

# SECTION 42A REPORT

Report on submissions and further submissions  
on the Proposed Waikato District Plan - Stage 1 including  
Variation 1 – Te Kowhai Airport Obstacle Limitation Surface

## Hearing 17: Te Kowhai Airpark Zone

Report prepared by Emma Ensor

Date: 29 January 2021



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## List of submitters and further submitters addressed in this report

In this report further submissions are shown italicised.

<b>Original Submitter</b>	<b>Submission number</b>
Aerosport Aviation Ltd	702
Altus Intelligence	490
Altus Intelligence	491
Altus UAS	492
Peter Armstrong	224
Bruce Belfield	208
Gavin Brown	753
Paul Brydon	538
Andrea Cadwallader	500
Ian Chapman	736
Sarah Clark	582
Simon Clark	767
Bruce Cooke	219
Anatoly Chernyshev	285
Dargaville Aero Club	547
Allan Dennis	631
Dave Etchells	566
Fire and Emergency New Zealand	378
First Gas Limited	945
Geoffrey Gatenby	227
Mike Griffiths	226
Steve Gunn	225
Anthony Gurr	277
Gyrat International Ltd	808
Hamilton City Council	535
Laurence Harris	725
Michael Hayman	773
Neroli Henwood	635
Olivia Henwood	429

<b>Further Submitter</b>	<b>Submission number</b>
<i>Andrew and Christine Gore</i>	<i>FSI062</i>
<i>Hamilton City Council</i>	<i>FSI379</i>
<i>GL and DP McBride</i>	<i>FSI347</i>
<i>Mercer Airport</i>	<i>FSI302</i>
<i>Mercury NZ Limited for Mercury C</i>	<i>FSI386</i>
<i>Mercury NZ Limited for Mercury E</i>	<i>FSI388</i>
<i>NZTE Operations Limited</i>	<i>FSI339</i>
<i>Amanda Schaae</i>	<i>FSI126</i>
<i>Marshall Stead on behalf of Lloyd Davis Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson Marshall Stead Kristine Stead</i>	<i>FSI154</i>
<i>Marshall &amp; Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson</i>	<i>FSI178</i>
<i>Pareoranga Te Kata</i>	<i>FSI035</i>
<i>Watercare Services Ltd</i>	<i>FSI176</i>

William Henwood	666
David Horton	206
Hounsell Holdings Limited	832
Internal Communications Limited	528
Jackson Property Group and La Valla Functions	220
Kiwi Balloon Company	613
Tony Knowling	211
Matamata Aero Club	549
Graham and Di McBride on behalf of Self and M & P Stock, H & B Stratford, D & R Potter, J & P Stock, KG McBride	987
McGowan-Weake Limited	752
Neil McHugh	708
Greig Metcalf	602
Ben Meyer	477
Scott Montague	216
Ministry of Education	781
Richard Neave and Sue Campbell	734
New Zealand Transport Agency	742
Phil North	810
NZTE Operations Limited	823
Stuart Parker	229
Progress Partners Ltd	649
S W Ranby	369
Recreational Aircraft Association (RAANZ)	237
David Reid	475
SAA Auckland Chapter	879
Gordon Sanders	770
Jack Schaaake	541
James Schmidt	727
Martyn Seay	811
Shane Smart	497
Sport Aviation Corp Ltd	221
Jacob Stead	650
Marshall and Kristine Stead	834

Gordon H L Swan	809
Linda Silvester	830
D & J Tate	494
Graham Taylor	304
Te Kowhai Aerodrome	560
Te Kowhai Community Group	941
Mike Tubbs	478
Peter Varga	621
Ventura Inn and Suites	476
Huib Volker	868
Waikato Aviation	700
Waikato District Council	697
Waikato District Health Board	923
Waikato Regional Airport Limited	664
Waikato Regional Council	81
James Walker	473
West Auckland Airport, Parakai	586
David Wilson	878

### ***Variation 1 submitters***

<b>Original Submitter</b>	<b>Submission number</b>
Kenneth Anderson	V12
David Barnes	V13
Imogen and Phoebe Barnes	V9
Bruce Begbie	V23
Nardene Berry	V21
Lloyd Davis	V17
Peter and Sylvia Fowler	V18
Peter and Jackie Gore	V1
GP Young Family Trust	V15
Kane Lee	V7
Vikki Madgwick	V24
Kit Maxwell	V25
Diane and Graham McBride	V8
Greig Metcalf	V16
Jordan Metcalf	V10

<b>Further Submitter</b>	<b>Submission number</b>
<i>Vikki Madgwick</i>	<i>VFS4000</i>
<i>Kit Maxwell</i>	<i>VFS4003</i>
<i>G and D McBride</i>	<i>VFS4004</i>
<i>Greig Metcalf</i>	<i>VFS4001</i>
<i>NZTE Operations Limited</i>	<i>VFS4005</i>
<i>Roger Ranby</i>	<i>VFS4002</i>

NZTE Operations Limited	V6
Roger Ranby	VI4
Stanley Ranby	V5
Amanda and Jack Schaaake	VI1
Kristine and Marshall Stead	V4
Thetford Farming Limited	V22
Vela Holdings Limited	V3
Sophia Yapp and Simon Barnes	V2
Kathleen Young	VI9

**Please refer to Appendix I to see where each submission point is addressed within this report.**

The following submission points will be addressed in the Te Kowhai Zone hearing to occur later.

Submission point	Submitter	Submission point	Submitter
81.226	Waikato Regional Council	834.5	Marshall & Kristine Stead
<i>FSI176.34</i>	<i>Watercare Services Ltd</i>	834.6	Marshall & Kristine Stead
<i>FSI339.193</i>	<i>NZTE Operations Limited</i>		
369.4	S W Ranby	879.1	SAA Auckland Chapter
<i>FSI347.4</i>	<i>GL &amp; DP McBride</i>	<i>FSI339.202</i>	<i>NZTE Operations Limited</i>
<i>FSI386.574</i>	<i>Mercury NZ Limited for Mercury C</i>		
<i>FSI379.95</i>	<i>Hamilton City Council</i>	535.84	Hamilton City Council
535.57	Hamilton City Council	535.88	Hamilton City Council
<i>FSI339.70</i>	<i>NZTE Operations Limited</i>		

### List of Abbreviations in this report

Abbreviation	Full name
ANB	Air Noise Boundary
ANCB	Airport Noise Control Boundary
NZ CAA	New Zealand Civil Aviation Authority
FENZ	Fire and Emergency New Zealand
Future Proof 2009	Future Proof Growth Strategy and Implementation Plan 2009
Future Proof 2017	Future Proof Strategy Planning for Growth November 2017
HCC	Hamilton City Council
IFR	Instrument Flight Rules
GIS	Geographic Information System
NPS	National Planning Standards

NSA	Noise-sensitive activity
NZTA	NZ Transport Agency
OCB	Outer Control Boundary
OLS	Obstacle Limitation Surface
ODP	Operative District Plan
PDP	Proposed District Plan
RMA	Resource Management Act 1991
TKAZ	Te Kowhai Airpark Zone
VFR	Visual Flight Rules
WDC	Waikato District Council
WDHB	Waikato District Health Board
WRAL	Waikato Regional Airport Limited
WRC	Waikato Regional Council
WRP	Waikato Regional Plan
WRPS	Waikato Regional Policy Statement



# I Introduction

## I.1 Qualifications and experience

1. My full name is Emma Harriet Ensor. I am employed by Waikato District Council as a Senior Planner working in the Consents Team.
2. I hold a Bachelor of Resource and Environmental Planning from Massey University. I also hold a Post-Graduate Diploma in Business and Administration specialising in dispute resolution, also from Massey University.
3. I have been employed in planning roles in local government and private practice for over 18 years. This experience includes processing resource consents for, and lodging Resource Management Act applications with, City and District Councils in the North Island of New Zealand.
4. I have been employed by Waikato District Council since the 23<sup>rd</sup> of February 2012, first as an Intermediate Consents Planner for just over 5 years and then as a Senior Planner from the 20<sup>th</sup> of March 2017. I have assessed numerous resource consent applications within the Waikato District, under both the Waikato Section and the Franklin Section, therefore have become familiar with the planning environment of this district.
5. I became involved with the Proposed Waikato District Plan (PDP) in 2018, where I provided feedback to the Waikato District Policy Team (along with other Consents Planners). I attended a PDP community feedback drop-in session in Ngaruawahia and spoke to interested persons. I assisted the Waikato District Council Policy Team in checking records of some submissions received. I have been seconded to the Waikato District Council Policy Team to prepare the Section 42A report on the planning provisions for the Te Kowhai Airpark Zone. I have been involved in the preparation, notification, summarising of submissions, further submissions and community drop-in session for Variation 1 to the PDP – Te Kowhai Airport Obstacle Limitation Surface. Aside from those items of work, I have had no other involvement in the PDP.
6. I am a Full member of the New Zealand Planning Institute.

## I.2 Code of Conduct

7. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
8. I am authorised to give this evidence on the Council's behalf to the hearing commissioners.

## I.3 Conflict of Interest

9. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest. During my time with Waikato District Council I have processed a number of resource consents and section 223 and 224c applications; however, (to the best of my knowledge) I currently have no applications in progress which are related to the submissions dealt with in this report.
10. I can advise that Waikato District Council owns 15.62% of the shares in Waikato Regional Airport Limited (WRAL) (who have made a submission in relation to the Te Kowhai Airpark).

## **1.4 Preparation of this report**

11. I am the author of this report.
12. The scope of evidence relates to evaluation of submissions and further submissions received in relation to the provisions and maps related to the Te Kowhai Airpark, including Variation I.
13. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
14. I have considered some of the section 42A reports, evidence and rebuttals/replies that have been produced prior to this hearing. Where such information has informed my thinking on a particular topic / submission, I have specifically referenced that information.
15. In preparing this report I rely on expert advice sought from:
  - Tompkins Wake with regard to trade competition and the RMA Schedule 1 Clauses 6(3) and (4).
  - Brian Whelan (Peet Aviation) with regard to aviation matters.
  - Darran Humpheson and Lindsay Leitch (Tonkin & Taylor) with regard to acoustic matters.

## **2 Scope of Report**

### **2.1 Matters addressed by this report**

16. This report is prepared in accordance with section 42A of the RMA. This report considers submissions and further submissions that were received by the Council in relation to the provisions relating to the management of the Te Kowhai Airpark Zone within the Waikato Proposed District Plan as modified by Variation I. The PDP and Variation I have now reached the same procedural stage; therefore the variation has merged with the original document under RMA Schedule 1 clause 16B. This report includes the following:
  - The Objectives and Policies in Chapter 9.2 Te Kowhai Airpark
  - The Rules in Chapter 27 Te Kowhai Airpark Zone
  - Appendix 1 Acoustic Insulation
  - Appendix 9 Te Kowhai Airfield, and
  - The Proposed District Planning Maps (hard copy Maps 25, 26 and 26.2).
17. The following are also addressed in this report:
  - Definitions – general aviation, recreational flying, circuit training, flight training school and aircraft operations
  - Provisions relating to Airport Noise Control Boundaries, Obstacle Limitation Surface, and Building Setbacks for Noise-Sensitive Activities as relevant in the following zones:
    - Chapter 16 – Residential
    - Chapter 17 – Business
    - Chapter 20 – Industrial
    - Chapter 22 – Rural
    - Chapter 23 – Country Living
    - Chapter 24 – Village

- Chapter 25 – Reserve.

## 2.2 Background

### *Existing Situation*

18. NZTE Operations Limited own the Te Kowhai aerodrome and some adjoining land and are submitter 823.
19. The Te Kowhai aerodrome is situated at 172 Limmer Road, Te Kowhai. The site is approx. 44ha in area. The site has vehicle access off Limmer Road, otherwise known as State Highway 39. The site is located on the southern periphery of Te Kowhai Village.
20. The aerodrome has been operating for more than 20 years. The aerodrome consists of a grass runway strip 983 metres long, aircraft hangars, refuelling facility, clubrooms, office, workshop, coffee cart, car parking area and grass paddocks.
21. I am advised that flights currently operate on a non-instrument VFR (visual flight rules) basis only (flying in “good weather conditions”).
22. Land in the surrounding area consists of a mixture of uses - residential activities on small lots (approx. 168m away to the north), a school (approx. 475m away to the north), some commercial activities, a retirement village (approx. 355m away to the north), public recreation reserve (approx. 290m away to the north), rural-residential activities, and land used for rural purposes (with some associated residential activities). There is also a mixture of indigenous and exotic trees and other vegetation within this locality.
23. The aerodrome site is zoned Rural under the Operative District Plan.

## 2.3 Overview of the Te Kowhai Airpark Provisions

### *Proposed Te Kowhai Airpark Zone*

24. The Te Kowhai aerodrome site is proposed to have its own special zone called “Te Kowhai Airpark Zone” under the PDP. Land in the surrounding area is proposed to be zoned a mix of Rural Zone, Village Zone, Residential Zone, Business Zone and Reserve Zone. New Village Zone land will provide for additional residential development in the future. (See planning maps 25, 26 and 26.2).
25. The proposed Te Kowhai Airpark Zone is intended to provide for the continued use of the privately-owned runway and associated aerodrome infrastructure, as well as an airpark. The airpark comprises four precincts that provide for aviation, commercial and residential activity. 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.
26. The proposed Te Kowhai Airpark Zone rules (as notified) also change the extent of the current Obstacle Limitation Surface to provide for flights operating on an Instrument Flight Rules (IFR) non-air transport basis (flights operating in “poor weather conditions”).
27. The term “airpark” is not defined in the PDP. The term “airpark” in this report refers to activities occurring within the Te Kowhai Airpark Zone, as described in Appendix 9 of the PDP and as provided for by relevant rules.

### 2.3.1 Te Kowhai Airpark provisions

28. PDP Chapter 9.2: Te Kowhai Airpark details objectives and policies specific to the Te Kowhai Airpark.
29. PDP Chapter 14: Infrastructure and Energy includes rules on the following topics which are specifically related to the Te Kowhai Airpark:
  - electrical distribution
  - telecommunications
  - wastewater treatment plants and
  - transportation.
30. PDP Chapter 27: Te Kowhai Airpark Zone contains rules specific to the Te Kowhai Airpark.
31. Chapter 27 rules relate to the following four precincts:
  - Precinct A – Runway and Operations Precinct (provides for a runway, runway strip and associated aircraft operations)
  - Precinct B – Commercial Precinct (provides for commercial activity which supports the airpark and the aviation sector)
  - Precinct C – Medium Density Residential Precinct (provides for medium density residential activities) and
  - Precinct D – Residential Precinct (provides for low density residential development and a transitional higher density airside overlay).
32. All precincts have taxiway connectivity with the runway, enabling aircraft to be moved from hangars either beside or underneath houses along taxiways and out onto the runway.
33. Image 1 on the following page is from Appendix 9 of the PDP. Image 1 shows the locations of the four precincts.

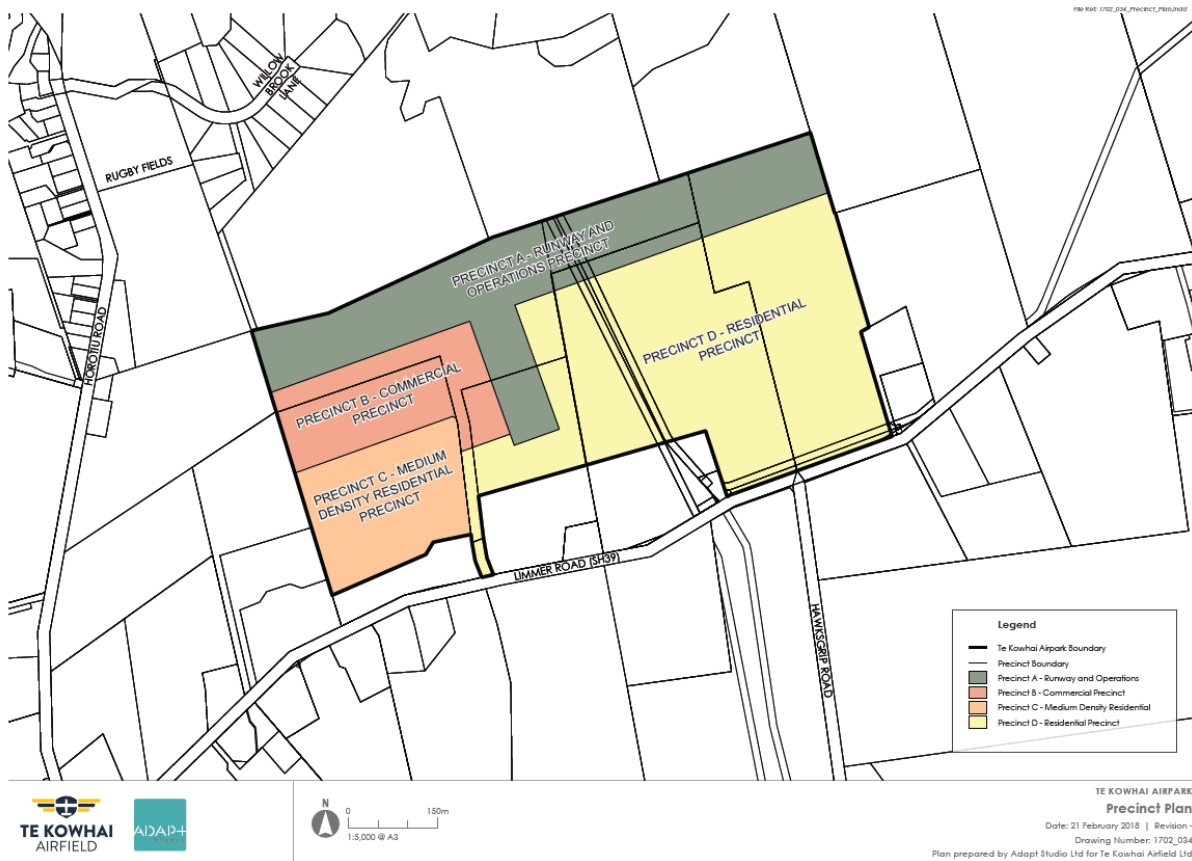


Image 1: PDP Appendix 9 Precinct Plan  
Source: PDP

34. The table below provides details on the approximate areas of all precincts:

Precincts	Approximate Area
Precinct A	12.5 hectares
Precinct B	5.5 hectares
Precinct C	5.4 hectares
Precinct D	21.4 hectares
Airside Overlay in Precinct D	2.3 hectares

35. Refer to Image 2 on the following page for a map detailing those areas.

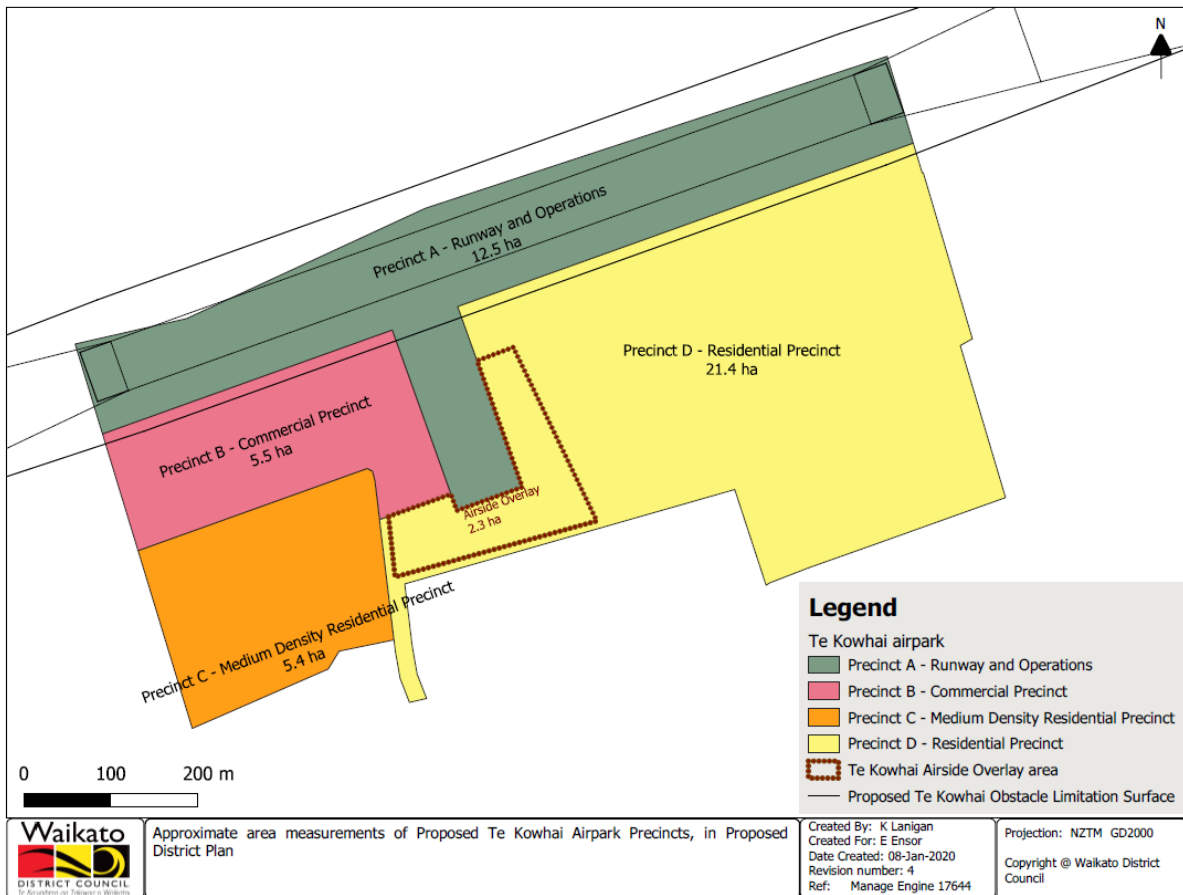


Image 2: Map showing Precinct locations and areas

36. PDP Appendix I: Acoustic Insulation includes the following requirement specific to the Te Kowhai Airpark:
- Section 3 - with specific requirements for permitted activities inside the Te Kowhai Airpark Noise Outer Control Boundary and specific requirements for permitted activities in the Te Kowhai Airpark Noise Buffer.
37. PDP Appendix 9: Te Kowhai Airfield precincts zoning includes the following requirements specific to the Te Kowhai Airpark:
- Information on the Runway and Associated Runway Strip
  - Information on Obstacle Limitation Surfaces
  - Framework Plan
  - Precinct Plan
  - Zoning Plan
  - CAA ACI39-7 Aerodrome Standards and Requirements – Overview Plan
  - CAA ACI39-7 Aerodrome Standards and Requirements – Stead Property Detail Plan
  - Stead Property Cross-Section.

## 2.4 Statutory requirements

### Resource Management Act (RMA)

38. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32.). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45). The following sections identify statutory documents with particular relevance to this report.

#### Noise

39. One of the main matters submitted on was noise. In particular, there are submission points on the control of noise associated with flying aircraft, aerodrome use, and airpark use and any legal mechanisms that deal with that. The RMA sections related to the management of noise particularly, as it pertains to aircraft noise, are discussed in the relevant report sections.

### Waikato Regional Policy Statement 2016 (WRPS)

40. The Waikato Regional Policy Statement 2016 (WRPS) includes policies such as Policy 6.14 Adopting Future Proof land use pattern, that applies to Te Kowhai; and directs that district plans ensure that urban development is located and managed in accordance with Policy 6.14. Other methods of implementation in the WRPS also relate to the use of district plan provisions to give effect to policies. The Te Kowhai aerodrome is defined as “infrastructure” under the WRPS. The Te Kowhai aerodrome is not mentioned in the definition for regionally significant infrastructure in the WRPS, however. Reference is made to the Waikato Regional Policy Statement within my report with respect to the following:
- Future Proof and the Future Proof settlement pattern
  - earthworks with respect to regionally-significant infrastructure
  - noise in relation to the definition of infrastructure, and
  - the urban limit for Te Kowhai when considering subdivision allotment size.

### Waikato Regional Plan 2020 (WRP)

41. The Waikato Regional Plan contains objectives, policies and methods to manage the natural and physical resources of the Waikato region. The Regional Plan gives effect to the Regional Policy Statement. Reference is made to the Waikato Regional Plan within my report with respect to permitted activity rules for on-site wastewater disposal.

### Application of the National Planning Standards 2019

42. The National Planning Standards establish a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt the National Planning Standards where possible during the current hearings. This report relies on the National Planning Standards defined terms (Section 14 – Definitions) that were recommended for adoption in Hearing 5.

#### Standard 8 Zone Framework Standard

43. Part of the proposed airpark / aerodrome would meet the description for an airport zone (proposed Precinct A). It may be possible to propose a new Te Kowhai airport zone in accordance with the National Planning Standards. The objectives and policies in Chapter 9.2 Te Kowhai Airpark and associated rules in Chapter 27 Te Kowhai Airpark, could be used as a basis for a new Te Kowhai airport zone. However, the parts of those objectives, policies and rules that do not meet the National Planning Standards airport zone description would

not be able to be included in any resulting Te Kowhai airport zone (in accordance with the National Planning Standards). Alternatively, Section 8 Mandatory Direction 3 provides that an additional special purpose zone could be created for the Te Kowhai Airpark (under the National Planning Standards), if the proposed landuse activities or anticipated outcomes meet all of the required criteria. I do not consider that I have the appropriate expertise to advise whether or not the Te Kowhai Airpark Zone meets the criteria in Section 8 Mandatory Direction 3, to be created as an additional special purpose zone.

#### *Standard 14 Definitions Standard*

44. Standard 14 concerns defined terms in a Definitions List. I have used that definitions list, as well as information in respect to Hearing 5 – Definitions when writing this report.

#### *Standard 15 Noise and Vibration Metrics Standard*

45. I have referred to Standard 15 “Noise and Vibration Metrics Standard” when writing this report.

#### **Future Proof**

46. The Future Proof Strategy is a 30-year growth management and implementation plan for the Hamilton, Waipa and Waikato sub-region.<sup>1</sup>

#### *Future Proof Growth Strategy and Implementation Plan 2009 (Future Proof 2009)*

47. Figure 5 of the Future Proof Growth Strategy and Implementation Plan 2009 (Future Proof 2009) contains the Future Proof Settlement Pattern Map which shows proposed ‘urban limits’ for Te Kowhai. Map 6-2 Waikato Regional Policy Statement (WRPS) 2016 provides a clearer picture of the proposed ‘urban limits’ for Te Kowhai. Part of the Te Kowhai Airpark (eastern part) is not located within the proposed ‘urban limit’ for Te Kowhai.
48. Urban limits allow for more cost effective and efficient servicing (i.e. some sort of reticulated services networks with lots of users connected to those networks). The PDP Rules in Chapter 27 appear to provide for servicing networks / servicing, within the Te Kowhai Airpark. While this may involve some sort of reticulated servicing networks within Te Kowhai Airpark, the PDP does not appear to require that the Te Kowhai Airpark connect with reticulated servicing networks outside the site (thus being contrary to the purpose behind the urban limits).
49. Future Proof 2009 is undergoing a two-phased review process, with phase two currently underway. Under phase 1 (Future Proof 2017), there is no proposed expansion of the ‘urban/village limit’ of Te Kowhai, with respect to the TKAZ area. The indicative ‘urban/village’ limits for Te Kowhai as per Future Proof 2017 are where Future Proof 2017 anticipates residential land development for Te Kowhai. Part of TKAZ is outside of those identified limits.

#### **WDC Draft Growth & Economic Development Strategy - Waikato 2070**

50. Titled “Waikato 2070”, the purpose of the strategy is to guide the growth in the district over the next 50 years.
51. Part of the Te Kowhai Development Plan is shown below. The 10-30 years in grey beside the words “Airpark Precinct” is the approximate time frame for development within that area.

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<sup>1</sup> [www.futureproof.org.nz](http://www.futureproof.org.nz)





Image 3: draft Te Kowhai Development Plan (part of)

Source: Draft Growth & Economic Development Strategy - Waikato 2070

## 2.5 Variation I

### *Variation I to the Proposed Waikato District Plan Stage I – Te Kowhai Airport Obstacle Limitation Surface*

52. Variation I to the Proposed Waikato District Plan Stage I – Te Kowhai Airport Obstacle Limitation Surface was notified in 2020 to correct differences in the way the Te Kowhai Airport Obstacle Limitation Surface (OLS) was described in the Appendix 9 text and the Planning Maps. Several issues were identified. Most importantly, the text described the OLS as extending 2500m from the runway, whereas the maps showed it extending only 2000m from the runway. 114 properties were potentially affected by the anomaly.
53. Progressing a variation to the Proposed District Plan (Stage I) was considered to be the most appropriate course of action, as it would not only enable the mapping errors to be corrected and ensure more consistent provisions, but also enable minor changes to the text in Appendix 9 sections 1 and 3 to more accurately describe the OLS.
54. A copy of the report that went to full Council meeting recommending Variation I is attached in Appendix 6A of this report. Council adopted the recommendation to notify Variation I.
55. A copy of the Variation I report that was notified is attached in Appendix 7 to this report.
56. Variation I to the PDP followed the process steps below:

Date	Action
20 Feb to 13 March 2020	Consultation on Variation I
24 February 2020	Council resolution on Variation I
29 June 2020	Public notification of Variation I – Submission period open
11 July 2020	Public consultation open afternoon
31 July 2020	Submission period closed
9 October 2020	Further submission period open
23 October 2020	Further submission period closed

57. There were 24 primary submissions received by Council. There were 6 further submissions received by Council.
58. The statutory process under the RMA for Variation 1 will have merged with the statutory process under the RMA for the PDP on Te Kowhai Airpark by the time this report is being heard. Accordingly, I have considered the submissions on Variation 1 as well as those on the Proposed District Plan as it was notified in 2018 together in this report.

## 3 Consideration of submissions received

### 3.1 Overview of submissions

59. There were 485 submissions on the Notified PDP (Stage 1) and 266 submissions on Variation 1, which will be assessed in this report. The submissions cover a wide range of issues, including these common issues raised by more than one submitter:
- retain the Objectives and Policies as notified
  - retain the Rules as notified
  - extent of the Airport Obstacle Limitation Surface (OLS) and associated requirements
  - noise and associated requirements
  - servicing.
60. “All of Plan” submissions were addressed in the s42A report on Hearing 2, which is on the Council website. Mechanical ventilation was one matter addressed by the s42A report author (Grant Eccles) for Hearing 2 – All of Plan. Section 12 Noise – Acoustic Insulation in this report includes discussions on mechanical ventilation submissions, with reference to Mr Eccles’ assessments in the s42A report for Hearing 2.
61. I have considered some of the section 42A reports, evidence and rebuttals that have been produced prior to this hearing. Where such information has informed my thinking on a particular topic / submission, I have specifically referenced that information.

### 3.2 Further submissions

62. I have grouped the primary submissions with the further submissions that relate to them.
63. Mercury Energy [*FS1386.228, FS1386.229, FS1388.17 and FS1388.1041*] further submissions oppose original submissions [216.1, 216.2, 378.5 and 602.33] on the grounds that it is not clear how effects from flooding would be managed. I recommend that all of these be rejected, because these further submission points do not relate to matters considered in this report. These further submissions and my recommendations on them are recorded in Appendix 1, but there is no further discussion of the Mercury Energy further submissions in this report. The natural hazards hearings will address flooding effects (to be held mid 2021).

### 3.3 Structure of this report

64. I have structured this report in five sections, as below. This format enables submissions and further submissions on topics to be considered together.
65. The report contains the following sections:

## **Introduction**

- 1 Introduction
- 2 Scope of Report
- 3 Consideration of submissions received

## **Objectives and Policies and Appendix 9**

- 4 All Te Kowhai Airpark Objectives and Policies as notified
- 5 Policy 9.2.1.1 – Development
- 6 Appendix 9: Te Kowhai Airfield

## **What activities should be considered?**

- 7 All Te Kowhai Airpark Rules as notified
- 8 Rule 27.1 - Land Use – Activities and new Policies – Education Facilities

## **What controls should be considered?**

- 9 Airport Obstacle Limitation Surface (OLS) Te Kowhai
- 10 Airport Obstacle Limitation Surface (OLS) Zone Rules
- 11 Noise – Airport Noise Control Boundaries
- 12 Noise – Acoustic Insulation
- 13 Noise – Rules
- 14 Rule 27.2 Landuse Effects and Policy 9.2.2.1 – Airpark Standards
- 15 Rule 27.2.9 Landuse - Glare and Lighting
- 16 Rule 27.2.10 Landuse - Earthworks
- 17 Rule 27.2.12 Landuse - Signs
- 18 Rule 27.2.13 Landuse - Signs – Effects on Traffic
- 19 Rule 27.2.14 Landuse - Temporary Events
- 20 Rule 27.3.7 Landuse - Building Setback from a State Highway
- 21 Rule 27.4 Subdivision
- 22 Policy 9.2.1.2 – Servicing
- 23 Rule 27.4.2 Subdivision – Subdivision Allotment Size
- 24 Rule 27.4.5 Subdivision – Road Access.

