

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 26: Te Kowhai Airpark Zone

17 January 2022

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.¹
- 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.²
- 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.³
- 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

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

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

³ 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.⁴

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 April⁵ 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:

Submitter:	Represented by:
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

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

⁵ 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.⁶

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.⁷ 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 ⁶	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

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

⁷ 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.

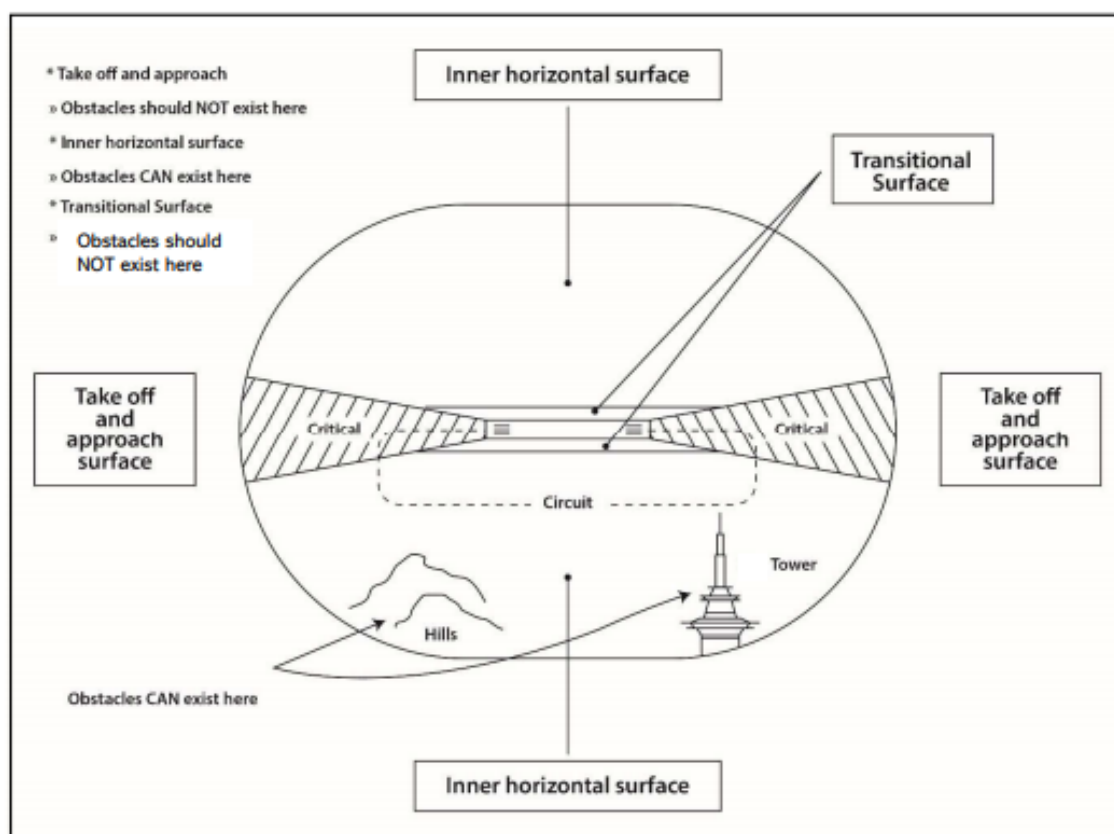


Figure 1: Obstacle Limitation Surfaces

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).⁸
- 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

⁸ 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 33km² 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.⁹
- 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.¹⁰
- 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 9.2.1.1.¹¹
- 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;

⁹ 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).

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

¹¹ 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;¹²
- 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;¹³
- 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;¹⁴ and
- d) Consultation undertaken.¹⁵

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.¹⁶

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;¹⁷ and
- c) Based on urban design principles which informed the development of the four precincts in the PDP.
- d) In relation to the OLS:

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

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

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

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

¹⁶ 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>).

¹⁷ 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.¹⁸

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;¹⁹
- 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;²⁰
- 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.²¹

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_{dn} limits at the OCB and ANB respectively.²²

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

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

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

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

²² 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.²³
- 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;²⁴
 - 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;²⁵ and
 - c) The stormwater solution is deemed feasible for the development.²⁶
- 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*;²⁷
 - 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;²⁸
 - 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;²⁹
 - d) He recommended the inclusions of the proposed OLS in the PDP, not the Operative Waikato District Plan OLS;³⁰ 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

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

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

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

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

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

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

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

³⁰ 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.³¹

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;³² and
- b) Removal of the requirement for trees and vegetation to comply with the IHS provisions of the OLS.³³

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:³⁴

- 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

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

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

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

³⁴ 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:³⁵

- 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 trees³⁶ 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.³⁷ 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

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

³⁶ As at 16 April 2018.

³⁷ 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.³⁸

- 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.³⁹
- 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_{dn}) and the Airport Outer Control Boundary (55 dB L_{dn}) 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

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

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

- c) No flight training school or circuit training flights.⁴⁰
- 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,⁴¹ 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_{dn}) and the Outer Control Boundary (55dB L_{dn}) 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.⁴² It is noted that 2008 was the busiest year since recording began, with 14,537 aircraft movements.⁴³ 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_{dn})

- 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_{dn}). 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.

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

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

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

⁴³ 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_{dn}).

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_{dn} Air Noise Boundary in addition to the 65dB L_{dn} Air Noise Boundary in the PDP. The proposed 70dB L_{dn} 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_{dn} and 70dB L_{dn} Air Noise Boundaries⁴⁴ 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_{dn} and 70dB L_{dn} 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_{dn} Air Noise Boundary.⁴⁵
- 4.27 The section 42A report recommended that all noise sensitive activities within the 65dB L_{dn} Air Noise Boundary be a non-complying activity.⁴⁶ 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_{dn} Air Noise Boundary,⁴⁷ but within the Te Kowhai Airpark Zone. We have also included Ms Smith's recommended Air Noise Boundaries on the PDP planning maps.

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

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

⁴⁶ Paragraph 43, Hearing Closing Statement Hearing 17: Te Kowhai Airpark, 17 June 2021.

