 of the PDP.

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<sup>40</sup> Page 1, Te Kowhai Airfield air noise contours memorandum, Tonkin and Taylor, 3 December 2018.

<sup>41</sup> Paragraph 754, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>42</sup> Paragraph 34, Evidence in Chief of Laurel Smith on behalf of NZTE Operations Limited, 15 February 2021.

<sup>43</sup> Paragraph 34, Evidence in Chief of Laurel Smith on behalf of NZTE Operations Limited, 15 February 2021.

4.23 In relation to the points raised by the section 42A report author, we note that applications for resource consent for a restricted discretionary activity may still be declined if proposed mitigation is not acceptable. We have also made amendments to the subdivision rules with regard to the location of building platforms in relation to the airstrip and Air Noise Boundary (65dB L<sub>dn</sub>).

**Activity status for noise sensitive activities within the Te Kowhai Airpark Zone**

4.24 With respect to noise sensitive activities within the Te Kowhai Airpark Zone, Ms Smith recommended the inclusion of a 70dB L<sub>dn</sub> Air Noise Boundary in addition to the 65dB L<sub>dn</sub> Air Noise Boundary in the PDP. The proposed 70dB L<sub>dn</sub> Air Noise Boundary is fully contained within the Te Kowhai airpark site (refer Figure 2).

4.25 Ms Smith's evidence concluded that it is appropriate for residential activities to occur between the 65dB L<sub>dn</sub> and 70dB L<sub>dn</sub> Air Noise Boundaries<sup>44</sup> at Te Kowhai airpark. Ms Smith noted that residents of an airpark would have a different expectation of amenity compared with those in rural or residential zones.

4.26 Mr Serjeant's evidence recommended including a permitted activity rule for noise sensitive activities within the Te Kowhai Airpark Zone and between the 65dB L<sub>dn</sub> and 70dB L<sub>dn</sub> Air Noise Boundaries based on Ms Smith's evidence. Mr Serjeant recommended retaining non-complying activity status for noise sensitive activities within the 70dB L<sub>dn</sub> Air Noise Boundary.<sup>45</sup>

4.27 The section 42A report recommended that all noise sensitive activities within the 65dB L<sub>dn</sub> Air Noise Boundary be a non-complying activity.<sup>46</sup> Ms Ensor stated that the PDP needs to provide for community health of all people using land outside of buildings within the Air Noise Boundary, including people within the Te Kowhai Airpark Zone.

4.28 We agree with the evidence and reasons of Ms Smith and Mr Serjeant. We find that residents of an airpark would have a different expectation of amenity compared with those in rural or residential zones. Given this, we have amended the PDP to include a permitted activity rule for noise sensitive activities outside of the 70dB L<sub>dn</sub> Air Noise Boundary,<sup>47</sup> but within the Te Kowhai Airpark Zone. We have also included Ms Smith's recommended Air Noise Boundaries on the PDP planning maps.

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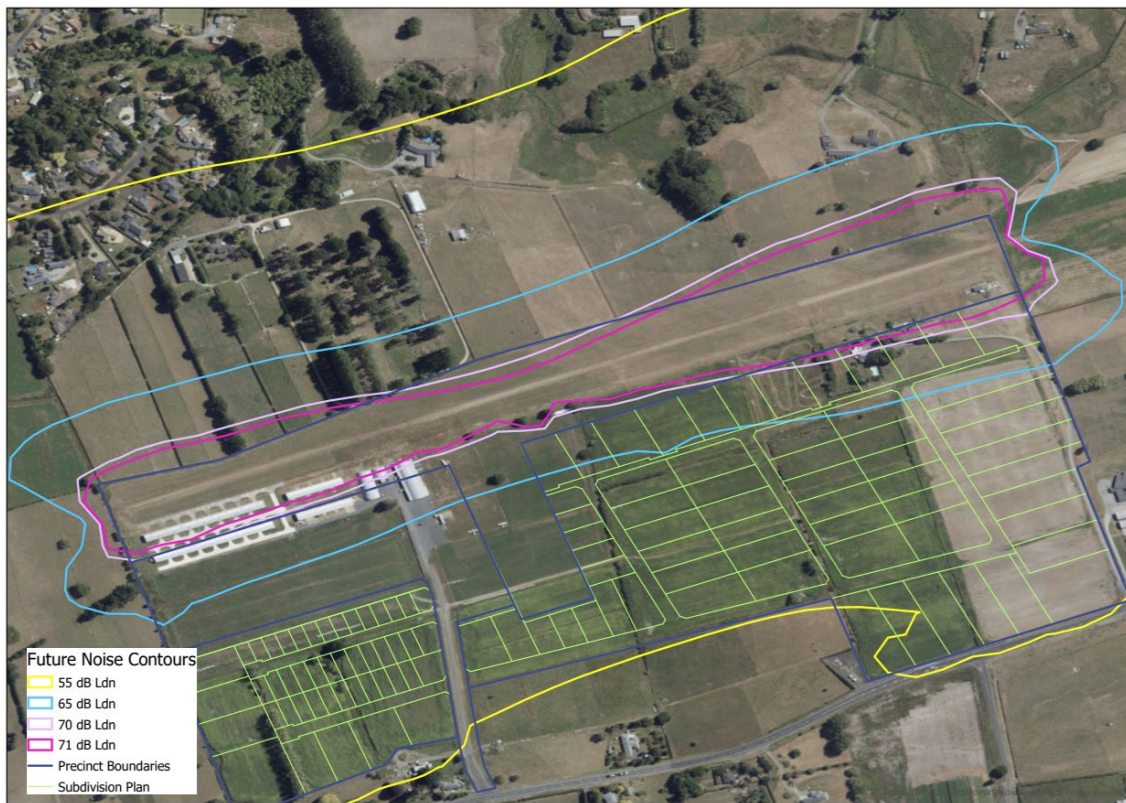
<sup>44</sup> Paragraph 7, Evidence in Reply of Laurel Smith for NZTE Operations Limited, dated 8 April 2021.

<sup>45</sup> Paragraph 13, Evidence in Reply of David Serjeant for NZTE Operations Limited, 8 April 2021.

<sup>46</sup> Paragraph 43, Hearing Closing Statement Hearing 17: Te Kowhai Airpark, 17 June 2021.

<sup>47</sup> Paragraph 13, Evidence in Reply of David Serjeant for NZTE Operations Limited, 8 April 2021.





**Figure 2: Marshall Day Noise Contours**

### Hours of operation

- 4.29 With respect to hours of operation, the section 42A report recommended that aircraft operations are not permitted between 10 pm and 7 am. Exceptions largely for emergencies are recommended, but other operations during those hours would require resource consent.<sup>48</sup>
- 4.30 Ms Smith’s evidence considered that there was potential for unreasonable sleep disturbance effects as a result of night-time aircraft operations, however stated that the rule recommended in the section 42A report was unnecessary and overly restrictive. Ms Smith’s evidence considered that rather than having a night-time curfew, it was possible to manage the effects of occasional night-time movements by controlling the number of night-time departures and restricting circuit training at night.<sup>49</sup>
- 4.31 A number of submitters in their oral presentations raised concerns around the hours of operation including, for example Mrs Fowler and Mr Metcalfe. Mrs Fowler sought that flights be limited to daylight hours.
- 4.32 We consider there is merit in Mrs Fowler’s proposal of limiting aircraft operations to daylight hours and we accept the reasons of the section 42A report author. Given this, we find that flight operations should be limited to between 7 am and 10 pm for six months over “summer” and between 7 am and 7 pm for six months over “winter”. Two new

<sup>48</sup> Hearing Closing Statement, Section 42A Report Hearing 17: Te Kowhai Airpark Zone.

<sup>49</sup> Paragraph 87, Evidence in Chief of Laurel Smith on behalf of NZTE Operations Limited.

definitions have been included in the PDP to specify that the summer and winter periods are based on three months either side of the summer and winter solstices, respectively.

### **Aircraft movement threshold**

- 4.33 The section 42A report recommended the inclusion of a rule permitting a maximum of 15,000 aircraft movements per calendar year.<sup>50</sup> This was in response to the submissions of Greig Metcalfe, Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead.<sup>51</sup>
- 4.34 The section 42A report recommended the inclusion of this rule to address amenity effects<sup>52</sup> and based it on the forecasting included in Appendix 13 of the section 32 report. As noted earlier, this number was the predicted annual movements in the year 2031, a 10-year timeframe after the release of Council decisions on the PDP,<sup>53</sup> the lifespan of a district plan.
- 4.35 We asked questions during the hearing regarding the aircraft movement threshold, particularly focusing on how annual frequency of flights had already been considered in the modelling which produced the aircraft noise boundaries.
- 4.36 In response, Ms Smith stated she did not see a need for the threshold, given that modelling had already taken aircraft movements into account when developing the boundaries. Ms Smith's evidence also set out the following reasons for deleting this threshold:
- a) There is no noise effects basis for limiting the number of aircraft movements to 15,000 annually;
  - b) NZS 6805 does not promote controlling aircraft operations by the number of movements. Rather, the standard promotes the noise exposure approach which requires airport operators to manage average noise exposure levels within given limits;
  - c) The noise exposure method set out in NZS 6805 is appropriate for managing aircraft noise at smaller airports and has been implemented at several New Zealand airports similar to Te Kowhai without capping annual movements; and
  - d) Restricting annual movement numbers does not allow the airport operator the flexibility to manage aircraft operations to comply with the defined noise boundaries (e.g., encouraging quieter aircraft, restricting night flying).<sup>54</sup>
- 4.37 We find that a threshold rule is not required and we agree with the reasons set out in Ms Smith's evidence and stated above. Given this, Rule 27.2.17 has been deleted from the PDP.

### **Flight training school and circuit training**

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<sup>50</sup> Paragraph 755, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>51</sup> Paragraph 758, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>52</sup> Paragraph 752, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>53</sup> Paragraph 754, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>54</sup> Paragraph 84, Evidence in Chief of Laurel Smith on behalf of NZTE Operations Limited.

- 4.38 The section 42A report recommended specifying flight training schools and circuit training as non-complying in the activity table and considered that circuit training had different environmental effects, compared with aircraft operations.<sup>55</sup>
- 4.39 A number of submitters supported the section 42A report recommendations, namely Mrs Fowler, Mr Kit Maxwell, Mrs Rina Maxwell, Mr Greig Metcalfe and Mr Marshall Stead. In summary, their reasons included noise and annoyance issues from repetitive aircraft movements.
- 4.40 Ms Smith's evidence did not support this recommendation and noted that the modelled noise contours included approximately 23 per cent of movements using circuit flight tracks and the location of the 55 dB L<sub>dn</sub> contour was barely affected by these movements, thus demonstrating that noise from circuiting aircraft is not significant.<sup>56</sup>
- 4.41 Mr Serjeant's evidence stated that the noise generating aspects of a flight training school and circuit training were barely distinguishable from general airport operations according to Ms Smith, and there was no other reason for defining them or according them a separate status to aircraft operations.<sup>57</sup>
- 4.42 We agree with the section 42A report and submitters that a flight training school and circuit training have different adverse effects from general flight-related activities, as a consequence of the repetitive nature of aircraft movements and procedures. However, we find that discretionary activity status, as opposed to non-complying activity is more appropriate in recognition of the functional need for these activities to be undertaken at an aerodrome.
- 4.43 We have amended the PDP to include a flight training school and circuit training as separate discretionary activities.

#### **Gas transmission line**

- 4.44 In response to a submission by First Gas, the section 42A report recommended the inclusion of a standard in Rule 27.2.10, where excavation deeper than 200mm within 12m of the centreline of the gas transmission line through the Te Kowhai Airpark Zone would require resource consent.<sup>58</sup>
- 4.45 The section 42A report author agreed with First Gas's submission and cited the following reasons:
- a) First Gas is the Requiring Authority over some gas pipelines (part of the gas transmission network) within the Waikato District (Designation R1). However, the gas transmission pipeline location through the proposed Te Kowhai Airpark Zone is not designated in the PDP;<sup>59</sup>
  - b) The standard would give effect to Objective 3.12 and Policy 6.6 of the RPS,<sup>60</sup> which requires management of the built environment ensures particular regard is

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<sup>55</sup> Paragraph 69, Hearing Closing Statement, Section 42A Report Hearing 17: Te Kowhai Airpark Zone.

<sup>56</sup> Paragraph 95, Evidence in Chief of Laurel Smith on behalf of NZTE Operations Limited, dated 15 February 2021.

<sup>57</sup> Paragraph 7, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>58</sup> Paragraph 803, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>59</sup> Paragraph 804, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>60</sup> Paragraph 805, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

given to: (b) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;<sup>61</sup> and

- c) The standard would implement a new recommended Policy 6.1.17 in Chapter 6 of the PDP on regionally significant infrastructure.<sup>62</sup>

4.46 Mr Serjeant's evidence recommended the deletion of the earthworks standard.<sup>63</sup> Mr Serjeant stated that the First Gas pipeline was covered by an easement and the legal requirements of the easement would need to be met before earthworks could be undertaken.<sup>64</sup>

4.47 We agree with the evidence of Mr Serjeant that the pipeline is already protected by another legal mechanism. Given this, we have amended the PDP to delete the respective standard in Rule 27.2.10.