## **Conclusion**

- 25 Conclusion.

### **3.4 Amendments to plan text**

- 66. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in red underlined, and deleted text in ~~red struck through~~. All recommended amendments are brought together in Appendix 2.

### **3.5 Trade Competition**

- 67. The Resource Management Act 1991 advises the following about making a submission on a proposed plan (refer Schedule 1, Clause 6).

- (3) *Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, the person's right to make a submission is limited by subclause (4).*
- (4) *A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that—*  
*(a) adversely affects the environment; and*  
*(b) does not relate to trade competition or the effects of trade competition.*
68. The submission from Waikato Regional Airport Limited (WRAL) [664] stated that WRAL could gain an advantage in trade competition through their submission.
69. Legal advice has been provided by Tompkins Wake (refer Appendix 4A) regarding the potential issue of trade competition and Schedule I, Clauses 6(3) and (4) above. That advice recommends that Waikato Regional Airport Limited and NZTE Operations Limited address specified matters in their evidence, to assist the Hearing Panel with their determination with respect to Schedule I, Clause 6(4) requirements.
70. There is insufficient information available to me currently, so I am unable to make a recommendation as to whether:
- (a) WRAL is “directly” affected by the safety effects as they relate to an increase in aircraft landing and departing at Te Kowhai aerodrome (being the only safety effects within Council’s jurisdiction), and
  - (b) whether those safety effects relate to trade competition, and if so,
  - (c) whether those safety effects are sufficiently significant to go beyond the effects of trade competition and therefore be properly regarded.
71. The Hearing Panel will need to make a determination on whether the WRAL submission satisfies the criteria in clause 6(4) of Schedule I of the RMA, once it has heard and considered evidence and legal submissions at the hearing.
72. If the Hearing Panel finds that the WRAL submission does not satisfy the criteria in Schedule I Clause 6(4), then it must be disregarded. This report will address the merits of WRAL’s submission in later sections, in case the Hearing Panel does find that the WRAL submission satisfies the criteria in Schedule I, Clause 6(4).

## 4 All Te Kowhai Airpark Objectives and Policies as notified

### 4.1 Introduction

73. The Proposed District Plan as notified contained two objectives and eight policies specifically related to the Te Kowhai Airpark. The Te Kowhai Airpark objectives and policy provisions as notified contained the following headings:

#### 9.2.1 Objective –Te Kowhai Airpark

- 9.2.1.1 Policy – Development
- 9.2.1.2 Policy – Servicing
- 9.2.1.3 Policy – Precinct-based development
- 9.2.1.4 Policy – Alignment of activities
- 9.2.1.5 Policy – Commercial activity

- 9.2.1.6 Policy – Existing and future operations
- 9.2.1.7 Policy – Future connectivity with Te Kowhai Village

#### 9.2.2 Objective – Amenity outcomes

- 9.2.2.1 Policies – Airpark standards.

74. This section of the report considers those submission points that support, oppose or seek clarification on all objectives and policies as notified. Some submissions considered here are general and do not specifically relate to an objective or policy.

## 4.2 Submissions

75. 63 submission points were received on the topic of all Te Kowhai Airpark Objectives and Policies as notified. 61 submissions are similar - requesting that the objectives and policies be adopted as notified. The remaining two submissions are less clear on the outcomes sought.
76. The following submissions were made:

Submission point	Submitter	Summary of submission
206.1	David Horton	Council to adopt provisions as notified (both submission points).
<i>FSI 339.5</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
208.1	Bruce Belfield	Council to adopt provisions as notified (both submission points).
<i>FSI 339.6</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
211.1	Tony Knowling	Council to adopt provisions as notified (both submission points).
<i>FSI 339.7</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
216.1	Scott Montagu	Council to adopt provisions as notified (both submission points).
<i>FSI 386.228</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
<i>FSI 339.4</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
<i>FSI 379.50</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
219.1	Bruce Cooke	Council to adopt provisions as notified (both submission points).
<i>FSI 339.8</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
220.1	Jackson Property Group and La Valla Functions	Council to adopt provisions as notified (both submission points).
<i>FSI 339.9</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
221.1	Sport Aviation Corp Limited	Council to adopt provisions as notified (both submission points).
<i>FSI 339.10</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
222.1	Sport Aviation Corp Limited	Council to adopt provisions as notified (both submission points).
<i>FSI 339.11</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

224.I	Peter Armstrong	Council to adopt provisions as notified (both submission points).
<i>FSI 339.12</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
225.I	Steve Gunn	Council to adopt provisions as notified (both submission points).
<i>FSI 339.13</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
226.I	Mike Griffiths	Council to adopt provisions as notified (both submission points).
<i>FSI 339.14</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
227.I	Geoffrey Gatenby	Council to adopt provisions as notified (both submission points).
<i>FSI 339.15</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
229.I	Stuart Parker	Council to adopt provisions as notified (both submission points).
<i>FSI 339.16</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
237.I	Recreational Aircraft Association (RAANZ)	Council to adopt provisions as notified (both submission points).
<i>FSI 035.100</i>	<i>Pareoranga Te Kata</i>	<i>Oppose</i>
<i>FSI 339.17</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
277.I	Anthony Gurr	Council to adopt the provisions as requested.
<i>FSI 339.18</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
285.I	Anatoly Chernyshev	Council to adopt the provisions as notified.
<i>FSI 339.19</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
369.I	S W Ranby	No specific decision sought but the submission opposes the objectives and policies related to Te Kowhai Airpark.
<i>FSI 339.69</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
<i>FSI 347.1</i>	<i>GL &amp; DP McBride</i>	<i>Support</i>
429.I	Olivia Henwood	Council to adopt provisions as notified (both submission points).
<i>FSI 339.20</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
473.I	James Walker	Council to adopt provisions as notified (both submission points).
<i>FSI 339.21</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
475.I	David Reid	Council to adopt provisions as notified (both submission points).
<i>FSI 339.22</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
476.I	Ventura Inn and Suites	Council to adopt provisions as notified (both submission points). i.e. including Section B, Chapter 9.2 Te Kowhai Airpark
<i>FSI 339.23</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

477.I	Ben Meyer	Council to adopt provisions as notified (both submission points).
<i>FSI 339.24</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
478.I	Mike Tubbs	Council to adopt provisions as notified (both submission points).
<i>FSI 339.25</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
490.I	Altus Intelligence	Council to adopt provisions as notified (both submission points).
<i>FSI 339.26</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
491.I	Altus Intelligence	Council to adopt provisions as notified (both submission points).
<i>FSI 339.27</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
492.I	Altus UAS	Council to adopt provisions as notified (both submission points).
<i>FSI 339.28</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
497.I	Shane Smart	Council to adopt provisions as notified (both submission points).
<i>FSI 339.29</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
500.I	Andrea Cadwallader	Council to adopt provisions as notified (both submission points).
<i>FSI 339.30</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
528.I	Internal Communications NZ Ltd	Council to adopt provisions as notified (both submission points).
<i>FSI 126.1</i>	<i>Amanda Schaaake</i>	<i>Support</i>
<i>FSI 339.31</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
538.I	Paul Brydon	Council to adopt provisions as notified (both submission points).
<i>FSI 339.32</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
541.I	Jack Schaaake	Council to adopt provisions as notified (both submission points).
<i>FSI 339.33</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
547.I	Dargaville Aero Club	Council to adopt provisions as notified (both submission points).
<i>FSI 339.34</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
549.I	Matamata Aero Club	Council to adopt provisions as notified (both submission points).
<i>FSI 339.35</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
560.I	Te Kowhai Aerodrome	Council to adopt provisions as notified (both submission points).
<i>FSI 339.37</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
566.I	Dave Etchells	Council to adopt provisions as notified (both submission points).
<i>FSI 339.38</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

582.I	Sarah Clark	Council to adopt provisions as notified (both submission points).
<i>FSI 339.39</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
586.I	West Auckland Airport, Parakai	Council to adopt provisions as notified (both submission points).
<i>FSI 339.40</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
613.I	Kiwi Balloon Company	Retain Chapter 9.2 as notified.
<i>FSI 339.41</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
621.I	Peter Varga	Council to adopt provisions as notified (both submission points).
<i>FSI 339.42</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
631.I	Allan Dennis	Council to adopt provisions as notified (both submission points).
<i>FSI 339.43</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
635.I	Neroli Henwood	Council to adopt provisions as notified (both submission points).
<i>FSI 339.44</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
649.I	Progress Partners Ltd	Council to adopt provisions as notified (both submission points).
<i>FSI 339.45</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
650.I	Jacob Stead	Council to adopt provisions as notified (both submission points).
<i>FSI 339.46</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
664.I	Waikato Regional Airport Limited	Waikato Regional Airport Limited, as the administering authority for Hamilton Airport pursuant to the Airport Authorities Act 1966, is supportive of aspects of the proposal that facilitate recreational aviation in the region however object to the proposal due to aeronautical safety considerations.
<i>FSI 339.66</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
666.I	William Henwood	Council to adopt provisions as notified (both submission points).
<i>FSI 339.47</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
700.I	Waikato Aviation	Council to adopt provisions as notified (both submission points).
<i>FSI 339.48</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
702.I	Aerosport Aviation Ltd	Council to adopt provisions as notified (both submission points).
<i>FSI 339.49</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
708.I	Neil McHugh	Council to adopt provisions as notified (both submission points).
<i>FSI 339.50</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
725.I	Laurence Harris	Council to adopt provisions as notified (both submission points).



<i>FSI 339.51</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
727.1	James Schmidt	To retain Chapter 9.2 as notified.
<i>FSI 339.52</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
734.1	Richard Neave and Sue Campbell	Council to adopt provisions as notified (both submission points).
<i>FSI 339.53</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
736.1	Ian Chapman	Council to adopt provisions as notified (both submission points).
<i>FSI 339.54</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
752.1	McGowan-Weake Limited	Council to adopt provisions as notified (both submission points).
<i>FSI 339.55</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
753.1	Gavin Brown	Council to adopt provisions as notified (both submission points).
<i>FSI 339.56</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
767.1	Simon Clark	Council to adopt provisions as notified (both submission points).
<i>FSI 339.57</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
770.1	Gordon Sanders	Council to adopt provisions as notified (both submission points).
<i>FSI 339.58</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
773.1	Michael Hayman	Council to adopt provisions as notified (both submission points).
<i>FSI 339.59</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
808.1	Gyrate International Ltd	Council to adopt provisions as notified (both submission points).
<i>FSI 339.60</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
809.1	Gordon H L Swan	Council to adopt provisions as notified (both submission points).
<i>FSI 339.61</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
810.1	Phil North	Council to adopt provisions as notified (both submission points).
<i>FSI 339.62</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
811.1	Martyn Seay	Council to adopt provisions as notified (both submission points).
<i>FSI 339.63</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
823.23	NZTE Operations Limited	The Submitter supports the objectives and policies in section 9.2 as notified.
<i>FSI 178.23</i>	<i>Kristine Stead on behalf of Marshall &amp; Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson.</i>	<i>Oppose</i>

868.1	Huib Volker	Council to adopt provisions as notified (both submission points).
<i>FS1339.64</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
878.1	David Wilson	Council to adopt provisions as notified (both submission points).
<i>FS1339.65</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

### 4.3 Analysis

#### *Submissions in support*

77. The references in the table above to “Council to adopt provisions as notified (both submission points),” refers to the two submission points made on:
- Section B, Chapter 9.2 – Objectives and Policies for Te Kowhai Airpark Zone (whole of chapter) and Section C, Chapter 27 – Rules for Te Kowhai Airpark zone (whole of chapter)*
78. Of the 63 submission points made, 61 submissions either seek that the objectives and policies be retained without change, support this or seek no specific direction. Further submissions, mostly from NZTE Operations Limited, support this. Given other assessments in this report and that changes have been recommended to some of the policies as notified, I recommend that those submissions in support be accepted in part.

#### *SW Ranby*

79. SW Ranby’s submission [369.1] opposes the objectives and policies related to Te Kowhai Airpark. This submission is not clear on the decision requested. This submitter states “*The objectives and policies seem strongly aimed at supporting the social, economic and cultural wellbeing of the aviation sector without considering the short and long term effects outside the airpark.*”
80. As I understand it, the short and long-term effects referred to are the increase in adverse noise effects associated with the likely increase in air traffic and impact on amenity values. The TKAZ objectives and policies do (in part) look to support the aviation sector at the Te Kowhai aerodrome. The purpose of Objective 9.2.2(a) Amenity Outcomes and Policy 9.2.2.1(a) Airpark Standards is that adverse airpark effects (such as noise) and bulk and location are managed to ensure acceptable amenity outcomes. Accordingly, the PDP does (in part) seek to manage noise associated with the proposed airpark, including noise associated with increased air traffic. Therefore, I disagree, in part, with submission [369.1].
81. In relation to the submission point on increased aircraft movements, Section 15 of this report recommends that an additional matter entitled “aircraft movements” be added to Policy 9.2.2.1(a) Airpark Standards. In section 14 of this report I have recommended a new rule providing for a specified number of aircraft movements as a permitted activity. This should assist with dealing with SW Ranby’s concerns about aircraft movements.
82. SW Ranby’s submission [369.1] is concerned that Policy 9.2.1.6 refers to airspace protection via an increased OLS, which would introduce a new height restriction on their property lower than the current permitted height in the Rural Zone, including restrictions on vegetation and tree height, resulting in new obligations. This submitter discusses how they consider the proposed OLS will affect their property. However, the submission [369.1] does not specify what changes are sought to Policy 9.2.1.6. Accordingly, I recommend that the Panel reject this part of submission point [369.1].
83. I recommend the Panel accept in part the submission by SW Ranby [369.1], accept in part the further submission by GL and DP McBride [FS1347.1], and accept in part the further

submission by NZTE Operations Limited [FS/339.69]. This is because I am recommending (later in this report) amendments to a notified policy and a new rule providing for a specified number of aircraft movements, as a permitted activity, which will assist with dealing with SVV Ranby's concerns about aircraft movements.

#### *Waikato Regional Airport Limited*

84. Waikato Regional Airport Limited (WRAL) submission [664.1] opposes all objectives and policies in Chapter 9.2, however their submission is not clear on specific issues they have, or with specific objectives and policies. This submitter has indicated a trade competition issue, as discussed in section 3.5 above.
85. Waikato Regional Airport Limited (WRAL), who administer Hamilton Airport, submit in support of aspects of the proposal that facilitate recreational aviation in the region, but they object to the proposal due to aeronautical safety considerations. Waikato Regional Airport Limited's submission also advises the following:  
*Activities that have the potential to intensify aeronautical activity to a commercial scale in close proximity to Hamilton Airport and our airspace present a greatly increased threat to users of our airport. Our view is that modifying the obstacle limitation surface at Te Kowhai to permit traffic at night or under instrument flight rules further compromises safety in contrast to simply increasing the volume of the current types of air traffic known to operate at Te Kowhai by encouraging faster, more high performance aircraft to operate in vicinity of Hamilton Airport, without reference to our Air Traffic Control.*
86. Waikato District Council's jurisdiction with respect to RMA matters relates to its functions under Section 31 of the RMA. These relate to the use, development and protection of land. Apart from the controls around the proposal to expand the OLS, and managing noise and land use, Waikato District Council does not have jurisdiction to restrict the type of aircraft or control / manage aircraft in flight. I understand that the NZ Civil Aviation Authority (NZCAA) is the agency with a role in aviation safety. Noise and OLS matters are addressed in other parts of this report.
87. I recommend that the Panel reject the submission by Waikato Regional Airport Limited [664.1] and accept the further submission by NZTE Operations Limited [FS/339.66] - while an appropriate OLS for Te Kowhai Aerodrome is addressed elsewhere in this report, Council does not have jurisdiction relating to aviation safety matters of concern as expressed by WRAL.
88. I recommend that the Objectives and Policies in Chapter 9.2 of the Proposed District Plan be retained as notified, subject to any modifications recommended elsewhere within this report.

## **4.4 Recommendations**

89. I recommend that the Hearings Panel:
  - (a) **Accept in part** David Horton [206.1] and **accept in part** NZTE Operations Limited [FS/339.5].
  - (b) **Accept in part** Bruce Belfield [208.1] and **accept in part** NZTE Operations Limited [FS/339.6].
  - (c) **Accept in part** Tony Knowling [211.1] and **accept in part** NZTE Operations Limited [FS/339.7].
  - (d) **Accept in part** Scott Montagu [216.1] and **accept in part** NZTE Operations Limited [FS/339.4] and **accept in part** Hamilton City Council [FS/379.50].

- (e) **Accept in part** Bruce Cooke [219.1] and **accept in part** NZTE Operations Limited [FS1339.8].
- (f) **Accept in part** Jackson Property Group and La Valla Functions [220.1] and **accept in part** NZTE Operations Limited [FS1339.9].
- (g) **Accept in part** Sport Aviation Corp Limited [221.1] and **accept in part** NZTE Operations Limited [FS1339.10].
- (h) **Accept in part** Sport Aviation Corp Limited [222.1] and **accept in part** NZTE Operations Limited [FS1339.11].
- (i) **Accept in part** Peter Armstrong [224.1] and **accept in part** NZTE Operations Limited [FS1339.12].
- (j) **Accept in part** Steve Gunn [225.1] and **accept in part** NZTE Operations Limited [FS1339.13].
- (k) **Accept in part** Mike Griffiths [226.1] and **accept in part** NZTE Operations Limited [FS1339.14].
- (l) **Accept in part** Geoffrey Gatenby [227.1] and **accept in part** NZTE Operations Limited [FS1339.15].
- (m) **Accept in part** Stuart Parker [229.1] and **accept in part** NZTE Operations Limited [FS1339.16].
- (n) **Accept in part** Recreational Aircraft Association [237.1] and **accept in part** NZTE Operations Limited [FS1339.17] and **accept in part** Pareoranga Te Kata [FS1035.100].
- (o) **Accept in part** Anthony Gurr [277.1] and **accept in part** NZTE Operations Limited [FS1339.18].
- (p) **Accept in part** Anatoly Chernyshev [285.1] and **accept in part** NZTE Operations Limited [FS1339.19].
- (q) **Accept in part** SW Ranby [369.1] and **accept in part** GL and DP McBride [FS1347.1] and **accept in part** NZTE Operations Limited [FS1339.69].
- (r) **Accept in part** Olivia Henwood [429.1] and **accept in part** NZTE Operations Limited [FS1339.20].
- (s) **Accept in part** James Walker [473.1] and **accept in part** NZTE Operations Limited [FS1339.21].
- (t) **Accept in part** David Reid [475.1] and **accept in part** NZTE Operations Limited [FS1339.22].
- (u) **Accept in part** Ventura Inn and Suites [476.1] and **accept in part** NZTE Operations Limited [FS1339.23].
- (v) **Accept in part** Ben Meyer [477.1] and **accept in part** NZTE Operations Limited [FS1339.24].
- (w) **Accept in part** Mike Tubbs [478.1] and **accept in part** NZTE Operations Limited [FS1339.25].
- (x) **Accept in part** Altus Intelligence [490.1] and **accept in part** NZTE Operations Limited [FS1339.26].
- (y) **Accept in part** Altus Intelligence [491.1] and **accept in part** NZTE Operations Limited [FS1339.27].
- (z) **Accept in part** Altus UAS [492.1] and **accept in part** NZTE Operations Limited [FS1339.28].

- (aa) **Accept in part** Shane Smart [497.1] and **accept in part** NZTE Operations Limited [FS1339.29].
- (bb) **Accept in part** Andrea Cadwallader [500.1] and **accept in part** NZTE Operations Limited [FS1339.30].
- (cc) **Accept in part** Internal Communications NZ Ltd [528.1] and **accept in part** Amanda Schaake [FS1126.1] and **accept in part** NZTE Operations Limited [FS1339.31].
- (dd) **Accept in part** Paul Brydon [538.1] and **accept in part** NZTE Operations Limited [FS1339.32].
- (ee) **Accept in part** Jack Schaake [541.1] and **accept in part** NZTE Operations Limited [FS1339.33].
- (ff) **Accept in part** Dargaville Aero Club [547.1] and **accept in part** NZTE Operations Limited [FS1339.34].
- (gg) **Accept in part** Matamata Aero Club [549.1] and **accept in part** NZTE Operations Limited [FS1339.35].
- (hh) **Accept in part** Te Kowhai Aerodrome [560.1] and **accept in part** NZTE Operations Limited [FS1339.37].
- (ii) **Accept in part** Dave Etchells [566.1] and **accept in part** NZTE Operations Limited [FS1339.38].
- (jj) **Accept in part** Sarah Clark [582.1] and **accept in part** NZTE Operations Limited [FS1339.39].
- (kk) **Accept in part** West Auckland Airport, Parakai [586.1] and **accept in part** NZTE Operations Limited [FS1339.40].
- (ll) **Accept in part** Kiwi Balloon Company [613.1] and **accept in part** NZTE Operations Limited [FS1339.41].
- (mm) **Accept in part** Peter Varga [621.1] and **accept in part** NZTE Operations Limited [FS1339.42].
- (nn) **Accept in part** Allan Dennis [631.1] and **accept in part** NZTE Operations Limited [FS1339.43].
- (oo) **Accept in part** Neroli Henwood [635.1] and **accept in part** NZTE Operations Limited [FS1339.44].
- (pp) **Accept in part** Progress Partners Limited [649.1] and **accept in part** NZTE Operations Limited [FS1339.45].
- (qq) **Accept in part** Jacob Stead [650.1] and **accept in part** NZTE Operations Limited [FS1339.46].
- (rr) **Reject** Waikato Regional Airport Limited [664.1] and **accept** NZTE Operations Limited [FS1339.66].
- (ss) **Accept in part** William Henwood [666.1] and **accept in part** NZTE Operations Limited [FS1339.47].
- (tt) **Accept in part** Waikato Aviation [700.1] and **accept in part** NZTE Operations Limited [FS1339.48].
- (uu) **Accept in part** Aerosport Aviation Limited [702.1] and **accept in part** NZTE Operations Limited [FS1339.49].
- (vv) **Accept in part** Neil McHugh [708.1] and **accept in part** NZTE Operations Limited [FS1339.50].

- (ww) **Accept in part** Laurence Harris [725.1] and **accept in part** NZTE Operations Limited [FS/339.51].
- (xx) **Accept in part** James Schmidt [727.1] and **accept in part** NZTE Operations Limited [FS/339.52].
- (yy) **Accept in part** Richard Neave and Sue Campbell [734.1] and **accept in part** NZTE Operations [FS/339.53].
- (zz) **Accept in part** Ian Chapman [736.1] and **accept in part** NZTE Operations Limited [FS/339.54].
- (aaa) **Accept in part** McGowan-Weake Limited [752.1] and **accept in part** NZTE Operations Limited [FS/339.55].
- (bbb) **Accept in part** Gavin Brown [753.1] and **accept in part** NZTE Operations Limited [FS/339.56].
- (ccc) **Accept in part** Simon Clark [767.1] and **accept in part** NZTE Operations Limited [FS/339.57].
- (ddd) **Accept in part** Gordon Sanders [770.1] and **accept in part** NZTE Operations Limited [FS/339.58].
- (eee) **Accept in part** Michael Hayman [773.1] and **accept in part** NZTE Operations Limited [FS/339.59].
- (fff) **Accept in part** Gyrate International Limited [808.1] and **accept in part** NZTE Operations Limited [FS/339.60].
- (ggg) **Accept in part** Gordon H L Swan [809.1] and **accept in part** NZTE Operations Limited [FS/339.61].
- (hhh) **Accept in part** Phil North [810.1] and **accept in part** NZTE Operations Limited [FS/339.62].
- (iii) **Accept in part** Martyn Seay [811.1] and **accept in part** NZTE Operations Limited [FS/339.63].
- (jjj) **Accept in part** NZTE Operations Limited [823.23] and **accept in part** NZTE Operations Limited [FS/339.59] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS/178.23].
- (kkk) **Accept in part** Huib Volker [868.1] and **accept in part** NZTE Operations Limited [FS/339.64].
- (lll) **Accept in part** David Wilson [878.1] and **accept in part** NZTE Operations Limited [FS/339.65].

90. I have recommended that the above submissions be accepted in part (being those parts of the objectives and policies that are not recommended to be changed) as I have recommended amendments to some parts of the objectives and policies in response to other submissions.

#### 4.5 Recommended Amendments

91. There are no changes recommended in response to these submissions.

#### 4.6 Section 32AA evaluation

92. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

## 5 Policy 9.2.1.1 – Development

### 5.1 Introduction

93. Policy - Development (9.2.1.1) facilitates the development of Te Kowhai Airpark by providing for a diversity of residential and commercial opportunities which leverage off existing infrastructure, and for development of the Te Kowhai Airpark in accordance with the Te Kowhai Airpark Framework Plan.

### 5.2 Submissions

94. Two submission points were received specifically in support of Policy 9.2.1.1 - Development.
95. The following submissions were made:

Submission point	Submitter	Summary of submission
742.62	NZ Transport Agency	Amend Policy 9.2.1.1(b) as follows: Develop Te Kowhai Airpark in accordance with the Te Kowhai Airpark Framework Plan <u>in Appendix 9</u> .
FSI 339.67	NZTE Operations Limited	Support

### 5.3 Analysis

96. NZ Transport Agency's submission [742.62] is to amend Policy 9.2.1.1(b) to include the words in Appendix 9 at the end of that notified policy. NZTE Operations Limited's further submission [FSI 339.6] supports this.
97. I consider that it would be appropriate to add the words "in Appendix 9" to the end of notified Policy 9.2.1.1(b), to provide further guidance on where the Te Kowhai Airpark Framework Plan is located within the Proposed District Plan.
98. NZ Transport Agency's submission [742.62] also requests clarification on whether it is the Te Kowhai Airpark Framework Plan in Appendix 9 or the whole of Appendix 9 which should be referred to in this policy.
99. Appendix 9 of the Proposed District Plan contains the following:
- Information on the Runway and Associated Runway Strip
  - Information on Obstacle Limitation Surfaces
  - Framework Plan
  - Precinct Plan
  - Zoning Plan
  - CAA ACI39-7 Aerodrome Standards and Requirements – Overview Plan
  - CAA ACI39-7 Aerodrome Standards and Requirements – Stead Property Detail Plan

- Stead Property Cross-Section.

100. When considering whether it is the Te Kowhai Airpark Framework Plan only or the whole of Appendix 9, it is important to bear in mind what Policy 9.2.1.1(b) is seeking to achieve. Its objective is Objective 9.2.1, which is stated below:

**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.

101. It is not appropriate to amend Policy 9.2.1.1(b) to refer to the whole of Appendix 9, as other parts of / information within, Appendix 9, are related to other policies.

102. I recommend that the Panel accept the submission from NZ Transport Agency [742.62] and accept the further submission from NZTE Operations Limited [FS1339.67] because the amendment clarifies the policy.

## 5.4 Recommendation

103. I recommend that the Hearings Panel:

- (a) **Accept** NZ Transport Agency [742.62] and **accept** NZTE Operations Limited [FS1339.67].

## 5.5 Recommended Amendments

104. The following amendment is recommended:

Policy 9.2.1.1 Policy - Development

- (b) Develop Te Kowhai Airpark in accordance with the Te Kowhai Airpark Framework Plan in Appendix 9.<sup>2</sup>

## 5.6 Section 32AA evaluation

105. The recommended amendments are grammatical changes to clarify the plan text, without changing planning outcomes. Accordingly, no s32AA evaluation has been undertaken.

# 6 Appendix 9: Te Kowhai Airfield

## 6.1 Introduction

106. PDP Appendix 9: Te Kowhai Airfield includes the following related to the Te Kowhai Airpark:

- Information on the Runway and Associated Runway Strip
- Information on Obstacle Limitation Surfaces
- Framework Plan
- Precinct Plan
- Zoning Plan

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<sup>2</sup> [742.62, FS1339.67]



- CAA AC139-7 Aerodrome Standards and Requirements – Overview Plan
- CAA AC139-7 Aerodrome Standards and Requirements – Stead Property Detail Plan
- Stead Property Cross-Section.

## 6.2 Submissions

107. There were 4 submissions referring to PDP Appendix 9.
108. The following submissions were made:

Submission point	Submitter	Summary of submission
369.3	S W Ranby	Delete Appendix 9 for Te Kowhai Airfield Precincts Zoning.
<i>FSI 347.3</i>	<i>GL &amp; DP McBride</i>	<i>Support</i>
823.6	NZTE Operations Limited	Amend the zoning plan in Chapter 29 - Appendix 9 to read “Te Kowhai Airpark Zone” to more appropriately align with the terminology in Chapter 27.
<i>FSI 178.6</i>	<i>Kristine Stead on behalf of Marshall &amp; Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson.</i>	<i>Oppose</i>

## 6.3 Analysis

### SW Ranby

109. SW Ranby’s submission [369.3] sought that PDP Appendix 9 Te Kowhai Airfield Precincts Zoning be deleted. The submission states that the zoning introduces new restrictions in the form of the Obstacle Limitation Surface (OLS) and will result in/exacerbate adverse noise effects. This is incorrect, as neither the Precinct Plan nor the zoning plan in Appendix 9 shows the OLS. While there is some interrelation, the OLS does not necessarily rely on the TKAZ zoning of the land. The OLS manages aircraft safety and not noise. Noise effects on properties are discussed elsewhere in this report. I recommend that the Panel reject the submission by SW Ranby [369.3] and reject the further submission by GL & DP McBride [FSI 347.3].

### NZTE Operations Limited

110. NZTE Operations Limited’s submission [823.6] requested that the zoning plan in PDP Chapter 29 - Appendix 9 be amended to read “~~Special Activity Zone~~ Te Kowhai Airpark Zone”. The amendment better describes the name of the zone and is consistent with the zone name on the District Plan maps. I recommend that the Panel accept the submission by NZTE Operations Limited [823.6] and reject the submission by Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FSI 178.6].

### Consequential Amendment

111. The s42A report authors for Hearing 5 – Definitions (page 282, paragraph 1063) recommended that the term ‘airfield’ be replaced with the term ‘aerodrome’. I agree with that recommendation. Consequently, the heading for PDP Appendix 9 should read “Appendix 9: Te Kowhai Aerodrome”.<sup>3</sup>

## 6.4 Recommendations

112. I recommend that the Hearings Panel:
- (a) **Reject** SW Ranby [369.3] and **reject** GL & DP McBride [FS1347.3].
  - (b) **Accept** NZTE Operations Limited [823.6] and **reject** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.6].

## 6.5 Recommended Amendments

113. The following amendments are recommended:
- The text on the zoning plan in Chapter 29 - Appendix 9 be amended to read ~~Special Activity Zone~~ Te Kowhai Airpark Zone<sup>4</sup>

## 6.6 Consequential Amendments

114. The following minor consequential amendment is also proposed:
- First Page of Appendix 9: Appendix 9: Te Kowhai Aerodrome<sup>5</sup>

## 6.7 Section 32AA evaluation

115. As the recommended amendments are minor clarifications, no s32AA evaluation has been undertaken.

# 7 All Te Kowhai Airpark Rules as notified

## 7.1 Introduction

116. This section of the report considers those submissions that support and oppose all Te Kowhai Airpark rules as notified.

## 7.2 Submissions

117. 136 submission points were received relating to all airpark rules as notified. 124 request that the rules be adopted as notified.

<sup>3</sup> Consequential amendment from [FS1339.74 and FS1339.75].

<sup>4</sup> [823.6]

<sup>5</sup> Consequential amendment from [FS1339.74 and FS1339.75].