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

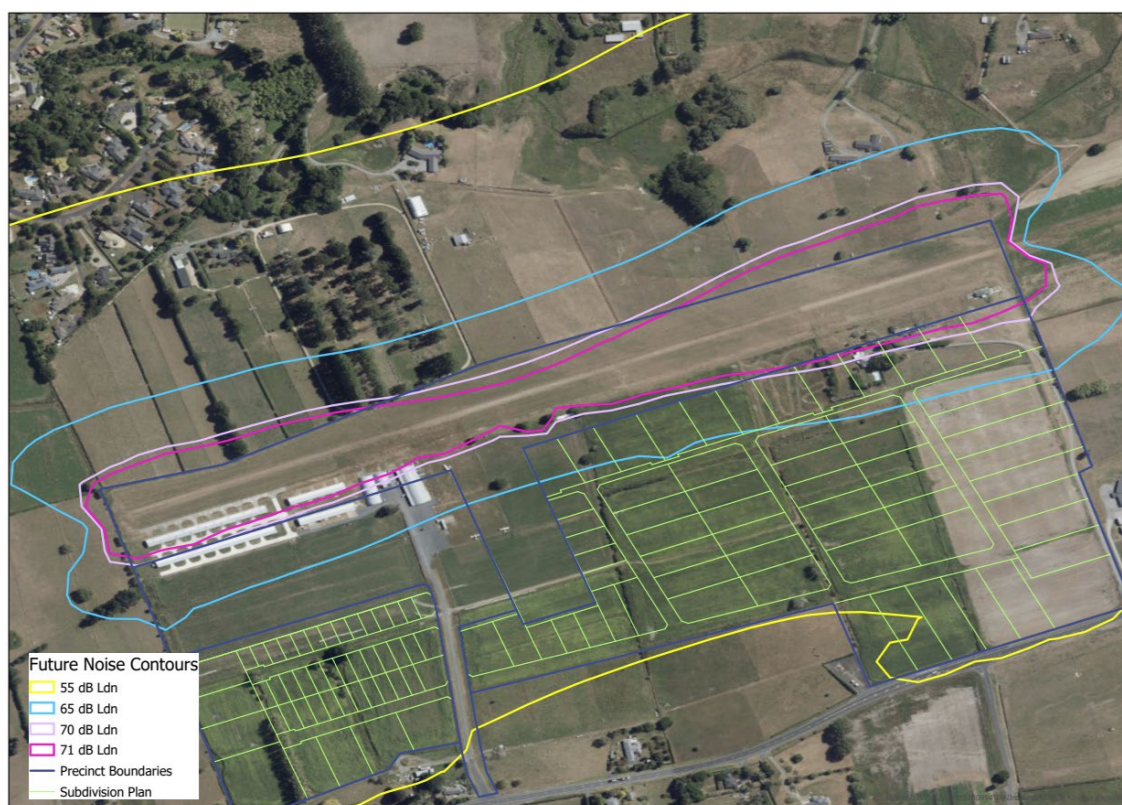


Figure 2: Marshall Day Noise Contours

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.⁴⁸
- 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.⁴⁹
- 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

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

⁴⁹ 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.⁵⁰ 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.⁵¹
- 4.34 The section 42A report recommended the inclusion of this rule to address amenity effects⁵² 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,⁵³ 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).⁵⁴
- 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

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

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

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

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

⁵⁴ 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.⁵⁵
- 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_{dn} contour was barely affected by these movements, thus demonstrating that noise from circuiting aircraft is not significant.⁵⁶
- 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.⁵⁷
- 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.⁵⁸
- 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;⁵⁹
 - b) The standard would give effect to Objective 3.12 and Policy 6.6 of the RPS,⁶⁰ which requires management of the built environment ensures particular regard is

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

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

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

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

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

⁶⁰ 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;⁶¹ and

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

4.46 Mr Serjeant's evidence recommended the deletion of the earthworks standard.⁶³ 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.⁶⁴

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.⁶⁵ 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.⁶⁶

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.⁶⁷ 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.⁶⁸

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

⁶¹ Policy 6.6 of the Waikato Regional Policy Statement.

⁶² Paragraph 17, Section 42A Report Infrastructure, dated 20 October 2020.

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

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

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

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

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

⁶⁸ 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

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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 boundaryies 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

Activity	Precinct A Runway & Operations	Precinct B Commercial	Precinct C Medium Density Residential	Precinct D Residential
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
Events and promotions, including Temporary events	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
Retail Commercial activity (to a maximum 300m² gross floor area in each precinct).	NC3	P32 to a maximum 300m ² gross floor area	D18	D19
Teaching & Conference facilities	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
Home occupation business	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 Dwellings-residential 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>	<u>NC13</u>	<u>D42</u>	<u>D43</u>	<u>D44</u>
<u>Teaching and Conference facilities</u>	<u>NC14</u>	<u>P50</u>	<u>D45</u>	<u>D46</u>
<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 & RD2 & RD3</u>	<u>Educational facility</u>	<ol style="list-style-type: none"> (a) <u>The extent to which it is necessary to locate the activity in the Te Kowhai Airpark Zone.</u> (b) <u>Reverse sensitivity effects of adjacent activities.</u> (c) <u>The extent to which the activity may adversely impact on the transport network.</u> (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> (e) <u>The extent to which the activity may adversely impact affect or be affected by on the noise environment.</u>

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

<u>P1</u>	<u>Noise generated by emergency sirens.</u>
P1 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_(LAeq) 7am to 10pm every day; and</p> <p>(ii) 40dB_(LAeq) and 70dB_(LAFmax) 10pm to 7am the following day.</p> <p><u>(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.</u></p> <p><u>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</u></p> <p><u>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</u></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_(LAeq) 7am to 7pm every day; and</p> <p>(ii) 45dB_(LAeq) 7pm to 10pm every day; and</p> <p>(iii) 40dB_(LAeq) and 65dB_(LAFmax) 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>
D1	Any activity that does not comply with Rule 27.2.6 P1, P2 or P3.

27.2.7 Noise – Taxiways

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

27.2.7A Noise - Taxiways Aircraft Operations

P1	<p>a) In ALL PRECINCTS, noise from aircraft movements on the taxiways must not exceed the following noise limits:</p> <p>(i) When measured at the notional boundary of 202, 212 and 214 Limmer Road:</p> <p style="padding-left: 40px;">A. 50dB (L_{Aeq}), 7am to 10pm every day; and</p> <p style="padding-left: 40px;">B. 40dB (L_{Aeq}), and 65dB (L_{AFmax}) at all other times; or</p> <p>(ii) When measured at the notional boundary of any other site in the Rural Zone:</p> <p style="padding-left: 40px;">A. 50dB (L_{Aeq}), 7am to 7pm every day; and</p> <p style="padding-left: 40px;">B. 45dB (L_{Aeq}), 7pm to 10pm every day; and</p> <p style="padding-left: 40px;">C. 40dB (L_{Aeq}), and 65dB (L_{AFmax}) at all other times</p> <p>(b) Rule 27.2 (P1)(a)(ii) does not apply to 98A and 98B Limmer Road</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"> • <u>Aircraft engine testing and maintenance</u> • <u>Aircraft landing or taking off in an emergency</u> • <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> • <u>Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002</u> • <u>Aircraft using the aerodrome due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere</u> • <u>Aircraft undertaking firefighting duties</u> • <u>Air Show (for one air show per calendar year)</u> <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>(a) Aircraft engine testing and maintenance in all precincts must:</p> <p>(i) <u>take place only between:</u></p> <p style="padding-left: 40px;"><u>(1) 0800 hours and 2000 hours in the Summer Period; or</u></p> <p style="padding-left: 40px;"><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><u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</u></p> <p><u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</u></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> <ul style="list-style-type: none"> (i) Effects on amenity values; (ii) Light spill levels on any other site; (iii) Road safety; (iv) Duration and frequency.