### **Temporary events**

4.48 In respect to temporary events, NZTE Operations Limited sought the deletion of Rule 27.2.14(d) which requires that the permitted activity rule not allow direct site access from a national route or regional arterial road.<sup>65</sup> Mr Serjeant's evidence supported this submission and sought its deletion, stating that the clause is redundant for the zone, and has been carried over as from a similar rule for the Rural Zone in the ODP.<sup>66</sup>

4.49 The section 42A report recommended retention of this rule, stating that a temporary event may result in a substantial change in traffic making use of that existing crossing onto the State Highway.<sup>67</sup> Furthermore, the section 42A report stated that the consenting process provided the opportunity to assess whether the existing crossing was suitable to cater for the increase volume of traffic movements, as provided for by the rule as notified.<sup>68</sup>

4.50 We agree with the recommendation and reasons in the section 42A report. We find that an increase in traffic movements, albeit temporary, should be assessed as part of a resource consent process. Given this, Rule 27.2.14(d) is to be retained as notified.

## **5 Conclusion**

5.1 We have carefully considered the evidence and submissions of NZTE Operations Limited, the concerns raised by neighbouring submitters and the section 42A report author. Some of those concerns we accept need to be closely managed through a consenting process and others such as night-time flying or requiring the removal of trees in the extended IHS area would be inappropriate in this locality.

5.2 Overall, we are satisfied that the Te Kowhai Airpark Zone provisions as amended will provide a suitable framework for managing the effects of the aerodrome operations while

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<sup>61</sup> Policy 6.6 of the Waikato Regional Policy Statement.

<sup>62</sup> Paragraph 17, Section 42A Report Infrastructure, dated 20 October 2020.

<sup>63</sup> Paragraph 14, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>64</sup> Paragraph 14, Summary of Evidence of David Serjeant on behalf of NZTE Operations Limited, dated 3 March 2021.

<sup>65</sup> Paragraph 892, Section 42A Report Hearing 17: Te Kowhai Airpark Zone, dated 29 January 2021.

<sup>66</sup> Paragraph 77, Evidence in Chief of David Serjeant on behalf of NZTE Operations Limited, 15 February 2021.

<sup>67</sup> Paragraph 17, Hearing Closing Statement, Section 42A Report Hearing 17: Te Kowhai Airpark Zone.

<sup>68</sup> Paragraph 17, Hearing Closing Statement, Section 42A Report Hearing 17: Te Kowhai Airpark Zone.

providing for its future development within appropriate environmental and safety constraints.

- 5.3 We accept the section 42A report and the evidence filed by the submitters collectively forming the section 32AA assessment informing this Decision. The final provisions of the Te Kowhai Airpark Zone are set out in **Attachment 1**.

**For the Hearings Panel**



**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

# Attachment I

## Contents

### **1.0 Objectives and Policies - Chapter 9: Specific Zones**

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##### 9.2.1.1 Policy - Development

##### 9.2.1.2 Policy - Servicing

##### 9.2.1.3 Policy – Precinct–based development

##### 9.2.1.4 Policy – Alignment of activities

##### 9.2.1.5 Policy – Commercial activity

##### 9.2.1.6 Policy – Existing and future operations

##### 9.2.1.7 Policy – Future connectivity with Te Kowhai Village

##### 9.2.2 Objective – Amenity outcomes

##### 9.2.2.1 Policies - Airpark standards

##### 9.2.3 Objective – Aerodrome reverse sensitivity

##### 9.2.3.1 Policies – Aerodrome reverse sensitivity

### **2.0 Rules - Chapter 27: Te Kowhai Airpark Zone**

#### **27.1 Land Use - Activities**

##### 27.1.1 Activity Status Table

#### **27.2 Land Use – Effects**

##### 27.2.1 On Site Services

##### 27.2.2 Access and road performance standards

##### 27.2.3 On Site parking and loading

##### 27.2.4 On site manoeuvring

##### 27.2.5 Vehicle movements

##### 27.2.6 Noise - Other than ~~Taxiways~~ Aircraft Operations

##### ~~27.2.7 Noise – Taxiways~~

##### ~~27.2.7A~~ Noise – Taxiways Aircraft Operations

##### 27.2.8 Construction Noise

##### 27.2.9 Glare and Lighting

##### 27.2.10 Earthworks

##### 27.2.11 Hazardous Substances



27.2.12 Signs

27.2.13 Signs - effects on traffic

27.2.14 Temporary Events

27.2.15 Outdoor storage

27.2.16 Hours of Operation for Aircraft Operations

### **27.3 Land Use – Building**

27.3.1 Height of - Buildings, structures, trees and ~~other~~ vegetation within an airport obstacle limitation surface

27.3.1A Height - Building General

27.3.2 Daylight Admission

27.3.3 Building coverage and impervious area

27.3.4 Building setbacks – General

27.3.5 Building setback from taxiway

27.3.6 Building setback from airpark zone boundary

27.3.7 Building setback from a State highway

27.3.8 Living Court

27.3.9 Service Court

27.3.10 Wastewater treatment setback

27.3.11 Number of Dwellings

27.3.12 Minor Dwelling

27.3.13 Minimum site area for a dwelling

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### **27.4 Subdivision**

27.4.1 Subdivision General

27.4.2 Subdivision Allotment Size

27.4.3 Title boundaries

27.4.4 Road frontage

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## **3.0 Definitions**

3.1 Aircraft Operations

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## **4.0 District Plan Maps**

- 4.1 Airport Obstacle Limitation Surface (OLS)
- 4.2 Airport Noise Control Boundaries (ANCB's)

## **5.0 Appendix 1: Acoustic Insulation**

- 5.1 Section 3: Te Kowhai Airpark

## **6.0 Appendix 9: Te Kowhai Airfield Aerodrome**

- 6.1 Title of Appendix 9
- 6.2 Sections 1, 2 and 3 Airport Obstacle Limitation Surface (OLS)
- 6.3 Appendix 9 plans

## **7.0 Other Zones**

## **1.0 Objectives and Policies - Chapter 9: Specific Zones**

### **9.2 Te Kowhai Airpark**

#### **9.2.1 Objective – Te Kowhai Airpark**

- (a) To use and develop Te Kowhai Airpark as a strategically-significant, safe and economically-sustainable airpark that meets the current and future needs of the aviation community.

#### **9.2.1.1 Policy - Development**

- (a) Facilitate development of Te Kowhai Airpark by providing for a diversity of residential and commercial opportunities which leverage off existing aerodrome infrastructure.
- (b) Develop Te Kowhai Airpark in accordance with the Te Kowhai Airpark Framework Plan in Appendix 9.
- (c) Enable educational facilities where they have a functional need to locate within the Te Kowhai Airpark Zone while managing potential adverse effects of the activities on the environment.

#### **9.2.1.2 Policy - Servicing**

- (a) Development is to be adequately serviced with respect to essential services, water supply (including for firefighting purposes), wastewater treatment and disposal and stormwater treatment and disposal.

#### **9.2.1.3 Policy – Precinct-based development**

- (a) Provide a precinct based approach that enables the strategic development and management of Te Kowhai Airpark such that:
  - (i) Precinct A - provides for a runway, runway strip and associated aircraft operations;
  - (ii) Precinct B - provides for commercial activity which supports the airpark and the aviation sector;
  - (iii) Precinct C - provides for medium density residential activities;
  - (iv) Precinct D - provides for low density residential development and a transitional higher density airside overlay; and
  - (v) All precincts - have taxiway connectivity with the runway.

#### **9.2.1.4 Policy – Alignment of activities**

- (a) On-site activities must be consistent with the precinct functions and / or must be consistent with the use of the taxiway network, both as identified in the Te Kowhai Airpark Framework Plan.

#### **9.2.1.5 Policy – Commercial activity**

- (a) Provide for commercial activities that support Te Kowhai Airpark and the aviation sector, including hangars, workshops and refuelling facilities.

#### **9.2.1.6 Policy – Existing and future operations**

- (a) Te Kowhai Aerodrome's existing and future operational needs are safeguarded through mechanisms such as airspace protection (Obstacle Limitation Surface) and noise control boundaries.
- (b) Buildings, structures, trees and other vegetation do not create a potential hazard to the flight paths of aircraft or any other operations associated with Te Kowhai Aerodrome.

- (c) ~~Sensitive land uses~~ Noise-sensitive activities within the noise control boundaries must achieve appropriate internal noise levels taking into account adverse noise effects on human health and amenity values.

#### **9.2.1.7 Policy – Future connectivity with Te Kowhai Village**

- (a) Provide for future connectivity between Te Kowhai Airpark and Te Kowhai village in the Te Kowhai Airpark Framework Plan.

#### **9.2.2 Objective – Amenity outcomes**

- (a) The adverse effects of airpark activities are managed to ensure acceptable amenity outcomes.

#### **9.2.2.1 Policies - Airpark standards**

- (a) Manage adverse airpark effects through the application of general and airpark-specific performance standards including:
- (i) Noise;
  - (ii) Hazardous substances;
  - (iii) Building setbacks;
  - (iv) Minimum site areas; ~~and~~
  - (v) Subdivision allotment size; ~~and~~
  - (vi) Hours of operation for aircraft operations.
- (b) ~~To e~~Ensure that bulk and location standards provide for the unique operational requirements of an airpark whilst at the same time achieving appropriate levels of amenity.
- (c) Limit the establishment and / or operation of a flight training school except where effects on amenity are appropriately managed and it is compatible with surrounding land uses.
- (d) Limit circuit training from being undertaken unless the effects on amenity are appropriately managed and it is compatible with surrounding land uses.
- (e) Ensure adverse effects of educational facilities, including adverse effects on land transport networks, are minimised to maintain amenity and character in the Te Kowhai Airpark Zone and are in keeping with the primary use of the precincts.

#### **9.2.3 Objective – Aerodrome reverse sensitivity**

- (a) The operational needs of Te Kowhai Airpark are not compromised by noise-sensitive activities with the potential for reverse sensitivity conflict.

#### **9.2.3.1 Policies – Aerodrome reverse sensitivity**

Manage reverse sensitivity risk by:

- (a) ensuring that noise-sensitive activities within the Te Kowhai Airpark Noise Control Boundaries are acoustically insulated to appropriate standards; and
- (b) ensuring that Te Kowhai aerodrome operates within the noise limits specified by the Te Kowhai Airpark Noise Control Boundaries.

## 2.0 Chapter 27: Te Kowhai Airpark Zone

- (1) The rules that apply to activities in the Te Kowhai Airpark Zone are contained in Rule 27.2 Land Use – Effects and, Rule 27.3 Land Use – Building.
- (2) The provision for subdivision in the Te Kowhai Airpark Zone are contained in Rule 27.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Te Kowhai Airpark Zone:
  - 14 Infrastructure and Energy as specified in Rule 27.2;
  - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
  - (a) P Permitted activity
  - (b) C Controlled activity
  - (c) RD Restricted discretionary activity
  - (d) D Discretionary activity
  - (e) NC Non-complying activity
- (5) The Te Kowhai Airpark comprises four separate precinct areas:
  - (a) **Precinct A:** Runway and Operations;
  - (b) **Precinct B:** Commercial;
  - (c) **Precinct C:** Medium Density Residential;
  - (d) **Precinct D:** Residential;
- (6) The Te Kowhai Airpark Zone is shown on the planning maps along with the location of the four precinct areas within the zone.
- (7) Rule Table 27.1.1 identifies Permitted activities (P), Controlled Activities (C), Discretionary activities (D) and Non-complying activities (NC) within each precinct.

### 27.1 Land Use - Activities

- (a) All Permitted and Controlled activities identified in Activity Status Table 27.1.1 must comply with all Land Use - Effects rules in Rule 27.2 and Land Use - Building rules in Rule 27.3.
- (b) With respect to controlled activities, Council reserves control over the following matters:
  - i. The proposed site design and layout in relation to:
    1. The sensitivity of the surrounding natural, human and physical environment,
    2. Potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities, and
    3. Interaction with natural hazards (flooding, instability), as applicable,
  - ii. Proposed emergency management planning (spills, fire and other relevant hazards), and

Proposed procedures for monitoring and reporting of incidents.

