

BEFORE an Independent Hearing Panel

IN THE MATTER of the Resource Management Act 1991 (“RMA”)

AND

IN THE MATTER of a hearing of submissions and further
submissions in respect of Chapter 23 (Country
Living Zone) of the Waikato District Proposed
District Plan

STATEMENT OF REBUTTAL EVIDENCE
BY KATHRYN ANNE DREW
ON BEHALF OF WAIKATO REGIONAL AIRPORT LIMITED

INTRODUCTION

1. My full name is Kathryn Anne Drew.
2. I am a senior planner at Bloxam Burnett & Olliver Ltd (“BBO”), a firm of consulting engineers, planners and surveyors, based in Hamilton.
3. I have been employed in resource management and planning related position in local government and the private sector for 16 years, with the last 11 of those being at BBO.
4. My qualifications are a Bachelor of Resource and Environmental Planning (Hons) from Massey University. I am also a full member of the New Zealand Planning Institute.
5. My planning experience has included the preparation and processing of consent applications for both Council’s and private clients. I have also prepared and processed Plan Changes, prepared submissions on Plan Changes and on District Plan reviews.
6. In relation to this hearing I am authorised to give evidence on behalf of Waikato Regional Airport Limited (“WRAL”). I am the author of the submissions and further submissions prepared on behalf of WRAL in relation to the Waikato Proposed District Plan (“WPDP”). I have been providing planning advice to WRAL for the last 11 years. I consequently have an extensive working knowledge of Hamilton Airport, the planning provisions that currently apply to it and the planning challenges associated with the airport and its surrounds. Statements I make in this evidence fall back on that knowledge.
7. I have read the Environment Court’s ‘Code of Conduct for Expert Witnesses’ as contained in the Environment Court’s Consolidated Practice Note 2014 and agree to comply with it. I have complied with it when preparing my written statement of evidence.

EVIDENCE STRUCTURE

8. In this evidence I rebut the evidence of Jason Howarth, Howarth Consulting, who has provided evidence in support of their submission point 7.1 which sought to remove the Airport Subdivision Control Boundary (“ASCB”) and allow subdivision within that area in accordance with usual Country Living Zone (“CLZ”) rules.
9. As part of that rebuttal I also comment on the provisions which WRAL submitted on and which are addressed in the s42A report provided by Waikato District Council (“WDC”) in relation to the CLZ, and specifically the subdivision provisions applying within the ASCB that Mr Howarth addresses.
10. Topics covered in this evidence are:
 - Background to airport noise and related subdivision controls in the Country Living Zone;
 - Assessment of the most efficient and effective rules for subdivision controls;
 - Commentary on specific rules as described in the s42A report.

WRAL SUBMISSIONS

11. WRAL lodged a primary submission (741.2) seeking prohibited activity status for subdivision that did not comply with the 1.1ha average lot size within the ASCB. The Operative Waikato District Plan (“OWDP”) included a prohibited activity status for this whereas the PWDP, as notified, changed the status to non-complying. WRALs submission was to retain the non-complying activity status.
12. WRAL also lodged several further submissions¹ opposing submissions seeking that the ASCB be removed or the 1.1ha average lot size be reduced. These further submissions are recorded on page 169 of the s42A report. They included a further submission opposing submission point 7.1 by Howarth Consulting.

BACKGROUND

13. Although Hamilton Airport is located in Waipa District it is an important regional transportation hub and its influence extends into Waikato District and Hamilton City. It is defined as *Regionally Significant Infrastructure* in the Waikato Regional Policy Statement. Its influence on Waikato District is mainly in the form of aircraft noise, and safety issues associated with maintaining clearances from buildings and objects for aircraft flight paths to and from it.
14. The airport is a vital component of the Waikato Regions transport infrastructure. It has the third longest civilian runway in New Zealand, after Auckland and Christchurch, and caters for scheduled domestic services, as well as a wide range of general aviation (GA) flights. It is also home to L3 Airline Academy (CTC Aviation), a major flight training school. Today Hamilton Airport is the second busiest regional Airport for certified air movements; it attracts over 140,000 aircraft movements per annum; caters for approximately 380,000 domestic passengers per annum and passenger numbers are growing at rate of around 7% per annum.
15. The Waikato District Plan has included provisions relating to the airport since 1989. The airport itself and associated facilities, is designated in the Waipa District Plan but its related noise provisions, to address reverse sensitivity effects, are also included in the OWDP. The Hamilton City District Plan includes “Obstacle Limitation Surface” provisions but not noise provisions.
16. The noise provisions in the District Plans are derived from NZS 6805: 1992 “Airport Noise Management and Land Use Planning”. This standard establishes recommended maximum levels of airport noise exposure around airports for the protection of community health and amenity values, while recognising the need for airports to operate efficiently. The Standard does not itself set rules but it provides a guide for appropriate land use controls in district plans. The Standard was developed after extensive consultation and is widely implemented in district plans throughout the country.