27.2.10 Earthworks

PI	<p>(a) In ALL PRECINCTS, earthworks within a site must meet all of the following conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) Earthworks must be located more than 1.5m either side of a public sewer, open drain, overland flowpath or other service pipe; (ii) Earthworks must not exceed a volume of more than 1,000m³ in a single calendar year; (iii) Earthworks must not exceed an area of more than 1,000m² in a single calendar year; (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); (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; (vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls; <u>and</u> (vii) Earthworks must not divert or change natural water flows or established drainage paths. (viii) Earthworks greater than 200mm depth are to be located a minimum of 12m from the centreline of a gas transmission pipeline.
P2	<p>(a) In ALL PRECINCTS, the importation of fill material to a site must meet all of the following conditions <u>standards</u>, in addition to the conditions <u>standards</u> in Rule 27.2.10 PI (a):</p> <ul style="list-style-type: none"> (i) Earthworks do not exceed a total volume of 20m³ per site and a depth of 1m; (ii) Earthworks must be fit for compaction; (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); (iv) Earthworks do not restrict the ability for land to drain; (v) Earthworks are not located within 1.5m of public sewers, utility services or manholes; and (vi) The sediment from fill material is retained on the site.
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"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability; (ix) Flood risk, including natural water flows and established drainage paths; (x) Land instability, erosion and sedimentation; (xi) Proximity to underground services and service connections; <u>and-</u> <u>(xii) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u>
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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

PI	<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 conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) The sign height does not exceed 10m; (ii) Where the sign is attached to a building, it must not: <ul style="list-style-type: none"> A. Extend more than 300mm from the external wall of the building; and B. Exceed the height of the building, (iii) Where the sign is a free-standing sign, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site; and 1m² for any other free-standing sign on the site; and B. Be set back at least 5m from the boundary of any site in the Village <u>LLRZ - Large Lot Residential or SETZ - Settlement Zone</u>, (iv) Where the sign is illuminated, it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; and B. Not contain moving parts or reflective materials; and C. Be directed to ensure it does not spill light beyond the site.
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"> (i) Relate to goods or services available on the site; or (ii) Be a property name sign; and (iii) Be the only sign on the site; and (iv) Not be illuminated, flashing or moving; and (v) Not exceed 0.25m²; and (vi) Not exceed 2m in height.
P3	<p>(a) In ALL PRECINCTS, a real estate 'for sale' <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"> (i) Relate to the sale of the site on which it is located; and (ii) Be no more than 2 signs per site; and (iii) Be no larger than 1m² in area (per sign). <u>(i) There are no more than 3 signs per site of which:</u> <ul style="list-style-type: none"> <u>(A) There is no more than 1 sign per agency measuring 600mm x 900mm;</u> <u>(B) There is no more than 1 sign measuring 1800mm x 1200mm; and</u> <u>(C) There is no more than 1 real estate header sign measuring 1800mm x 1200mm.</u>

P4	(a) In ALL PRECINCTS, a sign advertising a community event or temporary event must: <ul style="list-style-type: none"> (i) Be on display for no more than 3 months prior to the event; and (ii) Be removed no later than 5 days after the event.
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"> (i) Effects on amenity values; (ii) Visual impact of the sign; (iii) Nature, scale and location; (iv) Streetscape; (v) Effects on any other site in the locality; (vi) Glare and light spill; (vii) Traffic safety.

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"> (i) Not imitate the content, colour or appearance of any traffic control sign; and (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; and (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and (iv) Contain maximum <u>no more than</u> 40 characters and a maximum of <u>no more than</u> 6 <u>words and</u> <u>/or</u> symbols; and (v) Have lettering that is at least 150mm high; and (vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.
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"> (i) Effects on amenity values, including cumulative effects; (ii) Effects on the safe and efficient operation of the road-land transport <u>road-land transport</u> (iii) Size and number of characters, <u>words</u> and symbols; (iv) Size of sign and support structure; (v) Visual appearance.

27.2.14 Temporary Events

PI	(a) In ALL PRECINCTS, a temporary event must comply with all of the following conditions <u>standards</u> : <ul style="list-style-type: none"> (i) The event occurs no more than 3 times <u>per calendar year</u>; (ii) It does not involve motorised outdoor recreation (except flying); (iii) It does not involve outdoor musical events or concerts; (iv) It operates within the hours of: <ul style="list-style-type: none"> A. 7.30am to 10pm Monday to Saturday; and B. 7.30am to 6pm Sunday; <u>and</u> (v) <u>An air show event occurs only once per calendar year.</u> (b) Temporary structures are: <ul style="list-style-type: none"> (i) Erected no more than 2 days before the event occurs; and (ii) Removed no more than 3 days after the end of the event; (c) The site is returned to its original condition no more than 3 days after the end of the event; <u>and</u> (d) 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.
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"> (i) Amenity; (ii) Noise levels; (iii) Timing and duration of the event; <u>and</u> (iv) Traffic and road safety effects. <u>Effects on the safe and efficient operation of the land transport network.</u>

27.2.15 Outdoor storage

PI	(a) In PRECINCT A AND B, outdoor storage of goods or materials must: (i) Be associated with a Permitted Activity operating from the site; (ii) Not exceed a height of 9m; (iii) Not encroach on any required parking and manoeuvring areas; and (iv) Not exceed 30% site coverage.
P2	(a) In PRECINCT C AND D, outdoor storage of goods or materials must: (i) Be associated with a Permitted Activity operating from the site; and (ii) Not encroach on any required parking and manoeuvring areas.
RD1	(a) Outdoor storage of goods or materials that does not comply one or more conditions <u>standards</u> in Rule 27.2.15 PI and P2. (b) Council's discretion is restricted to the following matters: (i) Effects on amenity; (ii) Visual impact; (iii) Nature, scale and location of screening; (iv) Proximity and height of stockpiles to road reserve or other sites; (v) Access to sunlight and daylight; (vi) Safety of road users and pedestrians.