- (c) To reference the activity status use the following format:
  - (i) Rule
  - (ii) Activity status and number
  - (iii) Activity
  - (iv) Precinct(for example 21.7 D I I Navigation Equipment Precinct B Commercial)

#### 27.1.1 Activity Status Table

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

<b>Activity</b>	<b>Precinct A Runway &amp; Operations</b>	<b>Precinct B Commercial</b>	<b>Precinct C Medium Density Residential</b>	<b>Precinct D Residential</b>
General aviation	P1	P2	D1	D2
Recreational flying	P3	P4	P5	P6
Commercial Car Parks	P7	P8	D3	D4
Storage	P9	P10	P11	D5
Fuel storage and refuelling infrastructure, including self-automated dispensing facilities for aircraft and vehicles	C1	C2	D6	D7
Water, stormwater and wastewater utility infrastructure to service Te Kowhai Airpark	P12	P13	P14	P15
Commercial maintenance and servicing of aircraft;	P16	P17	D8	D9
Domestic maintenance and servicing of aircraft	P18	P19	P20	P21
<del>Events and promotions, including Temporary events</del>	P22	P23	P24	D10
Taxiways	P25	P26	P27	P28
Navigational equipment.	P29	D11	D12	D13
Clubrooms	NC1	P80	D14	D15
Cafes and Restaurants (including licensed premises)	NC2	P31	D16	D17
<del>Retail Commercial activity (to a maximum 300m<sup>2</sup> gross floor area in each precinct).</del>	NC3	<u>P32 to a maximum 300m<sup>2</sup> gross floor area</u>	D18	D19
<del>Teaching &amp; Conference facilities</del>	NC4	P33	D20	D21
Car rentals	NC5	P34	D22	D23
Community facility (to a maximum 300m2 gross floor area in each precinct)	NC6	P35	P36	D24
Playgrounds	NC7	P37	D25	D26
<del>Home occupation business</del>	NC8	D27	P38	P39
Residential	NC9	D28	P40	P41
Visitor accommodation	NC10	D29	P42	D30



Hangars ancillary to residential development, providing the hangar is constructed simultaneously with, or subsequent to, its associated dwelling.	NC11	D31	D32	P43
Minor <del>Dwellings-residential</del> unit	NC12	D33	P44	P45
Activities not specifically listed in Rules Table 27.1.3	D34	D35	D36	D37
<u>Aircraft Operations</u>	<u>P46</u>	<u>P47</u>	<u>P48</u>	<u>P49</u>
<u>Circuit Training</u>	<u>D38</u>	<u>D39</u>	<u>D40</u>	<u>D41</u>
<u>Flight Training School</u>	NC13	D42	D43	D44
<u>Teaching and Conference facilities</u>	NC14	P50	D45	D46
<u>Educational facility</u>	<u>NC22</u>	<u>RD3</u>	<u>RD1</u>	<u>RD2</u>
<u>Noise-sensitive activities outside the 70 dB Ldn contour as shown in Appendix I – Acoustic Insulation Rule 3 Figure 2</u>	<u>P53</u>	<u>P54</u>	<u>P55</u>	<u>P56</u>
<u>Noise-sensitive activities inside the 70 dB Ldn contour as shown in Appendix I – Acoustic Insulation Rule 3 Figure 2</u>	<u>NC15</u>	<u>NC16</u>	<u>NC17</u>	<u>NC18</u>

### 27.1.2 Restricted Discretionary Activities

- (1) The Educational facility activities RD1, and RD2 and RD3 in 27.1.1 Activity Status Table above and as listed in 27.1.2 below, are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

### 27.1.2 Matters of Discretion

Activity	Matters of Discretion
<u>RD1 &amp; RD2 &amp; RD3</u> <u>Educational facility</u>	<ol style="list-style-type: none"> <li>(a) <u>The extent to which it is necessary to locate the activity in the Te Kowhai Airpark Zone.</u></li> <li>(b) <u>Reverse sensitivity effects of adjacent activities.</u></li> <li>(c) <u>The extent to which the activity may adversely impact on the transport network.</u></li> <li>(d) <u>The extent to which the activity may adversely impact on the streetscape and the amenity and character of the neighbourhood, with particular regard to the bulk of the buildings.</u></li> <li>(e) <u>The extent to which the activity may adversely impact affect or be affected by on the noise environment.</u></li> </ol>

## 27.2 Land Use – Effects

### **27.2.1 On Site Services**

Any activity must comply with the requirements for service connections in Rules 14.2 and 14.11 of Chapter 14 (Infrastructure and Energy).

### **27.2.2 Access and road performance standards**

Any activity must comply with the requirements for new roads in Rule 14.12 of Chapter 14 (Infrastructure and Energy Rules).

### **27.2.3 On Site parking and loading**

Any activity must comply with the requirements for on-site parking and loading in Rule 14.12 of Chapter 14 (Infrastructure and Energy Rules).

### **27.2.4 On site manoeuvring**

Any activity must comply with the requirements for on-site manoeuvring and queuing in Rule 14.12 of Chapter 14 (Infrastructure and Energy).

### **27.2.5 Vehicle movements**

Any activity must comply with the requirements for traffic generation in Rule 14.12 of Chapter 14 (Infrastructure and Energy).

### **27.2.6 Noise – Other than Taxiways Aircraft Operations**

Noise generated by activities permitted under Rule P1 are not subject to Rule P2. Construction noise is subject to Rule 27.2.8

P1	Noise generated by emergency sirens.
<del>P1</del> P2	<p>(a) Noise from any activity in PRECINCT B must not exceed the following noise limits when measured at the notional boundary of a site within the Rural Zone:</p> <p>(i) 55dB<sub>(LAeq)</sub> 7am to 10pm every day; and</p> <p>(ii) 40dB<sub>(LAeq)</sub> and 70dB<sub>(LAFmax)</sub> 10pm to 7am the following day.</p> <p><del>(a) Noise, other than noise from aircraft operations, measured within any site in any zone, other than the Te Kowhai Airpark Zone, must meet the permitted noise levels for that zone.</del></p> <p><del>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</del></p> <p><del>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</del></p>
P2	<p>(a) Noise from any activity in PRECINCT C OR D must not exceed the following noise limits when measured at the notional boundary of any site in the Rural Zone outside of the Te Kowhai Airpark Zone:</p> <p>(i) 50dB<sub>(LAeq)</sub> 7am to 7pm every day; and</p> <p>(ii) 45dB<sub>(LAeq)</sub> 7pm to 10pm every day; and</p> <p>(iii) 40dB<sub>(LAeq)</sub> and 65dB<sub>(LAFmax)</sub> all other times.</p>
P3	<p>(a) In ALL PRECINCTS, Rules P1 and P2 do not apply to:</p> <p>(i) Noise from aircraft movement on the taxiways; or</p> <p>(ii) Construction noise; or</p> <p>(iii) Noise from emergency sirens.</p>
DI	Any activity that does not comply with Rule 27.2.6 P1, P2 or P3.

### 27.2.7 Noise – Taxiways

P1	<p><del>(a) In ALL PRECINCTS, noise from aircraft movements on the taxiways must not exceed the following noise limits:</del></p> <p><del>(i) When measured at the notional boundary of 202, 212 and 214 Limmer Road:</del></p> <p style="padding-left: 40px;"><del>A. 50dB (L<sub>Aeq</sub>), 7am to 10pm every day; and</del></p> <p style="padding-left: 40px;"><del>B. 40dB (L<sub>Aeq</sub>), and 65dB (L<sub>AFmax</sub>) at all other times; or</del></p> <p><del>(ii) When measured at the notional boundary of any other site in the Rural Zone:</del></p> <p style="padding-left: 40px;"><del>A. 50dB (L<sub>Aeq</sub>), 7am to 7pm every day; and</del></p> <p style="padding-left: 40px;"><del>B. 45dB (L<sub>Aeq</sub>), 7pm to 10pm every day; and</del></p> <p style="padding-left: 40px;"><del>C. 40dB (L<sub>Aeq</sub>), and 65dB (L<sub>AFmax</sub>) at all other times</del></p> <p><del>(b) Rule 27.2 (P1)(a)(ii) does not apply to 98A and 98B Limmer Road</del></p>
D1	Any activity that does not comply with Rule 27.2.7P1.

### 27.2.7A Noise - Taxiways Aircraft Operations

P1	<p>a) <del>In ALL PRECINCTS, noise from aircraft movements on the taxiways must not exceed the following noise limits:</del></p> <p><del>(i) When measured at the notional boundary of 202, 212 and 214 Limmer Road:</del></p> <p style="padding-left: 40px;"><del>A. 50dB<sub>(L<sub>Aeq</sub>)</sub>, 7am to 10pm every day; and</del></p> <p style="padding-left: 40px;"><del>B. 40dB<sub>(L<sub>Aeq</sub>)</sub>, and 65dB<sub>(L<sub>AFmax</sub>)</sub> at all other times; or</del></p> <p><del>(ii) When measured at the notional boundary of any other site in the Rural Zone:</del></p> <p style="padding-left: 40px;"><del>A. 50dB<sub>(L<sub>Aeq</sub>)</sub>, 7am to 7pm every day; and</del></p> <p style="padding-left: 40px;"><del>B. 45dB<sub>(L<sub>Aeq</sub>)</sub>, 7pm to 10pm every day; and</del></p> <p style="padding-left: 40px;"><del>C. 40dB<sub>(L<sub>Aeq</sub>)</sub>, and 65dB<sub>(L<sub>AFmax</sub>)</sub> at all other times</del></p> <p><del>(b) Rule 27.2 (P1)(a)(ii) does not apply to 98A and 98B Limmer Road</del></p> <p><u>(a) Noise from aircraft operations in ALL PRECINCTS, including aircraft movements on taxiways, shall not exceed 65dB Ldn outside the Air Noise Boundary and 55dB Ldn outside the Outer Control Boundary as shown on the Planning Maps when assessed in Precincts C and D and on receiving sites outside of the Te Kowhai Airpark Zone. For the purpose of this rule aircraft noise shall be assessed in accordance with NZS6805:1992 "Airport Noise Management and Land Use Planning" and logarithmically averaged over a three month period. The following operations are excluded from the calculation of noise for compliance with noise limits:</u></p> <ul style="list-style-type: none"> <li>• <u>Aircraft engine testing and maintenance</u></li> <li>• <u>Aircraft landing or taking off in an emergency</u></li> <li>• <u>Emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency</u></li> <li>• <u>Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002</u></li> <li>• <u>Aircraft using the aerodrome due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere</u></li> <li>• <u>Aircraft undertaking firefighting duties</u></li> <li>• <u>Air Show (for one air show per calendar year)</u></li> </ul> <p><u>(b) Aircraft movements shall be recorded monthly and noise contours for the purpose of assessing compliance with Rule 27.2.7A P1 shall be calculated no later than 12 months from the date when the rule becomes legally operative and thereafter once every two years. When the calculated noise level is within 1 decibel of the 65dB Ldn and / or 55dB Ldn limit/s, noise contours for the purpose of assessing compliance with Rule 27.2.7A shall be calculated annually and verified with infield monitoring once every two years.</u></p>
P2	<p><u>(a) Aircraft engine testing and maintenance in all precincts must:</u></p> <p style="padding-left: 40px;"><u>(i) take place only between:</u></p> <p style="padding-left: 80px;"><u>(1) 0800 hours and 2000 hours in the Summer Period; or</u></p> <p style="padding-left: 80px;"><u>(2) 0800 hours and 1900 hours in the Winter Period</u></p>

	<p>(ii) <u>meet the receiving site relevant zone permitted noise levels when measured at the notional boundary of any site outside the Te Kowhai Airpark Zone</u></p> <p>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</p>
DI	Any activity that does not comply with Rule 27.2.7A PI and P2.

### 27.2.8 Construction Noise

PI	<p>(a) Construction noise generated from a construction site in ALL PRECINCTS must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise).</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</p>
DI	Any activity that does not comply with Rule 27.2.8 PI.

### 27.2.9 Glare and Lighting

PI	(a) In ALL PRECINCTS, illumination from glare and artificial light spill must not exceed 10 lux measured vertically at any other site.
RDI	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 27.2.9 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Light spill levels on any other site;</p> <p>(iii) Road safety;</p> <p>(iv) Duration and frequency.</p>

### 27.2.10 Earthworks

PI	<p>(a) In ALL PRECINCTS, earthworks within a site must meet all of the following <del>conditions</del> <u>standards</u>:</p> <p>(i) Earthworks must be located more than 1.5m either side of a public sewer, open drain, overland flowpath or other service pipe;</p> <p>(ii) Earthworks must not exceed a volume of more than 1,000m<sup>3</sup> in a single calendar year;</p> <p>(iii) Earthworks must not exceed an area of more than 1,000m<sup>2</sup> in a single calendar year;</p> <p>(iv) The height of the resulting cut or batter face does not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(v) Areas exposed by the earthworks not covered by buildings or other impervious surfaces are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls; <u>and</u></p> <p>(vii) Earthworks must not divert or change natural water flows or established drainage paths.</p> <p><del>(viii) Earthworks greater than 200mm depth are to be located a minimum of 12m from the centreline of a gas transmission pipeline.</del></p>
P2	<p>(a) In ALL PRECINCTS, the importation of fill material to a site must meet all of the following <del>conditions</del> <u>standards</u>, in addition to the <del>conditions</del> <u>standards</u> in Rule 27.2.10 PI (a):</p> <p>(i) Earthworks do not exceed a total volume of 20m<sup>3</sup> per site and a depth of 1m;</p> <p>(ii) Earthworks must be fit for compaction;</p> <p>(iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(iv) Earthworks do not restrict the ability for land to drain;</p> <p>(v) Earthworks are not located within 1.5m of public sewers, utility services or manholes; and</p> <p>(vi) The sediment from fill material is retained on the site.</p>
RDI	(a) Earthworks that do not comply with Rule 27.2.10 PI or P2.