118. The following submissions were made:

<b>Submission point</b>	<b>Submitter</b>	<b>Summary of submission</b>
206.2	David Horton	Council to adopt provisions as notified (both submission points).
<i>FSI339.104</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
208.2	Bruce Belfield	Council to adopt provisions as notified (both submission points).
<i>FSI339.105</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
211.2	Tony Knowling	Council to adopt provisions as notified (both submission points).
<i>FSI339.106</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
216.2	Scott Montagu	Council to adopt provisions as notified (both submission points).
<i>FSI386.229</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
<i>FSI339.103</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
<i>FSI379.51</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
219.2	Bruce Cooke	Council to adopt provisions as notified (both submission points).
<i>FSI339.107</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
220.2	Jackson Property Group and La Valla Functions	Council to adopt provisions as notified (both submission points).
<i>FSI339.108</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
221.2	Sport Aviation Corp Ltd	Council to adopt provisions as notified (both submission points).
<i>FSI339.109</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
222.2	Sport Aviation Corp Ltd	Council to adopt provisions as notified (both submission points).
<i>FSI339.110</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
224.2	Peter Armstrong	Council to adopt provisions as notified (both submission points).
<i>FSI339.111</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
225.2	Steve Gunn	Council to adopt provisions as notified (both submission points).
<i>FSI339.112</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
226.2	Mike Griffiths	Council to adopt provisions as notified (both submission points).
<i>FSI339.113</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
227.2	Geoffrey Gatenby	Council to adopt provisions as notified (both submission points).
<i>FSI339.114</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

229.2	Stuart Parker	Council to adopt provisions as notified (both submission points).
<i>FSI339.115</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
237.2	Recreational Aircraft Association	Council to adopt provisions as notified (both submission points).
<i>FSI035.101</i>	<i>Pareoranga Te Kata</i>	<i>Oppose</i>
<i>FSI339.116</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
277.2	Anthony Gurr	Council to adopt provisions as notified.
<i>FSI339.117</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
285.2	Anatoly Chernyshev	Council to adopt provisions as notified.
<i>FSI339.118</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
369.2	S W Ranby	No specific decision sought but submission opposes rules related to Te Kowhai Airpark.
<i>FSI339.194</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
<i>FSI347.2</i>	<i>GL &amp; DP McBride</i>	<i>Support</i>
429.2	Olivia Henwood	Council to adopt provisions as notified (both submission points).
<i>FSI339.119</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
473.2	James Walker	Council to adopt provisions as notified (both submission points).
<i>FSI339.120</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
475.2	David Reid	Council to adopt provisions as notified (both submission points).
<i>FSI339.121</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
476.2	Ventura Inn and Suites	Council to adopt provisions as notified (both submission points). i.e. including Section C, Chapter 27 Te Kowhai Airpark Zone
<i>FSI339.122</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
477.2	Ben Meyer	Council to adopt provisions as notified (both submission points).
<i>FSI339.123</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
478.2	Mike Tubbs	Council to adopt provisions as notified (both submission points).
<i>FSI339.124</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
490.2	Altus Intelligence	Council to adopt provisions as notified (both submission points).
<i>FSI339.125</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
491.2	Altus Intelligence	Council to adopt provisions as notified (both submission points).
<i>FSI339.126</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
492.2	Altus UAS	Council to adopt provisions as notified (both submission points).

<i>FSI339.127</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
497.2	Shane Smart	Council to adopt provisions as notified (both submission points).
<i>FSI339.128</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
500.2	Andrea Cadwallader	Council to adopt provisions as notified (both submission points).
<i>FSI339.129</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
528.2	Internal Communications NZ Ltd	Council to adopt provisions as notified (both submission points).
<i>FSI126.2</i>	<i>Amanda Schaaake</i>	<i>Support</i>
<i>FSI339.130</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
538.2	Paul Brydon	Council to adopt provisions as notified (both submission points).
<i>FSI339.132</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
541.2	Jack Schaaake	Council to adopt provisions as notified (both submission points).
<i>FSI339.133</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
547.2	Dargaville Aero Club	Council to adopt provisions as notified (both submission points).
<i>FSI339.134</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
549.2	Matamata Aero Club	Council to adopt provisions as notified (both submission points).
<i>FSI339.135</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
560.2	Te Kowhai Aerodrome	Council to adopt provisions as notified (both submission points).
<i>FSI339.136</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
566.2	Dave Etchells	Council to adopt provisions as notified (both submission points).
<i>FSI339.137</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
582.2	Sarah Clark	Council to adopt provisions as notified (both submission points).
<i>FSI339.138</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
586.2	West Auckland Airport, Parakai	Council to adopt provisions as notified (both submission points).
<i>FSI339.139</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
613.2	Kiwi Balloon Company	Chapter 27 is retained as notified.
<i>FSI339.140</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
621.2	Peter Varga	Council to adopt provisions as notified (both submission points).
<i>FSI339.141</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
631.2	Allan Dennis	Council to adopt provisions as notified (both submission points).
<i>FSI339.142</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

635.2	Neroli Henwood	Council to adopt provisions as notified (both submission points).
<i>FS/339.143</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
649.2	Progress Partners Ltd	Council to adopt provisions as notified (both submission points).
<i>FS/339.144</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
650.2	Jacob Stead	Council to adopt provisions as notified (both submission points).
<i>FS/339.145</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
664.2	Waikato Regional Airport Limited	No specific decision sought but the Waikato Regional Airport Limited, as the administering authority for Hamilton Airport pursuant to the Airport Authorities Act 1966, is supportive of aspects of the proposal that facilitate recreational aviation in the region however object to the proposal due to aeronautical safety considerations.
<i>FS/339.197</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
666.2	William Henwood	Council to adopt provisions as notified (both submission points).
<i>FS/339.146</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
700.2	Waikato Aviation	Council to adopt provisions as notified (both submission points).
<i>FS/339.147</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
702.2	Aerosport Aviation Limited	Council to adopt provisions as notified (both submission points).
708.2	Neil McHugh	Council to adopt provisions as notified (both submission points).
<i>FS/339.148</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
725.2	Laurence Harris	Council to adopt provisions as notified (both submission points).
<i>FS/339.149</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
734.2	Richard Neave and Sue Campbell	Council to adopt provisions as notified (both submission points).
<i>FS/339.150</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
736.2	Ian Chapman	Council to adopt provisions as notified (both submission points).
<i>FS/339.151</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
752.2	McGowan-Weake Limited	Council to adopt provisions as notified (both submission points).
<i>FS/339.152</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
753.2	Gavin Brown	Council to adopt provisions as notified (both submission points).
<i>FS/339.153</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
767.2	Simon Clark	Council to adopt provisions as notified (both submission points).

<i>FS/339.154</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
770.2	Gordon Sanders	Council to adopt provisions as notified (both submission points).
<i>FS/339.155</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
773.2	Michael Hayman	Council to adopt provisions as notified (both submission points).
<i>FS/339.156</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
808.2	Gyrate International Ltd	Council to adopt provisions as notified (both submission points).
<i>FS/339.157</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
809.2	Gordon H L Swan	Council to adopt provisions as notified (both submission points).
<i>FS/339.158</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
810.2	Phil North	Council to adopt provisions as notified (both submission points).
<i>FS/339.159</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
811.2	Martyn Seay	Council to adopt provisions as notified (both submission points).
<i>FS/339.160</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
823.22	NZTE Operations Limited	This submission supports the introduction of the Te Kowhai Airpark Zone and the relevant rules that relate to the functioning of the zone in the pWDP.
<i>FS/178.22</i>	<i>Kristine Stead on behalf of Marshall &amp; Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson.</i>	<i>Oppose</i>
<i>FS/154.1</i>	<i>Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead</i>	<i>Oppose</i>
868.2	Huib Volker	Council to adopt provisions as notified (both submission points).
<i>FS/339.161</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
878.2	David Wilson	Council to adopt provisions as notified (both submission points).
<i>FS/339.162</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

### 7.3 Analysis

#### *Submissions in support*

119. The submissions in the table above were summarised as seeking “Council to adopt provisions as notified (both submission points)”. These two submission points relate to:
- Section B, Chapter 9.2 – Objectives and Policies for Te Kowhai Airpark Zone (whole of chapter) and
  - Section C, Chapter 27 – Rules for Te Kowhai Airpark zone (whole of chapter)
120. Of the 136 submission points on the rules as notified, 124 submission points either seek that the rules be retained without change or seek no specific direction. Given other assessments in this report, I recommend that not all rules in Chapter 27 of the PDP should be retained as notified and that the Panel accept in part those submissions in support.
121. In particular, I note that the aerodrome operator NZTE Operations Limited [823.22] submitted in support of all relevant notified rules that relate to the functioning of the (Te Kowhai Airpark) zone in the PDP. This submission point was opposed by a number of further submitters. Further submissions [FS1178.22] and [FS1154.1] are unclear as to why they oppose all relevant notified Chapter 27 rules. I recommend that the Panel accept NZTE Operations Limited [823.22] and reject the corresponding further submissions.
122. Scott Montagu [216.2] supported all rules as noted. Hamilton City Council [FS1379.51] opposed this for reasons given in their original submission, which relate to servicing concerns. Some of these concerns have been assessed in the subdivision rules sections of this report. I recommend that the Panel accept in part Scott Montagu [216.2] and accept in part Hamilton City Council [FS1379.51].

#### *SW Ranby*

123. SW Ranby’s submission [369.2] is not clear on the decision requested, however the submission opposes rules related to Te Kowhai Airpark for reasons related to the following: the landuse activities provide for a range of activities that are not adequately controlled by the proposed rules, the likely increase in noise from overhead aircraft outside the airpark, and general aviation being a permitted activity with no limits on aircraft numbers and therefore no restriction on noise emitted from aircraft arrivals and departures. This submission also mentions high class soils, which will be dealt with in the Te Kowhai zoning hearing.
124. The potential additional aircraft using the Te Kowhai aerodrome following the airpark development may result in an increase in aircraft noise (above that already experienced), within this locality, not just within the airpark. Noise emission controls for Te Kowhai aerodrome and airpark are discussed within the noise section of this report. My recommendations in the noise section of this report are that Noise Rule 27.2.7 be amended to manage noise from aircraft operations associated with the Te Kowhai aerodrome. I consider that the amended aircraft operations noise rule and rule regarding annual aircraft movements recommended later in this report would assist with dealing with SW Ranby’s concerns in [369.2].
125. I recommend that the Panel accept in part the submission by SW Ranby [369.2] relating to the range of activities not being adequately controlled by proposed rules, accept in part the further submission by GL and DP McBride [FS1347.2] and accept in part the further submission by NZTE Operations Limited [FS1339.194], as the TKAZ rules will appropriately manage activities, which includes rules relating to noise and aircraft movements. High quality soils will be addressed in the Te Kowhai zoning hearing.



*Waikato Regional Airport Limited*

126. Waikato Regional Airport Limited (WRAL) submission [664.2] opposes all rules in Chapter 27, however their submission is not clear on specific issues they have, with specific TKAZ rules. As the issues WRAL raise relating to the TKAZ rules are the same as those for the TKAZ objectives and policies, my assessments in section 4 of this report are also relevant to this matter. In this regard, I note that Waikato District Council does not have jurisdiction to restrict the type of aircraft or control / manage aircraft in flight. While an appropriate OLS for Te Kowhai aerodrome is addressed elsewhere in this report, Council does not have jurisdiction relating to aviation safety matters of concern as expressed by WRAL. I recommend that the Panel reject the submission by Waikato Regional Airport Limited [664.2] and accept the further submission by NZTE Operations Limited [FS1339.197].
127. I recommend that the Rules in Chapter 27 of the Proposed District Plan be retained as notified, subject to modifications recommended elsewhere in this report.

## 7.4 Recommendation

128. I recommend that the Hearings Panel:
- (a) **Accept in part** David Horton [206.2] and **accept in part** NZTE Operations Limited [FS1339.104].
  - (b) **Accept in part** Bruce Belfield [208.2] and **accept in part** NZTE Operations Limited [FS1339.105].
  - (c) **Accept in part** Tony Knowling [211.2] and **accept in part** NZTE Operations Limited [FS1339.106].
  - (d) **Accept in part** Scott Montagu [216.2] and **accept in part** NZTE Operations Limited [FS1339.103] and **accept in part** Hamilton City Council [FS1379.51] and **reject** Mercury NZ Limited for Mercury C [FS1386.229].
  - (e) **Accept in part** Bruce Cooke [219.2] and **accept in part** NZTE Operations Limited [FS1339.107].
  - (f) **Accept in part** Jackson Property Group and La Valla Functions [220.2] and **accept in part** NZTE Operations Limited [FS1339.108].
  - (g) **Accept in part** Sport Aviation Corp Limited [221.2] and **accept in part** NZTE Operations Limited [FS1339.109].
  - (h) **Accept in part** Sport Aviation Corp Limited [222.2] and **accept in part** NZTE Operations Limited [FS1339.110].
  - (i) **Accept in part** Peter Armstrong [224.2] and **accept in part** NZTE Operations Limited [FS1339.111].
  - (j) **Accept in part** Steve Gunn [225.2] and **accept in part** NZTE Operations Limited [FS1339.112].
  - (k) **Accept in part** Mike Griffiths [226.2] and **accept in part** NZTE Operations Limited [FS1339.113].
  - (l) **Accept in part** Geoffrey Gatenby [227.2] and **accept in part** NZTE Operations Limited [FS1339.114].
  - (m) **Accept in part** Stuart Parker [229.2] and **accept in part** NZTE Operations Limited [FS1339.115].

- (n) **Accept in part** Recreational Aircraft Association [237.2] and **accept in part** NZTE Operations Limited [FS1339.116] and **accept in part** Pareoranga Te Kata [FS10.35.101].
- (o) **Accept in part** Anthony Gurr [277.2] and **accept in part** NZTE Operations Limited [FS1339.117].
- (p) **Accept in part** Anatoly Chernyshev [285.2] and **accept in part** NZTE Operations Limited [FS1339.118].
- (q) **Accept in part** S W Ranby [369.2] and **accept in part** GL and DP McBride [FS1347.2] and **accept in part** NZTE Operations Limited [FS1339.194].
- (r) **Accept in part** Olivia Henwood [429.2] and **accept in part** NZTE Operations Limited [FS1339.119].
- (s) **Accept in part** James Walker [473.2] and **accept in part** NZTE Operations Limited [FS1339.120].
- (t) **Accept in part** David Reid [475.2] and **accept in part** NZTE Operations Limited [FS1339.121].
- (u) **Accept in part** Ventura Inn and Suites [476.2] and **accept in part** NZTE Operations Limited [FS1339.122].
- (v) **Accept in part** Ben Meyer [477.2] and **accept in part** NZTE Operations [FS1339.123].
- (w) **Accept in part** Mike Tubbs [478.2] and **accept in part** NZTE Operations Limited [FS1339.124].
- (x) **Accept in part** Altus Intelligence [490.2] and **accept in part** NZTE Operations Limited [FS1339.125].
- (y) **Accept in part** Altus Intelligence [491.2] and **accept in part** NZTE Operations Limited [FS1339.126].
- (z) **Accept in part** Altus UAS [492.2] and **accept in part** NZTE Operations Limited [FS1339.127].
- (aa) **Accept in part** Shane Smart [497.2] and **accept in part** NZTE Operations Limited [FS1339.128].
- (bb) **Accept in part** Andrea Cadwallader [500.2] and **accept in part** NZTE Operations Limited [FS1339.129].
- (cc) **Accept in part** Internal Communications NZ Ltd [528.2] and **accept in part** Amanda Schaaake [FS1126.2] and **accept in part** NZTE Operations Limited [FS1339.130].
- (dd) **Accept in part** Paul Brydon [538.2] and **accept in part** NZTE Operations Limited [FS1339.132].
- (ee) **Accept in part** Jack Schaaake [541.2] and **accept in part** NZTE Operations Limited [FS1339.133].
- (ff) **Accept in part** Dargaville Aero Club [547.2] and **accept in part** NZTE Operations Limited [FS1339.134].
- (gg) **Accept in part** Matamata Aero Club [549.2] and **accept in part** NZTE Operations Limited [FS1339.135].
- (hh) **Accept in part** Te Kowhai Aerodrome [560.2] and **accept in part** NZTE Operations Limited [FS1339.136].

- (ii) **Accept in part** Dave Etchells [566.2] and **accept in part** NZTE Operations Limited [FS1339.137].
- (ji) **Accept in part** Sarah Clark [582.2] and **accept in part** NZTE Operations Limited [FS1339.138].
- (kk) **Accept in part** West Auckland Airport, Parakai [586.2] and **accept in part** NZTE Operations Limited [FS1339.139].
- (ll) **Accept in part** Kiwi Balloon Company [613.2] and **accept in part** NZTE Operations Limited [FS1339.140].
- (mm) **Accept in part** Peter Varga [621.2] and **accept in part** NZTE Operations Limited [FS1339.141].
- (nn) **Accept in part** Allan Dennis [631.2] and **accept in part** NZTE Operations Limited [FS1339.142].
- (oo) **Accept in part** Neroli Henwood [635.2] and **accept in part** NZTE Operations Limited [FS1339.143].
- (pp) **Accept in part** Progress Partners Limited [649.2] and **accept in part** NZTE Operations Limited [FS1339.144].
- (qq) **Accept in part** Jacob Stead [650.2] and **accept in part** NZTE Operations Limited [FS1339.145].
- (rr) **Reject** Waikato Regional Airport Limited [664.2] and **accept** NZTE Operations Limited [FS1339.197].
- (ss) **Accept in part** William Henwood [666.2] and **accept in part** NZTE Operations Limited [FS1339.146].
- (tt) **Accept in part** Waikato Aviation [700.2] and **accept in part** NZTE Operations Limited [FS1339.147].
- (uu) **Accept in part** Aerosport Aviation Limited [702.2].
- (vv) **Accept in part** Neil McHugh [708.2] and **accept in part** NZTE Operations Limited [FS1339.148].
- (ww) **Accept in part** Laurence Harris [725.2] and **accept in part** NZTE Operations Limited [FS1339.149].
- (xx) **Accept in part** Richard Neave and Sue Campbell [734.2] and **accept in part** NZTE Operations Limited [FS1339.150].
- (yy) **Accept in part** Ian Chapman [736.2] and **accept in part** NZTE Operations Limited [FS1339.151].
- (zz) **Accept in part** McGowan-Weake Limited [752.2] and **accept in part** NZTE Operations Limited [FS1339.152].
- (aaa) **Accept in part** Gavin Brown [753.2] and **accept in part** NZTE Operations Limited [FS1339.153].
- (bbb) **Accept in part** Simon Clark [767.2] and **accept in part** NZTE Operations Limited [FS1339.154].
- (ccc) **Accept in part** Gordon Sanders [770.2] and **accept in part** NZTE Operations Limited [FS1339.155].
- (ddd) **Accept in part** Michael Hayman [773.2] and **accept in part** NZTE Operations Limited [FS1339.156].

- (eee) **Accept in part** Gyrate International Limited [808.2] and **accept in part** NZTE Operations Limited [FS1339.157].
- (fff) **Accept in part** Gordon H L Swan [809.2] and **accept in part** NZTE Operations Limited [FS1339.158].
- (ggg) **Accept in part** Phil North [810.2] and **accept in part** NZTE Operations Limited [FS1339.159].
- (hhh) **Accept in part** Martyn Seay [811.2] and **accept in part** NZTE Operations Limited [FS1339.160].
- (iii) **Accept in part** NZTE Operations Limited [823.22] and **accept in part** NZTE Operations Limited [FS1339.161] and **accept in part** Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead [FS1154.1] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.22].
- (jjj) **Accept in part** Huib Volker [868.2] and **accept in part** NZTE Operations Limited [FS1339.161].
- (kkk) **Accept in part** David Wilson [878.2] and **accept in part** NZTE Operations Limited [FS1339.162].

### Recommended Amendments

129. There are no recommended amendments.

### Section 32AA evaluation

130. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

## 8 Rule 27.1 Land Use – Activities and New Policies – Educational Facilities

### 8.1 Introduction

131. Landuse Activities Rule (27.1) controls activities located within particular precincts within the Te Kowhai Airpark. Teaching and conference facilities are a non-complying activity in Precinct A, permitted activity in Precinct B, and a Discretionary Activity in Precincts C and D.

### 8.2 Submissions

132. Nine submissions were received on Rule 27.1 Land Use Activities. These submissions sought changes to the activity status table to provide for new activities and to amend the status of some activities. The scale of the commercial zoning was also questioned.
133. Five submissions, all in support, were received in relation to a new policy for education facilities in specific zones.

134. The following submissions were made:

Submission point	Submitter	Summary of submission
<i>Rule 27.1.1 Activity Status Table</i>		
535.82	Hamilton City Council	Amendments to Activity Status Table 27.1.1 Precinct B - P31 Cafes and restaurants (including licensed premises) and P32 Retail (to a maximum 300m <sup>2</sup> gross floor area in each precinct) to ensure commercial zoning at the airpark does not increase in scale and risk impacting on established commercial centres within Hamilton City.
<i>FS1339.187</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
602.9	Greig Metcalf	Rule 27.1.1 Activity Status Table Amend to include the following activities: Flight training school – Non-Complying Activity in all Precincts Circuit training — Non-Complying Activity in all Precincts
<i>FS1339.175</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
<i>FS1347.6</i>	<i>GL &amp; DP McBride</i>	<i>Support</i>
602.33	Greig Metcalf	Include appropriate definitions of the following terms: General Aviation Recreational Flying Flight Training School Circuit Training
<i>FS1339.73</i>	<i>NZTE Operations Limited</i>	<i>Oppose in part</i>
781.19	Ministry of Education	Amend wording 27.1.1 Activity Status Table <del>Teaching and Conference Education Facilities</del> Precinct A: <del>Non-complying</del> <u>Restricted Discretionary</u> Precinct B: Permitted Precinct C: <del>Discretionary</del> <u>Restricted Discretionary</u> Precinct D: <del>Discretionary</del> <u>Restricted Discretionary</u>  Introduce the following matters of discretion: <u>27.1.2 Restricted Discretionary Activities</u> <u>(1) The activities listed below are restricted discretionary activities</u> <u>(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:</u> <u>Activity</u> <u>RDI Education facilities</u> <u>Matters of discretion</u> <u>a. The extent to which it is necessary to locate the activity in the Te Kowhai Airpark Zone.</u> <u>b. Reverse sensitivity effects of adjacent activities.</u>

		<u>c. The extent to which the activity may adversely impact on the transport network.</u> <u>d. The extent to which the activity may adversely impact on the streetscape.</u> <u>e. The extent to which the activity may adversely impact on the noise environment.</u>
FSI339.163	NZTE Operations Limited	Support
<b>Educational Facilities Policies</b>		
781.6	Ministry of Education	<u>Add a new policy to Chapter 9: Specific Zones that provides for education facilities in Specific Zones as follows:</u> <u>Policy - Education Facilities and Specific Zones</u> <u>Allow activities which are compatible with the role, function and predominant character of Specific Zones, while managing the effects of the activities on the environment in the following zones:</u> <ul style="list-style-type: none"> <li>(i) <u>Hampton Downs motor sport and recreation</u></li> <li>(ii) Te Kowhai Airpark</li> <li>(iii) Rangitahi Peninsula; and</li> <li>(iv) <u>Business Zone Tamahere</u></li> </ul>
FSI118.3	Gary Bogaart / Meremere Dragway Inc for Brookfields Lawyers	Support
FSI208.10	Rangitahi Limited	Support
FSI304.12	Gary Bogaart / Meremere Dragway Inc	Support
FSI339.2	NZTE Operations Limited	Support

### 8.3 Analysis

#### Hamilton City Council

135. Hamilton City Council's submission [535.82] requested amendments to Activity Status Table 27.1.1 Precinct B - P31 Cafés and restaurants (including licensed premises) and P32 Retail (to a maximum 300m<sup>2</sup> gross floor area in each precinct).
136. Part of 27.1.1 Activity Status Table is reproduced below:

Activity	Precinct A Runway & Operations	Precinct B Commercial	Precinct C Medium Density Residential	Precinct D Residential
Cafés and restaurants (including licensed premises)	NC2	P31	D16	D17
Retail (to a maximum 300m <sup>2</sup> gross floor area in each precinct).	NC3	P32	D18	D19

137. Hamilton City Council had concerns about the impact that the commercial zoning at the airpark will have on the nearby established commercial centres (in Te Kowhai and Hamilton), particularly in relation to the permitted activity status of retail in the airpark. Hamilton City Council's submission [535.82] decision requested states: *"Amend to ensure commercial zoning at the airpark does not increase in scale and risk impacting on established commercial centres within Hamilton City."*
138. The proposed TKAZ has a commercial precinct – Precinct B. The wide range of activities provided for as permitted activities in the "Commercial precinct", and the gross floor area maximum of 300m<sup>2</sup> for retail in the Precinct tend towards a commercial precinct that is more of a mixed-use area/zone, as opposed to a general retail commercial centre. Provision of areas for on-site parking, loading, manoeuvring, roading, footpaths and stormwater management (among other things) will influence the area available in Precinct B (total approx. 5.5ha) for retail activities and cafés and restaurants.
139. Hamilton City Council's submission [535.82] notes that they were unsure about how the retail 300m<sup>2</sup> gfa requirement was to be applied - whether it was 300m<sup>2</sup> shared between the 4 precincts - or 1,200m<sup>2</sup> of retail in total (which HCC was most concerned about). From the table above I understand the Retail activity specification to be referring to a maximum of 300m<sup>2</sup> gfa of retail in each precinct and 1,200m<sup>2</sup> gfa in total, noting that only Precinct B actually provides for retail up to 300m<sup>2</sup> as a permitted activity, with resource consent required for any amount of retail in Precincts A, C and D.
140. Retail in Precinct A (runway) is considered to be generally inappropriate, and as such is a non-complying activity.
141. Precincts C and D have residential activities as their primary function. There may be a need for some retail activities to establish and operate in Precincts C and D, such as a dairy. A small-scale retail activity could be established as a home occupation, which is permitted in Precincts C and D, with no limits on gross floor area. There is no permitted activity for retail activities up to a maximum of 300m<sup>2</sup> gfa in Precincts C and D (Refer Table 27.1.1 D18 and D19 – discretionary activities). Over a total of 300m<sup>2</sup> gfa of retail activities in Precincts C and D is also a discretionary activity (Rules D36 and D37 of Table 27.1.1 apply), therefore the activity is always a discretionary activity (i.e. no change in activity status based on total gfa within Precincts C and D).
142. Precinct B is the commercial precinct, within which retail activities are anticipated, provided the maximum of 300m<sup>2</sup> gfa of retail is not surpassed. Exceeding the 300m<sup>2</sup> maximum gfa for retail defaults to a discretionary activity and requires a resource consent to be obtained.
143. I consider that providing for a maximum of 300m<sup>2</sup> gross floor area (gfa) of retail activities in Precinct B as a permitted activity is unlikely to result in a level of retail activity that risks impacting on established commercial centres within Hamilton City.
144. The term "retail" was not defined in the notified PDP. To provide additional clarity, I was going to recommend that the activity title "retail" be changed to "retail activity" as "retail activity" is defined in the notified PDP. However, the s42A report authors for Hearing 5 Definitions have recommended (on pages 236 and 237, paragraph 880) that retail activity be replaced with the term "commercial activity" as defined by the National Planning Standards as follows:
- means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).*
145. Accordingly, I recommend that Rule 27.1.1 Activity Status Table be amended to that shown below:

Activity	Precinct B Commercial
Cafes and restaurants (including licensed premises)	P31
<del>Retail Commercial Activity (to a maximum 300m<sup>2</sup> gross floor area in each precinct).</del>	P32 <del>to a maximum 300m<sup>2</sup> gross floor area</del>

146. Any additional retail in Precinct B would require landuse consent as a discretionary activity under D35 in Rule 27.1.1 Activity Status Table.
147. In terms of Te Kowhai, the lack of ready pedestrian and vehicular access between Precinct B and the Te Kowhai shops likely means that these commercial areas will not compete directly. With regard to Hamilton commercial areas, the distance of Precinct B from these would also rule out much competition.
148. Hamilton City Council [535.82] said that “..any commercial activities proposed should be of a scale to serve the community within which it is located.” Retail exceeding a total of 300m<sup>2</sup> gfa in Precinct B would be a discretionary activity, retail up to 300m<sup>2</sup> gfa and cafés and restaurants within Precincts C and D would be a discretionary activity and retail up to 300m<sup>2</sup> gfa and cafés and restaurants in Precinct A would be a non-complying activity. In addition, all activities not otherwise listed in Table 27.1.1 would be considered a discretionary activity in all precincts. Resource consent applications for all those activities would allow for consideration of the scale of those activities with respect to the community in which they are located. During the processing of resource consent applications, impacts on nearby commercial areas can also be considered.
149. I recommend the Panel accept in part Hamilton City Council [535.82] and accept in part NZTE Operations Limited [FS1339.187]: to the extent that Rule 27.1.1 Activity Status Table be amended as above, to only provide for a maximum of 300m<sup>2</sup> gfa of retail in Precinct B as a permitted activity and to remove stated limits on retail in Precincts A, C and D.

#### Greig Metcalf

150. Greig Metcalf's submission [602.9] sought Rule 27.1.1 Activity Status Table to be amended to list flight training schools and circuit training as non-complying activities in all precincts. Mr Metcalf was concerned about increases in noise and neighbour irritation/anxiety, and potential adverse effects on amenity that may result from such activities.
151. Under s31 of the RMA Waikato District Council is responsible for use, development and protection of land. Where flight training involves activities occurring on land, including take-off and landing and taxiing of aircraft, Council may control flight training under the District Plan. In addition, if part of the circuit training procedure involves take-offs and landings (where aircraft will touch the ground), then Council can regulate circuit training under the District Plan<sup>6</sup>.
152. My recommendation (in section 13 of this report) to add a new aircraft operations noise rule that requires compliance with specified airport noise control boundaries manages noise associated with a flight training school or circuit training. Council is not restricted to only an aircraft operations noise rule (in accordance with New Zealand Standard NZS6805:1992) to manage effects on amenity.
153. There may be expectations that an aerodrome would have an associated flight training school. However, in considering whether resource consent should be required for such an activity or whether it should be a permitted activity, I am mindful of the purpose of the RMA. The use

<sup>6</sup> NZ CAA website under 'Licensing and certification – Pilots – Flight training – Flight instructor guide – Circuit introduction' and information under 'Licensing and certification – Pilots – Flight training – Flight instructor guide – Circuit introduction'



and development of the Te Kowhai aerodrome and associated land should be managed, so that it occurs in a way, which enables people and communities (not only potential aerodrome users) to provide for their health, while adverse effects on the environment are either avoided, remedied or mitigated.

154. The frequency of aircraft undertaking flight training school operations or undertaking circuit training has potential to result in adverse effects on amenity for persons in the locality, due to repeated take-offs and landings throughout each day, which may not be adequately managed by an aircraft operations noise rule. There may be a noise nuisance/annoyance/adverse effect on amenity from flight training school operations and circuit training (especially the repetitive effects from circling aircraft), that a proposed aircraft operations noise rule does not adequately regulate.
155. While “normal” use of an aerodrome may include some low frequency of practicing take-offs and landings, it is the high frequency of such activities, the activity of circuit training, the repetitive nature and the potentially continuous nature, high duration – no/short breaks, which has potential to create adverse effects, which should be appropriately managed through a consenting process.
156. Ensuring that the rules in the plan require a resource consent for high noise activities such as flight training school and circuit training would allow detailed consideration of the timing and effects associated with those activities. NZTE Operations Limited have not provided information to show why a flight training school and circuit training must be carried out at Te Kowhai aerodrome.
157. I recommend that the Panel accept Greig Metcalf [602.9] and add specific controls on expanded operations, a flight training school and circuit training at Te Kowhai aerodrome. I consider that these activities should be regulated through a new activity-specific rule in Rule 27.1.1 Activity Status Table, because the nature and scale of such activities are unpredictable and may result in adverse effects on amenity/amenity values that should be managed via a resource consent process.
158. Control of flight training school activities that occur on land is within Waikato District Council’s jurisdiction. Therefore, I recommend that a new specific rule be added to 27.1.1 Activity Status Table under an activity called “Flight training school”, and that the activity status for Flight training school in all precincts should be a non-complying activity, as proposed by Greig Metcalf [602.9]. This would help implement TKAZ Objective 9.2.2 Amenity Outcomes as stated below:  
  
*“The adverse effects of airpark activities are managed to ensure acceptable amenity outcomes.”*
159. It is more than likely that most of the circuit training will be associated with the runway at Te Kowhai Aerodrome. However, there is a small possibility that circuit training may be also associated with the taxiways. I recommend that a new activity specific rule be added to Rule 27.1.1 Activity Status Table, called “Circuit training”, and that the activity status for circuit training in all precincts be a Non-Complying Activity. This would help implement Objective 9.2.2 Amenity Outcomes as stated above.
160. Upon review of the two policies associated with Objective 9.2.2, one policy mentions performance standards and the other mentions bulk and location standards. Neither of those two policies would be sufficiently specific to deal with flight training school and circuit training. The following proposed additional policies are consequential amendments of adding flight training school and circuit training to Rule 27.1.1 Activity Status Table.

### 9.2.2.1 Policies - Airpark Standards

(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.<sup>7</sup>

(d) Limit circuit training from being undertaken unless the effects on amenity are appropriately managed and it is compatible with surrounding land uses.<sup>8</sup>

161. I recommend that the Panel accept Greig Metcalf [602.9], accept GL and DP McBride [FS1347.6] and reject NZTE Operations Limited [FS1339.175], because the significance of potential effects from flight training school/s and circuit training should be managed by detailed and specific provisions in the plan.