27.2.16 – Hours of Operation for Aircraft Operations

PI	(a) <u>In ALL PRECINCTS, Aircraft Operations must be carried out between:</u> (i) <u>0700 hours to 2200 hours in the Summer Period; or</u> (ii) <u>0700 hours to 1900 hours in the Winter Period.</u>
P2	(a) <u>In ALL PRECINCTS, Rule PI does not apply to the following:</u> (i) <u>Aircraft landing or taking off in an emergency; or</u> (ii) <u>Emergency flights required to rescue persons from life threatening situations; or</u> (iii) <u>Emergency flights to transport patients, human vital organs or medical personnel in a medical emergency; or</u> (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> (v) <u>Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere; or</u> (vi) <u>Aircraft being used in the course of firefighting duties; or</u> (vii) <u>Aircraft being used in the course of police duties.</u>
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</u> measured from the natural ground level immediately below that part of the <u>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	<p>(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</p> <p>(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.</p>
RD1	<p>(a) Any building, structure, tree or other vegetation that does not comply with Rule 27.3.1. P1 or P2.</p> <p><u>(b) Council's discretion is restricted to the following matter:</u></p> <p><u>(i) Effect on the safe and efficient operation of Te Kowhai aerodrome and airpark;</u></p>

27.3.1A Height – Building General

P1	<p>(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></p>
P2	<p>(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></p>
RD1	<p>(a) Any building, <u>or</u> structure, tree or other vegetation that does not comply with Rule 27.3.1.P1 or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Form, bulk and location of building, structure, object, mast or tree;</p> <p>(ii) Effect on the safe and efficient operation of Te Kowhai aerodrome and airpark;</p> <p>(iii) Access to daylight and sunlight.</p>
RD1	Any building, <u>or</u> structure, tree or other vegetation that does not comply with Rule 27.3.1 RD1.

27.3.2 Daylight Admission Height in relation to boundary

P1	<p>(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:</p> <p>(i) 45 degrees commencing at an elevation of 2.5m above ground level at every point of the Precinct boundary; or</p> <p>(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.</p> <p>(b) Rule 27.3.2 P1(a) does not apply to a Record of Title less than 1000m² in Precinct A or B.</p>
P2	<p>(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.</p> <p>(i) Rule 27.3.2 P2 (a) does not apply to any semi-detached development within PRECINCT C.</p> <p>(ii) Rule 27.3.2 P2 (a) does not apply to a Record of Title 1000m² or less in PRECINCT C.</p>
RD1	<p>(a) Any building or stockpile that does not comply with Rule 27.3.2 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) Admission of daylight and sunlight to the site and other sites;</p> <p>(iii) Extent of areas of non-compliance.</p>

27.3.3 Building coverage and impervious area

P1	<p>(a) Construction or alteration of a building in PRECINCT B must comply with all of the following:</p> <p>(i) Total building coverage does not exceed 70% in each lot;</p> <p>(ii) Impervious area does not exceed 90% in each lot.</p> <p>(b) Rule 27.3.3 P1 (a) does not apply to any building in PRECINCT A.</p> <p>(c) Rule 14.1.1.P2 does not apply to PRECINCTS A AND B of the Te Kowhai Airpark Zone.</p>
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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> <ul style="list-style-type: none"> (i) For a lot less than 1500m², the total building coverage must not: <ul style="list-style-type: none"> A. exceed 60% site area, up to a maximum of 600m²; and B. result in more than 90% of the site having an impervious surface, up to a maximum 1200 m² impermeability; or (ii) For a lot between 1500 m² and 2500 m², the total building coverage must not: <ul style="list-style-type: none"> A. exceed 40% site area, up to a maximum of 750 m²; and B. result in more than 80% of the site having an impervious surface, up to a maximum 1500 m² impermeability; or (iii) For a lot greater than 2500 m², the total building coverage must not exceed: <ul style="list-style-type: none"> A. 30% site area, up to a maximum of 900m²; and B. result in more than 60% of the site having an impervious surface, up to a maximum 1800 m² impermeability. <p>(b) Rule 14.1.1.1 P2 does not apply to PRECINCTS C AND D of the Te Kowhai Airport Zone.</p>
RD1	<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> <ul style="list-style-type: none"> (i) Effects on amenity values; (ii) Building form, bulk, location, external cladding and colour; (iii) Extent of area of non-compliance; (iv) Effects on adjacent sites; (v) Effects on streetscape; (vi) Stormwater management; (vii) Onsite parking provision; (viii) Landscape planting and other visual mitigation measures.

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> <ul style="list-style-type: none"> (i) 5m from all road boundaries (private or vested roads); and (ii) 5m from precinct boundaries except: <ul style="list-style-type: none"> A. No setback is required between PRECINCT A AND PRECINCT B boundaries.
P2	<p>(a) The construction or alteration of a building in PRECINCT C OR D must be set back:</p> <ul style="list-style-type: none"> (i) For a lot over 1500 m², 5m from all boundaries, except a taxiway; or (ii) For a lot between 600 m² and 1500 m², 3m from all boundaries, except a taxiway; or (iii) For a Record of Title under 600m², 3m from front and rear boundaries, and 1.5m from side boundaries. <p>(b) In PRECINCT C OR D, no setback from internal boundaries is required where development is of a semi-detached nature.</p>
RD1	<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> <ul style="list-style-type: none"> (i) Effects on amenity values; (ii) Effects on adjacent sites.

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.
RD1	<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> <ul style="list-style-type: none"> (i) Effects on amenity values; (ii) Effects on adjacent sites; (iii) Effects on aircraft safety and taxiing.

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	<p>(a) Construction or alteration of a building that does not comply with Rule 27.3.6 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (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	<p>(a) Construction or alteration of a dwelling in PRECINCT C, or within the Airside Overlay of PRECINCT D, must provide an outdoor living <u>court space</u> complying with the following <u>conditions standards</u>:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of a dwelling- residential unit, and (ii) It is accessible from a living area of a dwelling, and either: <ul style="list-style-type: none"> A. On the ground floor of a dwelling- residential unit, the <u>outdoor living space court</u> must have a minimum area of 60 m² 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 court</u> must be above ground-level with a balcony containing at least 15 m².
P2	<p>(a) A <u>outdoor living space court</u> must be provided for each minor dwelling that meets all of the following <u>conditions standards</u>:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the minor dwelling- residential unit; (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 dwelling- residential unit; (iii) It is accessible from a living area of the minor dwelling- residential unit, and either: <ul style="list-style-type: none"> A. On the ground floor of the minor dwelling- residential unit, the <u>outdoor living space court</u> must have a minimum area of 40m² capable of containing a circle of 6m diameter; or B. Above ground floor of the minor dwelling- residential unit, the <u>outdoor living space court</u> must be located on a balcony capable of containing at least 15 m² and a circle with a diameter of at least 2.4m.
RDI	<p>(a) Any <u>outdoor living space court</u> that does not comply with Rule 27.3.8 PI or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity.