	<p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of earthworks;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of fill material;</li> <li>(v) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) Compaction of the fill material;</li> <li>(vii) Volume and depth of fill material;</li> <li>(viii) Geotechnical stability;</li> <li>(ix) Flood risk, including natural water flows and established drainage paths;</li> <li>(x) Land instability, erosion and sedimentation;</li> <li>(xi) Proximity to underground services and service connections; <u>and-</u></li> <li>(xii) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u></li> </ul>
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## 27.2.11 Hazardous Substances

The provisions notified under this heading are addressed in Decision Report 11: Hazardous Substances and Contaminated Land

## 27.2.12 Signs

P1	<p>(a) Any sign located in PRECINCT A OR B that is visible from a public place or site in another zone must comply with all of the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) The sign height does not exceed 10m;</li> <li>(ii) Where the sign is attached to a building, it must not: <ul style="list-style-type: none"> <li>A. Extend more than 300mm from the external wall of the building; and</li> <li>B. Exceed the height of the building,</li> </ul> </li> <li>(iii) Where the sign is a free-standing sign, it must: <ul style="list-style-type: none"> <li>A. Not exceed an area of 3m<sup>2</sup> for one sign per site; and 1 m<sup>2</sup> for any other free-standing sign on the site; and</li> <li>B. Be set back at least 5m from the boundary of any site in the <del>Village</del> <u>LLRZ -Large Lot Residential or SETZ - Settlement Zone,</u></li> </ul> </li> <li>(iv) Where the sign is illuminated, it must: <ul style="list-style-type: none"> <li>A. Not have a light source that flashes or moves; and</li> <li>B. Not contain moving parts or reflective materials; and</li> <li>C. Be directed to ensure it does not spill light beyond the site.</li> </ul> </li> </ul>
P2	<p>(a) Any sign located in PRECINCT C OR D that is visible from a public place or site in another zone must:</p> <ul style="list-style-type: none"> <li>(i) Relate to goods or services available on the site; or</li> <li>(ii) Be a property name sign; and</li> <li>(iii) Be the only sign on the site; and</li> <li>(iv) Not be illuminated, flashing or moving; and</li> <li>(v) Not exceed 0.25m<sup>2</sup>; and</li> <li>(vi) Not exceed 2m in height.</li> </ul>
P3	<p>(a) In ALL PRECINCTS, a real estate <del>'for sale'</del> <u>sign must relating to the site on which it is located must comply with all of the following standards:</u></p> <ul style="list-style-type: none"> <li><del>(i) Relate to the sale of the site on which it is located; and</del></li> <li><del>(ii) Be no more than 2 signs per site; and</del></li> <li><del>(iii) Be no larger than 1m<sup>2</sup> in area (per sign).</del></li> <li><u>(i) There are no more than 3 signs per site of which:</u> <ul style="list-style-type: none"> <li><u>(A) There is no more than 1 sign per agency measuring 600mm x 900mm;</u></li> <li><u>(B) There is no more than 1 sign measuring 1800mm x 1200mm; and</u></li> <li><u>(C) There is no more than 1 real estate header sign measuring 1800mm x 1200mm.</u></li> </ul> </li> </ul>

P4	(a) In ALL PRECINCTS, a sign advertising a community event or temporary event must: <ul style="list-style-type: none"> <li>(i) Be on display for no more than 3 months prior to the event; and</li> <li>(ii) Be removed no later than 5 days after the event.</li> </ul>
RDI	(a) Any sign that does not comply with Rule 27.2.12 P1, P2, P3 or P4. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Visual impact of the sign;</li> <li>(iii) Nature, scale and location;</li> <li>(iv) Streetscape;</li> <li>(v) Effects on any other site in the locality;</li> <li>(vi) Glare and light spill;</li> <li>(vii) Traffic safety.</li> </ul>

### 27.2.13 Signs - effects on traffic

PI	(a) In ALL PRECINCTS, any sign directed at road users must: <ul style="list-style-type: none"> <li>(i) Not imitate the content, colour or appearance of any traffic control sign; and</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; and</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and</li> <li>(iv) Contain <del>maximum</del> <u>no more than</u> 40 characters and a <del>maximum of</del> <u>no more than</u> 6 words and <u>/or</u> symbols; and</li> <li>(v) Have lettering that is at least 150mm high; and</li> <li>(vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.</li> </ul>
RDI	(a) Any sign that does not comply with Rule 27.2.13 P1. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on amenity values, including cumulative effects;</li> <li>(ii) Effects on the safe and efficient operation of the <del>road-land transport</del> <u>road-land transport</u></li> <li>(iii) Size and number of characters, <u>words</u> and symbols;</li> <li>(iv) Size of sign and support structure;</li> <li>(v) Visual appearance.</li> </ul>

### 27.2.14 Temporary Events

PI	(a) In ALL PRECINCTS, a temporary event must comply with all of the following <del>conditions</del> <u>standards</u> : <ul style="list-style-type: none"> <li>(i) The event occurs no more than 3 times <u>per calendar year</u>;</li> <li>(ii) It does not involve motorised outdoor recreation (except flying);</li> <li>(iii) It does not involve outdoor musical events or concerts;</li> <li>(iv) It operates within the hours of: <ul style="list-style-type: none"> <li>A. 7.30am to 10pm Monday to Saturday; and</li> <li>B. 7.30am to 6pm Sunday; <u>and</u></li> </ul> </li> <li>(v) <u>An air show event occurs only once per calendar year.</u></li> </ul> (b) Temporary structures are: <ul style="list-style-type: none"> <li>(i) Erected no more than 2 days before the event occurs; and</li> <li>(ii) Removed no more than 3 days after the end of the event;</li> </ul> (c) The site is returned to its original condition no more than 3 days after the end of the event; <u>and</u> (d) <del>Where there is no direct site access from a national route or regional arterial road, the event is undertaken in accordance with a Traffic Management Plan (if required) authorised by the relevant Road Controlling Authority.</del>
RDI	(a) A temporary activity that does not comply with Rule 27.3.14 P1. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Amenity;</li> <li>(ii) Noise levels;</li> <li>(iii) Timing and duration of the event; <u>and</u></li> <li>(iv) <del>Traffic and road safety effects.</del> <u>Effects on the safe and efficient operation of the land transport network.</u></li> </ul>



### 27.2.15 Outdoor storage

PI	(a) In PRECINCT A AND B, outdoor storage of goods or materials must: <ul style="list-style-type: none"> <li>(i) Be associated with a Permitted Activity operating from the site;</li> <li>(ii) Not exceed a height of 9m;</li> <li>(iii) Not encroach on any required parking and manoeuvring areas; and</li> <li>(iv) Not exceed 30% site coverage.</li> </ul>
P2	(a) In PRECINCT C AND D, outdoor storage of goods or materials must: <ul style="list-style-type: none"> <li>(i) Be associated with a Permitted Activity operating from the site; and</li> <li>(ii) Not encroach on any required parking and manoeuvring areas.</li> </ul>
RD1	(a) Outdoor storage of goods or materials that does not comply one or more <del>conditions</del> <u>standards</u> in Rule 27.2.15 PI and P2. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on amenity;</li> <li>(ii) Visual impact;</li> <li>(iii) Nature, scale and location of screening;</li> <li>(iv) Proximity and height of stockpiles to road reserve or other sites;</li> <li>(v) Access to sunlight and daylight;</li> <li>(vi) Safety of road users and pedestrians.</li> </ul>

### 27.2.16 – Hours of Operation for Aircraft Operations

PI	(a) <u>In ALL PRECINCTS, Aircraft Operations must be carried out between:</u> <ul style="list-style-type: none"> <li>(i) <u>0700 hours to 2200 hours in the Summer Period; or</u></li> <li>(ii) <u>0700 hours to 1900 hours in the Winter Period.</u></li> </ul>
P2	(a) <u>In ALL PRECINCTS, Rule PI does not apply to the following:</u> <ul style="list-style-type: none"> <li>(i) <u>Aircraft landing or taking off in an emergency; or</u></li> <li>(ii) <u>Emergency flights required to rescue persons from life threatening situations; or</u></li> <li>(iii) <u>Emergency flights to transport patients, human vital organs or medical personnel in a medical emergency; or</u></li> <li>(iv) <u>Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002; or</u></li> <li>(v) <u>Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere; or</u></li> <li>(vi) <u>Aircraft being used in the course of firefighting duties; or</u></li> <li>(vii) <u>Aircraft being used in the course of police duties.</u></li> </ul>
DI	<u>Any activity that does not comply with Rule 27.2.16 PI and P2.</u>

## 27.3 Land Use – Building

### 27.3.1 – Height of - Buildings, structures, trees, and other vegetation within an airport obstacle limitation surface

PI	(a) The construction or alteration of any building or structure in PRECINCT A OR B must not exceed a height of <u>10m measured from the natural ground level immediately below that part of the structure</u> , and (a) Any building, structure, tree or other vegetation in PRECINCT A OR B must not protrude through the Approach and Take-Off Surface and related Transitional Side Surfaces of the Airport Obstacle Limitation Surfaces for the Te Kowhai Aerodrome as identified on the planning maps and defined in Appendix 9 (Te Kowhai Airfield and Obstacle Limitation Surface) – Te Kowhai Aerodrome.
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P2	(a) The construction or alteration of any building or structure in PRECINCT C OR D must not exceed a height of <u>7.5m measured from the natural ground level immediately below that part of the structure</u> , and (a) Any building, or structure, tree or other vegetation in PRECINCTS C OR D must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surfaces for the Te Kowhai Aerodrome as identified on the planning maps and defined in Appendix 9 (Te Kowhai Airfield and Obstacle Limitation Surface) – Te Kowhai Aerodrome.
RDI	(a) Any building, structure, tree or other vegetation that does not comply with Rule 27.3.1. P1 or P2. <u>(b) Council's discretion is restricted to the following matter:</u> (i) <u>Effect on the safe and efficient operation of Te Kowhai aerodrome and airpark;</u>

### 27.3.1A Height – Building General

P1	(a) The construction or alteration of any building or structure in PRECINCT A OR B must not exceed a height of 10m <u>measured from the natural ground level immediately below that part of the structure, and.</u>
P2	(a) The construction or alteration of any building or structure in PRECINCT C OR D must not exceed a height of 7.5m <u>measured from the natural ground level immediately below that part of the structure, and.</u>
RDI	(a) Any building, <u>or structure, tree or other vegetation</u> that does not comply with Rule 27.3.1.P1 or P2. (b) Council's discretion is restricted to the following matters: (i) Form, bulk and location of building, structure, object, mast or tree; <del>(ii) Effect on the safe and efficient operation of Te Kowhai aerodrome and airpark;</del> (iii) Access to daylight and sunlight.
<del>RDI</del>	<del>Any building, or structure, tree or other vegetation that does not comply with Rule 27.3.1 RDI.</del>

### 27.3.2 Daylight Admission Height in relation to boundary

P1	(a) Any building or stockpiling of materials in PRECINCT A OR B must not protrude through a height control plane rising at an angle of: (i) 45 degrees commencing at an elevation of 2.5m above ground level at every point of the Precinct boundary; or (ii) 37 degrees commencing at an elevation of 2.5m above ground level at every point of the Precinct boundary between south-east or south-west of the building or stockpile. (b) Rule 27.3.2 P1(a) does not apply to a Record of Title less than 1000m <sup>2</sup> in Precinct A or B.
P2	(a) Construction or alteration of a building in PRECINCT C OR D must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary. (i) Rule 27.3.2 P2 (a) does not apply to any semi-detached development within PRECINCT C. (ii) Rule 27.3.2 P2 (a) does not apply to a Record of Title 1000m <sup>2</sup> or less in PRECINCT C.
RDI	(a) Any building or stockpile that does not comply with Rule 27.3.2 P1 or P2. (b) Council's discretion is restricted to the following matters: (i) Effects on amenity values; (ii) Admission of daylight and sunlight to the site and other sites; (iii) Extent of areas of non-compliance.