#### Definitions

162. Greig Metcalf's submission [602.33] sought definitions for general aviation, recreational flying, flight training school and circuit training. None of these are defined in the National Planning Standards. Definitions for these terms were addressed within the s42A report for Hearing 5 - Definitions. However, I have addressed the specific definitions for some of those terms in this report, as the submissions on the activities to be managed within the Te Kowhai Airpark are in this report.

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

163. As I have recommended that new rules for flight training school and circuit training be included in Table 27.1.1, the definitions for these activities should be provided in the District Plan to ensure that the scope of the activities in the policy, and as controlled by the rules, are clear.

#### *Flight training school definition*

164. Neither the Civil Aviation Act 1990, nor the Civil Aviation Rules (document date 20 July 2018) define "flight training school". Given that the submitter uses the word "school", it should be determined whether the National Planning Standards term "educational facility" could apply to a "flight training school".
165. Educational Facility definition from the National Planning Standards:  
*Means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities*
166. The Ministry of Education (MOE) [781.6 and 781.19] specifically mention pilot training and flight school. Referring to the definition of "educational facility" above, a flight training school may be provided by a tertiary education service or a school. Accordingly, a flight training school could meet the definition of "educational facility" above. However, the nature and effects of a flight training school are distinct, and different in nature and scale from most other education facilities. As previously detailed, I recommend that a flight training school be a non-complying activity in all precincts. I consider that a flight training school needs to be managed differently to the more common educational facilities, and that it is appropriate that a separate definition for "Flight Training School" be proposed.
167. The Civil Aviation Rules (document date 20 July 2018) defines "Flight Instruction" as the following:

<sup>7</sup> Consequential associated with [602.9].

<sup>8</sup> Consequential associated with [602.9].

*“means instruction in the control of aircraft in basic and advanced flight manoeuvres; and includes instruction in respect of conversion from fixed-wing to rotary-wing aircraft or from rotary-wing to fixed-wing aircraft.”*

168. I recommend a definition for “flight training school” as follows:

“Means land, and / or buildings used for the instruction or training in the control of aircraft in basic and advanced flight manoeuvres, as well as instruction or training in aircraft checks and aircraft maintenance.”

#### *Circuit training definition*

169. The NZ CAA website advises that “The circuit is an orderly pattern used to position the aeroplane for landing and minimise the risk of collision with other aircraft.”<sup>9</sup> Based on this, I consider an appropriate definition for circuit training would be as follows:

“Training in the pattern used to position the aeroplane for landing.”

170. Given that flight training school and circuit training will be regulated by the District Plan, I recommend that the definitions for flight training school and circuit training be included in the Rule 27.1.1 Activity Status Table and in the definitions section.

#### *General aviation and recreational flying definitions*

171. General aviation and recreational flying have a different activity status, depending on the precinct that they are occurring in (refer to the table below).

Part of 27.1.1 Activity Status Table has been reproduced below.

<b>Activity</b>	<b>Precinct A Runway &amp; Operations</b>	<b>Precinct B Commercial</b>	<b>Precinct C Medium Density Residential</b>	<b>Precinct D Residential</b>
General aviation	P1	P2	D1	D2
Recreational flying	P3	P4	P5	P6

172. The submission made by Mr Metcalf [602.33] is that “general aviation” and “recreational flying” are not defined in the PDP, that this results in ambiguity and uncertainty, and he requests definitions for those terms.

173. The TKAZ section 32 report and appendices do not define general aviation and recreational flying. I am unsure about what different activities would be occurring under “general aviation” compared to those activities occurring under “recreational flying”, and why differing activity statuses for those two should be required in residential Precincts C and D.

174. I have reviewed the following district plans to see what definitions they have that may cover general aviation and recreational flying activities (as they do not cover those specific terms):

- Auckland Unitary Plan
- Hastings District Plan
- Kapiti Coast District Plan
- Thames Coromandel District Plan
- Waipa District Plan.

<sup>9</sup> NZCAA website under ‘Licensing and certification – Pilots – Flight training – Flight instructor guide – Circuit introduction’

175. After reviewing all of these district plans and taking into account the above and the purpose of the proposed TKAZ, I recommend that the terms/activities “general aviation” and “recreational flying” be deleted from Rule 27.1.1 Activity Status Table.
176. As a result of deleting the terms “general aviation” and “recreational flying” from Activity Status Table 27.1.1 (as they cannot be defined, as requested by Greig Metcalf [602.33]), to provide certainty and to ensure that aviation activities are provided for as permitted activities in the TKAZ (otherwise they would be a discretionary activity under Rule 27.1.1 Activity Status Table – D34, D35, D36 and D37 Activities not specifically listed in Table 27.1.1), I recommend that a replacement term for aviation activities be defined and provided for in Rule 27.1.1.
177. The definition for “Aircraft Operations” from the Auckland Unitary Plan (provided below) may be the most appropriate for an activity relating to aviation activities.
- Aircraft operations*  
Includes:
- the landing and take-off of any aircraft at an airport or airfield;
  - 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 airport to another; and
  - aircraft flying along any flight path
178. The following changes would be required to suit the Waikato District Plan.
- Change “airport” and “airfield” to “aerodrome”.
  - Remove the words ‘*aircraft flying along any flight path*’, as Local Authorities cannot control aircraft that are flying.
179. I consider that it would be useful to make it clear in the definition that activities associated with the landing and take-off of any aircraft and the taxiing of aircraft, are also considered to be included in the aircraft operations definition.
180. I recommend a new term “aircraft operations” to be included in the PDP and be defined as follows:
- Aircraft operations  
Includes:
- the landing and take-off of any aircraft at an aerodrome;
  - 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.
181. All references to “aircraft” in the above definition relate to any machine capable of flight, including aeroplanes and helicopters<sup>10</sup>.
182. The term “aircraft operations” could be inserted as a new activity into Table 27.1.1, with the associated activity status in each Precinct being a permitted activity. This would be a consequential amendment with respect to Greig Metcalf’s submission [602.33], whereby certainty, as sought by Mr Metcalf, is provided through the new term “aircraft operations” and a new rule, as it cannot be provided by “general aviation” and “recreational flying” activities.
183. The above definition of “aircraft operations” would allow for recreational flying as well as commercial flying (whether scheduled or unscheduled). In this regard, “*the limiting factor for aircraft operations, size and performance.... is the aerodrome dimensions, runway dimensions,*

<sup>10</sup> The definition of aircraft in the Concise Oxford Dictionary Ninth Edition

*runway surface and runway infrastructure.”<sup>11</sup> Those factors are limits on commercial flying which can occur at Te Kowhai aerodrome. Additional rules relating to hours of operation and aircraft movements are also recommended, which will also limit the extent of commercial flying at Te Kowhai aerodrome.*

184. As a consequence of providing for aircraft operations in Rule 27.1.1 Activity Status Table, amendments are required to Policy 9.2.1.4 Alignment of activities, to ensure that Policy 9.2.1.4 covers all of the activities identified in the definition of aircraft operations above. The following amendments are recommended:

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<sup>12</sup> identified in the Te Kowhai Airpark Framework Plan.
185. I recommend that the Panel accept in part Greig Metcalf [602.33] and accept in part NZTE Operations Limited [FS/339.73], such that:
- flight training school and circuit training are non-complying activities in all precincts,
  - definitions are provided for flight training school and circuit training,
  - definitions are not provided for general aviation and recreational flying,
  - general aviation and recreational flying are removed from Activity Status Table 27.1.1 and replaced with the term aircraft operations, which is to be a permitted activity in all precincts, and
  - a definition be provided for aircraft operations.

*Ministry of Education – Education Facilities*

186. The Ministry of Education submission [781.19] requested some changes to Rule 27.1.1 Activity Status Table. The Ministry of Education [781.19] submitted that Teaching and Conference Facilities in Rule 27.1.1 Activity Status Table be replaced with the term “Education Facilities.”
187. The s42A report for Hearing 5 Definitions, section 3.68, recommended that the term “Education facility” be replaced with the term “educational facility”, which is defined in the National Planning Standards as follows: “Means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.”
188. The Ministry of Education [FS/113.1] supported the use of the definition for educational facility as per the National Planning Standards.
189. Rule 27.1.1 Activity Status Table currently includes “Teaching and Conference Facilities” in the one activity listing. The s32 report does not provide guidance on what was specifically considered when those words were used.
190. I agree that the word “Teaching” in Rule 27.1.1 can be replaced with the words “Educational Facility”, as the activities encompassed by “teaching” (as per that rule) are likely to be the same/similar to activities encompassed by “educational facilities”. However, the linking of the words educational facilities with conference facilities in Rule 27.1.1, may lead to confusion as to whether the conference facilities are associated with the educational facilities.
191. I recommend that the Panel accept in part Ministry of Education [781.19] and accept in part NZTE Operations Limited [FS/339.163], such that in Rule 27.1.1 Activity Status Table, “Teaching and Conference Facilities” are replaced by the term “Educational Facilities” and

<sup>11</sup> Briefing Note produced by Peet Aviation, page 4

<sup>12</sup> Consequential associated with [602.33].

“Conference Facilities” so that they have their own separate activity line. The activity status for conference facilities in each precinct would be as was notified, being Precinct A – Non-Complying, Precinct B – Permitted, Precinct C – Discretionary and Precinct D – Discretionary - because the activities ‘teaching’ and ‘education’ are similar, but ‘conference’ activities differ.

192. The Ministry of Education (MOE) [781.19] also submits that the activity status for “Educational Facility” be changed in Precinct A, Precinct C and Precinct D from Non-Complying (Precinct A) and Discretionary Activities (Precincts C and D) to Restricted Discretionary Activities in all three precincts. The MOE also identify matters of discretion. Educational facilities in Precinct B are to be retained as a permitted activity.
193. However, I consider that Educational Facilities in Precinct A should remain a non-complying activity status (the same as that which as notified applies to “teaching facilities”). Precinct A provides for a runway, runway strip and associated aircraft operations, and these are incompatible with the potential range of education facilities. Table 27.1.1 for Precinct A is focused on aircraft operations and provides for very few permitted activities (related to aircraft operations), with the remainder of the listed activities having a non-complying activity status. An educational facility (separate to a flight training school) should not compromise the purpose of Precinct A in providing a runway and aircraft operations in that Precinct; therefore alternative locations within Precincts B, C or D should be considered.
194. Precincts C and D provide for residential activities/development. Given this, I consider that educational facilities may be appropriate within those precincts (e.g. a small home-based childcare activity), to be determined on a case-by-case basis. I consider that educational facilities in those precincts should have a restricted discretionary activity status (in Activity Status Table 27.1.1) as sought by the Ministry of Education [789.19] and NZTE Operations Limited [FS1339.163], with matters of discretion (as proposed by MOE) addressing the necessity to locate in the TKAZ, reverse sensitivity, impacts on transport network, streetscape and impacts on the noise environment. Parts of educational facilities meet the definition of noise-sensitive activities, which will be otherwise managed by a separate noise-sensitive activities rule recommended to be imposed in the TKAZ.
195. The matters of discretion proposed by Ministry of Education [781.19] are consistent with matters proposed in the Village Zone. I agree that those matters of discretion are appropriate and should be included in the PDP.
196. However, large-scale education facilities would be likely to have potential adverse effects on amenity and character (in this case as they relate to effects on the TKAZ and its surroundings). These amenity and character concerns associated with education facilities, were also raised by Mr Cattermole (Hearing 6 – Village Zone s24A report author). The Village Zone s42A report author dealt with this by proposing additional wording regarding amenity to criterion (d) and reference to “the bulk of the buildings” also as part of criterion (d), resulting from the Ministry of Education’s submitter’s evidence and Council’s rebuttal evidence.
197. Educational facilities need to be at a scale and have a bulk that are in keeping with the character of the precinct in which it is located and be in keeping with the surrounding area. Effects on amenity from educational facilities also need to be considered. Therefore, I recommend that the following matters of discretion also be included in the PDP (which are additional to those proposed by MOE).
  - Effects on amenity
  - Effects on character
  - Building form, bulk and location
  - Site layout and design
  - Privacy on other sites.

198. I recommend that the Panel accept in part the submission by Ministry of Education [781.19] and accept in part the further submission by NZTE Operations Limited [FS/339.163], such that:
- teaching be removed from the term “teaching and conference facilities” in Rule 27.1.1 Activity Status Table, so that the activity row will only refer to conference facilities
  - a new activity listing entitled “educational facility” be provided in Rule 27.1.1 Activity Status Table
  - educational facility in Precinct A has a non-complying activity status in Rule 27.1.1 Activity Status Table, and
  - educational facility in Precinct B has a permitted activity status in Rule 27.1.1 Activity Status Table
  - educational facility in Precincts C and D has a restricted discretionary activity status in Rule 27.1.1 Activity Status Table
  - new restricted discretionary activity assessment criteria be provided for educational facility below Rule 27.1.1 Activity Status Table.
199. The Ministry of Education (MOE) submission [781.6] seeks a new policy to enable education facilities compatible with the specific zones, to establish within the specified zones. The MOE’s requested policy is not specific to education facilities. Additional policies specific to educational facilities are warranted, to support the recommended new restricted discretionary activity for educational facilities in this report and to ensure that the effects on users of educational facilities can be considered. Given this, two policies relating to educational facilities are recommended below.

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

(c) Enable educational facilities where they have a functional need to locate within the Te Kowhai Airpark Zone.<sup>13</sup>

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

(e) Ensure adverse effects of educational facilities created by excessive building scale, overshadowing, building bulk, excessive site coverage, loss of privacy, noise, and adverse effects on land transport networks, are minimised to maintain amenity and character in the Te Kowhai Airpark Zone and to be in keeping with the primary use of the precincts.<sup>14</sup>

200. I also note that Policy 9.2.1.1(c) above would be similar in wording to policies in the Village Zone (Policy 4.3.8(a)(i)) and Country Living Zone (Policy 5.6.8(a)(i)).
201. I recommend that the Panel accept in part Ministry of Education [781.6] as it relates to Te Kowhai Airpark and accept in part NZTE Operations Limited [FS/339.2], to the extent that two new policies are provided for educational facilities in the TKAZ and to control potential effects on users of the facilities.

## **8.4 Recommendations**

202. I recommend that the Hearings Panel:

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<sup>13</sup> [781.6 and FS/339.2]

<sup>14</sup> [781.6 and FS/339.2]

- (a) **Accept in part** Hamilton City Council [535.82] and **accept in part** NZTE Operations Limited [FS1339.187]: to the extent that Rule 27.1.1 Activity Status Table be amended to only provide for 300m<sup>2</sup> of retail in Precinct B as a permitted activity, and to remove stated limits on retail in Precincts A, C and D, and retail be amended to refer to commercial activity as per the PDP definition.
- (b) **Accept in part** Greig Metcalf [602.9], **accept in part** GL and DP McBride [FS1347.6] and **accept in part** NZTE Operations Limited [FS1339.175]: to the extent that Rule 27.1.1 Activity Status Table be amended to provide for flight training school as a non-complying activity in all precincts, and circuit training as a non-complying activity in all precincts.
- (c) **Accept in part** Greig Metcalf [602.33] and **accept in part** NZTE Operations Limited [FS1339.73]: such that definitions are provided for flight training school and circuit training, that definitions are not provided for general aviation and recreational flying, that general aviation and recreational flying be deleted from Table 27.1.1, that a new definition be provided for aircraft operations, and Rule 27.1.1 Activity Status Table be amended to provide for aircraft operations as a permitted activity in all precincts.
- (d) **Accept in part** Ministry of Education [781.19] and **accept in part** NZTE Operations Limited [FS1339.163], such that:
- (i) teaching is removed from the term “teaching and conference facilities” in Rule 27.1.1 Activity Status Table so that the activity row will only refer to conference facilities,
  - (ii) a new activity listing entitled “educational facility” is provided in Rule 27.1.1 Activity Status Table,
  - (iii) educational facility in Precinct A has a non-complying activity status in Rule 27.1.1 Activity Status Table, and
  - (iv) educational facility in Precinct B has a permitted activity status in Rule 27.1.1 Activity Status Table,
  - (v) educational facility in Precincts C and D has a restricted discretionary activity status in Rule 27.1.1 Activity Status Table,
  - (vi) new restricted discretionary activity assessment criteria are provided for educational facility beneath the Rule 27.1.1 Activity Status Table.
- (e) **Accept in part** Ministry of Education [781.6] and **accept in part** Gary Bogart / Meremere Dragway Inc for Brookfields Lawyers, **accept in part** NZTE Operations Limited [FS1339.2], **accept in part** Rangitahi Limited and **accept in part** Gary Bogart / Meremere Dragway Inc [FS1304.12]: to the extent that two new policies are provided for educational facilities in the TKAZ.

## 8.5 Recommended Amendments

203. The following amendments are recommended:

### 27.1.1 Activity Status Table

Activity	Precinct A Runway & Operations	Precinct B Commercial	Precinct C Medium Density Residential	Precinct D Residential
<del>General aviation</del> <sup>15</sup>	<del>P1</del>	<del>P2</del>	<del>D1</del>	<del>D2</del>

<sup>15</sup> [602.9, FS1347.6]



<u>Recreational flying</u> <sup>16</sup>	<u>P3</u>	<u>P4</u>	<u>P5</u>	<u>P6</u>
<u>Aircraft Operations</u> <sup>17</sup>	<u>P46</u>	<u>P47</u>	<u>P48</u>	<u>P49</u>
<u>Circuit Training</u> <sup>18</sup>	<u>NC13</u>	<u>NC14</u>	<u>NC15</u>	<u>NC16</u>
<u>Flight Training School</u> <sup>19</sup>	<u>NC17</u>	<u>NC18</u>	<u>NC19</u>	<u>NC20</u>
<u>Retail Commercial Activity (to a maximum 300m<sup>2</sup> gross floor area in each precinct).</u> <sup>20</sup>	<u>NC3</u>	<u>P32</u> <u>to a maximum 300m<sup>2</sup> gross floor area</u>	<u>D18</u>	<u>D19</u>
<u>Teaching &amp; Conference facilities</u> <sup>21</sup>	<u>NC4</u>	<u>P33</u>	<u>D20</u>	<u>D21</u>
<u>Teaching and Conference facilities</u> <sup>22</sup>	<u>NC21</u>	<u>P50</u>	<u>D38</u>	<u>D39</u>
<u>Educational facility</u> <sup>23</sup>	<u>NC22</u>	<u>P51</u>	<u>RD1</u>	<u>RD2</u>

#### 27.1.2 Restricted Discretionary Activities<sup>24</sup>

- (1) The Educational Facility Activities RD1 and RD2 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<sup>25</sup>

<u>Activity</u>	<u>Matters of Discretion</u>
<u>RD1 &amp; RD2</u> <u>Educational facility</u>	<p>(a) <u>The extent to which it is necessary to locate the activity in the Te Kowhai Airpark Zone.</u></p> <p>(b) <u>Reverse sensitivity effects of adjacent activities.</u></p> <p>(c) <u>The extent to which the activity may adversely impact on the transport network.</u></p> <p>(d) <u>The extent to which the activity may adversely impact on the streetscape.</u></p> <p>(e) <u>The extent to which the activity may adversely impact on the noise environment.</u></p> <p>(f) <u>Effects on amenity</u></p> <p>(g) <u>Effects on character</u></p> <p>(h) <u>Building form, bulk and location</u></p>

<sup>16</sup> [602.9, FS/347.6]

<sup>17</sup> [602.9, FS/347.6]

<sup>18</sup> [602.9, FS/347.6]

<sup>19</sup> [602.9, FS/347.6]

<sup>20</sup> [535.82, FS/339.187]

<sup>21</sup> [781.19, FS/339.163]

<sup>22</sup> [781.19, FS/339.163]

<sup>23</sup> [789.19, FS/339.163]

<sup>24</sup> [789.19, FS/339.163]

<sup>25</sup> [789.19, FS/339.163]

		(i) <a href="#">Site layout and design</a> (i) <a href="#">Privacy on other sites</a>
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## Definitions

### [Aircraft Operations](#)<sup>26</sup>

#### [Includes:](#)

- [the landing and take-off of any aircraft at an aerodrome;](#)
- [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.](#)

### [Circuit Training](#)<sup>27</sup>

[“Training in the pattern used to position the aeroplane for landing.”](#)

### [Flight Training School](#)<sup>28</sup>

[“Means land, and / or buildings used for the instruction or training in the control of aircraft in basic and advanced flight manoeuvres, as well as instruction or training in aircraft checks and aircraft maintenance.”](#)

## Policies

### 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.
- (c) [Enable educational facilities where they have a functional need to locate within the Te Kowhai Airpark Zone.](#)<sup>29</sup>

### 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;
  - (v) Subdivision allotment size.
- (b) To 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.

(other recommended policies go here as consequential policies (c) and (d) – as below)

<sup>26</sup> Consequential associated with [602.33]

<sup>27</sup> [602.9, FS/347.6]

<sup>28</sup> [602.9, FS/347.6]

<sup>29</sup> [781.6, FS/339.2]

(e) Ensure adverse effects of educational facilities created by excessive building scale, overshadowing, building bulk, excessive site coverage, loss of privacy, noise, and adverse effects on land transport networks, are minimised to maintain amenity and character in the Te Kowhai Airpark Zone and to be in keeping with the primary use of the precincts.<sup>30</sup>

## 8.6 Consequential Amendments

204. As a result of introducing new activities - Flight training school and Circuit training - into Rule 27.1.1 Activity Status Table in response to a submission by Greig Metcalf [602.9], consequential amendments are required to Policy 9.2.2.1 Airpark Standards as shown below.

### 9.2.2.1 Policies - Airpark Standards

(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.<sup>31</sup>

(d) Limit circuit training from being undertaken unless the effects on amenity are appropriately managed and it is compatible with surrounding land uses.<sup>32</sup>

205. As a result of introducing new activity Aircraft operations into Rule 27.1.1 Activity Status Table, consequential amendments are required to Policy 9.2.1.4 Alignment of Activities, as shown below.

### 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<sup>33</sup> identified in the Te Kowhai Airpark Framework Plan.

## 8.7 Section 32AA evaluation – Rule 27.1.1 – commercial activity

### Other reasonably-practicable options

206. One option is to “do nothing” and retain the rule as notified, with the words “(to a maximum 300m<sup>2</sup> gross floor area in each precinct)” within the activity box and no changes to the text in each precinct.

### Effectiveness and efficiency

207. Changing the activity from “retail” to “commercial activity” is more efficient, as it is a term defined in the National Planning Standards, and using a defined term promotes consistency through the plan. The 300m<sup>2</sup> gfa wording is recommended to be removed from the activity list, as it is more efficient and clearer. The amendments will be more efficient, as they remove unnecessary text and help to overcome uncertainty about the activity status for commercial activities in Precincts A, C and D (i.e. in Precinct A from Non-Complying Activity to Discretionary Activity and no change in activity status in Precincts C and D). The amendments to Rule 27.1.1 regarding commercial activity give effect to Policies 9.2.1.4(a) and 9.2.1.5(a), in that they help to ensure that activities are consistent with the precinct functions and provide for commercial activities that specifically support Te Kowhai Airpark. The amendments improve the effectiveness of Rule 27.1.1 in achieving Objective 9.2.1.

<sup>30</sup> [781.6, FS/339.2]

<sup>31</sup> Consequential associated with [602.9].

<sup>32</sup> Consequential associated with [602.9].

<sup>33</sup> Consequential associated with [602.33].

### **Costs and benefits**

208. There are no additional costs from removing the text about 300m<sup>2</sup> maximum gfa for commercial activities in Precinct A, as resource consent was always required for any commercial activities in Precinct A. There are no additional costs regarding commercial activities in Precinct B, as these activities are still limited to a maximum of 300m<sup>2</sup> gfa as a permitted activity. There are no additional costs for commercial activities in Precincts C and D, as commercial activities in Precincts C and D were discretionary activities for up to 300m<sup>2</sup> gfa and were also discretionary activities over 300m<sup>2</sup> gfa (i.e. no change in activity status).
209. The changes bring benefits, in that there would now be a consistent approach to all commercial activities in Precinct A (i.e. all now non-complying activities), it would be clearer that all commercial activities in Precincts C and D (no matter the extent) will be discretionary activities, and there would be a maximum limit of 300m<sup>2</sup> gfa for commercial activities to be a permitted activity in Precinct B.

### **Risk of acting or not acting**

210. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendments to Rule 27.1.1 relating to commercial activity. No additional risk assessment is required.

### **Decision about most appropriate option**

211. The amendments to Rule 27.1.1 relating to commercial activities are the most appropriate way to achieve TKAZ Objective 9.2.1(a) – Te Kowhai Airpark. The rule is also consistent with TKAZ Policies 9.2.1.4(a) and 9.2.1.5(a).

## **8.8 Section 32AA evaluation – Rule 27.1.1 - flight training school and circuit training including definitions**

### **Other reasonably-practicable options**

212. One option is to “do nothing” and retain the rule as notified. Rule 27.1.1 does not specifically refer to flight training school and circuit training, and the notified PDP does not have any definitions for flight training school and circuit training.
213. Option 2 is only to provide for a flight training school specifically within Rule 27.1.1 and to have a definition for flight training school - not to provide for circuit training in Rule 27.1.1.
214. A third option is to provide for circuit training only within Rule 27.1.1 and to have a definition for circuit training, not to specifically provide for a flight training school in Rule 27.1.1.

### **Effectiveness and efficiency**

215. Controlling flight training school and circuit training by requiring a resource consent for these activities is an effective way to manage adverse effects on amenity that cannot be adequately managed solely by way of compliance with an aircraft operations noise rule. The recommended amendments to Rule 27.1.1, including definitions, implement recommended Policies 9.2.2.1(c) and (d) (which are discussed below). The amendments improve the effectiveness of Rule 27.1.1 in achieving Objective 9.2.2(a) - Amenity Outcomes.

### **Costs and benefits**

- 216. One cost is that a resource consent application would be required for flight training schools and circuit training, rather than permitting those activities under “general aviation”, as was originally notified.
- 217. One benefit is that it is clearer to plan users about flight training schools and circuit training, what they are and whether those activities require resource consent to be able to be undertaken. There are also benefits to the local community from managing effects associated with flight training schools and circuit training, especially with regard to effects from those activities on amenity.

### **Risk of acting or not acting**

- 218. There is sufficient information to justify the amendments to Rule 27.1.1, including the definitions. No additional risk assessment is required.

### **Decision about most appropriate option**

- 219. The recommended amendments to Rule 27.1.1 provide for new activities - flight training school and circuit training - and the recommended definitions for these are considered to be the most appropriate way to achieve TKAZ Objective 9.2.2(a) - Amenity Outcomes. The rule is also consistent with recommended TKAZ Policies 9.2.2.1 (c) and (d) as below.

## **8.9 Section 32AA evaluation – Policy 9.2.2.1 Airpark Standards - flight training school and circuit training**

### **Other reasonably-practicable options**

- 220. One option is to “do nothing” and retain Policy 9.2.2.1 as notified, which does not specifically refer to flight training school and circuit training.
- 221. Option 2 is only to provide a new policy specifically for a flight training school within Policy 9.2.2.1, and not provide a new policy for circuit training in Policy 9.2.2.1.
- 222. A third option is to provide a new policy for circuit training only within Policy 9.2.2.1, and not provide a new policy for a flight training school in Policy 9.2.2.1.

### **Effectiveness and efficiency**

- 223. The recommended new Policies 9.2.2.1 (c) and (d) improve the effectiveness of Policy 9.2.2.1 in achieving Objective 9.2.2 (a) - Amenity Outcomes.

### **Costs and benefits**

- 224. Two costs are that resource consent applications will have to address these new policies (as relevant), and that these policies will need to be assessed as part of a resource consent application process (as relevant).
- 225. Benefits are clearer guidance to plan users regarding how flight training schools and circuit training activities will be considered. There are also benefits to the local community from managing effects associated with flight training schools and circuit training, especially with regard to effects from those activities on amenity.

### **Risk of acting or not acting**

226. There is sufficient information to justify the amendments to Policy 9.2.2.1. No additional risk assessment is required.

### **Decision about most appropriate option**

227. The amendments to Policy 9.2.2.1 are considered to be the most appropriate way to achieve TKAZ Objective 9.2.2 (a) - Amenity Outcomes.

## **8.10 Section 32AA evaluation – Rule 27.1.1 - aircraft operations including definition**

### **Other reasonably-practicable options**

228. One option is to “do nothing” and retain the provisions as notified. This would mean retention of the activities called “general aviation” and “recreational flying” within Rule 27.1.1.
229. Option 2 is to delete the activity “general aviation” and retain the activity “recreational flying” within Rule 27.1.1 and not have any reference to aircraft operations.
230. A third option is to delete the activity “recreational flying” and retain the activity “general aviation” within Rule 27.1.1, and not have any reference to aircraft operations.

### **Effectiveness and efficiency**

231. A number of different terms are used in the PDP that appear to mean similar things. I consider that it is unclear and hence uncertainty about “general aviation” and “recreational flying”, and what different activities would be occurring under “general aviation” compared with “recreational flying”. In addition, “general aviation” and “recreational flying” should be replaced with the term “aircraft operations”, the definition of which is recommended for inclusion in the PDP. The recommended amendments to Rule 27.1.1 (to delete “general aviation” and “recreational flying” and incorporate “aircraft operations”) give effect to amended Policy 9.2.1.4, because the term ‘aircraft operations’ is consistent with the precinct functions and the use of the taxiway network, as identified in the Airpark Framework Plan. The amendments improve the effectiveness of Rule 27.1.1 in achieving Objective 9.2.1(a) – Te Kowhai Airpark.

### **Costs and benefits**

232. There are no additional costs, therefore costs are likely to be the same.
233. One benefit is clearer guidance to plan users regarding what aircraft operations are and how aircraft operations will be managed. There are benefits to the local community in being able to understand exactly what aircraft operations are.

### **Risk of acting or not acting**

234. There is sufficient information to justify the amendments to Rule 27.1.1, including the definition. No additional risk assessment is required.

### **Decision about most appropriate option**

235. The recommended amendments to Rule 27.1.1 to provide for aircraft operations as a permitted activity in all precincts, and the recommended definition for the same, are considered to be the most appropriate way to achieve TKAZ Objective 9.2.1(a) - Te Kowhai Airpark.

## **8.11 Section 32AA evaluation – Policy 9.2.1.4 – Alignment of activities**

### **Other reasonably-practicable options**

236. One option is to “do nothing”, i.e. retain the PDP as notified. This would mean that we would have to rely on notified objectives and policies for consideration of the appropriateness (or otherwise) of aircraft operations.

### **Effectiveness and efficiency**

237. The amendments to Policy 9.2.1.4 improve its efficiency in achieving Objective 9.2.1(a) - Te Kowhai Airpark.

### **Costs and benefits**

238. There are no additional costs, therefore costs are likely to be the same.
239. One benefit is that they provide clearer and more specific guidance to plan users with a relevant policy dealing with all aspects of aircraft operations as per its PDP definition. There are benefits to the local community in being able to understand which policy covers the full extent of aircraft operations as per the PDP definition.

### **Risk of acting or not acting**

240. There is sufficient information to justify the amendments to Policy 9.2.1.4. No additional risk assessment is required.

### **Decision about most appropriate option**

241. The amendments to Policy 9.2.1.4 are considered to be the most appropriate way to achieve TKAZ Objective 9.2.1(a) - Te Kowhai Airpark.

## **8.12 Section 32AA evaluation – Educational facility policies and rule**

### **Other reasonably-practicable options**

242. One option is to “do nothing”, i.e. retain the PDP as notified. This would mean that there would be no policies specific to educational facilities and no policies specific to the effects from educational facilities on the airpark and the retention of the activity called “teaching and conference facility” within Rule 27.1.1.
243. Another option is to replace the “teaching and conference facility” activity with “educational facility”, and add a specific rule dealing with “conference facilities”.
244. One other option would be to use the new policy wording as proposed by the Ministry of Education.

### **Effectiveness and efficiency**

245. The recommended amendments to Rule 27.1.1 give effect to new Policy 9.2.1.1(c) by enabling educational facilities in the TKAZ where they are compatible with the airpark and have a functional need to be there, and to new Policy 9.2.2.1(e) by minimising adverse effects associated with educational facilities. The amendments improve the effectiveness of Rule 27.1.1 in achieving Objective 9.2.1(a) – Te Kowhai Airpark and Objective 9.2.2(a) – Amenity Outcomes. Recommended new Policies 9.2.1.1(c) and 9.2.2.1(e) improve the effectiveness in achieving Objective 9.2.1(a) – Te Kowhai Airpark and Objective 9.2.2(a) – Amenity Outcomes.