27.3.9 Service Court

PI	<p>(a) Construction or alteration of a dwelling- residential unit in PRECINCT C must provide</p> <ul style="list-style-type: none"> (i) service court with a minimum area of 15m², exclusive of parking and manoeuvring areas and buildings. <p>(b) Rule 27.3.9 PI (a) does not apply to a dwelling in PRECINCTS A, B OR D.</p>
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 dwelling- residential unit 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 dwelling- residential unit on the land contained in a lot.
DI	Construction or alteration of a dwelling- residential unit 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 dwelling- residential unit must comply with all of the following conditions standards: (i) It is located within PRECINCT D; (ii) The site contains a net site area of at least 2500m ² ; (iii) There is only one other dwelling- residential unit on the site; (iv) It is within 20m of the other dwelling- residential unit on the site; (v) It shares a single driveway access with the other dwelling- residential unit on the site; (vi) There is no more than a single car garage with a maximum gross floor area of 24 m ² associated with the minor dwelling- residential unit ; (vii) Maximum of 70m ² gfa.
DI	Construction or alteration of a minor dwelling- residential unit 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 dwelling- residential unit 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 ² .
RDI	(a) Construction or alteration of a dwelling- residential unit 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) <u>Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must comply be insulated in compliance with Appendix I (Acoustic Insulation) within:</u> (i) <u>An Airport Air Noise Boundary or Airport Outer Control Boundary.</u>
RDI	(a) <u>Construction of, or addition, or alteration to, a building that does not comply with Rule 27.3.14 PI.</u> (b) <u>Council's discretion is restricted to the following matters:</u> (i) <u>internal design sound levels;</u> (ii) <u>on-site amenity values; and</u> (iii) <u>potential for reverse sensitivity effects.</u>

27.4. Subdivision

27.4.1 – Subdivision General

NCI	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"> <u>(i) Proposed lots must be connected to a private reticulated wastewater network.</u> <u>(ii) Proposed lots must be connected to a public reticulated potable water supply network that is also sufficient for firefighting purposes.</u> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The extent to which the allotment can be serviced by the Te Kowhai Airpark <u>private reticulated system wastewater network</u>; (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; (iii) Consistency with the Te Kowhai Airpark Framework Plan in <u>Appendix 9</u>; (iv) Access, parking and traffic safety considerations; (v) Impacts on aviation and airpark activity; (vi) Site suitability and the extent to which the intended activity can be accommodated on site; <u>(vii) Avoidance or mitigation of natural hazards;</u> <u>(viii) Matters referred to within the infrastructure chapter;</u> <u>(ix) Impacts on stormwater and wastewater disposal;</u> <u>(x) Provision of infrastructure, including potable water supply and water supply for firefighting purposes;</u> <u>(xi) Amenity and streetscape;</u> <u>(xii) Vehicle and pedestrian networks; and</u> <u>(xiii) Geotechnical stability for building.</u>
RD2	<p>(a) Subdivision within PRECINCT C AND D where:</p> <ul style="list-style-type: none"> (i) It is in accordance with Appendix 9 - the Te Kowhai Airpark Framework Plan; and (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"> A. 450 m² 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 B. 1000 m² 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 C. 2500 m² 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 (iii) Every allotment within the 'Airsides Overlay' of PRECINCT D has a net site area of at least 800m² 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 (iv) Every allotment within PRECINCT D outside of the 'Airsides Overlay' has a net site area of at least 2,500m², and <u>must have a potable water supply sufficient for firefighting purposes</u> except: (v) The net site area may be reduced to <u>no less than 1,000m²</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. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout;

	<ul style="list-style-type: none"> (ii) Ability of titles to accommodate a practical building platform including geotechnical stability for building; (i) Avoidance or mitigation of natural hazards; (iv) Matters referred to within the infrastructure chapter; (ii) Impacts on stormwater and wastewater disposal; (iii) Amenity and streetscape; (iv) Vehicle and pedestrian networks; (viii) Compatibility <u>Consistency</u> with the Te Kowhai Airpark Framework Plan in Appendix 9; (ix) <u>Provision of infrastructure, including potable water supply and water supply for firefighting purposes; and</u> (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>
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"> (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"> (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. (b) Rule 27.4.3 (a) does not apply to any non-compliance that existed lawfully prior to the subdivision. (c) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Effects on amenity values and character; (ii) Reverse sensitivity effects; (iii) Effects on existing buildings.
DI	Subdivision that does not comply with Rule 27.4.3 RD1.

27.4.4 Road frontage

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

27.4.5 Road access

RD1	<ul style="list-style-type: none"> (a) In ALL PRECINCTS, every allotment must be provided with vehicle access to a public road. The vehicle access may include a private road. (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. (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. (d) Council's discretion is restricted to the following matters:: <ul style="list-style-type: none"> (i) Adequacy of the access for its intended use; (ii) Road efficiency and safety; (iii) Degree of compliance with the Transportation Rules 14.12; and (iv) The extent to which non-compliance creates road efficiency or safety issues.
DI	Subdivision that does not comply with Rule 27.4.5 RD1.

27.4.6 Building Platform

RD1	<p>(a) In ALL PRECINCTS, every allotment must be capable of containing a building platform:</p> <ul style="list-style-type: none"> (i) Upon which a dwelling could be sited as a permitted activity in accordance with Rule 27.3; and (ii) The building platform is able to accommodate either: <ul style="list-style-type: none"> A. A circle with a diameter of at least 10m exclusive of boundary setbacks; or B. A rectangle of at least 100 m², exclusive of boundary setbacks, of which each dimension is at least 8m. <p>(b) Rule 27.4.6 RD1 (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> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Geotechnical suitability for building.
DI	Subdivision that does not comply with Rule 27.4.6 RD1.

27.4.7 Perimeter shelter-belt planting

RD1	<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 Condition Standard (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> <ul style="list-style-type: none"> (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>(d) The shelterbelt screen planting required by Condition Standard (a) must be identified on the subdivision scheme plan.</p> <p>(e) The shelterbelt screen planting required by Condition Standard (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> <ul style="list-style-type: none"> (i) Consideration of landscape and visual amenity values; (ii) The ability of landowners adjoining the airpark to access the perimeter taxiway; (iii) Compatibility with aircraft manoeuvring; (iv) Legal mechanisms to implement and thereafter protect shelterbelt planting; (v) Aircraft safety.
DI	Subdivision that does not comply with a condition of Rule 27.4.7 RD1.

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"> • <u>the landing and take-off of any aircraft at an aerodrome;</u> • <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>
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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_{dn}) and the Airport Outer Control Boundary (55 dB L_{dn}) 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~~ Boundaries 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 Boundaries 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 Boundaries.

...