### 27.3.3 Building coverage and impervious area

P1	(a) Construction or alteration of a building in PRECINCT B must comply with all of the following: (i) Total building coverage does not exceed 70% in each lot; (ii) Impervious area does not exceed 90% in each lot. (b) Rule 27.3.3 P1 (a) does not apply to any building in PRECINCT A. <del>(c) Rule 14.1.1.P2 does not apply to PRECINCTS A AND B of the Te Kowhai Airpark Zone.</del>
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P2	<p>(a) Construction or alteration of a building in PRECINCT C OR D must comply with all of the following:</p> <p>(i) For a lot less than 1500m<sup>2</sup>, the total building coverage must not:</p> <p>A. exceed 60% site area, up to a maximum of 600m<sup>2</sup>; and</p> <p>B. result in more than 90% of the site having an impervious surface, up to a maximum 1200 m<sup>2</sup> impermeability; or</p> <p>(ii) For a lot between 1500 m<sup>2</sup> and 2500 m<sup>2</sup>, the total building coverage must not:</p> <p>A. exceed 40% site area, up to a maximum of 750 m<sup>2</sup>; and</p> <p>B. result in more than 80% of the site having an impervious surface, up to a maximum 1500 m<sup>2</sup> impermeability; or</p> <p>(iii) For a lot greater than 2500 m<sup>2</sup>, the total building coverage must not exceed:</p> <p>A. 30% site area, up to a maximum of 900m<sup>2</sup>; and</p> <p>B. result in more than 60% of the site having an impervious surface, up to a maximum 1800 m<sup>2</sup> impermeability.</p> <p><del>(b) Rule 14.11.1 P2 does not apply to PRECINCTS C AND D of the Te Kowhai Airpark Zone.</del></p>
RDI	<p>(a) Construction or alteration of a building that does not comply with Rule 27.3.3 P1 and P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Building form, bulk, location, external cladding and colour;</p> <p>(iii) Extent of area of non-compliance;</p> <p>(iv) Effects on adjacent sites;</p> <p>(v) Effects on streetscape;</p> <p>(vi) Stormwater management;</p> <p>(vii) Onsite parking provision;</p> <p>(viii) Landscape planting and other visual mitigation measures.</p>

#### 27.3.4 Building setbacks – General

P1	<p>(a) The construction or alteration of a building in PRECINCT A OR B must be set back:</p> <p>(i) 5m from all road boundaries (private or vested roads); and</p> <p>(ii) 5m from precinct boundaries except:</p> <p>A. No setback is required between PRECINCT A AND PRECINCT B boundaries.</p>
P2	<p>(a) The construction or alteration of a building in PRECINCT C OR D must be set back:</p> <p>(i) For a lot over 1500 m<sup>2</sup>, 5m from all boundaries, except a taxiway; or</p> <p>(ii) For a lot between 600 m<sup>2</sup> and 1500 m<sup>2</sup>, 3m from all boundaries, except a taxiway; or</p> <p>(iii) For a Record of Title under 600m<sup>2</sup>, 3m from front and rear boundaries, and 1.5m from side boundaries.</p> <p>(b) In PRECINCT C OR D, no setback from internal boundaries is required where development is of a semi-detached nature.</p>
RDI	<p>(a) Construction or alteration of a building that does not comply with Rule 27.3.4 P1 or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Effects on adjacent sites.</p>

#### 27.3.5 Building setback from taxiway

P1	In ALL PRECINCTS, construction or alteration of a building must be set back at least 3m from a taxiway.
RDI	<p>(a) Construction or alteration of a building that does not comply with Rule 27.3.5 P1</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Effects on adjacent sites;</p> <p>(iii) Effects on aircraft safety and taxiing.</p>

### 27.3.6 Building setback from airpark zone boundary

PI	In ALL PRECINCTS, construction or alteration of a building must be set back at least 25m from a Te Kowhai Airpark Zone boundary.
RDI	(a) Construction or alteration of a building that does not comply with Rule 27.3.6 PI. (b) Council's discretion is restricted to the following matters: (i) Effects on amenity values; (ii) Effects on adjacent sites; (iii) Effects on aircraft safety and taxiing.

### 27.3.7 Building setback from a State highway

PI	In ALL PRECINCTS, construction or alteration of a building must be set back at least 15m from a State Highway.
DI	Construction or alteration of a building that does not comply with Rule 27.3.7 PI.

### 27.3.8 Outdoor Living Court space

PI	(a) Construction or alteration of a dwelling in PRECINCT C, or within the Airside Overlay of PRECINCT D, must provide an outdoor living <del>court</del> <u>space</u> complying with the following <del>conditions</del> <u>standards</u> : (i) It is for the exclusive use of the occupants of a <del>dwelling- residential unit</del> , and (ii) It is accessible from a living area of a dwelling, and either: A. On the ground floor of a <del>dwelling- residential unit</del> , the <u>outdoor living space</u> <del>court</del> must have a minimum area of 60 m <sup>2</sup> capable of containing a circle of 6m diameter, exclusive of parking and manoeuvring areas and buildings; or B. If the dwelling does not have a habitable room on the ground floor, the <u>outdoor living space</u> <del>court</del> must be above ground-level with a balcony containing at least 15 m <sup>2</sup> .
P2	(a) A <u>outdoor living space</u> <del>court</del> must be provided for each minor dwelling that meets all of the following <del>conditions</del> <u>standards</u> : (i) It is for the exclusive use of the occupants of the minor <del>dwelling- residential unit</del> ; (ii) It is located between 45 degrees northeast through north to 90 degrees west of the minor dwelling measured from the southernmost part of the minor <del>dwelling- residential unit</del> ; (iii) It is accessible from a living area of the minor <del>dwelling- residential unit</del> , and either: A. On the ground floor of the minor <del>dwelling- residential unit</del> , the <u>outdoor living space</u> <del>court</del> must have a minimum area of 40m <sup>2</sup> capable of containing a circle of 6m diameter; or B. Above ground floor of the minor <del>dwelling- residential unit</del> , the <u>outdoor living space</u> <del>court</del> must be located on a balcony capable of containing at least 15 m <sup>2</sup> and a circle with a diameter of at least 2.4m.
RDI	(a) Any <u>outdoor living space</u> <del>court</del> that does not comply with Rule 27.3.8 PI or P2. (b) Council's discretion is restricted to the following matters: (i) Amenity.

### 27.3.9 Service Court

PI	(a) Construction or alteration of a <del>dwelling- residential unit</del> in PRECINCT C must provide (i) service court with a minimum area of 15m <sup>2</sup> , exclusive of parking and manoeuvring areas and buildings. (b) Rule 27.3.9 PI (a) does not apply to a dwelling in PRECINCTS A, B OR D.
DI	Construction or alteration of a dwelling that does not comply with Rule 27.3.9 PI.

### 27.3.10 Wastewater treatment setback

PI	(a) In ALL PRECINCTS, construction or alteration of a <del>dwelling- residential unit</del> must: (i) Be setback at least 30m from a wastewater treatment plant where the treatment process is fully enclosed; and (ii) Be setback at least 15m from the boundary of a site containing a wastewater treatment plant where the treatment process is fully enclosed.
DI	Construction or alteration of a dwelling that does not comply with Rule 27.3.10 PI.

### 27.3.11 Number of ~~Dwellings-residential units~~

PI	In PRECINCTS C AND D, construction of one <del>dwelling- residential unit</del> on the land contained in a lot.
DI	Construction or alteration of a <del>dwelling- residential unit</del> that does not comply with Rule 27.3.11 PI.

### 27.3.12 Minor ~~Dwelling-residential unit~~

PI	(a) Construction or alteration of a minor <del>dwelling- residential unit</del> must comply with all of the following <del>conditions</del> standards: (i) It is located within PRECINCT D; (ii) The site contains a net site area of at least 2500m <sup>2</sup> ; (iii) There is only one other <del>dwelling- residential unit</del> on the site; (iv) It is within 20m of the other <del>dwelling- residential unit</del> on the site; (v) It shares a single driveway access with the other <del>dwelling- residential unit</del> on the site; (vi) There is no more than a single car garage with a maximum gross floor area of 24 m <sup>2</sup> associated with the minor <del>dwelling- residential unit</del> ; (vii) Maximum of 70m <sup>2</sup> gfa.
DI	Construction or alteration of a minor <del>dwelling- residential unit</del> that does not comply with Rule 27.3.12 PI.

### 27.3.13 Minimum site area for a ~~dwelling- residential unit~~

PI	(a) In ALL PRECINCTS, construction or alteration of a <del>dwelling- residential unit</del> is a permitted activity if: (i) The site is connected to the Te Kowhai Airpark reticulated wastewater system, or (ii) The net site area is at least 2500 m <sup>2</sup> .
RDI	(a) Construction or alteration of a <del>dwelling- residential unit</del> that does not comply with Rule 27.3.13 PI. (b) Council's discretion is restricted to the following matters: (i) Effects on amenity, health and safety, and the environment; (ii) Effects on wastewater treatment system.

### 27.3.14 Noise-Sensitive Activities

PI	(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must <del>comply</del> be insulated in compliance with Appendix I (Acoustic Insulation) within: (i) An Airport Air Noise Boundary or Airport Outer Control Boundary.
RDI	(a) Construction of, or addition, or alteration to, a building that does not comply with Rule 27.3.14 PI. (b) Council's discretion is restricted to the following matters: (i) internal design sound levels; (ii) on-site amenity values; and (iii) potential for reverse sensitivity effects.

## 27.4. Subdivision

### 27.4.1 – Subdivision General

NC1	Subdivision within PRECINCT A.
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### 27.4.2 Subdivision Allotment Size

RD1	<p>(a) Subdivision within PRECINCT B.</p> <ul style="list-style-type: none"> <li>(i) <u>Proposed lots must be connected to a private reticulated wastewater network.</u></li> <li>(ii) <u>Proposed lots must be connected to a public reticulated potable water supply network that is also sufficient for firefighting purposes.</u></li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) The extent to which the allotment can be serviced by the Te Kowhai Airpark <u>private reticulated <del>system</del> wastewater network</u>;</li> <li>(ii) The ability to connect with reticulated services outside of the Te Kowhai Airpark <u>private reticulated wastewater and public water supply networks</u>, as and when these become available;</li> <li>(iii) Consistency with the Te Kowhai Airpark Framework Plan in <u>Appendix 9</u>;</li> <li>(iv) Access, parking and traffic safety considerations;</li> <li>(v) Impacts on aviation and airpark activity;</li> <li>(vi) Site suitability and the extent to which the intended activity can be accommodated on site;</li> <li>(vii) <u>Avoidance or mitigation of natural hazards</u>;</li> <li>(viii) <u>Matters referred to within the infrastructure chapter</u>;</li> <li>(ix) <u>Impacts on stormwater and wastewater disposal</u>;</li> <li>(x) <u>Provision of infrastructure, including potable water supply and water supply for firefighting purposes</u>;</li> <li>(xi) <u>Amenity and streetscape</u>;</li> <li>(xii) <u>Vehicle and pedestrian networks</u>; and</li> <li>(xiii) <u>Geotechnical stability for building</u>.</li> </ul>
RD2	<p>(a) Subdivision within PRECINCT C AND D where:</p> <ul style="list-style-type: none"> <li>(i) It is in accordance with Appendix 9 - the Te Kowhai Airpark Framework Plan; and</li> <li>(ii) Every allotment within PRECINCT C, other than a utility allotment, has a net site area of at least: <ul style="list-style-type: none"> <li>A. 450 m<sup>2</sup> if connected to the Te Kowhai Airpark <u>private reticulated wastewater network and connected to a public reticulated potable water supply network that must also be sufficient for firefighting purposes</u> and not bordering the 25m building setback perimeter; or</li> <li>B. 1000 m<sup>2</sup> if connected to the Te Kowhai Airpark <u>private reticulated wastewater network, and connected to a public reticulated potable water supply network that must be sufficient for firefighting purposes</u> and borders the 25m building setback perimeter; or</li> <li>C. 2500 m<sup>2</sup> in the case of any allotment not connected to the Te Kowhai Airpark <u>private reticulated wastewater network and must have a potable water supply sufficient for firefighting purposes</u>; or</li> </ul> </li> <li>(iii) Every allotment within the 'Airsides Overlay' of PRECINCT D has a net site area of at least 800m<sup>2</sup> and is connected to the Te Kowhai Airpark <u>private reticulated wastewater network and connected to a public reticulated potable water supply network that must be sufficient for firefighting purposes</u>; or</li> <li>(iv) Every allotment within PRECINCT D outside of the 'Airsides Overlay' has a net site area of at least 2,500m<sup>2</sup>, and <u>must have a potable water supply sufficient for firefighting purposes</u> except:</li> <li>(v) The net site area may be reduced to <u>no less than 1,000m<sup>2</sup></u> providing it is connected to a <u>private reticulated wastewater network and connected to a public reticulated potable water supply network that must be sufficient for firefighting purposes</u> and is not bordering the perimeter 25m building setback.</li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout;</li> </ul>



	<ul style="list-style-type: none"> <li>(ii) Ability of titles to accommodate a practical building platform including geotechnical stability for building;</li> <li>(i) Avoidance or mitigation of natural hazards;</li> <li>(iv) Matters referred to within the infrastructure chapter;</li> <li>(ii) Impacts on stormwater and wastewater disposal;</li> <li>(iii) Amenity and streetscape;</li> <li>(iv) Vehicle and pedestrian networks;</li> <li>(viii) <del>Compatibility</del> <u>Consistency</u> with the Te Kowhai Airpark Framework Plan in Appendix 9;</li> <li>(ix) <u>Provision of infrastructure, including potable water supply and water supply for firefighting purposes; and</u></li> <li>(x) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of regionally significant infrastructure assets.</u></li> </ul>
DI	Subdivision that does not comply with Rules 27.4.2 RD1 or RD2.