### **Costs and benefits**

246. Two costs are that people making resource consent applications will have to address these new policies (as relevant), and these policies will need to be assessed by Council as part of a resource consent application process (as relevant).
247. One benefit is clearer guidance for plan users about how educational facilities and conference facilities will be managed in the TKAZ. There is a wider benefit to the local community in understanding how educational facilities and conference facilities in the TKAZ will be managed.

### **Risk of acting or not acting**

248. There is sufficient information to justify the amendments to Policies 9.2.1.1 and 9.2.2.1 and Rule 27.1.1. No additional risk assessment is required.

### **Decision about most appropriate option**

249. The amendments to Rule 27.1.1 to provide for educational and conference facilities as separate activities are considered to be the most appropriate way to achieve TKAZ Objective 9.2.1(a) - Te Kowhai Airpark and Objective 9.2.2(a) – Amenity Outcomes. The amendments to Policy 9.2.1.1 and Policy 9.2.2.1 are considered to be the most appropriate way to achieve TKAZ Objective 9.2.1(a) - Te Kowhai Airpark and Objective 9.2.2(a) – Amenity Outcomes.

## **8.13 Section 32AA evaluation – Educational facility policies**

### **Other reasonably-practicable options**

250. One option is to “do nothing”, and retain the PDP as notified. This would mean that there would be no policies specific to educational facilities and no policies specific to the effects from educational facilities on the airpark.
251. One other option would be to use the new policy wording as proposed by the Ministry of Education.

### **Effectiveness and efficiency**

252. Recommended new Policies 9.2.1.1(c) and 9.2.2.1(e) improve the effectiveness in achieving Objective 9.2.1(a) – Te Kowhai Airpark and Objective 9.2.2(a) – Amenity Outcomes.

### **Costs and benefits**

253. Two costs are that people making resource consent applications will have to address these new policies (as relevant), and these policies will need to be assessed by Council as part of a resource consent application process (as relevant).
254. One benefit is clearer guidance to plan users about the management of educational facilities and conference facilities in the TKAZ. There is a wider benefit to the local community in understanding how educational facilities and conference facilities in the TKAZ will be managed.

### **Risk of acting or not acting**

255. There is sufficient information to justify the amendments to Policies 9.2.1.1 and 9.2.2.1. No additional risk assessment is required.



### Decision about most appropriate option

256. The amendments to Policy 9.2.1.1 and Policy 9.2.2.1 are considered to be the most appropriate way to achieve TKAZ Objective 9.2.1(a) - Te Kowhai Airpark and Objective 9.2.2(a) – Amenity Outcomes.

## 9 Airport Obstacle Limitation Surface (OLS) – Te Kowhai

### 9.1 Introduction

*The Civil Aviation Authority of New Zealand has adopted specifications defining obstacle limitation surfaces about and above an aerodrome which, in the interests of safe flight, should not be penetrated by obstacles. These surfaces are known as obstacle limitation surfaces and are defined in terms of distances from the runway and heights relative to the runway for protection of aircraft in the vicinity of the aerodrome.<sup>34</sup>*

257. The OLS objectives and policies that apply to the Te Kowhai Airpark include PDP Objective 9.2.1 and Policy 9.2.1.6 – Existing and future operations. The objectives and policies are discussed in section 4 (paragraphs 73 to 92) of this report.
258. Rules in most zones control the height of buildings, structures and vegetation relative to the OLS. Submissions on the OLS rules are addressed in the next section of this report.
259. The PDP shows the proposed Te Kowhai OLS on Planning Maps numbers 25, 26 and 26.2. Image 4 below shows the Te Kowhai OLS, as modified by Variation 1. The OLS is further defined in Appendix 9 of the PDP.

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<sup>34</sup> Quoted from PDP Variation 1 Appendix 9: Te Kowhai Airfield

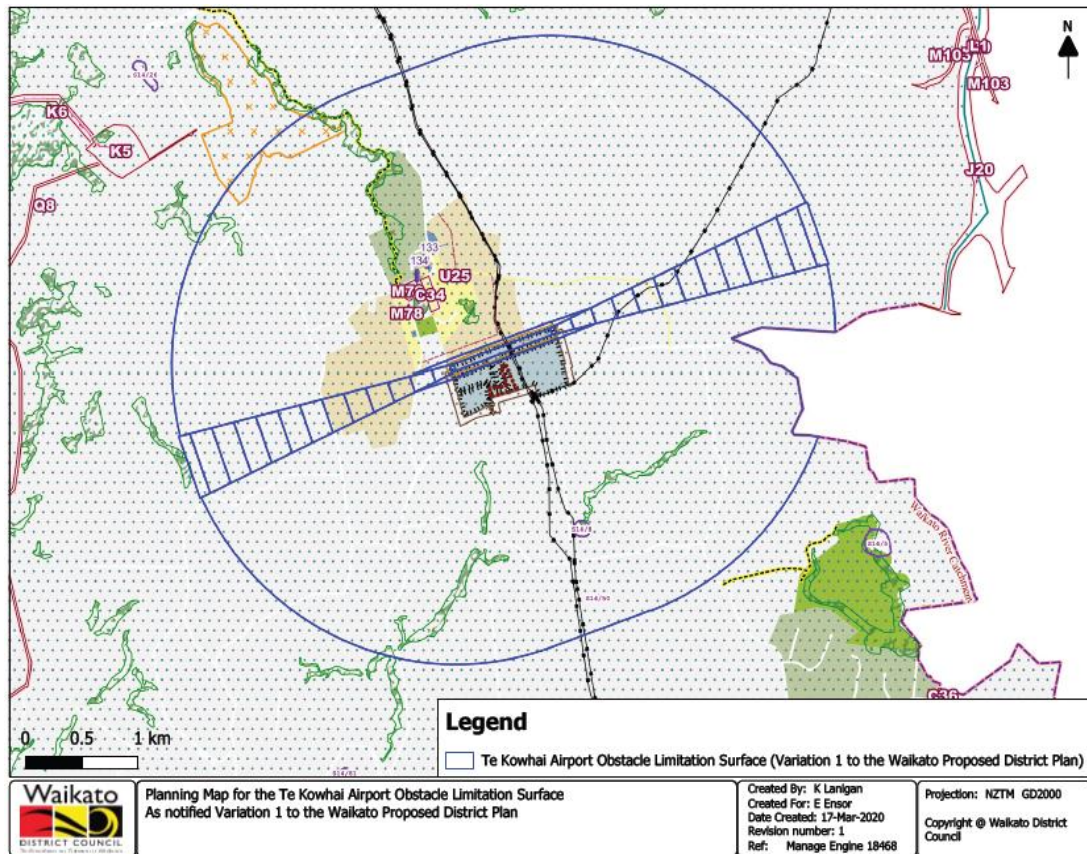


Image 4: Te Kowhai OLS

260. The Operative District Plan also contains an OLS for Te Kowhai aerodrome. The Operative OLS is much smaller (without the large circle), comprising just a “bowtie” shape projecting from the runway ends, smaller than that in Image 4 above. The smaller area covered by the OLS in the Operative District Plan is based on flights operating on a non-instrument VFR (visual flight rules) basis (flying in “good weather conditions”<sup>35</sup>).
261. The PDP proposed that Te Kowhai aerodrome also accommodate flights operating on an Instrument Flight Rules (IFR) basis (flying in “poor weather conditions”<sup>36</sup>) by providing a larger OLS. This would provide for sustainability of the airfield in light of the development of low-cost GPS-based IFR capability in small aircraft and provide capacity for emergency civil defence operations should these be required<sup>37</sup>.
262. PDP Appendix 9 identifies a larger OLS compared with that in the Operative District Plan. The PDP OLS is based on the following design changes.
- The runway width increases from 45m to 60m.
  - The combined take-off and approach surface slopes up at a lesser gradient of 1:40 and extends to 2,500m.
  - A new inner horizontal surface extending 2,500m out from the runway.

<sup>35</sup> S32 report Appendix 24.6 Astral Limited Consultants report, “Recommended Obstacle Limitation Surface Protection” dated 5 June 2018, page 3, section 1, paragraph 4

<sup>36</sup> S32 report Appendix 24.6 Astral Limited Consultants report, “Recommended Obstacle Limitation Surface Protection” dated 5 June 2018, page 3, section 1, paragraph 4

<sup>37</sup> S32 report Appendix 24.6 Astral Limited Consultants report, “Recommended Obstacle Limitation Surface Protection” dated 5 June 2018, page 8 section 4 paragraphs 2 and 3

## 9.2 Variation I to the Proposed District Plan – Te Kowhai Airport Obstacle Limitation Surface

263. In early 2020, errors in the PDP planning maps were identified. The inner horizontal surface (large oval shape in Image 4) as shown on notified PDP maps numbered 25, 26 and 26.2 was drawn 2000m from the runway, instead of 2500m as described in PDP Appendix 9. In addition, the transitional side surfaces should have been shown tapered in, to the correct height contours. Image 4 is the corrected map.
264. Waikato District Council resolved to notify Variation I to the Proposed District Plan and this occurred in mid-2020. Variation I corrects the mapping errors and contains minor changes to the text in PDP Appendix 9 sections 1 and 3 to more accurately describe the Te Kowhai Airport Obstacle Limitation Surface.

## 9.3 Submissions on the Plan as notified and Variation I

265. 214 submission points were received, including those relating to the removal of the OLS, amending the OLS including to the ODP OLS, and replacement of the term “airport” with “airfield” in the variation documentation.
266. The following submissions were made:

Submission point	Submitter	Summary of submission
494.1	Derek Tate	Airport Obstacle Limitation Surface (AOLS) removed from 219 Woolrich Road, Te Kowhai.
FS1339.206	NZTE Operations Limited	Oppose
602.13	Greig Metcalfe	Appendix 9 Te Kowhai Airfield Amend to retain the existing Obstacle Limitation Surfaces from the Operative Waikato District Plan, which satisfies the requirements set out in the CAA Advisory Circular AC139-7 Section 3.2 Day VFR Runway.
FS1154.3	Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead	Support
FS1339.200	NZTE Operations Limited	Oppose
FS1347.9	GL & DP McBride	Support
832.3	Hounsell Holdings Limited	Request that the Airport Obstacle Limitation Surface for the Te Kowhai Airpark be reduced to that shown in the Operative District Plan planning maps by amending the Proposed District Plan's planning maps.
FS1339.203	NZTE Operations Limited	Oppose

941.2	Te Kowhai Community Group	No specific decision sought but submitter says “To give effect to the principles of the RMA with the PDP (avoid, remedy, mitigate).”
FSI339.210	NZTE Operations Limited	Oppose
FSI383.1	Te Kowhai Community Group	Support
FSI383.2	Te Kowhai Community Group	Support
943.58	McCracken Surveys	<p>No specific decision sought, but the submission opposes Rule 24.3.3.2 PI - Building, structures or vegetation within an Airport Obstacle Limitation Surface due to a number of effects that the Obstacle Limitation Surface (with respect to the Te Kowhai Airfield) will have on landowners including;</p> <ul style="list-style-type: none"> <li>• Requirements for tree topping/removal/ prevention of planting.</li> <li>• No clarity where costs lie to removal any infringing obstacle.</li> <li>• Increase setbacks from existing obstacle limitation surface.</li> <li>• Two storey dwellings precluded by up to 8m linear.</li> <li>• Not known if other items will be prohibited/regulated other than structures, or whether any types of storage or lighting is permissible.</li> </ul> <p>A number of additional points were also raised.</p>
FSI335.14	Greig Metcalfe	Support
FSI339.101	NZTE Operations Limited	Oppose
FSI347.11	GL & DP McBride	Support
987.1	Graham and Di McBride and M & P Stock, H & B Stratford, D & R Potter, J & P Stock, KG McBride	Withdraw the Obstacle Limitation Surface from the PDP.
FSI339.208	NZTE Operations Limited	Oppose

### Variation I submissions

Submission point	Submitter	Summary of submission
VI.1	Peter and Jackie Gore	Amend Te Kowhai OLS map to reduce its size and consider natural contour, as shown in map attached to original submission.

VFS4002.41	Roger Ranby	Support
VFS4003.8	Kit Maxwell	Support
VFS4005.41	NZTE Operations Limited	Oppose
VI.3	Peter and Jackie Gore	Amend Appendix 9: Te Kowhai Airfield so that existing vegetation over 45 metres in height can remain otherwise mitigate the effects of the loss of that vegetation.
VFS4002.43	Roger Ranby	Support
VFS4003.10	Kit Maxwell	Support
VFS4005.43	NZTE Operations Limited	Oppose
V2.1	Sophia Yapp and Simon Barnes	Delete Appendix 9: Te Kowhai Airfield – 3.3: Inner Horizontal Surfaces. OR Amend Appendix 9: Te Kowhai Airfield – 3.3: Inner Horizontal Surfaces to remain at 2000m. OR Amend Appendix 9: Te Kowhai Airfield – 3.3: Inner Horizontal Surfaces to allow all native trees to penetrate the height limit. OR Amend Appendix 9: Te Kowhai Airfield – 3.3: Inner Horizontal Surfaces to exclude 90 Perkins Road.
VFS4002.44	Roger Ranby	Support
VFS4003.11	Kit Maxwell	Support
VFS4005.44	NZTE Operations Limited	Oppose
V2.2	Sophia Yapp and Simon Barnes	Delete Figure 1 – Te Kowhai Airport OLS. OR Amend Figure 1 – Te Kowhai Airport OLS to remain at 2000m. OR Amend Figure 1 – Te Kowhai Airport OLS to exclude 90 Perkins Road.
VFS4002.45	Roger Ranby	Support
VFS4003.12	Kit Maxwell	Support
VFS4005.45	NZTE Operations Limited	Oppose
V3.1	Vela Holdings Limited	Delete the extension in Variation 1 Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.46	Roger Ranby	Support
VFS4003.13	Kit Maxwell	Support
VFS4005.46	NZTE Operations Limited	Oppose
V4.1	Kristine and Marshall Stead	Amend Variation 1 – Te Kowhai Airport OLS to replace “Airport” with “Airfield” throughout Variation 1.
VFS4002.47	Roger Ranby	Support
VFS4003.48	Kit Maxwell	Support
VFS4005.47	NZTE Operations Limited	Support

V4.2	Kristine and Marshall Stead	Delete Variation I –Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.48	Roger Ranby	Support
VFS4003.49	Kit Maxwell	Support
VFS4005.48	NZTE Operations Limited	Oppose
V4.4	Kristine and Marshall Stead	Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to adopt the existing Obstacle Limitation Surfaces from the Operative District Plan (2013).
VFS4002.1	Roger Ranby	Support
VFS4003.2	Kit Maxwell	Support
VFS4005.1	NZTE Operations Limited	Oppose
V5.1	Stanley Ranby	Amend the Variation I – Te Kowhai Airport OLS extension to defer airpark and airfield development until adverse effects are addressed in relation to development potential of land, noise, safety, fuel dumping, and Te Kowhai country village lifestyle.
VFS4002.2	Roger Ranby	Support
VFS4003.14	Kit Maxwell	Support
VFS4004.1	G and D McBride	Support
VFS4005.2	NZTE Operations Limited	Oppose
V6.1	NZTE Operations Limited	Retain Variation I – Te Kowhai Airport Obstacle Limitation Surface as proposed.
VFS4000.1	Vikki Madgwick	Oppose
VFS4001.1	Greig Metcalfe	Oppose
VFS4002.3	Roger Ranby	Oppose
VFS4003.64	Kit Maxwell	Oppose
VFS4004.4	G and D McBride	Oppose
V7.1	Kane Lee	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface AND Delete Objective 9.2.1.
VFS4002.4	Roger Ranby	Support
VFS4003.15	Kit Maxwell	Support
VFS4005.3	NZTE Operations Limited	Oppose
V8.1	Diane and Graham McBride	Delete Te Kowhai Airport OLS from the PDP. AND Delete Te Kowhai Airport OLS from the ODP.
VFS4003.41	Kit Maxwell	Support
VFS4005.4	NZTE Operations Limited	Oppose

V8.2	Diane and Graham McBride	Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to replace “Airport” with “Airfield” throughout Variation I.
VFS4003.42	Kit Maxwell	Support
VFS4005.5	NZTE Operations Limited	Support
V8.3	Diane and Graham McBride	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.5	Roger Ranby	Support
VFS4003.43	Kit Maxwell	Support
VFS4005.6	NZTE Operations Limited	Oppose
V8.4	Diane and Graham McBride	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.6	Roger Ranby	Support
VFS4003.44	Kit Maxwell	Support
VFS4005.7	NZTE Operations Limited	Oppose
V8.5	Diane and Graham McBride	Delete Variation I Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.7	Roger Ranby	Support
VFS4003.45	Kit Maxwell	Support
VFS4005.8	NZTE Operations Limited	Oppose
V9.1	Imogen and Phoebe Barnes	Delete Appendix 9: Te Kowhai Airfield, Section 3.3, Inner Horizontal Surfaces. OR Amend Appendix 9: Te Kowhai Airfield, Section 3.3, Inner Horizontal Surfaces by deleting “2500m” and replacing it with “2000m”. Or Amend Appendix 9: Te Kowhai Airfield, Section 3.3, Inner Horizontal Surfaces to allow all existing native trees to penetrate this height limit. Or Amend Appendix 9: Te Kowhai Airfield, Section 3.3, Inner Horizontal Surfaces to exclude the farm at 90 Perkins Road.
VFS4002.10	Roger Ranby	Support
VFS4003.16	Kit Maxwell	Support
VFS4005.11	NZTE Operations Limited	Oppose
V9.2	Imogen and Phoebe Barnes	Delete Figure I Te Kowhai Airport Obstacle Limitation Surface (OLS) (2020). Or Amend Figure I Te Kowhai Airport Obstacle Limitation Surface (OLS) (2020) to remain at 2000m. Or Amend Figure I Te Kowhai Airport Obstacle Limitation Surface (OLS) (2020) to exclude the farm at 90 Perkins Road.
VFS4002.11	Roger Ranby	Support

VFS4003.17	Kit Maxwell	Support
VFS4005.12	NZTE Operations Limited	Oppose
VI0.1	Jordan Metcalf	Amend Variation I – Te Kowhai Airport OLS to replace “Airport” with “Airfield” throughout Variation I.
VFS4002.12	Roger Ranby	Support
VFS4003.3	Kit Maxwell	Support
VFS4005.13	NZTE Operations Limited	Support
VI0.2	Jordan Metcalf	Delete Figure 2: Areas potentially affected by Te Kowhai Airport Obstacle Limitation Surface (OLS) (2020).
VFS4002.13	Roger Ranby	Support
VFS4003.4	Kit Maxwell	Support
VFS4005.14	NZTE Operations Limited	Oppose
VI0.3	Jordan Metcalf	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.14	Roger Ranby	Support
VFS4003.5	Kit Maxwell	Support
VFS4005.13	NZTE Operations Limited	Oppose
VI0.5	Jordan Metcalf	Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to adopt the existing Obstacle Limitation Surfaces from the Operative District Plan (2013).
VFS4002.16	Roger Ranby	Support
VFS4003.7	Kit Maxwell	Support
VFS4005.17	NZTE Operations Limited	Oppose
VII.1	Amanda and Jack Schaake	Retain Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4001.2	Greig Metcalfe	Oppose
VFS4003.65	Kit Maxwell	Oppose
VFS4005.18	NZTE Operations Limited	Support
VI2.1	Keneth Anderson	Delete Variation I –Te Kowhai Airport Obstacle Limitation Surface AND Delete Objective 9.2.1.
VFS4002.17	Roger Ranby	Support
VFS4003.18	Kit Maxwell	Support
VFS4005.19	NZTE Operations Limited	Oppose
VI3.1	David Barnes	Delete Appendix 9: Te Kowhai Airfield, Section 3.3, Inner Horizontal Surfaces.
VFS4002.18	Roger Ranby	Support



VFS4003.19	Kit Maxwell	Support
VFS4005.20	NZTE Operations Limited	Oppose
VI4.1	Roger Ranby	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.19	Roger Ranby	Support
VFS4003.20	Kit Maxwell	Support
VFS4005.21	NZTE Operations Limited	Oppose
VI5.1	GP Young Family Trust	Delete Appendix 9: Te Kowhai Airfield – 3 Obstacle Limitation Surfaces AND Delete Appendix 9: Te Kowhai Airfield – 3.3: Inner Horizontal Surfaces.
VFS4003.21	Kit Maxwell	Support
VFS4005.22	NZTE Operations Limited	Oppose
VI6.1	Greig Metcalfe	Amend Variation I – Te Kowhai Airport OLS to replace “Airport” with “Airfield” throughout Variation I.
VFS4002.20	Roger Ranby	Support
VFS4003.22	Kit Maxwell	Support
VFS4005.23	NZTE Operations Limited	Support
VI6.2	Greig Metcalfe	Delete Figure 2: Areas potentially affected by Te Kowhai Airport Obstacle Limitation Surface (OLS) (2020).
VFS4002.22	Roger Ranby	Support
VFS4003.23	Kit Maxwell	Support
VFS4005.24	NZTE Operations Limited	Oppose
VI6.3	Greg Metcalfe	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.23	Roger Ranby	Support
VFS4003.24	Kit Maxwell	Support
VFS4005.25	NZTE Operations Limited	Oppose
VI6.5	Greig Metcalfe	Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to adopt the existing Obstacle Limitation Surfaces from the Operative District Plan (2013).
VFS4002.25	Roger Ranby	Support
VFS4003.26	Kit Maxwell	Support
VFS4005.27	NZTE Operations Limited	Oppose
VI7.1	Lloyd Davis	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.26	Roger Ranby	Support

VFS4003.27	Kit Maxwell	Support
VFS4005.28	NZTE Operations Limited	Oppose
V17.2	Lloyd Davis	Amend Variation I – Te Kowhai Airport OLS to replace “Airport” with “Airfield” throughout Variation I.
VFS4002.27	Roger Ranby	Support
VFS4003.28	Kit Maxwell	Support
VFS4005.29	NZTE Operations Limited	Support
V18.1	Peter and Sylvia Fowler	Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to adopt the existing Obstacle Limitation Surfaces from the Operative District Plan (2013).
VFS4002.28	Roger Ranby	Support
VFS4003.29	Kit Maxwell	Support
VFS4005.30	NZTE Operations Limited	Oppose
V18.2	Peter and Sylvia Fowler	Amend Variation I – Te Kowhai Airport OLS to replace “Airport” with “Airfield” throughout.
VFS4002.29	Roger Ranby	Support
VFS4003.30	Kit Maxwell	Support
VFS4005.31	NZTE Operations Limited	Support
V19.1	Kathleen Young	Amend Appendix 9: Te Kowhai Airfield, Section 3.3, Inner Horizontal Surfaces to exclude existing indigenous trees from the height control.
VFS4002.30	Roger Ranby	Support
VFS4003.31	Kit Maxwell	Support
VFS4005.32	NZTE Operations Limited	Oppose
V21.1	Nardene Berry	Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to not apply to properties with existing native vegetation OR Amend Rule 22.3.4.3 Height – Buildings, structures and vegetation within an airport obstacle limitation surface to not apply to existing native vegetation.
VFS4002.39	Roger Ranby	Support
VFS4003.40	Kit Maxwell	Support
VFS4005.50	NZTE Operations Limited	Oppose
V22.1	Thetford Farming Limited	Delete Appendix 9: Te Kowhai Airfield – 3 Obstacle Limitation Surfaces AND Delete Appendix 9: Te Kowhai Airfield – 3.3: Inner Horizontal Surfaces.
VFS4002.40	Roger Ranby	Support

VFS4003.50	Kit Maxwell	Support
VFS4005.51	NZTE Operations Limited	Oppose
V23.1	Bruce Begbie	Delete Appendix 9: Te Kowhai Airfield – 3.3: Inner Horizontal Surfaces.
VFS4002.50	Roger Ranby	Support
VFS4003.51	Kit Maxwell	Support
VFS4005.52	NZTE Operations Limited	Oppose
V23.2	Bruce Begbie	Delete Figure 1: Proposed changes to Te Kowhai Airport OLS.
VFS4002.51	Roger Ranby	Support
VFS4003.52	Kit Maxwell	Support
VFS4005.53	NZTE Operations Limited	Oppose
V24.1	Vicki Magwick	Amend Figure 1 Te Kowhai Airport Obstacle Limitation Surface to install a northward bend in the western landing surface to exclude this submitters property from the surface zone.
VFS4002.52	Roger Ranby	Support
VFS4003.53	Kit Maxwell	Support
VFS4005.54	NZTE Operations Limited	Oppose
V24.2	Vicki Magwick	Delete the changes to Figure 1 Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.53	Roger Ranby	Support
VFS4003.54	Kit Maxwell	Support
VFS4005.55	NZTE Operations Limited	Oppose
V24.3	Vicki Magwick	Delete Figure 2 Areas potentially affected by the Te Kowhai Airport Obstacle Limitation Surface (OLS)(2020).
VFS4002.54	Roger Ranby	Support
VFS4003.55	Kit Maxwell	Support
VFS4005.56	NZTE Operations Limited	Oppose
V24.4	Vicki Magwick	Delete the changes to Appendix 9: Te Kowhai Airfield, Section 3, Obstacle Limitation Surfaces.
VFS4002.55	Roger Ranby	Support
VFS4003.56	Kit Maxwell	Support
VFS4005.57	NZTE Operations Limited	Oppose
V25.1	Kit Maxwell	Amend Variation 1 – Te Kowhai Airport OLS to the correct text description of “airfield”.

VFS4002.56	Roger Ranby	Support
VFS4003.57	Kit Maxwell	Support
VFS4005.58	NZTE Operations Limited	Support
V25.2	Kit Maxwell	Delete Variation I – Te Kowhai Airport OLS AND Amend Appendix 9 to revert to the existing VFR OLS of map reference NZTE 22/02/18.
VFS4002.57	Roger Ranby	Support
VFS4003.58	Kit Maxwell	Support
VFS4005.59	NZTE Operations Limited	Oppose
V25.3	Kit Maxwell	Delete Variation I – Te Kowhai Airport OLS to remain as a village airfield and review in 10 years' time.
VFS4002.58	Roger Ranby	Support
VFS4003.59	Kit Maxwell	Support
VFS4005.60	NZTE Operations Limited	Oppose
V25.6	Kit Maxwell	Delete all OLS proposed changes AND remain as VFR airfield
VFS4002.61	Roger Ranby	Support
VFS4003.62	Kit Maxwell	Support
VFS4005.63	NZTE Operations Limited	Oppose
V25.7	Kit Maxwell	Amend Variation I – Te Kowhai Airport OLS to exclude the submitters properties from any LIM encumbrance
VFS4002.62	Roger Ranby	Support
VFS4003.63	Kit Maxwell	Support
VFS4005.64	NZYE Operations Limited	Oppose

## 9.4 Analysis

267. The submissions raise a wide variety of issues and outcomes for consideration. After careful consideration of all submissions, my recommendation is to accept in part submissions asking for the proposed district plan to adopt the OLS contained in the operative district plan.<sup>38</sup> On the maps, this is the relatively small “bowtie” shape representing the approach and take-off surfaces, which also includes the transitional side surfaces beside the runway. The inner horizontal surface represented in the PDP and Variation I by the mapped circle extending 2500m around the runway would be removed. Minor text changes are required to the ODP OLS wording and the starting point of the approach and take-off surfaces is moved inwards to ensure that end of runway fencing is below the OLS.
268. I explain my reasoning for this approach below, starting with consideration of the purpose of the OLS and going on to consider options proposed by submitters for the OLS, before reaching my conclusion.

<sup>38</sup> Submissions seeking the Operative Plan OLS: [602.13], [832.3], [V4.4], [V10.5], [V16.5], [V18.1], [V26.5]

*The purpose of the Airport Obstacle Limitation Surface (OLS)*

- An OLS is about maintaining an obstacle-free area/surface to help ensure the safe operation of aircraft using an aerodrome.
- An OLS does not manage noise.
- The OLS requirements relate to the existing and proposed use of the Te Kowhai aerodrome with flights operating on visual flight rules (ODP OLS), and with flights operating on instrument flight rules (PDP Variation I OLS).

*Need for an OLS*

269. The NZ Civil Aviation Authority (NZCAA) oversees aviation safety and the Civil Aviation Rules underpinning it. The NZCAA aerodrome design standards for non-certificated aerodromes with an operating weight below 5700kg MCTOW (Maximum Certified Takeoff Weight) (such as Te Kowhai aerodrome) are contained in Advisory Circular AC139-7. Part of that document includes requirements for obstacle limitation surfaces. *“The OLS are a series of protection surfaces arising upwards and outwards from the ends and edges of the runway strip intended to protect aircraft taking off, landing and circling. It is essential that strip dimensions and the associated OLS are protected if a runway is to be safe to operate.”*<sup>39</sup>
270. Other requirements include *“..the requirements of Civil Aviation Rule Part 77 - Objects and Activities Affecting Navigable Airspace, specifically Rule 77.5 Notification of construction or alteration of a structure which require that any person proposing to build or alter a structure notifies the Director of CAA if the structure will exceed heights specified in the Rule.”*<sup>40</sup> The Rule includes the obstacle limitation surface of an aerodrome, and including the OLS in the district plan will alert people to the need to notify the NZCAA if their structure will intrude into an OLS.
271. The NZ Civil Aviation Authority (NZCAA) has advised that *“Generally, the obstacle limitation surfaces around an aerodrome declared within the district plan are independent of those required under Civil Aviation Rules for flight safety. Saying that, they often match up for obvious reasons.”*<sup>41</sup>
272. NZCAA Advisory Circular AC139-7 provides for an OLS as per the Operative District Plan OLS, as well as an OLS as per the Proposed District Plan OLS. It is my understanding that complete removal of the PDP OLS from the district plan and no replacement OLS is not appropriate, as it may result in aviation safety issues with respect to Te Kowhai aerodrome. This is an important consideration, given that the RMA (5)(2) requires that Council manage the use and development of resources (land) in a way which enables people to provide for their health and safety.
273. Taking into account the above, I consider that some form of OLS should be included in the district plan, particularly with respect to the Te Kowhai aerodrome, to assist with aviation safety, including the safety of people and communities, as per the RMA (5)(2).

*Which OLS - the PDP version or the ODP version?*

274. It is important to note that while NZCAA has issued general guidance on OLS for aerodromes, NZCAA has not mandated/requested that any specific OLS map be included on the planning maps for Te Kowhai aerodrome. I asked NZCAA for comment on Variation I prior to notification. NZCAA was non-committal, leaving district plan OLS content to Council to decide.

<sup>39</sup> Section 32 report, Astral Aviation Consultants report “Recommended Obstacle Limitation Surface Protection” dated 5 June 2018, page 4, Section 2.1, paragraphs 4 and 5

<sup>40</sup> Section 32 report, Astral Aviation Consultants report “Recommended Obstacle Limitation Surface Protection” dated 5 June 2018, page 10, Section 5, paragraph 3

<sup>41</sup> Email from NZCAA dated 26 February 2020

275. I have outlined the requirements of both the Operative District Plan OLS and the PDP OLS in the following table.

Table 1: Features of the Operative District Plan OLS and the PDP OLS

	<b>Operative DP OLS</b>	<b>PDP OLS</b>
1	Approach surface at both ends of the runway strip.	There is a combined approach and take-off surface at both each ends of the runway strip.
2	Each approach surface is a truncated fan originating from a 45 metres wide base centred at the end of the runway strip.	Each approach and take-off surface is a truncated fan originating from a 60 metres wide base centred 37.48m inwards from the western at the end of the runway strip and 39.6m inwards from the eastern end of the runway strip.
3	The approach surfaces extend either side of the extended centre line of the runway strip for a horizontal distance of 1200 metres (1.2kilometres).	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).
4	Each approach surface rises upwards and outwards at a gradient of 1 vertical to 20 horizontal (1:20).	Each surface rises upwards and outwards at a gradient of 1 vertical to 40 horizontal (1:40).
5	The sides of the approach surfaces splay outwards at a rate of 1 vertical to 20 horizontal (1:20).	The sides of the surfaces splay outwards from their bases at a rate of 1 vertical to 10 horizontal (1:10).
6	The transitional side surfaces rise upwards and outwards from the sides of each approach surface at a gradient of 1 vertical to 4 horizontal (1:4) to a height of 28.5 metres above Moturiki Datum.	The transitional side surfaces rise upwards and outwards from the sides of the runway strip and each approach/take-off surface at a gradient of 1 vertical to 5 horizontal (1:5) to a height of 36.6 metres above Moturiki Datum. The surface then rise vertically from 36.6 metres to 71.6 metres above Moturiki Datum. The height contours of the transitional surface bend inwards from the planes of the approach and take-off OLS bases to meet the corresponding height contours of the approach and take-off OLS.
7	Not Applicable	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.