~~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 Airport 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:

- Runway: the runway is 923.8 metres long and 18 metres wide.
- Runway strip: the runway is contained within the runway strip. The strip is 983.8 metres long and 60 metres wide.
- 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~~ 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~~ 5) to a height of ~~36.6~~ 28.5 metres above Moturiki Datum. The surfaces then rises vertically from 36.6 metres to

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:

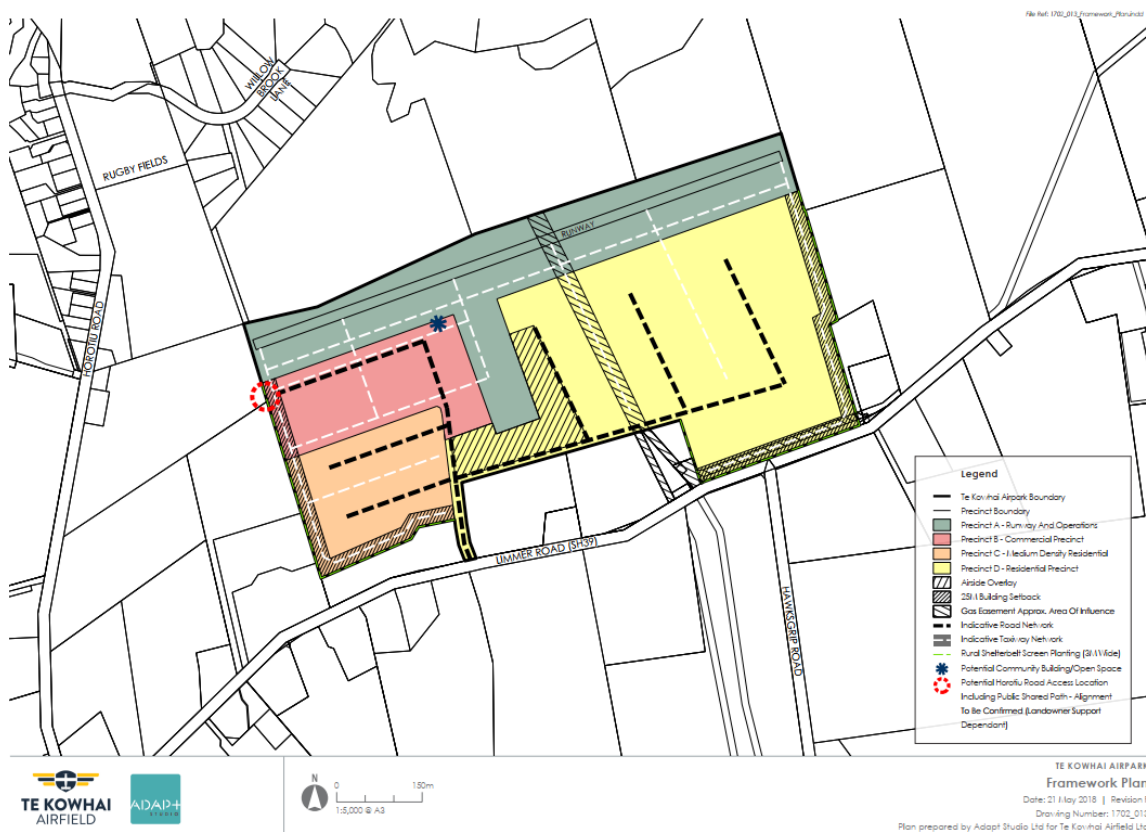


Figure X – Framework plan

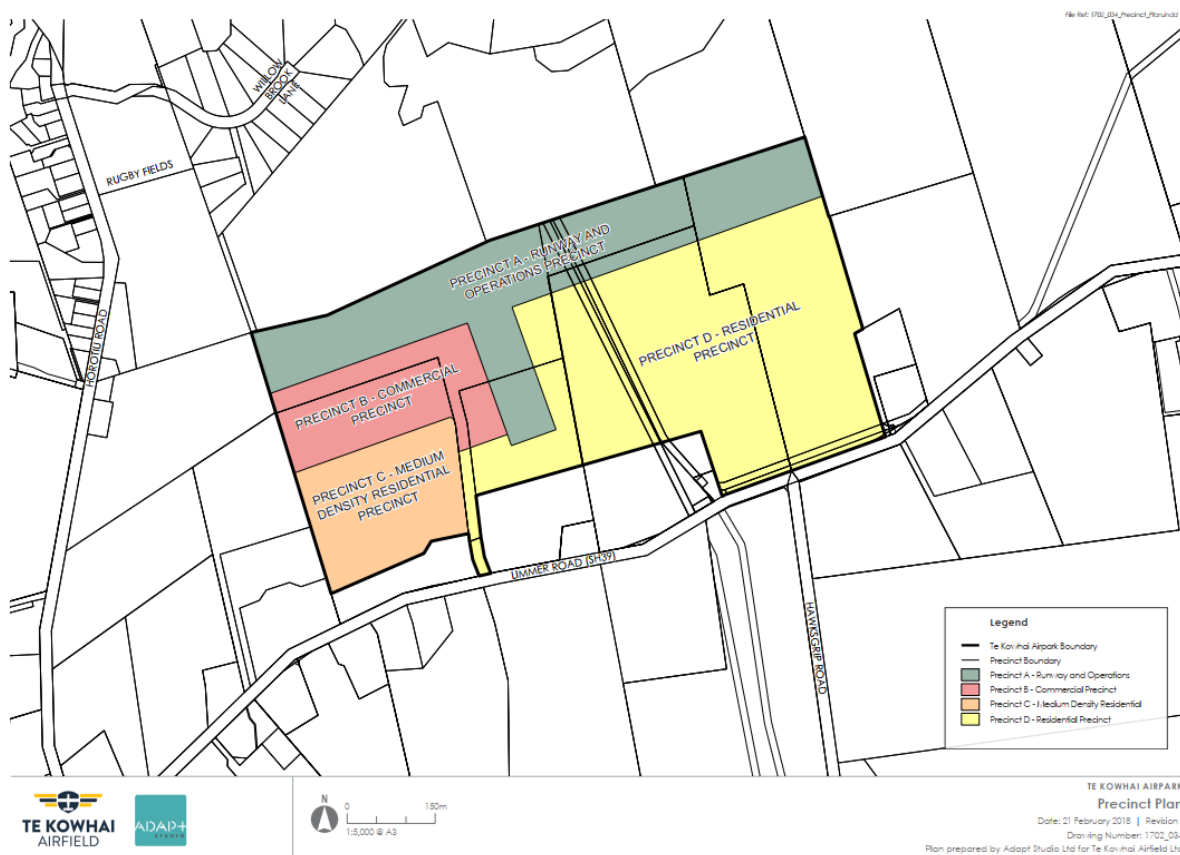


Figure X – Precinct plan

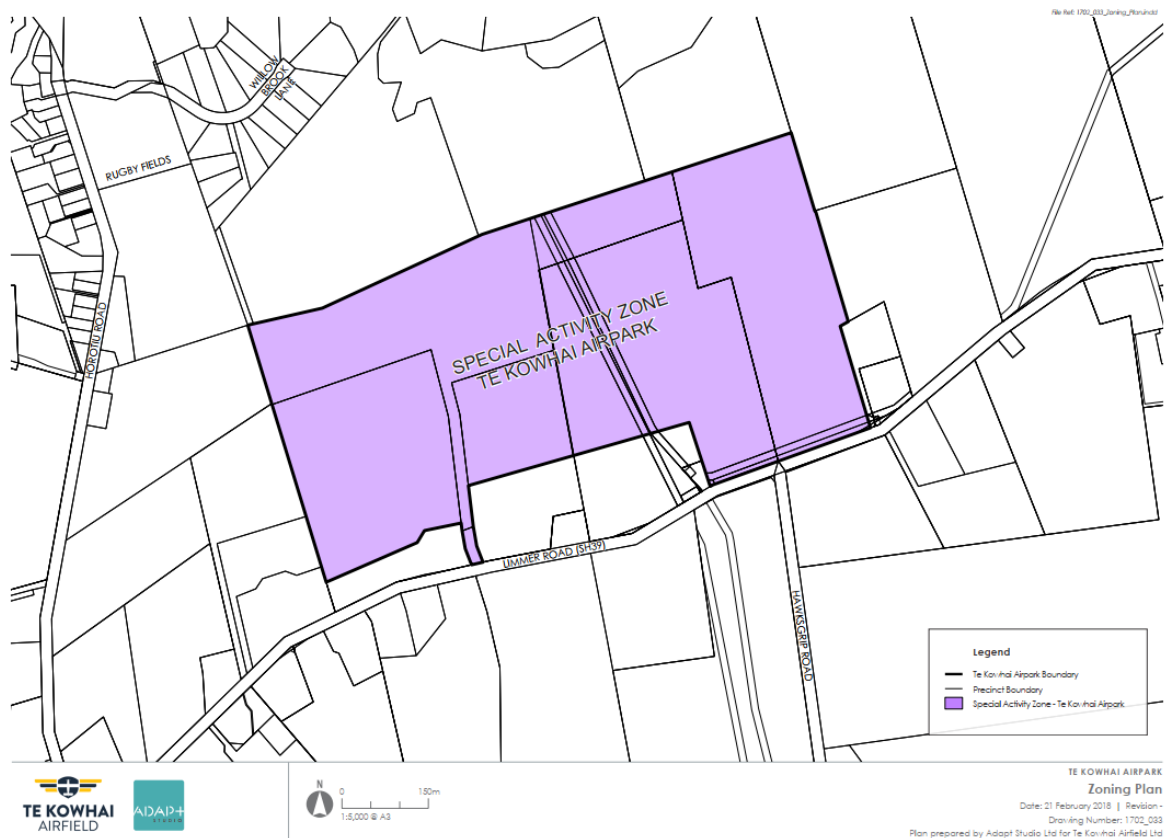


Figure X – TKAZ – Te Kowhai Airpark zone

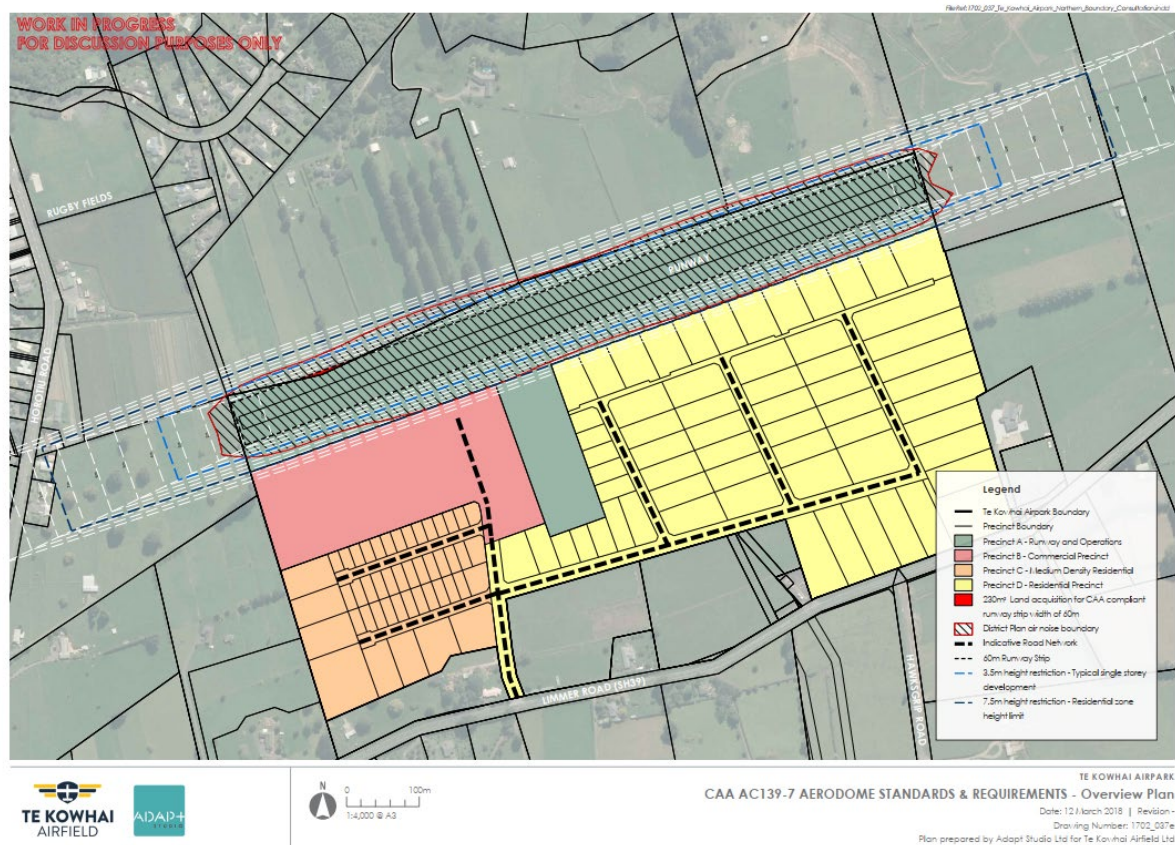


Figure X – Overview plan

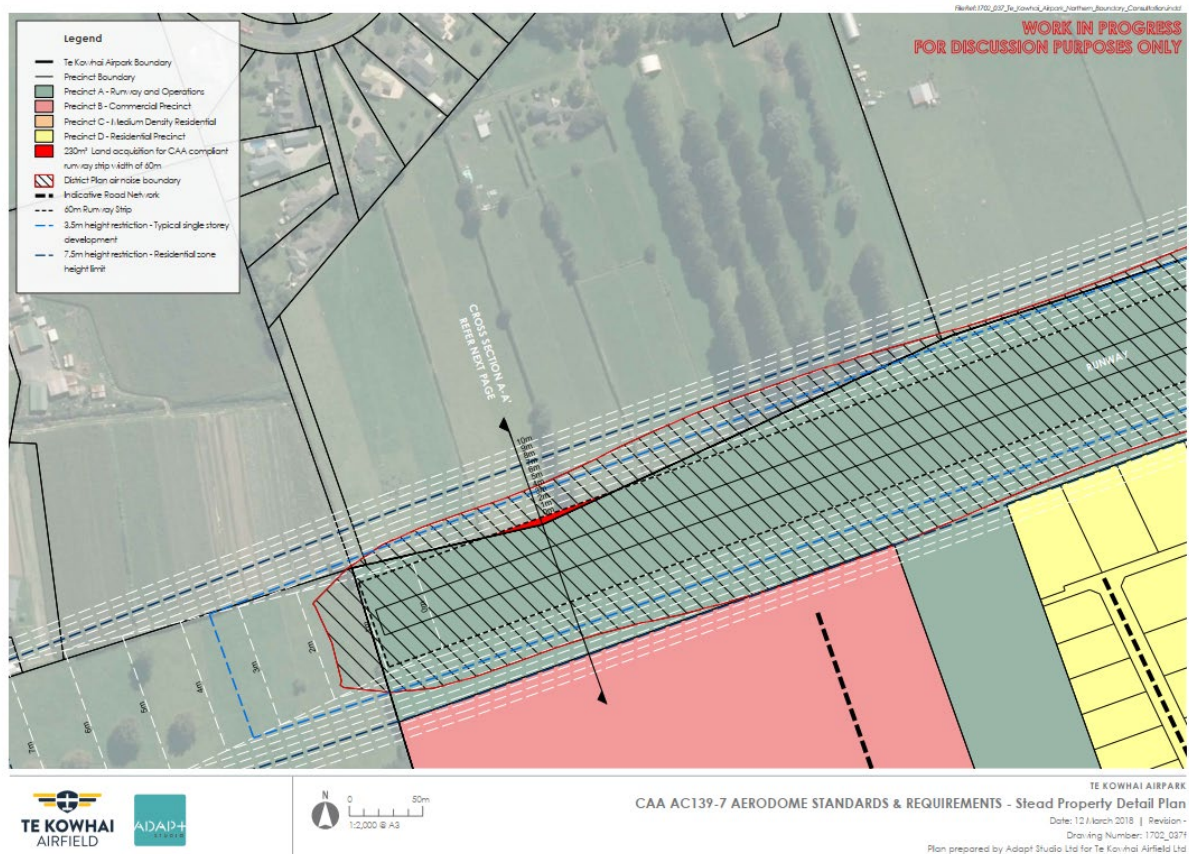
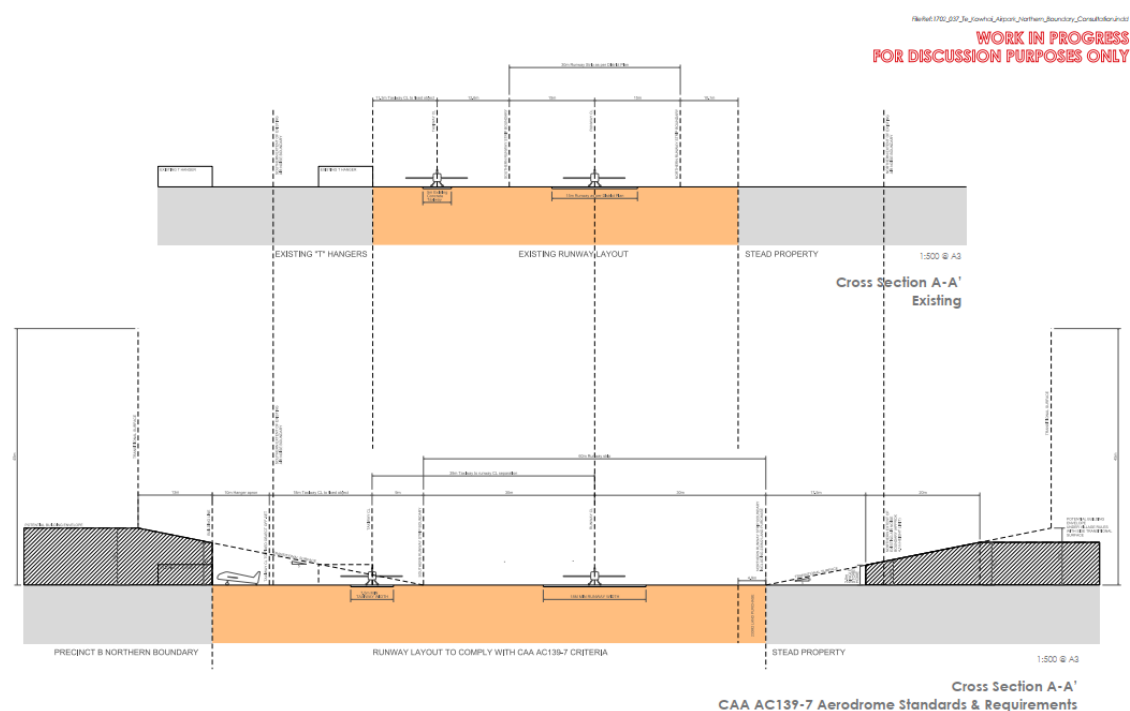


Figure X – Stead property detail plan