### 27.4.3 Title boundaries

RD1	<ul style="list-style-type: none"> <li>(a) In ALL PRECINCTS, the boundary of every allotment on the subdivision scheme plan must be located so that: <ul style="list-style-type: none"> <li>(i) Existing buildings comply with the Permitted Activity standards in Rules 27.2 and 27.3 relating to building coverage, set-backs, and daylight admissions.</li> </ul> </li> <li>(b) Rule 27.4.3 (a) does not apply to any non-compliance that existed lawfully prior to the subdivision.</li> <li>(c) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on amenity values and character;</li> <li>(ii) Reverse sensitivity effects;</li> <li>(iii) Effects on existing buildings.</li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 27.4.3 RD1.

### 27.4.4 Road frontage

RD1	<ul style="list-style-type: none"> <li>(a) In ALL PRECINCTS, every allotment with a road boundary must have a width along the road boundary of at least 15m.</li> <li>(b) Rule 27.4.4 RD1 (a) does not apply to an access allotment, access leg or utility allotment.</li> <li>(c) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Road efficiency and safety;</li> <li>(ii) Amenity and streetscape.</li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 27.4.4 RD1.

### 27.4.5 Road access

RD1	<ul style="list-style-type: none"> <li>(a) In ALL PRECINCTS, every allotment must be provided with vehicle access to a public road. The vehicle access may include a private road.</li> <li>(b) The road network (public or private) within the Te Kowhai Airpark Zone must be in general accordance with the Indicative Road Network in the Te Kowhai Airpark Framework Plan in Appendix 9. Roads which are within 30m of the Indicative Road Network are deemed to be in general accordance with the Te Kowhai Airpark Framework Plan in Appendix 9.</li> <li>(c) Airpark roads which are to be vested in Council must comply with the requirements in Tables 14.12.5.14 and 14.12.5.15.</li> <li>(d) Council's discretion is restricted to the following matters:: <ul style="list-style-type: none"> <li>(i) Adequacy of the access for its intended use;</li> <li>(ii) Road efficiency and safety;</li> <li>(iii) Degree of compliance with the Transportation Rules 14.12; and</li> <li>(iv) The extent to which non-compliance creates road efficiency or safety issues.</li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 27.4.5 RD1.

### 27.4.6 Building Platform

RDI	<p>(a) In ALL PRECINCTS, every allotment must be capable of containing a building platform:</p> <p>(i) Upon which a dwelling could be sited as a permitted activity in accordance with Rule 27.3; and</p> <p>(ii) The building platform is able to accommodate either:</p> <p style="margin-left: 20px;">A. A circle with a diameter of at least 10m exclusive of boundary setbacks; or</p> <p style="margin-left: 20px;">B. A rectangle of at least 100 m<sup>2</sup>, exclusive of boundary setbacks, of which each dimension is at least 8m.</p> <p>(b) Rule 27.4.6 RDI (a) does not apply to a utility allotment or an access allotment.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of allotments;</p> <p>(iii) Ability of allotments to accommodate a practical building platform;</p> <p>(iv) Likely location of future buildings and their potential effects on the environment;</p> <p>(v) Geotechnical suitability for building.</p>
DI	Subdivision that does not comply with Rule 27.4.6 RDI.

### 27.4.7 Perimeter shelter-belt planting

RDI	<p>(a) In ALL Precincts, subdivision must provide shelterbelt screen planting in the perimeter locations identified in the Te Kowhai Airpark Framework Plan in Appendix 9.</p> <p>(b) The shelterbelt screen planting required by <del>Condition Standard</del> (a) must be limited to the Precinct(s) within which the newly created allotment(s) are located.</p> <p>(c) At the time of planting, shelterbelts must be a minimum height of 2.0m and must be planted at 2.5m spacings, except that:</p> <p>(i) Spacing allowance can be made for aircraft access from adjacent Zones onto the Te Kowhai Airpark perimeter taxiway where agreement has been reached between adjacent landowner(s) and Te Kowhai Airpark.</p> <p>(d) The shelterbelt screen planting required by <del>Condition Standard</del> (a) must be identified on the subdivision scheme plan.</p> <p>(e) The shelterbelt screen planting required by <del>Condition Standard</del> (a) must be given effect prior to the issuing of new Records of Title.</p> <p>(f) Council's discretion is restricted to the following matters:</p> <p>(i) Consideration of landscape and visual amenity values;</p> <p>(ii) The ability of landowners adjoining the airpark to access the perimeter taxiway;</p> <p>(iii) Compatibility with aircraft manoeuvring;</p> <p>(iv) Legal mechanisms to implement and thereafter protect shelterbelt planting;</p> <p>(v) Aircraft safety.</p>
DI	Subdivision that does not comply with a <del>condition</del> of Rule 27.4.7 RDI.

## 3.0 Definitions

The following additions are to be made to Chapter 13: Definitions of the District Plan:

### 3.1 Aircraft Operations

<u>Aircraft Operations</u>	<p><u>Includes:</u></p> <ul style="list-style-type: none"> <li>• <u>the landing and take-off of any aircraft at an aerodrome;</u></li> <li>• <u>the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the aerodrome to another.</u></li> </ul>
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### 3.2 Circuit Training

<u>Circuit Training</u>	<u>“Training in the pattern used to position the aeroplane for landing.”</u>
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### 3.3 Flight Training School

<u>Flight Training School</u>	<u>Means land, and / or buildings used for the instruction or training in the following:</u> (a) <u>the control of aircraft in basic and advanced flight manoeuvres.</u> (b) <u>aeronautical theory.</u> (c) <u>airmanship.</u> (d) <u>aircraft checks.</u> (e) <u>aircraft maintenance and maintenance procedures.</u> (f) <u>a certified flight training device.</u>
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### 3.4 **Summer Period**

<u>Summer Period</u>	<u>Means the period starting 22 September through to 20 March the following year.</u>
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### 3.5 **Winter Period**

<u>Winter Period</u>	<u>Means the period starting 21 March through to 21 September inclusive.</u>
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## 4.0 **District Plan Maps**

### 4.1 **Airport Obstacle Limitation Surface (OLS)**

~~4.1 That the District Plan maps numbered 25, 26 and 26.2 be amended to show the Airport Obstacle Limitation Surface (OLS) which is consistent with the requirements for the ODP OLS, as per amended PDP Appendix 9 sections 1.0, 2.0 and 3.0 text, as detailed in section 6 of this document.~~

### 4.2 **Airport Noise Control Boundaries (ANCB's)**

~~4.2.1 That the District Plan maps numbered 25, 26 and 26.2 be amended to show Airport Noise Control Boundaries being the Airport Air Noise Boundary (65 dB L<sub>dn</sub>) and the Airport Outer Control Boundary (55 dB L<sub>dn</sub>) locations, associated with the Te Kowhai aerodrome, modelled by Tonkin and Taylor, as shown in Appendix 9C of the s42A report. Noting that the representation of those boundaries will need to be in accordance with any directions from the National Planning Standards.~~

~~4.2.2 That the Airport Noise Outer Control Boundary associated with the Te Kowhai aerodrome as shown on the District Plan maps numbered 25, 26 and 26.2 as notified, be replaced with the Airport Noise Outer Control Boundary as shown in the Tonkin and Taylor modelling as shown in Appendix 9C of the s42A report.~~

## 5.0 **Appendix I Acoustic Insulation**

### 5.1 **Section 3 Te Kowhai Airpark**

The following amendments / additions are to be made to Appendix I: Acoustic Insulation, Section 3 Te Kowhai Airpark, of the Proposed District Plan.

### 3. Te Kowhai Airpark

The Te Kowhai Airpark ~~Outer Noise Control~~ Boundaryies identify areas that experience high noise levels from aircraft landing and taking off from the Te Kowhai Airpark. ~~The Te Kowhai Airpark Noise Buffer identifies land within the Rural Zone around the Te Kowhai Airfield that experiences high noise levels from aircrafts using the taxiways.~~ Buildings containing Noise Sensitive Activities Dwellings within the Te Kowhai Airpark ~~Outer Noise Control~~ Boundaryies that are required to be acoustically insulated must ~~to~~ achieve the internal noise standards specified in sections 3.1 and 3.2 below.

3.1 ~~Conditions~~ Standards for Permitted Activities Buildings containing Noise-Sensitive Activities inside the Te Kowhai ~~aerodrome~~ Airpark Outer Control Airport Noise Control Boundaryies.

...

~~3.1(3) Where a building is partly or wholly contained within the Te Kowhai Airpark outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 – Ventilation.~~

~~(4) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 8 – Noise limits for ventilation systems.~~

Table 8: Noise limits for ventilation systems

Room type	Noise level measured at least 1m from the diffuser (Leq dBA)	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35

#### 3.1(3) Mechanical ventilation

Buildings that are required to have acoustic insulation must be designed, constructed, have installed and be maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:

(i) For habitable rooms for a residential activity:

A. Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;

B. Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour;

C. Provide relief for equivalent volumes of spill air;

D. In principal living rooms, provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degree Celsius and 25 degree Celsius;

E. Generate less than 35 dB LAeq(30s) in bedrooms and 40 dB LAeq(30s) in living rooms when measured 1m away from any grille or diffuser.

(ii) For other spaces, a specification as determined by a suitably qualified and experienced person.

2. A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in X.1.

#### ~~3.2 Conditions for Permitted Activities the Te Kowhai Airpark Noise Buffer~~

1. ~~New dwellings inside of the Te Kowhai Airpark Noise Buffer shown on the planning maps shall be designed to achieve an internal noise level of 35dB LAeq in all habitable rooms, based on noise from Te Kowhai Airpark being equivalent to a level of 50dB LAeq at 55m.~~
2. ~~The following adjustments to the dBA level shall be made to establish an un-weighted external source spectrum for aircraft noise outlined in the Table 9 below.~~

**Table 9: External aircraft noise octave band adjustments for sound insulation design**

63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
11	5	-3	-5	-3	-9	-13

1. ~~Where a building is partly or wholly contained within the airport outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 Ventilation.~~
2. ~~The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 10 Noise limits for ventilation systems.~~
3. ~~Compliance with rules (3) and (4) above shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist, stating that the design proposed is capable of meeting the activity standards.~~

**Table 10 – Noise limits for ventilation systems**

Room Type	Noise level measured at least 1m from the diffuser (dB LAeq)	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35

## 6.0 Appendix 9: Te Kowhai Airfield Aerodrome

### 6.1 Title of Appendix 9

- 6.1.1 That the title on the first page of Appendix 9 be amended to read as follows:

Appendix 9: Te Kowhai Airfield Aerodrome

### 6.2 Sections 1, 2 and 3 Airport Obstacle Limitation Surface (OLS)

- 6.2.2 That the text in Sections 1, 2 and 3 of Appendix 9 be amended as follows:

#### I Introduction

This appendix is referred to in the General Residential, Medium Density Residential, Commercial, Local Centre, General Rural, Rural Lifestyle, Settlement, Large Lot Residential, Open Space and

~~Te Kowhai Airpark Village and Rural~~ zone building rules. The safe operation of aircraft using the Te Kowhai Aerodrome requires that each runway should be provided with take-off climb and approach, and transitional and inner horizontal surfaces such that aeroplanes taking off or landing have a clear obstacle free surface in which to carry out the initial part of the climb or final part of the approach take-off, land and circle for approach. The Civil Aviation Authority of New Zealand has adopted specifications defining these surfaces about and above an Aerodrome which, in the interests of safe flight, should not be penetrated by there must be no obstacles. These surfaces are known as obstacle limitation surfaces and are defined in terms of distances from the runway and heights relative to the runways for protection of aircraft in the vicinity of the aerodrome. The Te Kowhai Airport Obstacle Limitation Surface and associated rules do not apply to infrastructure and energy activities, as noted in Chapter 14: Infrastructure and Energy, Section 14.1, Introduction (1).

The runway is on the following land: Lot 1 DP 434641 547712, Section 8 SO 495676 (~~Certificates Records of Title 530701 8105283, 755892).~~

## 2 Runway and Associated Runway Strip

The runway and associated runway strip is defined as follows:

- (a) Runway: the runway is 923.8 metres long and 18 metres wide.
- (b) Runway strip: the runway is contained within the runway strip. The strip is 983.8 metres long and 60 metres wide.
- (c) The coordinates and elevations of the four corners of the strip in terms of Mount Eden

Circuit New Zealand Geodetic Datum 2000 and Moturiki datum are as follows:

mN	mE	Elevation
703839.64	434543.48	25.2
703783.55	434564.78	25.2
704132.77	435484.50	26.6
704188.86	435463.20	26.6

## 3 Obstacle Limitation Surfaces

The obstacle limitation surfaces (OLS) associated with this runway strip are defined as follows.