276. The main differences between the PDP OLS and the ODP OLS are as follows:
- The ODP OLS does not have the 2,500m inner horizontal surface (oval shape).
  - The approach and take-off surfaces are reduced in length from 2,500m (PDP) to 1,200m (ODP).
  - The ODP has a steeper approach and take-off surface (1 vertical to 20 horizontal (1:20)).

*Need for PDP (IFR) OLS*

277. The Section 32 Report for Te Kowhai Airpark notes that the proposed OLS will also accommodate flights operating on an Instrument Flight Rules (IFR) basis (flying in "poor weather conditions").

278. McCracken Surveys Limited's submission [943.58] questioned if there is an actual need/actual level of demand, for aircraft operating in poor weather or low visibility, that requires IFR and therefore the PDP OLS. I have reviewed the Te Kowhai Airpark Section 32 documentation including associated appendices. Based on the TKAZ Section 32 report and appendices, I consider that the actual demand for the IFR capability and associated larger PDP OLS have not been demonstrated.
279. None of this documentation appears to provide any detailed information with respect to actual/anticipated level of demand for IFR capability at Te Kowhai aerodrome. While Appendix 13 to the Section 32 report notes that the total number of aircraft stored and operated from Te Kowhai aerodrome could be in the region of 200, I cannot find any information to assist in understanding what proportion / how many of those approximately 200 aircraft would be flown regularly on an instrument flight rules basis, sufficient to make appropriate use of IFR if it were to be provided for by way of an expanded OLS.
280. Appendix 24.13 to the Section 32 report entitled "Summary Assessment of Environmental Effects", page 4 paragraph 6, notes that aircraft movements are partially dictated by seasonal conditions, with peak usage between November and March over the summer months, and that aircraft movements then decline to a low point in mid-winter until improved spring conditions lend themselves to flying. I am unclear about whether the proposal for an airpark would have a notable seasonable aspect to aircraft movements and on IFR demand.

#### *PDP Objectives and Policies*

281. Submissions on objectives and policies are addressed in section 4 of this report. No changes to objectives or policies are recommended in that section.
282. The relevant objective for the OLS is Objective 9.2.1(a) which states: *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.*
283. Kane Lee's submission [V7.1] and Keneth Anderson's submission [V12.1] sought that Objective 9.2.1 be deleted. The submissions were in respect of Variation 1, which only sought changes to the text for the OLS in PDP Appendix 9 and changes to the District Plan Maps. Accordingly, I consider these submissions on Objective 9.2.1 to be out of scope, and that the Panel should accept in part Kane Lee [V7.1] and accept in part Keneth Anderson [V12.1], to the extent that Objective 9.2.1 is not deleted, accept in part Roger Ranby [VFS4002.4 and VFS4002.17] and accept in part Kit Maxwell [VFS4003.15 and VFS4003.18] and accept in part by NZTE Operations Limited [VFS4005.3 and VFS4005.19].
284. The relevant PDP OLS policies are set out below:

#### **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.*
285. Objective 9.2.1 and Policies 9.2.1.6(a) and (b) are worded broadly, and do not require any specific OLS design elements. Both the PDP and the Operative Plan OLS designs would give effect to that objective and Policy 9.2.1.6(a). In particular, no changes are required to Policy 9.2.1.6(a) to implement the ODP OLS.

286. With respect to Policy 9.2.1.6(b), both the ODP and the PDP OLS could effectively implement that policy, as Policy 9.2.1.6(b) is about potential hazards to aircraft flight paths, as opposed to the design details of the OLS.

*Operative District Plan approach*

287. I am recommending acceptance in part, of submissions requesting that the OLS revert to the Operative District Plan OLS. My reasons, which are detailed later in this section, include points raised in many other submissions about the adverse effects of the proposed OLS. I will address those other submissions first, to give context for my overall conclusions.
288. If the Hearing Panel adopts my recommended approach, then the panel may not need to consider all of the detail raised in the submissions specific to land requested to be removed from the OLS.
289. Te Kowhai Community Group [941.2] submitted on the OLS in the Village Zone, but their decision sought was not clear. Many of their concerns have been raised by other submitters and discussed elsewhere in this report. I recommend that the Panel reject Te Kowhai Community Group [941.2] and reject Te Kowhai Community Group [FS1383.1 and FS1383.2] and accept NZTE Operations Limited [FS1339.210].

*Effect of the OLS*

290. The PDP permitted activity rules for buildings, structures, trees and other vegetation within an OLS, in conjunction with the OLS description in PDP Appendix 9, may result in new or additional compliance requirements for more property owners in the vicinity of the Te Kowhai aerodrome.

*Delete the PDP OLS*

291. A number of submitters sought that the PDP OLS be deleted. If there is no OLS in the District Plan then aviation safety issues may result, with respect to Te Kowhai aerodrome.
292. In their submission Diane and Graham McBride [V8.4] advise that “*The proposed inner horizontal surface, identified at a (labelled) height of ‘+45m’, is below areas of the district, particularly the western zone, which peaks at 83m*”. They have safety concerns for residents situated at a higher elevation and who they consider would therefore be within the OLS. NZTE Operations Limited’s further submission [FS4005.7] advises that any natural topography that breaches the OLS is noted for pilots. If that is the case, and there appear to be natural topographical intrusions into the OLS within Te Kowhai, then depending on the details of the final OLS to be included within the PDP, NZTE Operations Limited should be requested to provide amended OLS details (if appropriate) to identify the locations of natural topographical intrusions into the Te Kowhai OLS. I recommend that the Panel accept in part Diane and Graham McBride [V8.4], accept in part Roger Ranby [VFS4002.6] and Kit Maxwell [VFS4003.44] and accept in part NZTE Operations Limited [VFS4005.7]; relating to their concerns for residents at higher elevation within the OLS.
293. Diane and Graham McBride [V8.3] consider aeronautical safety will be compromised by the PDP OLS, due to existing trees intruding into the VI OLS, which they consider have existing use rights. Existing use rights is not a matter for determination at a district plan hearing. If some existing trees have existing use rights, then such trees, if they protrude into the OLS, may compromise aeronautical safety. I recommend that the Panel accept Diane and Graham McBride [V8.3] and accept Roger Ranby [VFS4002.5] and Kit Maxwell [VFS4003.43] and reject NZTE Operations Limited [VFS4005.6].
294. Diane and Graham McBride [V8.1] requested the OLS be deleted from the ODP and the PDP, with their concerns relating to existing vegetation breaching the OLS. However, the ODP



OLS rules do not restrict vegetation, while the PDP OLS rules propose to. Therefore, vegetation and trees can intrude into the ODP OLS as a permitted activity. The decisions on the PDP Variation 1 process on the Te Kowhai OLS cannot address the provisions in the ODP. Taking this into account, I recommend that the Panel reject Diane and Graham McBride [V8.1], reject by Kit Maxwell [VFS4003.41] and accept NZTE Operations Limited [VFS4005.4].

#### Costs and benefits

295. Kristine and Marshall Stead [V4.2], Diane and Graham McBride [V8.5], Jordan Metcalfe [V10.3], Greig Metcalfe [V16.3], and Lloyd Davis [V17.1] submit that the costs and benefits associated with Variation 1 were not appropriately considered. They submit that the PDP OLS would inhibit future development / reduce development potential, for adjoining landowners (specifically to the north), and that permitted activities conducted by existing landowners will be compromised by the PDP OLS.
296. There are three types of locations where buildings and structures are most affected by the PDP OLS, before they would breach their general maximum zone height rule (7.5m for Village Zone and 10m for Rural Zone). One is the properties located immediately adjoining the runway and/or beneath the approach and take-off surfaces and the transitional side surfaces, another is an area to the south-west of the aerodrome and the last are small, scattered areas of high contour within Te Kowhai.
297. Maps numbered 9 and 11 below and on the following page show the runway, parts of the approach and take-off surfaces and transitional side surfaces (long thin blue lines), as well as coloured areas where the PDP OLS heights are 6m, 8m and 10m. For the red 6m area shown, the PDP OLS height would be between 0m and 6m in that area. For the orange 8m area shown, the PDP OLS height would be between 6m and 8m in that area. For the yellow 10m area shown the PDP OLS height would be between 8m and 10m in that area.

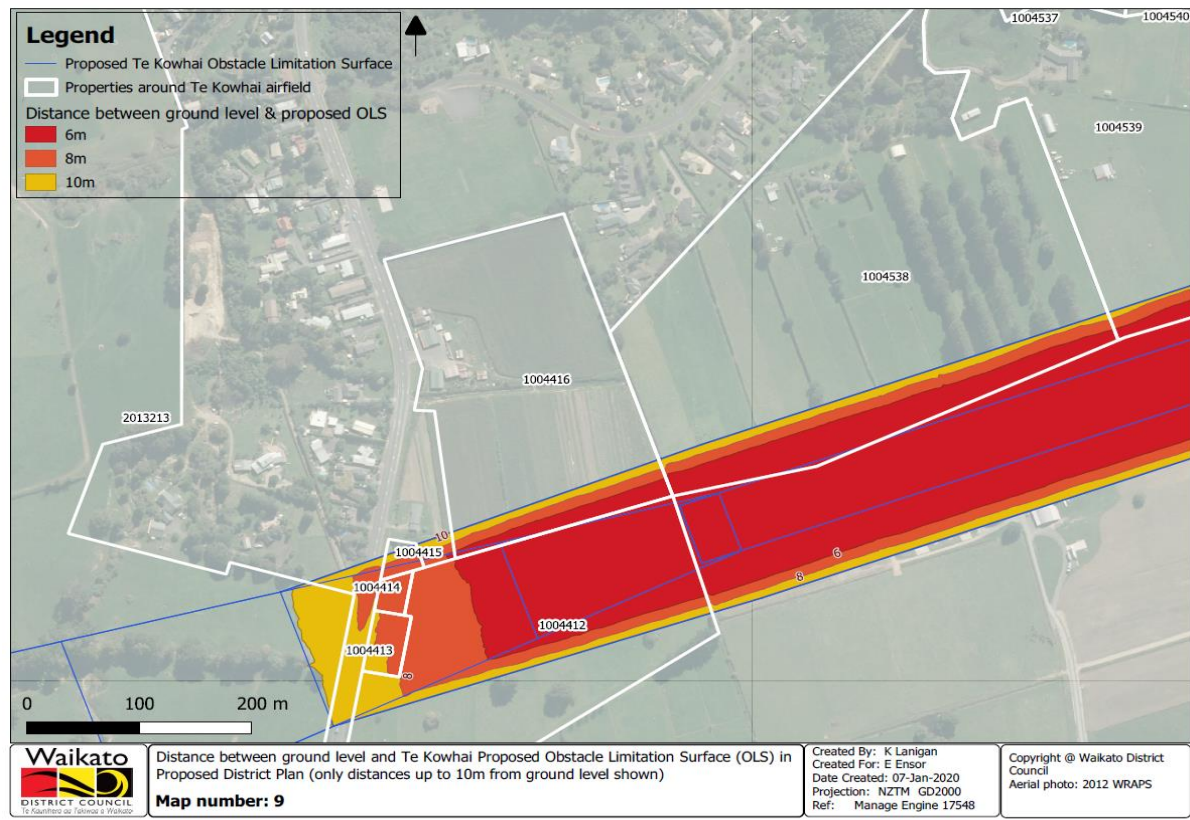


Image 5: Distance between ground level and PDP OLS (Map number 9)

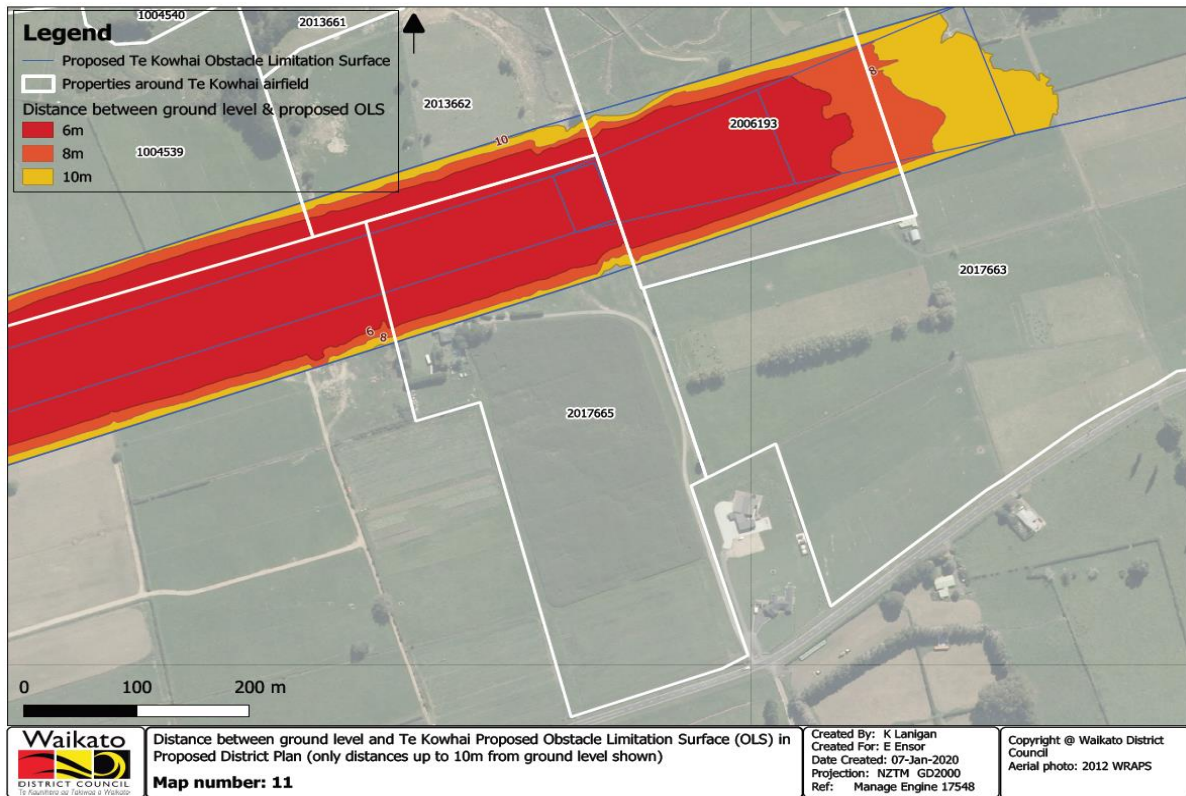


Image 6: Distance between ground level and PDP OLS (Map number 11)

298. When assessing the effect of the PDP OLS and costs on properties, I have taken into account the maximum permitted general building heights of 7.5m for Village Zone and 10m for Rural Zone, as well as the 12m minimum building setback to boundaries in the Rural Zone for non-habitable buildings on a title of 1.6m or more and the 1.5m minimum building setback to boundaries in the Village Zone. I have also excluded properties in the Airpark Zone.
299. With those considerations in mind, there are 9 properties in the Rural Zone and 2 properties in the Village Zone, which will be affected by the PDP OLS height before the maximum permitted general building height rule would be breached. For properties shown in red, the PDP OLS height is between 0m and 6m and the PDP OLS may be quite restrictive for development in those red areas. There is also uncertainty whether they would be able to obtain resource consent for breaching the OLS, given possible safety concerns.
300. The two images below show the area to the south-west of the aerodrome where the PDP OLS height is 10m or less. The red, orange and yellow areas in Image 8 below have the same meanings as described in paragraph 295 above.



Image 7: South-western area with respect to the aerodrome

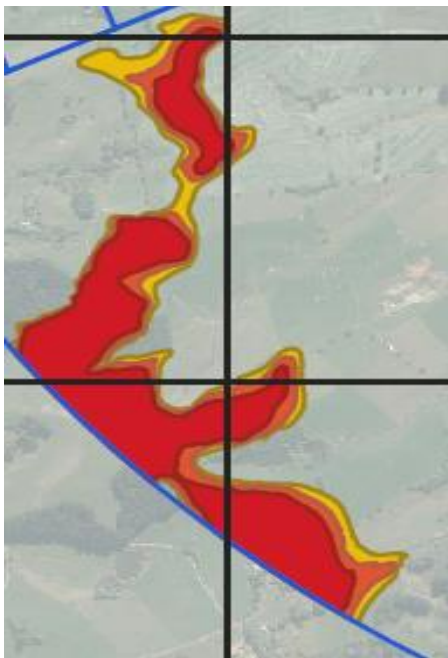


Image 8: OLS heights (detail)

301. With respect to this southwestern area, there are 9 properties in the Rural Zone which will be affected by the PDP OLS height before the maximum permitted general building height rules would be breached. As per Image 8 above, there is a large red area, indicating that for most properties, on part of their properties the PDP OLS height is between 0m and 6m, which then also may result in high levels of restriction on built development in the red areas.
302. If the decision of the Hearing Panel is to retain the PDP OLS rules in the district plan, then heights of trees and other vegetation would also be restricted, along with the heights of buildings and structures.
303. Image 9 on the following page shows the distance between the ground level and the PDP OLS height level to a height of 40m in 5m increments. This can be used to understand the



restrictions on tree and vegetation heights with regard to the PDP OLS. I also acknowledge that PDP OLS height level could also include higher height restrictions, such as to a height of 60m or possibly even higher. The greater level of restrictions is that associated with the red, orange and yellow lines as they relate to OLS heights of 5m, 10m or 15m, which may be quite restrictive, depending on the tree and/or vegetation.

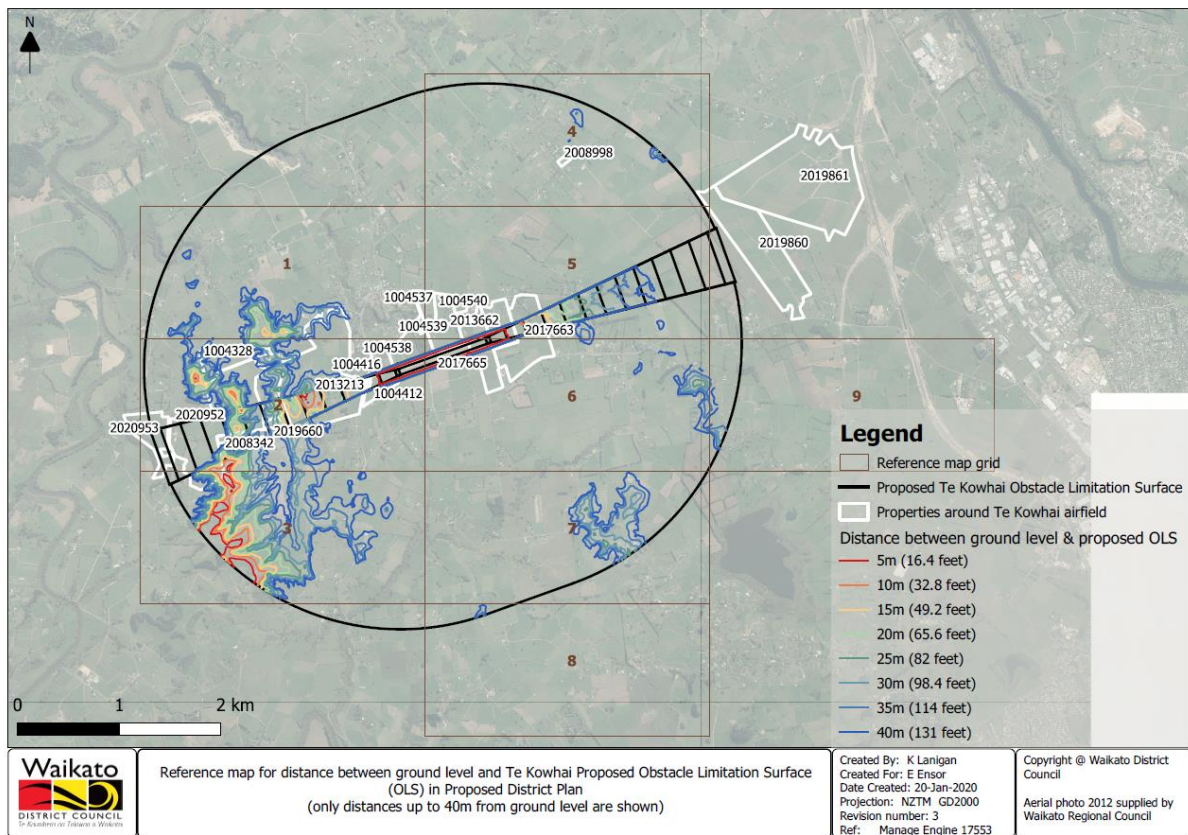


Image 9: Distance between the ground level and the PDP OLS height to a height of 40m

304. The final page of Appendix 12: Obstacle Limitation Studies (Adapt Studio), being part of the section 32 documentation, provides OLS tree survey information dated 16/04/2018. This information includes data on tree heights in the western approach and take-off surface. The data shows that 42 trees at that time already intruded into the PDP OLS, by between 0.4m and 24.2m. As that was almost three years ago, I consider it reasonable to assume that those trees intrude even further now, and there may be new trees intruding into the OLS now (unless they have been removed or trimmed). My understanding is that those trees are all on land not owned by the aerodrome operator. Trees and vegetation within the Inner Horizontal Surface may also breach the PDP OLS. The tree heights in the western approach and take-off surface show that out of 28 trees recorded, only 9 trees would also intrude into the ODP OLS, with the intrusions being between 0.3m to 7.8m (as considered against data produced almost 3 years ago).
305. A number of submitters expressed concern about the costs of compliance for trees/vegetation breaching the rules, which would then fall on landowners/property owners. As identified above, there are at least 42 trees within the PDP OLS which will require removal/trimming to ensure compliance, with the cost burden falling on property owners and not on the aerodrome operator. Kristine and Marshall Stead [V4.2] also submitted that 272m of stock shelterbelt on their property would require removal, and 116 mature trees would encroach into the PDP OLS.

306. Sophia Yapp and Simon Barnes's submission [V2.1 and V2.2] advises that their family farm contains a large number of kahikatea trees (in the hundreds). They also advise that the cost of cutting the top off just one 45m high tree is potentially \$1,750 at today's prices. If even 100 trees on their property needed to be trimmed, then at \$1,750 per tree, they would be looking at \$175,000.00. Based on this advice, I agree that the PDP OLS and associated zone rules would create an unfair financial burden on landowners, who may not have the financial ability to pay for any required trimming or tree removal.
307. GP Young Family Trust [V15.1] and Kathleen Young [V19.1] submit that arborists' charges should be at the expense of the Te Kowhai aerodrome operator. This is a non-regulatory method binding a third party that is difficult to incorporate into the district plan. I therefore recommend that the Panel accept in part GP Young Family Trust [V15.1] and Kathleen Young [V19.1], accept in part Kit Maxwell [VFS4003.21 and VFS4003.31] and Roger Ranby [VFS4002.30], and accept in part NZTE Operations Limited [VFS4005.22 and VFS4005.32] - to the extent that arborists' charges are not at the expense of the Te Kowhai aerodrome operator.
308. Cost issues for property owners also arise if all trees which intrude must be trimmed/ removed, or alternatively there are costs if property owners seek resource consent for intrusions (where the outcome of such applications is far from certain - with safety considerations being important and a possible determining factor).
309. Also, I have serious doubts that the proposed OLS would be safe for aircraft even if there is no vegetation. This OLS design would provide for aircraft at the horizontal surface within 6 to 10m of the ground in several places. While I am not an aeronautical expert, it appears to me highly questionable whether aircraft flying 6m from the ground would have an adequate safety margin.
310. Taking into account the above, I recommend that the Panel accept in part Kristine and Marshall Stead [V4.2], Diane and Graham McBride [V8.5], Jordan Metcalfe [V10.3] Greig Metcalfe [V16.3], and Lloyd Davis [V17.1], McCracken Surveys Limited [943.58], Peter and Jackie Gore [V1.3], Sophia Yapp and Simon Barnes [V2.1 and V2.2], Keneth Anderson [V12.1], Kane Lee [V7.1] and Peter and Sylvia Fowler [V18.1] - to the extent that such submissions relate to cost issues, with any further submissions being consequentially decided.

#### *Biodiversity and amenity values*

311. Some submitters sought that the PDP OLS be deleted for reasons relating to biodiversity or ecology and amenity values associated with trees and vegetation.
312. The main biodiversity and amenity values concerns relate to the following:
- The remnants of kahikatea are important assets of the area and should be protected by Council.
  - Further reduction in indigenous land cover from an already depleted ecosystem.
  - Effects on native bat habitat (a species of high priority for conservation).
  - Effects on bird (indigenous and exotic) habitat.
  - Effects on amenity values and activities associated with the trees in Te Kowhai.
  - Existing vegetation within Te Kowhai adds to the natural character and landscape values associated with Te Kowhai.
  - Landowners have committed significant time and money to protect Kahikatea trees from stock.
313. I accept that the proposed VI OLS would have adverse effects on biodiversity and amenity values, taking into consideration those submitters concerns above.

314. The PDP allows indigenous vegetation clearance either within or outside an SNA as a permitted activity, if it is for the purpose of removing vegetation that endangers human life or existing buildings/structures. I consider that removing indigenous vegetation encroaching into the OLS would be for that purpose (as vegetation intruding into the OLS may endanger human life). I consider that there is no conflict between OLS rules relating to tree and vegetation clearance and other indigenous vegetation clearance rules.
315. The ODP OLS provides for a greater amount of vegetation within Te Kowhai to be retained as a permitted activity, thus being more consistent with Policy 3.1.2(b) of the PDP.
316. I recommend that the Panel accept in part Kathleen Young [V19.1], Sophia Yapp and Simon Barnes [V2.2], Nardene Berry [V21.1], Bruce Begbie [V23.2], Keneth Anderson [V12.1], Kane Lee [V7.1], Peter and Jackie Gore [V1.3], Phoebe and Imogen Barnes [V9.2], GP Young Family Trust [V15.1], Thetford Farming Limited [V22.1] - to the extent that such submissions relate to biodiversity and amenity values issues, with any further submissions being consequentially decided.

#### *Land Information Memoranda (LIM)*

317. Kit Maxwell [V25.3] submitted that the PDP OLS would result in 80% of (Te Kowhai) village residences being LIM encumbered, and seeks that Variation 1 be deleted. Peter and Sylvia Fowler [V18.1] and David Barnes [V13.1] submit that showing the OLS on LIMs (as required) may affect property values. I do not know if that is correct. Properties in Te Kowhai covered by the PDP OLS would include a reference to the OLS in any LIM.
318. It seems unreasonable to encumber a large amount of properties in Te Kowhai with the OLS notation on LIMs, when for a large amount of Te Kowhai properties, the OLS restriction is over 40m (131 feet) high. The actual effects on a large number of properties from that surface may be very few, but this would not necessarily be understandable from the notation on LIMs.
319. I recommend that the Panel accept in part the submissions by Kit Maxwell [V25.3], Peter and Sylvia Fowler [V18.1] and David Barnes [V13.1] to the extent that they relate to LIM issues and accept in part the further submissions by Roger Ranby [VFS4002.18, VFS4002.28 and VFS4002.58], Kit Maxwell [VFS4003.19, VFS4003.29 and VFS4003.59] and accept in part the further submissions by NZTE Operations Limited [VFS4005.20, VFS4005.30 and VFS4005.60].

#### *RMA*

320. Some submitters consider that the PDP OLS is contrary to the purpose of the RMA, specifically sections 5 and (5c). They refer to adverse effects on adjoining landowners and adverse effects on a significant section of the Te Kowhai community, which they do not consider having sufficiently been avoided, remedied or mitigated.
321. Where such adverse effects relate to concerns about noise, the OLS is not the appropriate mechanism to manage noise effects. If the scope of the submission also includes amenity values associated with lowering trees and vegetation, then details of any effects on amenity in this regard would need to be provided in evidence for the hearing, by those submitters.
322. At this time, I recommend that the Panel accept in part Kristine and Marshall Stead [V4.2], Jordan Metcalfe [V10.3], Greig Metcalfe [V16.3], and Lloyd Davis [V17.1], to the extent that they relate to sections 5 and 5(c) of the RMA, accept in part Roger Ranby [VFS4002.14, VFS4002.23, VFS4002.26, and VFS4002.48] and Kit Maxwell [VFS4003.5, VFS4003.24, VFS4003.27 and VFS4003.49], and accept in part NZTE Operations Limited [VFS4005.15, VFS4005.25, VFS4005.28 and VFS4005.48].
323. The submitters also refer to section 7 of the RMA, specifically 7(c) - the maintenance and enhancement of amenity values. There are existing trees and vegetation in Te Kowhai which

contribute to amenity values associated with Te Kowhai. Requiring landowners to remove or trim trees and vegetation which encroach into the PDP OLS would not likely result in maintenance of amenity values associated with Te Kowhai.

324. I recommend that the Panel accept in part Kristine and Marshall Stead [V4.2], Jordan Metcalfe [V10.3], Greig Metcalfe [V16.3], and Lloyd Davis [V17.1] to the extent that they relate to maintenance of amenity values as per RMA 7(c), accept in part Roger Ranby [VFS4002.14, VFS4002.23, VFS4002.26, and VFS4002.48] and Kit Maxwell [VFS4003.5, VFS4003.24, VFS4003.27 and VFS4003.49] and accept in part by NZTE Operations Limited [VFS4005.15, VFS4005.25, VFS4005.28 and VFS4005.48].
325. Roger Ranby's submission [V14.1] does not provide reasons in the submission for why he is seeking that the OLS be deleted. I recommend that the Panel reject the submission by Roger Ranby [V14.1], reject Roger Ranby [VFS4002.19] and Kit Maxwell [VFS4003.20] and accept NZTE Operations Limited [VFS4005.21], because there is insufficient information within the submission to understand and appropriately assess his request to delete the OLS.

#### *Aeronautical study*

326. Some submitters state that no aeronautical study has been conducted to justify CAA approval for the proposed activities/uses outlined in the Te Kowhai Airpark Zone, and that it would be contrary to sound resource management practice to adopt Variation 1 without one; and that an aeronautical study is required by the CAA in accordance with their requirements.
327. An aeronautical study might have value, among other things, to establish whether the proposed OLS provides sufficient safety margins for aircraft from the ground. However, I do not consider it necessary for an aeronautical study to be completed prior to issuing decisions on the PDP, as that aeronautical study (and any other CAA approval/s) is undertaken under a separate process and is required by a separate organisation (not WDC). Any decisions by the Panel regarding the Te Kowhai Airpark do not have a bearing on processes/decisions by the CAA and vice versa.
328. I recommend that the Panel accept in part the submission by Kristine and Marshall Stead [V4.2], Diane and Graham McBride [V8.3], Jordan Metcalfe [V10.3] Greig Metcalfe [V16.3], and Lloyd Davis [V17.1], to the extent that those submissions relate to an aeronautical study, accept in part the further submissions by Roger Ranby [VFS4002.5, VFS4002.14, VFS4002.23, VFS4002.26, and VFS4002.48] and Kit Maxwell [VFS4003.5, VFS4003.24, VFS4003.27, VFS4003.43 and VFS4003.49] and accept in part the further submissions by NZTE Operations Limited [VFS4005.6, VFS4005.15, VFS4005.25, VFS4005.28 and VFS4005.48].

#### *Variation 1, Figure 2*

329. Figure 2 entitled "Figure 2: Areas potentially affected by Te Kowhai Airport Obstacle Limitation Surface (OLS)(2020)" was provided as part of the Variation 1 information on WDC's website. This figure was used to show areas potentially affected by the OLS (where the OLS is 10m or less from the ground). It was intended to help people to understand the PDP Variation, indicating properties more likely to require resource consent for breaching the OLS height restrictions.
330. There is no intention to put Figure 2 into the district plan at all. Accordingly, I recommend that the Panel accept Jordan Metcalf [V10.2], Greig Metcalf [V16.2] and Vikki Madgwick [V24.3], accept Roger Ranby [VFS4002.13, VFS4002.22, and VFS4002.54] and Kit Maxwell [VFS4003.4, VFS4003.23, and VFS4003.55] and reject NZTE Operations Limited [VFS4005.14, VFS4005.24, and VFS4005.56].

*Amend Variation I to refer to Airfield*

331. Kristine and Marshall Stead [V4.1], Diane and Graham McBride [V8.2], Jordan Metcalfe [V10.1], Greig Metcalfe [V16.1], Lloyd Davis [V17.2], Peter and Sylvia Fowler [V18.2] and Kit Maxwell [V25.1] requested that Variation I – Te Kowhai Airport OLS be amended to replace “Airport” with “Airfield” throughout Variation I.
332. It is unnecessary for the Hearings Panel to consider or decide this as Variation I has now merged with the PDP. Therefore, I recommend that these submissions be rejected, with associated further submissions being consequentially decided.