¹ Further submitter number: 1253

17. The usual method for implementing the controls is to show an “Airnoise Boundary” and a “Outer Control Noise Boundary” in the District Plan and to restrict land use within them. The Air Noise Boundary represents an area within which aircraft noise may exceed 65 dBA Ldn. These levels can have health effects. The Outer Control Noise Boundary is an area where aircraft noise levels are predicted to be between 55 and 65 dBA Ldn. At these levels the noise largely has adverse effects on amenity values. Only the Outer Noise Control Boundary extends into Waikato District, covering land in and around Tamahere.
18. Hamilton Airport is in the enviable position of being in a largely rural area with limited development around it. This means that to date the reverse sensitivity conflicts that arise through urban development encroaching onto land around the airport that is subject to aircraft noise have largely been avoided. This makes it quite different from other airports in New Zealand that are close to residential or other sensitive forms of development. One of WRAL’s aims of making submissions on the PWDP is to maintain this level of protection. A second aim is to encourage a consistent approach to airport planning between the three affected territorial authorities; Waikato, Waipa and Hamilton City.
19. In 2000 Waikato District notified Plan Change 19 which proposed to allow additional rural residential subdivision opportunities within Tamahere, some of which was within the Airport Noise Outer Control Boundary. WRAL was a submitter opposed to the Plan Change. The Council (via independent Commissioners) decided that the proposed change should not apply within the Outer Control Boundary. Several Tamahere residents appealed the decision to the Environment Court, and WRAL became involved with WDC and the appellants in a mediation process in order to find a suitable solution. That solution was agreed in 2003 and the appeals were settled by Consent Order. The key features of the settlement were:
 - Lower density subdivision rules of 1.1 ha minimum lot sizes within the Outer Control Boundary;
 - Consent notices referring to airport noise to be placed on new titles created within the Outer Control Boundary;
 - Objectives and policies referring to airport noise included in the District Plan.
20. The 1.1 ha lot size was based on the average size of land parcels within the Outer Control Boundary at the time. It ‘held the line’ at that density while allowing for subdivision elsewhere in Tamahere to increase in density to 5,000m² lots.
21. 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 Obstacle Limitation Surfaces, noise boundaries and Runway Protection Areas. The changes to the policies and rules were implemented through a private plan change to the Waipa District Plan (Plan Change 69) and variations initiated by WDC (Variation 14) and Hamilton City Council (Variation 22) to their Plans. The issue of density of subdivision in Tamahere within the Outer Control Boundary 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 Commissioners hearing submissions on Variation 14 reconfirmed the 1.1ha density provision.

22. A key purpose of this evidence is to ensure that this significant long term effort to secure appropriate planning solutions to manage airport noise in Tamahere and to maintain them, is not lost. Therefore, it is important that it is carried over into the PWDP.