TE KOWHAI AIRFIELD
Stead Property Cross Section
Date: 12 March 2018 | Revision -
Drawing Number: 1702_007g
Plan prepared by Adapt Studio Ltd for Te Kowhai Airfield Ltd

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

ANOC-RI	Building height – Waikato Regional Airport	
<u>All zones</u>	(1) Activity status: PER Activity-specific standards: <ol style="list-style-type: none"> (a) <u>Any building, structure, tree or other vegetation must not protrude</u> 	(2) Activity status where compliance not achieved: NC

	<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>	
ANOC-R2	Building height – Te Kowhai Aerodrome (Approach and Take-Off Surfaces)	
<u>All zones</u>	(1) Activity status: PER Activity-specific standards: (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>	(2) Activity status where compliance not achieved: NC
ANOC-R3	Building height – Te Kowhai Aerodrome (Transitional Side Surfaces)	
<u>All zones</u>	(1) Activity status: PER Activity-specific standards: (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>	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) <u>Effects on the safe and efficient operation of Te Kowhai aerodrome and airpark.</u>
ANOC-R4	Building height – Te Kowhai Aerodrome (Inner Horizontal Surface)	
<u>All zones</u>	(1) Activity status: PER Activity-specific standards: (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>	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) <u>Effects on the safe and efficient operation of Te Kowhai aerodrome and airpark.</u>

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.

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.

ANOC-R5	Building height – Mercer Airport	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</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 APPI – Mercer Airport.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Effects on the safe and efficient operation of Mercer Airport.</u></p>

Noise-sensitive activities

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