*Amend the PDP OLS including the wording*

333. Several submitters requested the PDP OLS be amended.
334. Peter and Jackie Gore [V1.1] requested that the OLS exclude an area in the west, to take into account existing high land contour. They note that there is a 69m high hill between 255 Collie Road and the aerodrome, and that the proposed OLS, at 45m, is lower than the height of that hill. Part of the natural contour in the west of the OLS provides an immovable physical barrier above the 45m OLS height (which would already affect aircraft flight paths), such that the OLS should be amended (if required) to exclude properties containing the hill and located to the west of the hill, as per the submitters’ attached plan.
335. Such exclusions/notations within the OLS for surface penetrations is not unusual and already exists with respect to the OLS for Wanaka and Napier Airports (as identified by Sophia Yapp and Simon Barnes in their submission [V2.1]). While it could be desirable to amend the shape of the OLS to avoid aircraft coming too close to the ground, the Hearings Panel would need to receive expert evidence to support any changes. In the absence of expert evidence I recommend that Peter and Jackie Gore [V1.1] be rejected, the further submissions from Roger Ranby [VFS4002.41] and Kit Maxwell [VFS4003.8] be rejected, and the further submission from NZTE Operations Limited [VFS4005.41] be accepted.
336. I agree with Vela Holdings Limited [V3.1] that by requiring trees (native and exotic) to either be removed or trimmed so as to not intrude into the OLS, the V1 OLS does not take into account environmental impacts associated with native and exotic forestry and does not protect existing and future uses such as building height and height of vegetation. I recommend that the Panel accept in part the submission by Vela Holdings Limited [V3.1] such that the inner horizontal surface is reduced in size (and in fact will not be provided at all in response to other submissions), accept in part Roger Ranby [VFS4002.46] and Kit Maxwell [VFS4003.13], and accept in part NZTE Operations Limited [VFS4005.46].
337. Derek Tate [494.1] requested that the OLS be removed from 219 Woolrich Road. Trees/vegetation on his property could be up to 20m tall (65.6 feet) and in some parts more, before those trees/vegetation would intrude into the OLS.<sup>42</sup> In addition, some buildings would require resource consent for failing the 10m general building height rule before they would require consent for failing the OLS height rule. I recommend that the Panel reject Derek Tate [494.1] and accept NZTE Operations Limited [FS1339.206].
338. Vikki Madgwick [V24.1] was concerned about her grazing animals being panicked by low flyers and risking damage to fences and farm animals. Peter and Jackie Gore [V1.3] also submit that low-flying planes can cause a nuisance to stock. Council has no jurisdiction to control aircraft in flight, therefore cannot control how low aircraft fly over this submitter’s property. Accordingly, I recommend that the Panel accept in part Vikki Madgwick [V24.1] as it relates

<sup>42</sup> Areas where ground level is 40m or less from Te Kowhai Airport Obstacle Limitation Surface (OLS) (2020), Waikato District Council, dated 09-Jul-2020, Ref: Manage Engine 22017 (Rev 3)



to low-flying aircraft, accept in part Roger Ranby [VFS4002.52] and Kit Maxwell [VFS4003.53] and accept in part NZTE Operations Limited [VFS4005.54].

339. Vikki Madgwick [V24.2] was also concerned about her dwelling potentially being within a part of the OLS, where the OLS height is less than 10m above ground level, and not being able to undertake dwelling renovations. Part of her property is covered by an area where the OLS height is less than 10m above ground level.<sup>43</sup> Depending on the exact location of her dwelling, she may require resource consent for dwelling extensions which may intrude into the OLS (the outcome of which is uncertain). Accordingly, I recommend that the Panel accept in part Vikki Madgwick [V24.2] as it relates to dwelling renovations and accept in part Roger Ranby [VFS4002.53] and Kit Maxwell [VFS4003.54] and accept in part NZTE Operations Limited [VFS4005.55].
340. The text changes in PDP Appendix 9 Section 3 largely provide clarity about the different OLS surfaces and ensure consistency between the words in PDP Appendix 9 and the maps showing the OLS. Some of the text changes have been incorporated in my recommended wording for the OLS text. Accordingly, I recommend that the Panel accept in part Vikki Madgwick [V24.4], accept in part Roger Ranby [VFS4002.55] and Kit Maxwell [VFS4003.56], and accept in part NZTE Operations Limited [VFS4005.57].
341. Kit Maxwell [V25.7] requested that the OLS be amended to exclude his property due to significant effects but did not state what significant effects he is referring to. I recommend that the Panel accept in part the submission by Kit Maxwell [V25.7] such that his property is not excluded from the OLS, accept in part Roger Ranby [VFS4002.62] and Kit Maxwell [VFS4003.63], and accept in part NZTE Operations Limited [VFS4005.64].
342. Stanley Ranby [V5.1] did not specify what amendments he is seeking. Mr Stanley Ranby's submission raised the following matters: noise, number of aircraft movements, plane schedules, development potential of land, low-flying aircraft, fuel dumping, and Te Kowhai country village lifestyle. Some have been addressed elsewhere in this report, while others are not RMA matters that can be controlled through the district plan. I recommend that the Panel reject Stanley Ranby [V5.1], reject Roger Ranby [VFS4002.2] and Kit Maxwell [VFS4003.14] and G and D McBride [VFS4004.1], and accept NZTE Operations Limited [VFS4005.2].
343. Some submitters raised the following matters:
- GP Young Family Trust [V15.1] and Thetford Farming Limited [V22.1] were concerned that remaining remnants of mature native vegetation would be under threat of removal. They also preferred the topping and sculpting of exotic trees over exotic tree removal (all at the cost of the airfield operator).
  - David Barnes [V13.1] and Bruce Begbie [V23.1] were concerned about trees, in particular kahikatea trees, while David Barnes also mentioned NZ parakeets and long tail bats residing in trees in Te Kowhai.
  - Kathleen Young [V19.1] wanted to exclude existing indigenous trees from the height control.
344. Peter and Jackie Gore [V1.3] sought that PDP Appendix 9: Te Kowhai Airfield be amended so existing vegetation over 45 metres in height can remain, otherwise mitigate the effects of the loss of that vegetation. It is the relevant zone rules that regulate height in the OLS, not Appendix 9. The zone rules are the more appropriate way of dealing with height controls and any changes to allow vegetation to penetrate the OLS.

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<sup>43</sup> Refer to Plan entitled: Areas where ground level is 40m or less from Te Kowhai Airport Obstacle Limitation Surface (OLS) (2020), Waikato District Council, dated 09-Jul-2020, Ref: Manage Engine 22017 (Rev 3)

345. I recommend that the Panel accept in part GP Young Family Trust [V15.1] and Thetford Farming Limited [V22.1], David Barnes [V13.1] and Bruce Begbie [V23.1], Kathleen Young [V19.1] and Peter and Jackie Gore [V1.3], such that PDP Appendix 9 3 Obstacle Limitation Surfaces and 3.3 Inner Horizontal Surface are not deleted or amended, accept in part Roger Ranby [VFS4002.18, VFS4002.30, VFS4002.40, VFS4002.43, VFS4002.50] and Kit Maxwell [VFS4003.10, VFS4003.19, VFS4003.21, VFS4003.31, VFS4003.50, VFS4003.51], and accept in part NZTE Operations Limited [VFS4005.20, VFS4005.22, VFS4005.32, VFS4005.43, VFS4005.51, VFS4005.52].

*Revert to Operative District Plan OLS*

346. Greig Metcalfe [602.13] and Hounsell Holdings Limited [832.3] both wanted the OLS to be amended to be the same as the Operative District Plan. The ODP and the PDP OLS both extend over Mr Metcalfe's property. The ODP and PDP OLS both do not extend over Hounsell Holdings Limited property. Hounsell Holdings Limited were concerned about the potential impact on residential development in Te Kowhai and surrounds, and that the reason for the VI OLS was not adequately justified or explained in the PDP.
347. Kristine and Marshall Stead [V4.4], Jordan Metcalfe [V10.5], Greig Metcalfe [V16.5] and Peter and Sylvia Fowler [V18.1] requested that Variation I be amended to adopt the existing OLS from the Operative District Plan, and that the Visual Flight Rules basis on which the airfield is currently operating on should be retained. Some of the submitter's reasons given relate to matters also expressed by Diane and Graham McBride. I also understand Kit Maxwell [V25.2 and V25.6] to be requesting to amend the OLS to the wording in the Operative District Plan.
348. Kristine and Marshall Stead [V4.4], Jordan Metcalfe [V10.5] and Greig Metcalfe [602.13, V16.5] submit that the PDP OLS should revert to the ODP OLS because the ODP OLS satisfies NZCAA requirements for a Day VFR runway, existing trees in the OLS have existing use rights, and the ODP OLS rule (25.49(c)) does not control the height of vegetation and trees.

*Conclusion on the OLS*

349. I recommend that the PDP VI OLS be removed from the Proposed District Plan and that it be replaced instead with the OLS as detailed in the Operative Waikato District Plan – Waikato Section 2013, with amendments as discussed below.
350. Variation I included amendments to the OLS approach and take-off surfaces, proposing that these start inwards from the airpark boundaries at either end of the runway. This was to allow clearance for the surfaces where they cross boundary fences. In Variation I, these distances were set at 37.48m inwards from the western end of the runway strip and 39.6m inwards from the eastern end of the runway strip. A similar adjustment to the recommended Operative District Plan OLS could be considered. The distances would need to be recalculated, because the gradient of the approach and take-off surfaces is changing from 1:40 in the PDP to 1:20 under the Operative District Plan OLS. I invite NZTE Operations Limited to comment on this and the appropriate distances in evidence to the hearing.
351. In addition, I recommend incorporating minor text changes from Variation I into the ODP OLS text as appropriate.
352. The Operative Plan OLS is defined in the Operative District Plan Appendix K. The text of Appendix K will replace the text of PDP Appendix 9 defining the OLS (with some amendments as discussed previously).
353. The main changes from the PDP OLS are as follows:
- No inner horizontal surface at all.
  - The approach and take-off surfaces are reduced in length from 2,500m to 1,200m.

- All zones where the appendix is referred to will be listed in PDP Appendix 9.

354. I recommend 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 OLS, as per amended PDP Appendix 9 sections 1.0, 2.0 and 3.0 text, as recommended in this report.
355. I recommend that the Panel accept the submissions that seek that the PDP OLS be deleted and replaced with the ODP OLS because:
- (a) There are 9 properties in the Rural Zone and 2 properties in the Village Zone in the PDP OLS approach and take-off surfaces and side transitional surfaces that will be affected by the PDP OLS height restrictions before the maximum permitted general building height rule for the zone would be breached. The PDP OLS is overly restrictive for development on sites where the PDP OLS height is between 0m and 6m.
  - (b) With respect to land located to the south-west of the aerodrome, there are 9 properties in the Rural Zone which will be affected by the PDP OLS height before the maximum permitted general building height rules would be breached. For some properties, the PDP OLS height is between 0m and 6m, which also results in high levels of restriction on built development in those areas.
  - (c) As at 16/04/2018 a survey undertaken resulted in data showing that 42 trees already intruded into the PDP OLS, by between 0.4m and 24.2m. The survey only relates to trees within the western approach and take-off surface, and there may also be trees/vegetation within the Inner Horizontal Surface which may also breach the PDP OLS.
  - (d) The costs of compliance (for trees/vegetation breaching the rules), would fall on landowners/property owners and not the aerodrome operator. The PDP OLS and associated zone rules would create an unfair financial burden on landowners, who also may not have the financial ability to pay for any required trimming or tree chopping.
  - (e) Sophia Yapp and Simon Barnes submit that the cost to cut the top off one 45m high tree is potentially \$1,750 at today's prices. If even 100 trees on their property needed to be trimmed, then at \$1,750 per tree, they would be looking at \$175,000.00. This is an unfair financial burden.
  - (f) Kristine Stead submits that on her property 272m of stock shelterbelt would require removal, and 116 mature trees would encroach into the PDP OLS, which would either require removal or resource consent. This is an unfair financial burden.
  - (g) The regulatory costs fall on the community, and the Te Kowhai OLS provides very little wider community/public benefit, either to the Waikato District as a whole or to the wider Te Kowhai community.
  - (h) I am uncertain that existing use rights could be confirmed with respect to trees and/or vegetation, given that the effects may not be the same or similar in character, intensity and scale. If existing use certificates (under s139A of the RMA) were required to be sought, there is a cost to the property owner in applying, and a consequence of not obtaining an existing use certificate might include a requirement to remove the building, structure, tree or vegetation. Alternatively, there would also be costs if property owners were to seek resource consent for OLS intrusions (where the outcome of such applications is far from certain).
  - (i) I agree with submitters that requiring landowners to chop or trim trees and vegetation that encroaches into the PDP OLS would not maintain amenity values associated with Te Kowhai, as required by section 7(c) of the RMA.
  - (j) I consider that the reduced requirements of the ODP OLS will help ensure as much as possible that remaining remnants of mature native vegetation (important assets of the area) including kahikatea trees within Te Kowhai, can remain. Figure 1 Threatened

Environment Classification by Indigenous Land Cover – Waikato from the National Policy Statement for Indigenous Biodiversity from Department of Conservation 2019 shows that the Te Kowhai Area largely consists of less than 10% indigenous vegetation cover. WRC note that more than 98 percent of the pre-European kahikatea forest has been lost nationwide. The reduced requirements of the ODP OLS will help ensure as much as possible that kahikatea trees within Te Kowhai can remain.

- (k) Kahikatea trees have ecological value – they are potentially habitat for our endemic bats and provide stepping stones for native birds across the productive landscape. Native bats have been detected roosting in trees in Te Kowhai. Native bats are in danger of extinction and are a high priority for conservation. Reverting to the ODP OLS (with some other minor amendments) will ensure that many kahikatea trees within Te Kowhai will remain and will be able to provide appropriate bat and other bird habitat.
- (l) I understand from a submitter that there are favourable environmental impacts presented by forestry stands (native and exotic) in this locality. The ODP OLS (with some minor amendments) will ensure that those positive environmental impacts can continue into the future.
- (m) I understand that landowners have committed significant time and money to protect kahikatea remnants from stock, and an expanded OLS (such as the PDP OLS) would undermine those initiatives with no benefit to those landowners.
- (n) The PDP OLS does not adequately adjust for the land form underneath it. The appropriateness of it is questioned, where the obstacle limitation surface is to be mapped over land where the surface level comes within 8m of ground level, potentially giving no margin for pilot error. The PDP OLS does not seem to appropriately accommodate the realities of this location, unlike other OLS in other district plans (such as Wanaka and Napier). Providing for aircraft to operate within 8m of the ground appears to provide a highly questionable safety margin. Furthermore, this does not appear to appropriately take into consideration the safety of people and communities, as required by Part 5(2) of the RMA.
- (o) I understand from submitters that the PDP OLS may result in aircraft being able to fly lower than they may currently do, and that this may result in grazing animals being panicked by low flyers and risk damage to fences and farm animals.
- (p) I consider that the ODP OLS (with minor amendments) would provide a greater level of consistency with PDP Indigenous Vegetation and Habitat Policy 3.1.2(b).

356. Given the above, I recommend that the Panel reject NZTE Operations Limited [V6.1] and Amanda and Jack Schaaque [VII.1], accept Vikki Madgwick [VFS4000.1], Greig Metcalf [VFS4001.1 and VFS4001.2], Kit Maxwell [VFS4003.64 and VFS4003.65] and G and D McBride [VFS4004.4], and reject NZTE Operations Limited [VFS4005.18].

#### *Consequential amendment*

357. The PDP OLS Appendix 9 Section 1 text referred to Lot 1 DP 434641 (Certificate of Title 530701). That lot has since been subdivided and the new titles have been issued as follows: Lot 1 DP 547712 (RT 8105283) and Lot 2 DP (RT 8105282). The runway is contained within new Lot 1 DP 547712. I recommend as a possible consequential amendment that the certificate of title reference in PDP Appendix 9 Section 1 to Lot 1 DP 434641 (Certificate of Title 530701) be amended to Lot 1 DP 547712 (RT 8105283).

## **9.4 Recommendations**

358. I recommend that the Hearings Panel:

- (a) **Accept in part** Kane Lee [7.1] and **accept in part** Keneth Anderson [12.1] *to the extent that Objective 9.2.1 is not deleted* and **accept in part** Roger Ranby [VFS4002.4 and VFS4002.17] and **accept in part** Kit Maxwell [VFS4003.15 and VFS4003.18] and **accept in part** NZTE Operations Limited [VFS4005.3 and VFS4005.19].
- (b) **Reject** Te Kowhai Community Group [941.2] and **reject** Te Kowhai Community Group [FS1383.1 and FS1383.2] and **accept** NZTE Operations Limited [FS1339.210].
- (c) **Accept in part** Diane and Graham McBride [V8.4] and **accept in part** Roger Ranby [VFS4002.6] and **accept in part** Kit Maxwell [VFS4003.44] and **accept in part** NZTE Operations Limited [VFS4005.7]; *relating to their concerns for residents at higher elevation within the OLS.*
- (d) **Accept** Diane and Graham McBride [V8.3] and **accept** Roger Ranby [VFS4002.5] and **accept** Kit Maxwell [VFS4003.43] and **reject** NZTE Operations Limited [VFS4005.6].
- (e) **Accept in part** GP Young Family Trust [V15.1] and **accept in part** Kathleen Young [V19.1] and **accept in part** Roger Ranby [VFS4002.30] and **accept in part** Kit Maxwell [VFS4003.21 and VFS4003.31] and **accept in part** NZTE Operations Limited [VFS4005.22 and VFS4005.32]; *to the extent that arborists charges are not at the expense of the Te Kowhai aerodrome operator.*
- (f) **Accept in part** Kristine and Marshall Stead [V4.2], **accept in part** Diane and Graham McBride [V8.5], **accept in part** Jordan Metcalfe [V10.3], **accept in part** Greig Metcalfe [V16.3], and **accept in part** Lloyd Davis [V17.1], **accept in part** McCracken Surveys Limited [943.58], **accept in part** Peter and Jackie Gore [V1.3], **accept in part** Sophia Yapp and Simon Barnes [V2.1 and V2.2], **accept in part** Keneth Anderson [V12.1], **accept in part** Kane Lee [V7.1] and **accept in part** Peter and Sylvia Fowler [V18.1]; *to the extent that such submissions relate to cost issues, and* **accept in part** Greig Metcalfe [FS1335.14], GL and DP McBride [FS1347.11], Roger Ranby [VFS4002.4, VFS4002.7, VFS4002.14, VFS4002.17, VFS4002.23, VFS4002.26, VFS4002.28, VFS4002.43, VFS4002.44, and VFS4002.45] and **accept in part** Kit Maxwell [VFS4003.5, VFS4003.10, VFS4003.11, VFS4003.12, VFS4003.15, VFS4003.18, VFS4003.24, VFS4003.27, VFS4003.29, and VFS4003.45] and **accept in part** NZTE Operations Limited [FS1339.101, VFS4005.3, VFS4005.8, VFS4005.13, VFS4005.19, VFS4005.25, VFS4005.30, VFS4005.28, VFS4005.43, VFS4005.44 and VFS4005.45].
- (g) **Accept in part** Kathleen Young [V19.1], **accept in part** Sophia Yapp and Simon Barnes [V2.2], **accept in part** Nardene Berry [V21.1], **accept in part** Bruce Begbie [V23.2], **accept in part** Keneth Anderson [V12.1], **accept in part** Kane Lee [V7.1], **accept in part** Peter and Jackie Gore [V1.3], **accept in part** Phoebe and Imogen Barnes [V9.2], **accept in part** GP Young Family Trust [V15.1], **accept in part** Thetford Farming Limited [V22.1]; *to the extent that such submissions relate to biodiversity and amenity values issues, and* **accept in part** Roger Ranby [VFS4002.4, VFS4002.11, VFS4002.17, VFS4002.30, VFS4002.39, VFS4002.40, VFS4002.43, VFS4002.45 and VFS4002.51] and **accept in part** Kit Maxwell [VFS4003.12, VFS4003.10, VFS4003.15, VFS4003.17, VFS4003.18, VFS4003.21, VFS4003.31, VFS4003.40, VFS4003.50 and 4003.52] and **accept in part** NZTE Operations Limited [VFS4005.4, VFS4005.12, VFS4005.19, VFS4005.22, VFS4005.32, VFS4005.43, VFS4005.45, VFS4005.50, VFS4005.51 and VFS4005.53].
- (h) **Accept in part** Kit Maxwell [V25.3] and **accept in part** Peter and Sylvia Fowler [V18.1] and **accept in part** David Barnes [V13.1] *to the extent that they relate to LIM issues* and **accept in part** Roger Ranby [VFS4002.18, VFS4002.28 and VFS4002.58] and **accept in part** Kit Maxwell [VFS4003.19, VFS4003.29 and VFS4003.59] and **accept in part** NZTE Operations Limited [VFS4005.20, VFS4005.30 and VFS4005.60].

- (i) **Accept in part** Kristine and Marshall Stead [V4.2], **accept in part** Jordan Metcalfe [V10.3], **accept in part** Greig Metcalfe [V16.3], and **accept in part** Lloyd Davis [V17.1] to the extent that they relate to sections 5 and 5(c) of the RMA and **accept in part** Roger Ranby [VFS4002.14, VFS4002.23, VFS4002.26, and VFS4002.48] and **accept in part** Kit Maxwell [VFS4003.5, VFS4003.24, VFS4003.27 and VFS4003.49] and **accept in part** NZTE Operations Limited [VFS4005.13, VFS4005.25, VFS4005.28 and VFS4005.48].
- (j) **Accept in part** Kristine and Marshall Stead [V4.2], **accept in part** Jordan Metcalfe [V10.3], **accept in part** Greig Metcalfe [V16.3], and **accept in part** Lloyd Davis [V17.1] to the extent that they relate to maintenance of amenity values as per RMA 7(c) and **accept in part** Roger Ranby [VFS4002.14, VFS4002.23, VFS4002.26, and VFS4002.48] and **accept in part** Kit Maxwell [VFS4003.5, VFS4003.24, VFS4003.27 and VFS4003.49] and **accept in part** NZTE Operations Limited [VFS4005.13, VFS4005.25, VFS4005.28 and VFS4005.48].
- (k) **Reject** Roger Ranby [V14.1] and **reject** Roger Ranby [VFS4002.19] and **reject** Kit Maxwell [VFS4003.20] and **accept** NZTE Operations Limited [VFS4005.21].
- (l) **Accept in part** Kristine and Marshall Stead [V4.2], **accept in part** Diane and Graham McBride [V8.3], **accept in part** Jordan Metcalfe [V10.3], **accept in part** Greig Metcalfe [V16.3], and **accept in part** Lloyd Davis [V17.1] to the extent that those submissions relate to an aeronautical study and **accept in part** Roger Ranby [VFS4002.5, VFS4002.14, VFS4002.23, VFS4002.26, and VFS4002.48] and **accept in part** Kit Maxwell [VFS4003.5, VFS4003.24, VFS4003.27, VFS4003.43 and VFS4003.49] and **accept in part** NZTE Operations Limited [VFS4005.6, VFS4005.13, VFS4005.25, VFS4005.28 and VFS4005.48].
- (m) **Accept** Jordan Metcalf [V10.2], **accept** Greig Metcalf [V16.2] and **accept** Vikki Madgwick [V24.3] and **accept** Roger Ranby [VFS4002.13, VFS4002.22, and VFS4002.54] and **accept** Kit Maxwell [VFS4003.4, VFS4003.23, and VFS4003.55] and **reject** NZTE Operations Limited [VFS4005.14, VFS4005.24, and VFS4005.56].
- (n) **Accept in part** Kristine and Marshall Stead [V4.1], **Accept in part** Diane and Graham McBride [V8.2], **accept in part** Jordan Metcalfe [V10.1], **accept in part** Greig Metcalfe [V16.1], **accept in part** Lloyd Davis [V17.2], **accept in part** Peter and Sylvia Fowler [V18.2] and **accept in part** Kit Maxwell [V25.1], to the extent that Variation 1 is not to be amended to refer to airfield and **accept in part** Roger Ranby [VFS4002.12, VFS4002.20, VFS4002.27, VFS4002.29, VFS4002.47, and VFS4002.56] and **accept in part** Kit Maxwell [VFS4003.3, VFS4003.22, VFS4003.28, VFS4003.30, VFS4003.42, VFS4003.48 and VFS4003.57] and **accept in part** NZTE Operations Limited [VFS4005.5, VFS4005.13, VFS4005.23, VFS4005.29, VFS4005.31, VFS4005.47 and VFS4005.58].
- (v) **Reject** Peter and Jackie Gore [V1.1] and **reject** Roger Ranby [VFS4002.41] and **reject** Kit Maxwell [VFS4003.8] and **accept** NZTE Operations Limited [VFS4005.41].
- (r) **Accept in part** Vela Holdings Limited [V3.1] such that the inner horizontal surface is to be reduced in size, (and in fact will not be provided at all in response to other submissions) and **accept in part** Roger Ranby [VFS4002.46] and **accept in part** Kit Maxwell [VFS40023.13] and **accept in part** NZTE Operations Limited [VFS4005.46].
- (s) **Reject** Derek Tate [494.1] and **accept** NZTE Operations Limited [FS1339.206].
- (t) **Accept in part** Vikki Madgwick [V24.1] as it relates to low flying aircraft and **accept in part** Roger Ranby [VFS4002.52] and **accept in part** Kit Maxwell [VFS4003.53] and **accept in part** NZTE Operations Limited [VFS4005.54].
- (u) **Accept in part** Vikki Madgwick [V24.2] as it relates to dwelling renovations and **accept in part** Roger Ranby [VFS4002.53] and **accept in part** Kit Maxwell [VFS4003.54] and **accept in part** NZTE Operations Limited [VFS4005.55].

- (u) **Accept in part** Vikki Madgwick [V24.4] and **accept in part** Roger Ranby [VFS4002.55] and **accept in part** Kit Maxwell [VFS4003.56] and **accept in part** NZTE Operations Limited [VFS4005.57]; to the extent that some of the words in PDP Appendix 9 will be deleted.
- (w) **Accept in part** Kit Maxwell [V25.7] such that his property is not excluded from the OLS and **accept in part** Roger Ranby [VFS4002.62] and **accept in part** Kit Maxwell [VFS4003.63] and **accept in part** NZTE Operations Limited [VFS4005.64].
- (x) **Reject** Stanley Ranby [V5.1] and **reject** Roger Ranby [VFS4002.2], **reject** Kit Maxwell [VFS4003.14] and **reject** G and D McBride [VFS4004.1] and **accept** NZTE Operations Limited [VFS4005.2].
- (y) **Accept in part** GP Young Family Trust [V15.1] and **accept in part** Thetford Farming Limited [V22.1], **accept in part** David Barnes [V13.1] and **accept in part** Bruce Begbie [V23.1], **accept in part** Kathleen Young [V19.1] and **accept in part** Peter and Jackie Gore [V1.3] such that PDP Appendix 9 3 Obstacle Limitation Surfaces and 3.3 Inner Horizontal Surface is not deleted or amended and **accept in part** Roger Ranby [VFS4002.18, VFS4002.30, VFS4002.40, VFS4002.43, and VFS4002.50] and **accept in part** Kit Maxwell [VFS4003.10, VFS4003.19, VFS4003.21, VFS4003.31, VFS4003.50, and VFS4003.51] and **accept in part** NZTE Operations Limited [VFS4005.20, VFS4005.22, VFS4005.32, VFS4005.43, VFS4005.51 and VFS4005.52].
- (z) **Accept in part** Greig Metcalfe [602.13], **accept in part** Hounsell Holdings Limited [832.3], **accept in part** Kristine and Marshall Stead [V4.4], and **accept in part** Jordan Metcalf [V10.5], **accept in part** Greig Metcalf [V16.5], **accept in part** Peter and Sylvia Fowler [V18.1] and **accept in part** Kit Maxwell [V25.2 and V25.6] and **accept in part** Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead [FS1154.3], **accept in part** GL & DP McBride [FS1347.9], **accept in part** Roger Ranby [VFS4002.1, VFS4002.16, VFS4002.25, VFS4002.28, and VFS4002.61] and **accept in part** Kit Maxwell [VFS4003.2, VFS4003.7, VFS4003.26, VFS4003.29 and VFS4003.62] and **accept in part** NZTE Operations Limited [FS1339.200, VFS4005.1 VFS4005.17, VFS4005.27, VFS4005.30 and VFS4005.63]; to the extent that the PDP OLS (text and maps) is amended to be like the ODP OLS with some amendments.
- (aa) **Reject** NZTE Operations Limited [V6.1] and **reject** Amanda and Jack Schaaake [V11.1] and **accept** Vikki Madgwick [VFS4000.1], **accept** Greig Metcalf [VFS4001.1 and VFS4001.2], **accept** Kit Maxwell [VFS4003.64 and VFS4003.65] and **accept** G and D McBride [VFS4004.4] and **reject** NZTE Operations Limited [VFS4005.18].

## 9.5 Recommended Amendments

359. I recommend that the PDP Appendix 9 Sections 1, 3, 3.1, 3.2 and 3.3 be changed as follows. An unmarked version of the recommended OLS text can be found in Appendix 8 of this report. Note that the zone names mentioned below will need to be amended (if necessary) to reflect the National Planning Standards.

### I Introduction

This appendix is referred to in the Residential, Business, Industrial, and Rural, Country Living, Village, Reserve and Te Kowhai Airpark, 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 se 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.<sup>44</sup>

The runway is on the following land: Lot 1 DP ~~434641~~ 547712, Section 8 SO 495676 (~~Certificates Records~~ of Title ~~530701~~ 8105283, 755892).<sup>45</sup>

## 2 Runway and Associated Runway Strip

The runway and associated runway strip is defined as follows:

- (a) Runway: the runway is 923.8 metres long and 18 metres wide.
- (b) Runway strip: the runway is contained within the runway strip. The strip is 983.8 metres long and 60 metres wide.
- (c) The coordinates and elevations of the four corners of the strip in terms of Mount Eden Circuit New Zealand Geodetic Datum 2000 and Moturiki datum are as follows:

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

## 3 Obstacle Limitation Surfaces<sup>46</sup>

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 Xm inwards from the western at the end of the runway strip and Xm 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); the sides of the ~~approach~~ surfaces splay outwards from their bases outwards at a rate of 1 vertical 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 metres above Moturiki Datum.

<sup>44</sup> [V4.4, V10.5, V16.5, V18.1, V25.6, VFS4002.1, VFS4002.16, VFS4002.25, VFS4002.28, VF4002.61, VFS4003.2, VFS4003.7, VFS4003.26, VFS4003.29, VFS4003.62, VFS4005.1 VFS4005.17, VFS4005.27, VFS4005.30 and VFS4005.63]

<sup>45</sup> Consequential associated with [V4.4, V10.5, V16.5, V18.1, V25.6, VFS4002.1, VFS4002.16, VFS4002.25, VFS4002.28, VF4002.61, VFS4003.2, VFS4003.7, VFS4003.26, VFS4003.29, VFS4003.62, VFS4005.1 VFS4005.17, VFS4005.27, VFS4005.30 and VFS4005.63].

<sup>46</sup> [V4.4, V10.5, V16.5, V18.1, V25.6, VFS4002.1, VFS4002.16, VFS4002.25, VFS4002.28, VF4002.61, VFS4003.2, VFS4003.7, VFS4003.26, VFS4003.29, VFS4003.62, VFS4005.1 VFS4005.17, VFS4005.27, VFS4005.30 and VFS4005.63 – for all changes to section 3]



### 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~~ 4 horizontal (1:~~5~~ 4) 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 transitional surface bend inwards from the planes of the approach and take-off OLS bases to meet the corresponding height contours of the approach and take-off OLS. This 'inner horizontal' surface at 71.6 metres is 45 metres above aerodrome level and extends from the runway centre line and end of the runway strip out to a distance of 2500m.~~

### ~~3.3 Inner Horizontal Surfaces~~

~~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.~~

## 9.6 Section 32AA evaluation – Amended OLS

### Other reasonably-practicable options

- 360. One option is to retain the OLS text as notified in Variation I.
- 361. Another option is to amend the OLS text in the PDP Appendix 9 to be exactly as that provided in Appendix K to the Operative District Plan (ODP).
- 362. Note that the favoured option seeks the imposition of the ODP Appendix K OLS text, with some appropriate amendments.

### Effectiveness and efficiency

- 363. The amended OLS text will be efficient and effective in achieving the new aerodrome operations objective and the relevant TKAZ objective, both associated with Obstacle Limitation Surfaces.