### 3.1 Approach and Take-off Surfaces

There is an combined approach and take-off surface at ~~both~~ each ends of the runway strip. Each approach and take-off surface is a truncated fan originating from a ~~60~~ 45 metres wide base ~~centred~~ located 37.48 metres X metres east of inwards from the western at the end of the runway strip and 39.6 metres X metres west of inwards from the eastern end of the runway strip. The approach surfaces extend either side of the extended centre line of the runway strip for a horizontal distance of ~~2500 metres (2.5 kilometres) 1200 metres (1.2 kilometres).~~ Each approach surface rises upwards and outwards at a gradient of 1 vertical to ~~40~~ 20 horizontal (1:~~40~~ 20) along the surface centreline from its base; the sides of the approach surfaces splay ~~outwards from their bases outwards~~ at a rate of 1 vertical lateral to 10 ~~20~~ horizontal (1:10 ~~20~~). The base of the western approach surface commences at a height of 25.2 metres above Moturiki Datum and the base of the eastern approach surface commences at a height of ~~26.6~~ 4 metres above Moturiki Datum.

### 3.2 Transitional Side Surfaces

The transitional side surfaces rise upwards and sideways outwards from the sides of the runway strip and each approach/take-off surface at a gradient of 1 vertical to ~~5~~ horizontal lateral (1: ~~5~~) to a height of ~~36.6~~ 28.5 metres above Moturiki Datum. The surfaces then rises vertically from 36.6 metres to



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71.6 metres above Moturiki Datum. The height contours of the surface taper inwards from the transitional side surface to meet the corresponding height contours of the approach and take-off OLS.

### 3.3 Inner Horizontal Surface

The 'inner horizontal' surface extends outwards from the runway centre line and ends of the runway strip out to a distance of 2500m at a height of 71.6 metres above the Moturiki Datum.

## 6.3 Appendix 9 plans

6.3.1 That the following plans be included in Appendix 9:

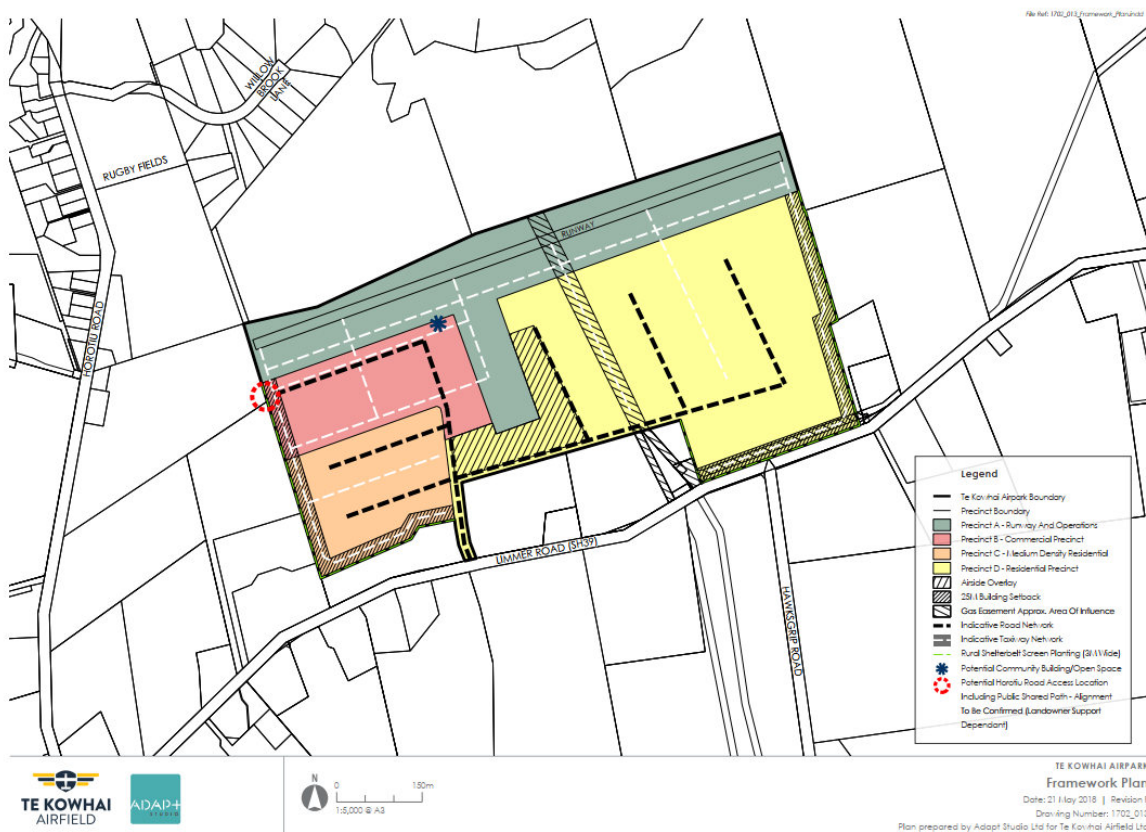


Figure X – Framework plan

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

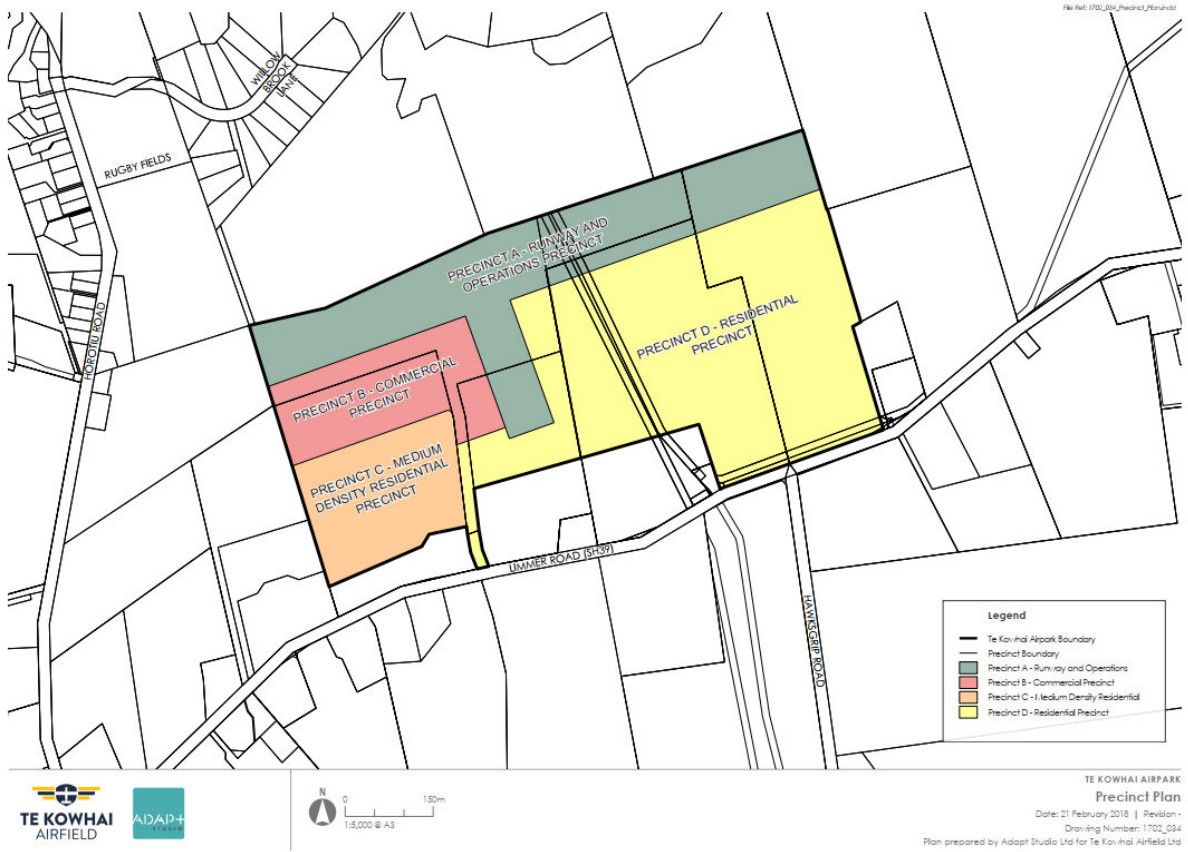


Figure X – Precinct plan



Figure X – TKAZ – Te Kowhai Airpark zone



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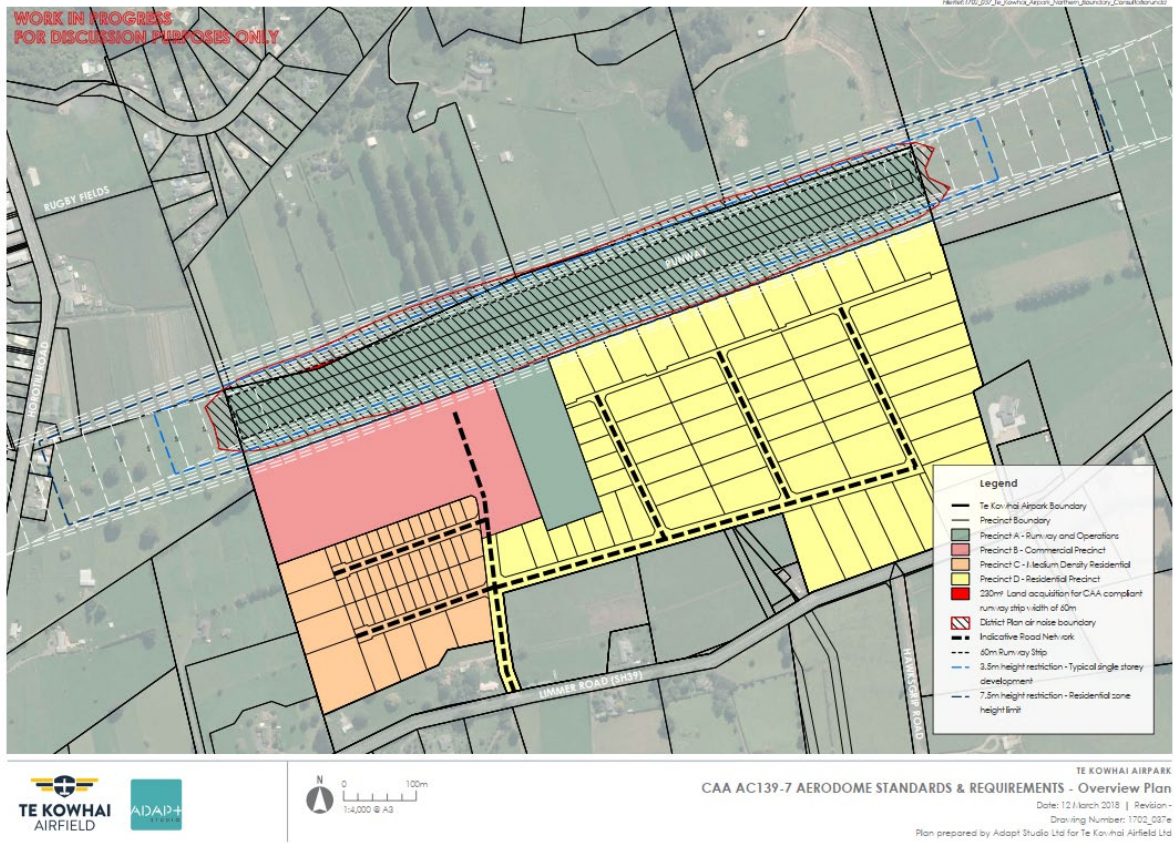