SUBMISSION 7.1

23. Mr Howarth's evidence in support of submission 7.1 refers to the history of the ASCB and the related rules, that I have outlined above. Although the rules were introduced in 2003 they were retested through a Schedule 1 process in 2010 through Variation 14 and reassessed again as part of the PWDP s32 analysis. Through these processes the modelling of aircraft movements and consequential noise effects were based on a strategic airport planning out to 2030. The main airport designations allow for a runway extension and those designations have a lapse date of 2026. Some initial runway extension works have been put in place, including a starter extension and the relocation of landing and takeoff thresholds and associated relocation of navigation aids. The airport, along with aviation generally, continues to go through growth cycles. Aviation is a highly volatile business, and over the last few years the airport has seen strong growth in domestic passenger numbers to a point whereby today it services 382,000 persons per annum. A full runway extension remains an option, as provided for by the designation.
24. The runway designation provides the fundamental basis for the suite of airport provisions in the three District Plans. The Waipa District Plan includes similar rules restricting subdivision and development within the Airport Noise Outer Control Boundary. Removing the ASCB as suggested by Mr Howarth would undermine the integrated cross-boundary approach developed by the three Councils.
25. Mr Howarth notes that since 2003 there has been substantial subdivision and development in Tamahere, including some within the ASCB. I am aware that around 2010 WDC inadvertently approved a multi-lot subdivision within the ASCB, but that is the only example I am aware of. As expected, significant subdivision and development outside the ASCB in Tamahere has taken place. Regardless the density of subdivision within the ASCB is substantially lower than elsewhere so the OWDP has been 'holding the line' as intended. The analysis in the s42A report shows that there is residual capacity for a further 220 lots² if the ASCB was removed. Therefore, in my opinion the horse has not bolted and the retention of the ASCB is the most effective and efficient outcome.
26. Mr Howarth's evidence refers to airport operations not being constrained by the ASCB, and he notes that there are aeronautical flight paths outside the ASCB. That is correct. The ASCB boundary is modelled on a wide range of inputs including aircraft types, their noise characteristics, flight paths, meteorological conditions, frequency of movements and whether they are day or nighttime movements. The flight paths are only one input and the modelling establishes the locations where the above factors coincide such that predicted noise levels will

² Paragraph 651 of Hearing 12 s42A report

be high enough to require planning restrictions. Therefore, there are always flight paths outside the area.

27. Mr Howarth states that there are no significant adverse reverse sensitivity effects from the airport. However, the reverse sensitivity noise effects are based on not just current effects, but also future effects as have been modelled out to 2030. The noise effects are based on NZS;6805 which includes well-established parameters and widely accepted parameters of when a noise effect is significant enough to trigger a planning response. Noise is subjective and therefore people's responses vary. Therefore, it is important that a consistent approach such as NZS;6805 is relied on.
28. In summary, in my opinion the Howarth Consulting submission should be rejected and the ASCB and its associated subdivision provisions should be retained.

WRAL SUBMISSION

29. The PWDP, as notified, proposes to change the activity status of subdivision that does not comply with the 1.1ha average lot size within the ASCB from Prohibited to Non-complying. Through submission 742.1 WRAL sought to retain the prohibited activity status. There was no intention to change other parts of that rule as suggested in the s42A report. The subdivision status outside the ASCB should remain as restricted discretionary.
30. In my opinion, for the reasons I have outlined above it is important that restrictive subdivision provisions should apply to the land within the ASCB. Otherwise the purpose of limiting the number of people to exposure to the effects of airport noise will not be achieved. That was the intent of the original prohibited activity status. However, having reviewed the s42A report I agree that a non-complying activity status would achieve the same purpose provided it was put in place with a strong policy basis to support it. That would allow for true exceptions or minor variations from the land use pattern to be considered, but would not open the door for the higher density allowed in the balance of the CLZ.
31. At present, the PWDP framework has the following links back to the management of reverse sensitivity effects in the CLZ as follows:
 - Issue 1.4.3.2 (c) – Protecting the rural environment and specifically regionally significant industry.
 - Strategic objectives and directions – 1.5.5(a) subdivision, use and development of land can adversely affect the efficient provision and use of regional infrastructure due to reverse sensitivity issues.
 - Objective 5.6.1 – Country Living Zone and Policy 5.6.3.
32. I consider that the following amendments to Policy 5.6.3 is required, in conjunction with the non complying activity status, to ensure the provisions are efficient and effective;

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.*

33. Without these changes, it is my opinion that the Prohibited status should be retained, to give the Hamilton Airport the primacy it deserves as Regional Significant Infrastructure to the Waikato Region.

Dated: 24 March 2020



Kathryn Drew
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Bloxam Burnett & Olliver