



# Waikato Regional Airport Ltd Submitter (741) and Further Submitter (1253)

## Hearing 12 – Country Living Zone

Evidence Highlights – Kathryn Drew

# Waikato Regional Airport Ltd

## Submissions and Current Position

- WRAL lodged a primary submission seeking that the prohibited activity status for subdivisions that did not comply with the 1.1ha averaging lot size within the Airport Subdivision Control Boundary (ASCB) be retained as per the current District Plan provisions.
- WRAL also lodged further submissions opposing submissions seeking that the ASCB be removed or the 1.1ha average lot size be reduced.
- I prepared rebuttal evidence on behalf of WRAL that:
  - Supported Council's position to reject submissions that sought the ASCB be removed or the average removed/reduced.
  - Supported the non-complying activity status for subdivision, provided that further wording was added to Policy 5.6.3 ensuring that policy enabled the protection of the Airport as regional significant infrastructure from reverse sensitivity effects.

# History on the averaging requirement

## Plan Change 19 in 2000

- In 2000 Waikato District notified Plan Change 19 which proposed to allow additional rural residential subdivision opportunities in Tamahere, some of which was within the Airport Noise Outer Control Boundary.
- WRAL opposed that Plan Change.
- The Council decided that the proposed change should not apply within the Outer Control Boundary. This decision was appealed.
- A solution was agreed in 2003 and the appeals were settled by consent order.
- Key features of the settlement were:
  - Lower density subdivision rules of 1.1ha minimum lot sizes within the OCB.
  - Consent notices on new titles created within OCB.
  - Objectives and policies referring to airport noise included in the District Plan.

# History on the averaging requirement

## Runway Extension – Variation 14

- In 2010 WRAL lodged a suite of notices of requirements and proposed revisions to the Waipa, Hamilton City and Proposed Waikato District Plans relating to the OLS, noise boundaries and runway protection areas to provide for the expansion of the lengthening of the runway.
- Through these processes the modelling of aircraft movements and consequential noise effects were based on strategic airport planning out to 2030.
- The issue of density of subdivision in Tamahere within the OCB was revisited as part of Variation 14 and as part of that the boundary that controlled subdivision was amended slightly and renamed the Airport Subdivision Control Boundary.
- The Commissioner decision reconfirmed the 1.1ha density provision.
- The runway extension designations have a lapse date of 2026. The Airport are working towards giving effect to those designations.

# Purpose of WRALs submissions

- To ensure that its significant long term effect to secure appropriate planning solutions to manage airport noise in Tamahere and to maintain them, is not lost.
- To protect the Airport from the potential for future reverse sensitivity effects.
  - Reverse sensitivity effects are not just current effects, but also future effects that have been modelled out to 2030.
  - The s42A report notes that there is residual capacity for a further 220 lots if the ASCB is removed.

# Howarth and Barrett Submissions

- WRAL wish that Council reject these two submission/the supporting evidence provided for the following reasons:
  - Removing the ASCB would undermine the existing integrated cross-boundary approach developed by the three Council's to manage the effects of Airport operations on the receiving environment.
  - There is a need to control potential noise reverse sensitivity effects (i.e. to limit the number of people exposed to those adverse noise effects).
  - The most effective way to achieve this is by limited the potential new dwellings can be built within the ASCB, through the retention of the averaging requirement.
  - The approach adopted has been tested twice and is still considered to be the most appropriate planning regime to managing the reverse sensitivity effects from Airport noise.
  - The ASCB has been modelled on a wide range of input including aircraft types, their noise characteristics, flight paths, meteorological conditions, frequency of movements and whether they are day or night-time movements, not just flightpaths.

# Howarth and Barrett Submissions Cont.

- Airport operations are not constrained by the ASCB, however the ASCB reflects the route likely to be used by the larger/noiser aircraft.
- The reverse sensitivity noise effects are not based just on current effects, but also future effects that have been modelled out to 2030.
- Non-complaint covenants are not a tool that can be used in District Plan provisions provide for a greater intensity of development within the ASCB.
- Prevention of development potential is better than a control on potential complaints.
- Within the ASCB the density of subdivision is substantially lower than elsewhere, so the existing District Plan has been 'holding the line' as intended. The horse has not already bolted.
- The Airport has been making progress to give effect to the runway extension designation.
- The Airport is regional significant infrastructure as defined by the Waikato Regional Plan and its ability to function and grow needs to be protected by Waikato District.

# Activity status for subdivision

- WRAL original submission requested that the prohibited activity status be retained.
- The rebuttal evidence indicated a non-complying activity status could be supported provided that a change was made to policy 5.6.3, as follows:

## **5.6.3 Policy – Subdivision within the Country Living Zone**

*(a) Subdivision, building and development within the Country Living Zone ensures that:*

- i. The creation of undersized lots is avoided where character and amenity are compromised;*
- ii. new lots are of a size and shape to enable sufficient building setbacks from any boundary;*
- iii. building platforms are sited to maintain the character of the Country Living Zone and are appropriately-positioned to enable future development;*
- iv. existing infrastructure is not compromised;*
- v. existing lawfully-established activities and regional significant infrastructure are protected from reverse sensitivity effects.*

- Without this change, it is my opinion, that the prohibited status should be retained.

# WRALs views on proposed policy changes

- The rebuttal s42A report suggests that the change I have sought to clause (v) in policy 5.6.3 is not required as that clause is to be removed and the new policy (policy 5.6.19) and policies in Chapter 6 – Infrastructure and Energy provide the required protections.
- I disagree for the following reasons:
  - Protection of the Airport needs to be provided in a very clear manner, which in my opinion is through linking it to the definition of regional significant infrastructure. Linking just to infrastructure is not strong enough.
  - Minimise is not a strong enough term to address this issue when the current position is a prohibited activity status. Why has Council not used 'avoid'?
  - Policy 5.6.19 also reads as if reverse sensitivity effects can be minimised through the design of subdivision. That's not the case with airport noise reverse sensitivity effects.
  - Subdivision that is unable to meet the averaging requirement needs to be actively discouraged, hence the use of the term protect in a policy framework.

# Relief sought

- That clause (v) in policy 5.6.3 be adopted by the Committee
- If necessary this clause could also be relevant to the Airport and state:  
“regional significant infrastructure is protected from reverse sensitivity effects”.
- It is important that a restriction on subdivisions should apply to land within the ASCB, otherwise the purpose of limiting the number of people exposed to the effects of airport noise will not be achieved. That was the intent of the original prohibited activity status. Without the change to policy 5.6.3, it is my opinion that the prohibited status for subdivision that does not comply with the averaging requirement should be retained.