Figure X – Overview plan

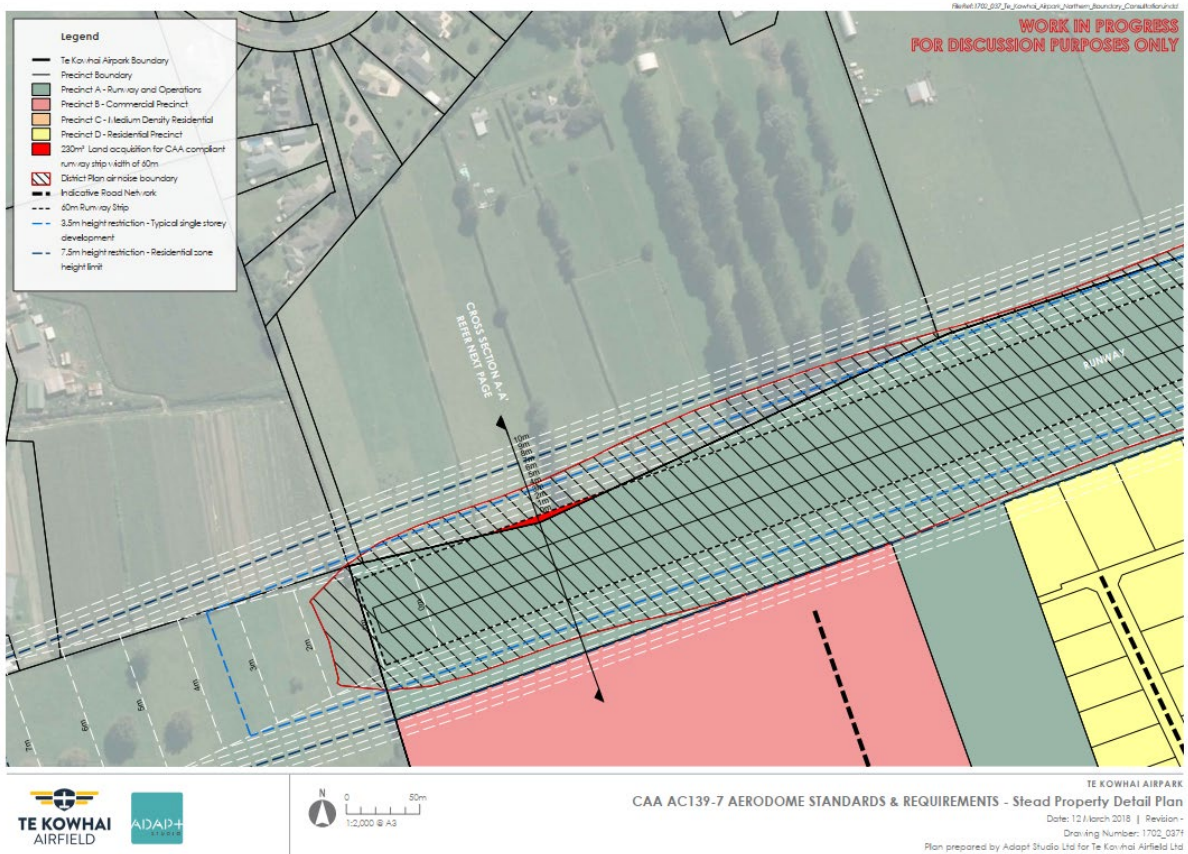


Figure X – Stead property detail plan

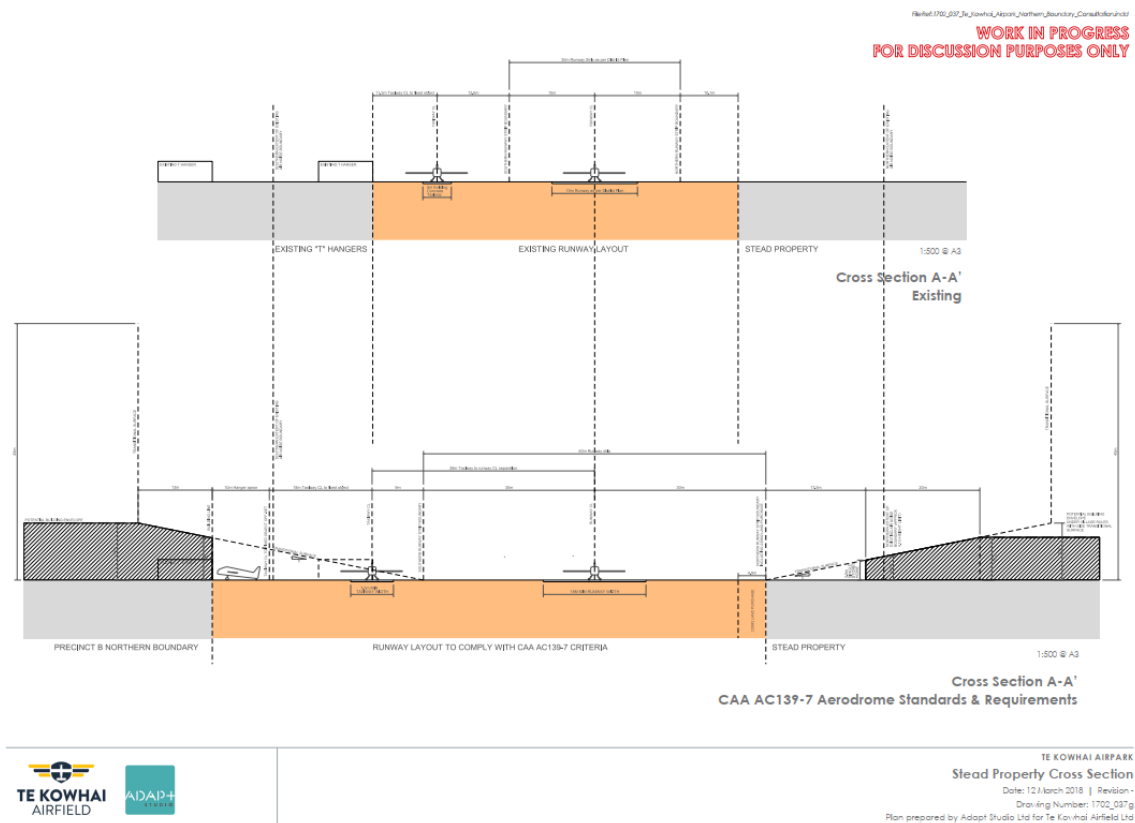


Figure X – Stead property cross section

## 7.0 Other Zones

Insert a new chapter applying within obstacle limitation surfaces and air noise boundaries in other zones. The rules of this chapter will replace (or partially replace in relation to airport noise) the following notified rules:

- Rule 16.3.3.3 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface
- Rule 17.3.1.2 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface
- Rule 19.3.2 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface
- Rule 20.3.3 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface
- Rule 22.3.4.3 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface
- Rule 22.3.7.3 Building Te Kowhai Noise Buffer
- Rule 22.3.7.4 Building – Noise-Sensitive Activities
- Rule 23.3.4.2 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface
- Rule 24.3.3.2 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface
- Rule 24.3.7 Building - Airport Noise Outer Control Boundary
- Rule 25.3.1.2 Height - Buildings, structures, trees, and vegetation within an airport obstacle limitation surface

## ANOC – Airport noise and obstacle controls

The relevant area specific zone chapter provisions apply in addition to this chapter.

### **Overview**

The ANOC – Airport noise and obstacle controls chapter manages the height of development and noise sensitive activities within the Obstacle Limitation Surfaces and Air Noise Boundaries identified on the planning maps for:

- (1) Waikato Regional Airport;
- (2) Te Kowhai Aerodrome; and
- (3) Mercer Airport.

### **Objective**

ANOC-O1 Operation and development.

To enable the ongoing operation and development of airports and aerodromes.

ANOC-O2 Reverse sensitivity.

The operational needs of airports and aerodromes are not compromised by noise-sensitive activities with the potential for reverse sensitivity conflict.

### **Policy**

ANOC-P1 Aircraft operations.

Buildings, structures, trees and other vegetation do not create a potential hazard to the flight paths of aircraft or any other operations associated with airports or aerodromes.

ANOC-P2 Reverse sensitivity.

- (1) Manage reverse sensitivity risk by:
  - (a) Ensuring that noise-sensitive activities within Airport Noise Control Boundaries are acoustically insulated to appropriate standards; and
  - (b) Ensuring that airports and aerodromes operate within the noise limits specified by Airport Noise Control Boundaries.

### **Rules**

Obstacle Limitation Surfaces

<b>ANOC-RI</b>	<u>Building height – Waikato Regional Airport</u>	
<u>All zones</u>	<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> (a) <u>Any building, structure, tree or other vegetation must not protrude</u>	<b>(2) Activity status where compliance not achieved: NC</b>



	<u>through the Airport Obstacle Limitation Surface for the Waikato Regional Airport as identified on the planning maps and defined in the designation for WRAL – Waikato Regional Airport Ltd.</u>	
<b>ANOC-R2</b>	<b>Building height – Te Kowhai Aerodrome (Approach and Take-Off Surfaces)</b>	
<u>All zones</u>	<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Any building, structure, tree or other vegetation must not protrude through the Approach and Take-Off Surfaces of the Airport Obstacle Limitation Surface for the Te Kowhai Aerodrome as identified on the relevant planning maps and defined in APP10 – Te Kowhai Aerodrome.</u></p>	<p><b>(2) Activity status where compliance not achieved: NC</b></p>
<b>ANOC-R3</b>	<b>Building height – Te Kowhai Aerodrome (Transitional Side Surfaces)</b>	
<u>All zones</u>	<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Any building, structure, tree or other vegetation must not protrude through the Transitional Side Surfaces of the Airport Obstacle Limitation Surface for the Te Kowhai Aerodrome as identified on the relevant planning maps and defined in APP10 – Te Kowhai Aerodrome.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) <u>Effects on the safe and efficient operation of Te Kowhai aerodrome and airpark.</u></p>
<b>ANOC-R4</b>	<b>Building height – Te Kowhai Aerodrome (Inner Horizontal Surface)</b>	
<u>All zones</u>	<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Any building or structure must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surface for the Te Kowhai Aerodrome as identified on the planning maps and defined in APP10 – Te Kowhai Aerodrome.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) <u>Effects on the safe and efficient operation of Te Kowhai aerodrome and airpark.</u></p>

Advice note:

In relation to rules ANOC-R2 and R3, the Operator of Te Kowhai Aerodrome will undertake an updated survey of “existing trees” as at the date that the Obstacle Limitation Surfaces rule becomes operative.

Where the owner consents, either:

- (i) Removal of existing trees required to comply with the Obstacle Limitation Surfaces; or
- (ii) Trimming of existing trees required to comply with the Obstacle Limitation Surfaces on a one-off basis

will be undertaken at the instruction of and paid for by the Operator of Te Kowhai Aerodrome.



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*For the avoidance of doubt, the term “existing trees” means any tree or vegetation that existed within the Te Kowhai Approach and Take-Off Surface and the Transitional Side Surfaces of the OLS on 7 May 2021.*

<b>ANOC-R5</b>	<u>Building height – Mercer Airport</u>	
All zones	<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Any building, structure, tree or other vegetation must not protrude through the Obstacle Limitation Surfaces identified on the planning maps and defined in APP11 – Mercer Airport.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council’s discretion is restricted to the following matters:</b></p> <p>(a) <u>Effects on the safe and efficient operation of Mercer Airport.</u></p>

*Noise-sensitive activities*

<b>ANOC-R6</b>	<u>Noise sensitive activities – Waikato Regional Airport, Mercer Airport and Te Kowhai Aerodrome</u>	
All zones	<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must be insulated in compliance with APP1 – Acoustic insulation within:</u></p> <p>(i) <u>An Airport Air Noise Boundary or Airport Outer Control Boundary.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council’s discretion is restricted to the following matters:</b></p> <p>(a) <u>Internal design sound levels;</u>  (b) <u>On-site amenity values; and</u>  (c) <u>Potential for reverse sensitivity effects.</u></p>
<b>ANOC-R7</b>	<u>Noise sensitive activities – Te Kowhai Aerodrome within the 65dB L<sub>dn</sub> Air Noise Boundary</u>	
All zones	<p><b>(1) Activity status: RDIS</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Noise-sensitive activities located within the Te Kowhai Aerodrome Air Noise Boundary (65dB L<sub>dn</sub>).</u></p> <p><b>Council’s discretion is restricted to the following matters:</b></p> <p>(b) <u>Amenity values;</u>  (a) <u>Potential for reverse sensitivity effects; and</u>  (b) <u>Internal sound levels (refer criteria in APP1 – Acoustic insulation)</u></p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>

## **ANNEXURE D**

**List of names and addresses of persons to be served**

**LIST OF SUBMITTERS TO BE SERVED WITH THIS APPEAL**

<b>Sub</b>	<b>Submitter</b>	<b>Address</b>	<b>Email</b>
378	Fire and Emergency New Zealand	Alec Duncan PO Box 448 Hamilton 3240	Alec.duncan@beca.com
V12	Keneth Anderson	406 Te Kowhai Road Hamilton 3288	10traxters@gmail.com
V13	David Barnes	90 Perkins Road RD8 Hamilton 3288	N/A
V9	Imogen and Phoebe Barnes	90B Perkins Road RD8 Hamilton 3288	imogenkbarnes@gmail.com phoebebarnes55@gmail.com
V23	Bruce Begbie	76 Perkins Road RD8 Hamilton 3288	bejobegbie@xtra.co.nz
V21	Nardene Berry	PO Box 4305 Hamilton East Hamilton 3247	nardene.berry@landcare.org.nz
V17	Lloyd Davis	Jason Strangwick 51 Hartstone Road Te Kowhai Hamilton 3288	Jason.strangwick@justice.govt.nz
V18	Peter and Silvia Fowler	257 Collie Road RD8 Te Kowhai 3288	kiwifowlers@gmail.com
V1	Peter and Jackie Gore	255 Collie Road RD8 Te Kowhai Hamilton 3288	peter-jackie@xtra.co.nz
V15	GP Young Family Trust	81 Perkins Road RD8 Hamilton 3288	geoff.young@bpo.nz
V7	Kane Lee	416 Te Kowhai Road RD8 Hamilton 3288	kanelee@outlook.com
V24 VFS4000	Vikki Madgwick	265 Collie Road RD8 Te Kowhai 3288	vikki.madgwick@acc.co.nz k.r.maxwell@gmail.com
V25 VFS4003	Kit Maxwell	247 Collie Road RD8 Te Kowhai Waikato 3288	kmaxwell@xtra.co.nz
V8 VFS4004 987 988	Diane and Graham McBride	220 Collie Road Te Kowhai Hamilton 3288	gmcbride@xtra.co.nz

V16 VFS4001	Greig Metcalfe	Bevan Houlbrooke PO Box 171 Waikato Mail Centre Hamilton 3240	bevan.houlbrooke@ckl.co.nz greigmetcalfe@gmail.com
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