### Costs and benefits

- 364. The amended OLS (which provides for Visual Flight Rules) would reduce costs to surrounding landowners (some which would have been significant), that would have been imposed under the Variation I OLS proposal, in that a lesser number of properties would need to comply with the District Plan Obstacle Limitation Surface rules. Actual / anticipated level of demand for Instrument Flight Rules (IFR) capability (which was to be provided by the Variation I OLS) at Te Kowhai aerodrome, has not been suitably established. There is no evidence that the Variation I OLS is necessary to support aerodrome operations at Te Kowhai aerodrome in the foreseeable future, and thus it is uncertain that any real benefit would be lost to Te Kowhai aerodrome in reverting to the amended VFR OLS, as recommended.
- 365. Some costs to the flying community are that on occasion they may not be able to utilise the Te Kowhai aerodrome (take-off/ land) if the conditions require that IFR flying be undertaken. In addition, pilots who need to practice their IFR flying skills / get their IFR ratings, may not be able to use Te Kowhai aerodrome for such activities. Furthermore, there are costs to the flying community and the community (in general) in that the following activities may not be able to be undertaken at Te Kowhai aerodrome, at times when such activities require IFR flying.

- Aircraft landing or taking off in an emergency
  - Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere
  - Emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency
  - Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002
  - Aircraft undertaking firefighting duties
  - Air Shows (for one air show per year)
366. While the first two activities listed above may potentially occur on a somewhat more frequent basis, the remaining activities are likely to need to occur on a relatively low frequency, given the location and small-scale nature of the Te Kowhai aerodrome. On balance, the costs to the flying community regarding the above would be somewhat limited.
367. The recommended OLS (VFR) brings benefits to people and the environment, in that it would enable more trees and vegetation in Te Kowhai to be retained, compared with the Variation 1 OLS. This will help maintain amenity values associated with Te Kowhai, as required by section 7(c) of the RMA. The reduced requirements of the recommended amended OLS will help ensure as much as possible that Kahikatea trees within Te Kowhai can remain and that they (along with other trees/vegetation) will be able to provide appropriate bat and other bird habitat (particularly given that the native bats are in danger of extinction and are a high priority for conservation).
368. The reduced OLS will ensure that positive environmental impacts associated with forestry stands (native and exotic) can continue into the future. Another benefit of the amended OLS, is that by reducing the number of properties affected by the OLS, it recognises the significant time and money landowners in the area have already committed to protecting Kahikatea remnants from stock. The amended OLS would provide a greater level of consistency with PDP Indigenous Vegetation and Habitat Policy 3.1.2(b).
369. Another benefit of the amended OLS is that it would reduce the number of properties which would have the OLS notation on them on Land Information Memorandum (LIM's). The Variation 1 OLS would have been identified on a large number of properties LIMS, but the actual restrictions for the majority of property owners may have been very little, when the Variation 1 OLS requirement on such properties is over 40m (131 feet) high. Council would have incurred costs in responding to public enquiries.
370. The amended OLS as proposed brings wider community benefit, in that it helps reduce potential effects on the less than 10% indigenous vegetation cover left in Te Kowhai and helps with retention of Kahikatea within New Zealand.
371. The amended OLS would provide benefits for people and the community as it would provide for aviation safety associated with Te Kowhai aerodrome.

### **Risk of acting or not acting**

372. There is some uncertainty about the safety of the Variation 1 OLS, in that it is located close to ground level in some locations and does not take into account (and adjust for) the specifics of the topography of the area underneath the Variation 1 OLS. Providing for aircraft to operate close to the ground appears to provide a questionable safety margin. Furthermore, this does not appear to appropriately take into consideration the safety of people and communities, as required by Part 5(2) of the RMA.

373. There is insufficient information available on the factors considered in the design of the notified OLS, especially regarding the close proximity of the horizontal surface to the ground in some places. This leaves uncertainty as to whether the notified VI OLS would incur safety risks and it is prudent not to act to implement it as was proposed.

### Decision about most appropriate option

374. The amended OLS text (amended PDP Appendix 9 text) is the most appropriate way to achieve the new aerodrome operations Objective 4.4.1A(a) (Residential and Village Zones), Objective 4.5.43 (a) Business and Business Tamahere Zones, Objective 4.6.10 (a) (Industrial Zone), Objective 5.3A (Rural Zone), Objective 5.6.20(a) (Country Living Zone) and Objective 8.7(a) Reserves Zone (all as discussed in the following section of this report (section 10)). The amended OLS text (amended PDP Appendix 9 text) is the most appropriate way to achieve Objective 9.2.1 Te Kowhai Airpark.

## 10 Airport Obstacle Limitation Surface (OLS) Zone Rules

### 10.1 Overview

375. The previous section of this report addressed the design and mapping of the Te Kowhai OLS. This section addresses submissions on the OLS rules in each zone. The rules control the height of building and vegetation within an OLS.
376. These rules are not specific to Te Kowhai aerodrome. The PDP contains an OLS associated with Hamilton Airport<sup>47</sup> as well as Te Kowhai, and the Hearings Panel will hear submissions at another hearing asking for a new OLS around the Mercer Airfield.<sup>48</sup> Future plan changes could add more OLS. Generic drafting enables the rules to be extended readily to other OLS as needed.

### 10.2 Submissions on the Plan as notified

377. A number of submissions were received relating to Airport Obstacle Limitation Surface rules in eight separate zones.

Submission point	Submitter	Summary of submission
<i>Residential Zone</i>		
471.52	Andrew Wood for CKL	Amend Rule 16.3.3.3 DI Height - Buildings, structures and vegetation within an airport obstacle limitation surface to be a restricted discretionary activity.
<i>FS1253.2</i>	<i>Waikato Regional Airport Limited</i>	<i>Oppose</i>

<sup>47</sup> The Hamilton Airport OLS is the subject of designation NI, and therefore regulated separately from the rules of the plan. However, the PDP as notified does include an OLS rule in the Tamahere Business Zone, which could only apply to the Hamilton Airport OLS.

<sup>48</sup> Submission 921 – Mercer Airport

Submission point	Submitter	Summary of submission
FSI 269.129	Housing New Zealand Corporation	Support
FSI 308.181	The Surveying Company	Support
697.131	Waikato District Council	Amend Rule 16.3.3.3 PI Height - Buildings, structures and vegetation within an airport obstacle limitation surface to read as follows: <u>Any</u> building, structure or vegetation must not protrude through <del>any</del> the airport obstacle limitation surface <u>as</u> identified <u>on the planning maps and</u> in Appendix 9 - Te Kowhai Airfield <del>park</del> and <u>defined in Section E, Designation N – Waikato Regional Airport as shown on the planning maps.</u>
FSI 253.3	Waikato Regional Airport Limited	Support
FSI 339.87	NZTE Operations Limited	Support
697.132	Waikato District Council	Amend Rule 16.3.3.3 DI Height - Buildings, structures and vegetation within an airport obstacle limitation surface to read as follows: <u>Any</u> building, structure or vegetation that does not comply with Rule 16.3.3.3 PI
FSI 253.4	Waikato Regional Airport Limited	Support
FSI 339.88	NZTE Operations Limited	Support
823.7	NZTE Operations Limited	Rule 16.3.3.3 PI amend to read: <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps. DI amend to read <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 16.3.3.3 PI.
FSI 178.7	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson.	Oppose
FSI 253.5	Waikato Regional Airport Limited	Support
<b>Business Zone</b>		
697.201	Waikato District Council	Amend Rule 17.3.1.2 PI Height - Buildings, structures and vegetation within an airport obstacle limitation surface, as follows: Any building, structure or vegetation must not protrude through the airport obstacle limitation surfaces <del>as shown</del> <u>identified on the planning maps and in Appendix 9 – Te Kowhai</u>

Submission point	Submitter	Summary of submission
		<u>Airfield, and defined in Section E Designation N Waikato Regional Airport.</u>
FSI 253.7	Waikato Regional Airport Limited	Support
FSI 339.91	NZTE Operations Limited	Support
697.305	Waikato District Council	Amend Rule 17.3.1.2 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
FSI 253.8	Waikato Regional Airport Limited	Oppose
FSI 339.92	NZTE Operations Limited	Support
823.8	NZTE Operations Limited	Rule 17.3.1.2 PI amend to read: Any building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps. DI amend to read Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 17.3.1.2 PI.
FSI 178.8	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson.	Oppose
FSI 253.9	Waikato Regional Airport Limited	Support
<b>Business Zone Tamahere</b>		
697.451	Waikato District Council	Amend Rule 19.3.2 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
FSI 253.10	Waikato Regional Airport Ltd	Oppose
697.597	Waikato District Council	Amend the heading to Rule 19.3.2 Buildings, structures, vegetation and objects within an airport obstacle limitation surface, as follows: Buildings, structures; <u>and</u> vegetation <del>and objects</del> within an airport obstacle limitation surface.
FSI 253.11	Waikato Regional Airport Ltd	Support
697.598	Waikato District Council	Amend Rule 19.3.2 PI Buildings, structures, vegetation and objects within an airport obstacle limitation surface, as follows: Any building, structure or vegetation must not protrude through any airport obstacle limitation surface <del>as shown</del>

Submission point	Submitter	Summary of submission
		<u>identified</u> on the planning maps <u>and defined in Section E Designation N Waikato Regional Airport.</u>
FSI 253.12	Waikato Regional Airport Ltd	Support
<b>Industrial Zone</b>		
697.452	Waikato District Council	Amend Rule 20.3.3 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
FSI 253.13	Waikato Regional Airport Limited	Oppose
697.642	Waikato District Council	Amend Rule 20.3.3 PI Height - Buildings, structures and vegetation within an airport obstacle limitation surface, to read as follows: <u>Any</u> building, structure or vegetation must not protrude through <del>an</del> <u>the</u> airport obstacle limitation surface as <del>shown</del> <u>identified</u> on the planning maps and <u>defined in Section E Designation N - Waikato Regional Airport.</u>
FSI 253.14	Waikato Regional Airport Limited	Support
697.643	Waikato District Council	Amend Rule 20.3.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface, NC I to be DI read as follows: <del>NC I</del> DI <u>Any</u> building, structure or vegetation that does not comply with Rule 20.3.3. PI
FSI 253.15	Waikato Regional Airport Limited	Support
823.9	NZTE Operations Limited	Rule 20.3.3 PI amend to read: <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps. DI amend to read <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 20.3.3 PI.
FSI 253.16	Waikato Regional Airport Limited	Support
<b>Rural Zone</b>		
697.453	Waikato District Council	Amend Rule 22.3.4.3 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
FSI 253.17	Waikato Regional Airport Limited	Oppose
697.802	Waikato District Council	Amend Rule 22.3.4.3 Buildings, structures and vegetation within an airport obstacle limitation surface PI to read as follows: <u>Any</u> building, structure or vegetation must not protrude through <del>any</del> <u>the</u> Airport Obstacle Limitation Surface as <del>shown</del> <u>identified</u> on the planning maps <u>and defined in Section E Designation N – Waikato Regional Airport.</u>

Submission point	Submitter	Summary of submission
FSI 253.18	Waikato Regional Airport Limited	Support
697.803	Waikato District Council	Amend Rule 22.3.4.3 Buildings, structures and vegetation within an airport obstacle limitation surface NCI to read as follows: NCI- DI <u>Any</u> building, structure or vegetation that does not comply with Rule 22.3.4.3 PI.
FSI 253.19	Waikato Regional Airport Limited	Support
823.10	NZTE Operations Limited	Rule 22.3.4.3 PI amend to read: <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface <u>identified in Appendix 9 Te Kowhai Airpark and</u> as shown on the planning maps. DI amend to read <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 22.3.4.3 PI.
FSI 178.10	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson	Oppose
FSI 253.20	Waikato Regional Airport Limited	Support
FSI 302.18	Mercer Airport	Support
<b>Country Living Zone</b>		
697.454	Waikato District Council	Amend Rule 23.3.4.2 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
FSI 253.22	Waikato Regional Airport Limited	Oppose
697.894	Waikato District Council	Amend Rule 23.3.4.2 PI Height - Buildings, structures and vegetation within an airport obstacle limitation surface, to read as follows: Any building, structure or vegetation <del>that does</del> <u>must</u> not protrude through <del>any the</del> airport obstacle limitation surface as <del>shown</del> <u>identified</u> on the planning maps <u>in Appendix 9 – Te Kowhai Airfield, and defined in Section E, Designation N – Waikato Regional Airport.</u>
FSI 253.24	Waikato Regional Airport Limited	Support
FSI 339.96	NZTE Operations Limited	Support
697.895	Waikato District Council	Amend Rule 23.3.4.2 NCI Height - Buildings, structures and vegetation within an airport obstacle limitation surface to become DI and to read as follows:

Submission point	Submitter	Summary of submission
		<del>NCI</del> D1 <u>Any</u> building, structure or vegetation that does not comply with Rule 23.3.4.2 PI.
FSI 253.25	Waikato Regional Airport Limited	Support
823.11	NZTE Operations Limited	Rule 23.3.4.2 PI amend to read: <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation must <del>that</del> <del>does not</del> protrude through any airport obstacle limitation surface <u>identified in Appendix 9 Te Kowhai Airpark and</u> as shown on the planning maps. NCI amend to read <del>NCI</del> <u>D1</u> <u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 22.3.4.3 PI.
FSI 178.11	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson	Oppose
FSI 253.26	Waikato Regional Airport Ltd	Support
Village Zone		
697.455	Waikato District Council	Amend Rule 24.3.3.2 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
FSI 253.34	Waikato Regional Airport Ltd	Oppose
FSI 339.98	NZTE Operations Limited	Support
697.979	Waikato District Council	Amend Rule 24.3.3.2 PI Height-Buildings structures or vegetation within an airport obstacle limitation surface, to read as follows: <u>Any</u> building, structure or vegetation must not protrude through the airport obstacle limitation surface as identified <u>on the planning maps and defined in Appendix 9 - Te Kowhai Airpark. and as shown on the planning maps.</u>
FSI 253.35	Waikato Regional Airport Limited	Support
FSI 339.99	NZTE Operations Limited	Support
697.980	Waikato District Council	Amend Rule 24.3.3.2 D1 Height - Buildings structures or vegetation within an airport obstacle limitation surface, to read as follows: <u>Any</u> building, structure or vegetation that does not comply with Rule 24.3.3.2 PI.
FSI 253.36	Waikato Regional Airport Limited	Support



Submission point	Submitter	Summary of submission
FSI 339.100	NZTE Operations Limited	Support
602.2	Greig Metcalfe	<p>24.3.3.2 Amend as follows:</p> <p>PI A building, structure, <del>or vegetation</del> must not protrude through the airport obstacle limitation surface as identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps.</p> <p>DI</p> <p>A building, structure, <del>or vegetation</del> that does not comply with Rule 24.3.3.2 PI.</p> <p>OR:</p> <p>PI A building, structure, or vegetation <u>not already existing at 18 July 2018</u> must not protrude through the airport obstacle limitation surface as identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps.</p> <p>AND: Any consequential amendments to 24.3.3</p>
FSI 339.97	NZTE Operations Limited	Oppose
FSI 347.5	G L & DP McBride	Support
FSI 388.1026	Mercury NZ Limited for Mercury E	Oppose
823.12	NZTE Operations Limited	<p>Rule 24.3.3.2 PI amend to read:</p> <p><u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps.</p> <p>DI amend to read</p> <p><u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 24.3.3.2 PI.</p>
FSI 178.12	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson	Oppose
FSI 253.37	Waikato Regional Airport Ltd	Support
FSI 335.11	Greig Metcalfe	Oppose
943.58	McCracken Surveys	<p>No specific decision sought, but the submission opposes Rule 24.3.3.2 PI - Building, structures or vegetation within an Airport Obstacle Limitation Surface due to a number of effects that the Obstacle Limitation Surface (with respect to the Te Kowhai Airfield) will have on landowners including;</p> <ul style="list-style-type: none"> <li>• Requirements for tree topping/removal/ prevention of planting.</li> <li>• No clarity where costs lie to removal any infringing obstacle.</li> </ul>

Submission point	Submitter	Summary of submission
		<ul style="list-style-type: none"> <li>• Increase setbacks from existing obstacle limitation surface.</li> <li>• Two storey dwellings precluded by up to 8m linear.</li> <li>• Not known if other items will be prohibited/regulated other than structures, or whether any types of storage or lighting is permissible.</li> <li>• A number of additional points were also raised.</li> </ul>
FSI 335.14	Greig Metcalfe	Support
FSI 339.101	NZTE Operations Limited	Oppose
FSI 347.11	GL & DP McBride	Support
Reserve Zone		
697.409	Waikato District Council	<p>Amend Rule 25.3.1.2 Height - Building, structures, vegetation, and objects within an airport obstacle limitation surface, as follows:</p> <p>PI <u>Any</u> building, structure or vegetation must not protrude through <del>any</del> <u>the</u> airport obstacle limitation surface <u>identified on the planning maps and</u> in Appendix 9 – Te Kowhai Airfield, and defined in Section E Designation N Waikato Regional Airport.</p> <p><del>NC D1</del> <u>Any</u> building, structure or vegetation that does not comply with Rule 25.3.1.2 PI.</p>
FSI 339.102	NZTE Operations Limited	Support
823.13	NZTE Operations Limited	<p>Rule 25.3.1.2 PI amend to read:</p> <p><u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and defined in Section E, Designation N – Waikato Regional Airport.</p> <p>NCI amend to read</p> <p><del>NC D1</del></p> <p><u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule 25.3.1.2 PI.</p>
FSI 178.13	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson	Oppose
FSI 253.40	Waikato Regional Airport Limited	Support

## Variation I submissions

Submission point	Submitter	Summary of submission
VI.2	Peter and Jackie Gore	Amend Appendix 9: Te Kowhai Airfield to consider mitigation of the effects of noise, with a 50dba noise restriction overlaid vertically to 300m for aeroplanes.
VFS4002.42	Roger Ranby	Support
VFS4003.9	Kit Maxwell	Support
VFS4005.42	NZTE Operations Limited	Oppose
V4.2	Kristine and Marshall Stead	Delete Variation I –Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.48	Roger Ranby	Support
VFS4003.49	Kit Maxwell	Support
VFS4005.48	NZTE Operations Limited	Oppose
V4.3	Kristine and Marshall Stead	Amend Variation I to include the best practicable options to control the emission of noise from the Airfield. Controls should include: <ul style="list-style-type: none"> <li>• number of aircraft movements; and</li> <li>• hours of the Airfield's operation to limit night flying; and</li> <li>• A Comprehensive Noise Management Plan prepared through consultation with affected landowners.</li> </ul>
VFS4002.49	Roger Ranby	Support
VFS4003.1	Kit Maxwell	Support
VFS4005.49	NZTE Operations Limited	Oppose
V8.6	Diane and Graham McBride	Delete Variation I Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.8	Roger Ranby	Support
VFS4003.45	Kit Maxwell	Support
VFS4005.9	NZTE Operations Limited	Oppose
V8.7	Diane and Graham McBride	Amend Chapter 27: Te Kowhai Airpark Zone to include the following measures; <ul style="list-style-type: none"> <li>• Hours of operation to limit night flying;</li> <li>• Require the Airfield to operate under a Comprehensive Noise Management Plan prepared through consultation with affected landowners,</li> <li>• Prescribe noise limits on aircraft engine noise,</li> <li>• Restrict aircraft movement to an agreed number, arrived at by consultation with the community.</li> <li>• Prohibit 'simulated engine failures' at Te Kowhai Airfield</li> <li>• Prohibit IFR flying</li> <li>• Prohibit Commercial flight training/school, and</li> <li>• That Inner Noise and Outer Noise Boundaries provisions and absolute upper limits, or their</li> </ul>

		equivalent, be mandatory for the protection of residents under the Approach Surface and the Variation I OLS. OR Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to include the previous measures.
VFS4002.9	Roger Ranby	Support
VFS4003.47	Kit Maxwell	Support
VFS4005.10	NZTE Operations Limited	Oppose
VI0.3	Jordan Metcalf	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.14	Roger Ranby	Support
VFS4003.5	Kit Maxwell	Support
VFS4005.15	NZTE Operations Limited	Oppose
VI0.4	Jordan Metcalf	Amend Variation I to include the best practicable options to control the emission of noise from the Airfield. Controls should include: <ul style="list-style-type: none"> <li>• maximum of 21,000 aircraft movements</li> <li>• hours of the Airfield's operation to limit night flying; and</li> <li>• an Airpark Management Plan and</li> <li>• a Comprehensive Noise Management Plan prepared through consultation with affected landowners.</li> </ul>
VFS4002.15	Roger Ranby	Support
VFS4003.6	Kit Maxwell	Support
VFS4004.2	G and D McBride	Oppose
VFS4005.16	NZTE Operations Limited	Oppose
VI6.3	Greg Metcalfe	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.23	Roger Ranby	Support
VFS4003.24	Kit Maxwell	Support
VFS4005.25	NZTE Operations Limited	Oppose
VI6.4	Greig Metcalfe	Amend Variation I to include the best practicable options to control the emission of noise from the Airfield. Controls should include: <ul style="list-style-type: none"> <li>• maximum of 21,000 aircraft movements</li> <li>• hours of the Airfield's operation to limit night flying; and</li> <li>• an Airpark Management Plan and</li> <li>• a Comprehensive Noise Management Plan prepared through consultation with affected landowners.</li> </ul>
VFS4002.24	Roger Ranby	Support
VFS4003.25	Kit Maxwell	Support
VFS4004.3	G and D McBride	Oppose

VFS4005.26	NZTE Operations Limited	Oppose
VI7.1	Lloyd Davis	Delete Variation I – Te Kowhai Airport Obstacle Limitation Surface.
VFS4002.26	Roger Ranby	Support
VFS4003.27	Kit Maxwell	Support
VFS4005.28	NZTE Operations Limited	Oppose
VI7.2	Lloyd Davis	Amend Variation I – Te Kowhai Airport OLS to replace “Airport” with “Airfield” throughout Variation I.
VFS4002.27	Roger Ranby	Support
VFS4003.28	Kit Maxwell	Support
VFS4005.29	NZTE Operations Limited	Support
VI8.1	Peter and Sylvia Fowler	Amend Variation I – Te Kowhai Airport Obstacle Limitation Surface to adopt the existing Obstacle Limitation Surfaces from the Operative District Plan (2013).
VFS4002.28	Roger Ranby	Support
VFS4003.29	Kit Maxwell	Support
VFS4005.30	NZTE Operations Limited	Oppose
VI9.2	Kathleen Young	Amend Rule 16.3.3.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.
VFS4002.31	Roger Ranby	Support
VFS4003.32	Kit Maxwell	Support
VFS4005.33	NZTE Operations Limited	Oppose
VI9.3	Kathleen Young	Amend Rule 17.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.
VFS4002.32	Roger Ranby	Support
VFS4003.33	Kit Maxwell	Support
VFS4005.34	NZTE Operations Limited	Oppose
VI9.4	Kathleen Young	Amend Rule 20.3.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.
VFS4002.33	Roger Ranby	Support
VFS4003.34	Kit Maxwell	Support
VFS4005.35	NZTE Operations Limited	Oppose
VI9.5	Kathleen Young	Amend Rule 22.3.4.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.

VFS4002.34	Roger Ranby	Support
VFS4003.35	Kit Maxwell	Support
VFS4005.36	NZTE Operations Limited	Oppose
V19.6	Kathleen Young	Amend Rule 23.3.4.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.
VFS4002.35	Roger Ranby	Support
VFS4003.36	Kit Maxwell	Support
VFS4005.37	NZTE Operations Limited	Oppose
V19.7	Kathleen Young	Amend Rule 24.3.3.2 Height - Buildings, structures or vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.
VFS4002.36	Roger Ranby	Support
VFS4003.37	Kit Maxwell	Support
VFS4005.38	NZTE Operations Limited	Oppose
V19.8	Kathleen Young	Amend Rule 25.3.1.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.
VFS4002.37	Roger Ranby	Support
VFS4003.38	Kit Maxwell	Support
VFS4005.39	NZTE Operations Limited	Oppose
V19.9	Kathleen Young	Amend Rule 27.3.1 Height of buildings, structures, trees and other vegetation within an airport obstacle limitation surface to exclude existing indigenous trees from the height control.
VFS4002.38	Roger Ranby	Support
VFS4003.39	Kit Maxwell	Support
VFS4005.40	NZTE Operations Limited	Oppose
V21.1	Nardene Berry	Amend Variation 1 – Te Kowhai Airport Obstacle Limitation Surface to not apply to properties with existing native vegetation OR Amend Rule 22.3.4.3 Height – Buildings, structures and vegetation within an airport obstacle limitation surface to not apply to existing native vegetation.
VFS4002.39	Roger Ranby	Support
VFS4003.40	Kit Maxwell	Support
VFS4005.50	NZTE Operations Limited	Oppose
V25.4	Kit Maxwell	Amend Variation 1 to include Airfield Rules to impose a night flying curfew at 9.00pm or dark whichever is sooner.

VFS4002.59	Roger Ranby	Support
VFS4003.60	Kit Maxwell	Support
VFS4005.61	NZTE Operations Limited	Oppose
V25.5	Kit Maxwell	Amend the Airfield rules to ban EFATO activity within the OLS and to limit flying schools and itinerant flyer activities to a weekly count by a fair and open movements monitoring system.
VFS4002.60	Roger Ranby	Support
VFS4003.61	Kit Maxwell	Support
VFS4005.62	NZTE Operations Limited	Oppose

### 10.3 Analysis

378. PDP OLS rules restrict the height of buildings, structures and vegetation (and may also specifically refer to trees – refer discussion below) within an OLS. Anything considered a “building, structure, (trees – potentially) or vegetation” (existing or future), would not be allowed to protrude through the OLS as a permitted activity. These rules (with similar though not identical wording) are included in the Residential, Business, Business Tamahere, Industrial, Rural, Country Living, Village, Reserve and Te Kowhai Airpark zones.<sup>49</sup>
379. Waikato District Council’s submissions [697.131, 697.201, 697.598, 697.642, 697.802, 697.894, 697.979 and 697.409] generally seek consistency for permitted activity rule wording across the following zones: Residential, Business, Business Tamahere, Industrial, Rural, Country Living, Village and Reserve, that apply to protrusions into the OLS. Submissions seek a permitted activity OLS height rule in all relevant zones that reads as follows.

**Rule X Height - Buildings, structures and vegetation within an airport obstacle limitation surface**

PI	Any building, structure or vegetation <del>that does</del> <b>must</b> not protrude through <del>any / an the</del> airport obstacle limitation surface <b>as shown identified on the planning maps and defined</b> in Appendix 9 – Te Kowhai Airfield and <b>defined in Section E, Designation N – Waikato Regional Airport. as shown on the planning maps</b>
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380. Waikato Regional Airport Limited’s further submissions [FS1253.3, FS1253.7, FS1253.12, FS1253.14, FS1253.18, FS1253.20, FS1253.24, FS1253.26, FS1253.35, and FS1253.40] were largely in support of the wording above. However, Waikato Regional Airport Limited (further submissions) also sought that “Waikato Regional Airport” be changed to refer to “Hamilton Airport” instead, which would be consistent with their original submission point 741.1. Regarding OLS rules, I recommend that this change not be made, as the OLS rules refer to the Notice of Requirement for Designation reference, which is referred to as Designation N – Waikato Regional Airport Limited; and is not the Hamilton Airport.
381. NZTE Operations Limited’s further submissions were largely in support of the Waikato District Council wording above [in support FS1339.87, FS1339.91, FS1339.96, FS1339.99, FS1339.102].

<sup>49</sup> Rules 16.3.3.3; 17.3.1.2; 19.3.2; 20.3.3; 22.3.4.3; 23.3.4.2; 24.3.3.2; 25.3.1.2 and 27.3.1

382. I recommend that the Hearing Panel accept the changes proposed by WDC above, because the rules will be clearer and easier to understand, as well as being consistent. I therefore recommend that the Panel accept Waikato District Council [697.131, 697.201, 697.598, 697.642, 697.802, 697.894, 697.979 and 697.409], accept Waikato Regional Airport Limited [FS1253.3, FS1253.7, FS1253.12, FS1253.14, FS1253.18, FS1253.20, FS1253.24, FS1253.26, FS1253.35, and FS1253.40], and accept the NZTE Operations Limited [FS1339.87, FS1339.91, FS1339.96, FS1339.99, and FS1339.102].
383. NZTE Operations Limited's submissions [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13] requested that additional changes be made (the words underlined and italicised below) to the permitted activity OLS height rules in the following zones: Residential, Business, Business Tamahere, Industrial, Rural, Country Living, Village and Reserve.

**Rule X Height - Buildings, structures and vegetation within an airport obstacle limitation surface**

PI	<u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation etc..
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384. Waikato Regional Airport Limited further submissions [FS1253.5, FS1253.9, FS1253.16, FS1253.20, FS1253.26, FS1253.37, and FS1253.40] support the request to add "trees or other vegetation". Mercer Airport's further submission [FS1302.18] also supports the amendment sought by NZTE Operations Limited [823.10].
385. It is possible that people would be more likely to seek planning advice related to buildings and structures as opposed to trees/vegetation. However, I recommend that the amendment referring to trees and other vegetation be made to the rules dealing with the OLS because:
- Policy 9.2.1.6 (b) specifically refers to trees and other vegetation and including the word "trees" and retaining the words "other vegetation" within zone rules will help implement the policy.
  - Specifying trees provides clarity, avoiding uncertainty of interpretation.
  - There are other PDP rules relating to trees/vegetation, namely notable tree rules and indigenous vegetation clearance. Accordingly, another rule relating to trees/vegetation is not out of place within a district plan and is within the functions of a territorial authority under S31 of the RMA.
  - The following district plans contain rules that restrict (in some manner) all trees in relation to the OLS:
    - Thames-Coromandel District Plan Appeals Version – 17 October 2019
    - Waipa District Plan 2016
    - Auckland Unitary Plan
    - Hastings District Plan Decisions Version
    - Kapiti Coast District Council Proposed District Plan Appeals Version 2018.
  - Restricting the height of buildings, structures, trees and other vegetation would be consistent with the definition of "obstacle" in NZCAA Advisory Circular AC139-7.
386. NZTE Operations Limited [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13] also sought a name change be made to PDP Appendix 9: Te Kowhai Airfieldpark. However, as discussed in section 6 of this report, I recommend that PDP Appendix 9 be changed as follows: PDP Appendix 9: Te Kowhai Airfield Aerodrome. I therefore recommend that the Panel accept in part NZTE Operations Limited [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13], to the extent that the name change to PDP Appendix 9: Te Kowhai Airfieldpark is not provided for.



387. Greig Metcalfe's submission [602.2] opposes inclusion of the word "vegetation" specifically as it relates to Rule 24.3.3.2 (Village Zone), and notes that the Operative District Plan OLS rules do not control trees or vegetation. Similar PDP rules in the following zones also refer to "vegetation": Residential, Business, Industrial, Rural, Country Living, Reserve and Te Kowhai Airpark. I do not support removing vegetation from the rule, as vegetation protruding through the OLS poses an obvious risk to aircraft. I therefore recommend that the Panel reject Greig Metcalfe [602.2], reject GL & DP McBride [FS1347.5] and accept NZTE Operations Limited [FS1339.97].
388. Greig Metcalfe [602.2], Kathleen Young [V19.2, V19.3, V19.4, V19.5, V19.6, V19.7, V19.8, V19.9] and Nardene Berry [V21.1] seek exclusions from the OLS, by either excluding (native) vegetation existing at a specified date or excluding properties with existing native vegetation.
389. Mr Metcalfe states: "*The property legally described as Lot 2 DP 456538 (CFR 590290) contains a large number of trees that will breach the proposed OLS and will benefit from existing use rights pursuant to s10 of the RMA.*" I am uncertain that existing use rights could be confirmed with respect to trees and/or vegetation, given that the effects may not be the same or similar in character, intensity and scale. Despite this, I consider that existing use rights are not a matter for determination at a district plan hearing.
390. Policy 9.2.1.6 (b) states "*...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.*" Leaving the words "trees and other vegetation" in all relevant rules would be consistent with Policy 9.2.1.6(b). However, the exclusions in the submissions as requested by Greig Metcalfe, Kathleen Young and Nardene Berry would not implement Policy 9.2.1.6, in that such vegetation (whether exotic or indigenous) could create a potential hazard to the flight paths of aircraft and/or other operations at Te Kowhai aerodrome. Therefore, I recommend that the Panel accept in part the submissions by Greig Metcalfe, Kathleen Young and Nardene Berry where they seek exclusions from the vegetation height controls, with the associated further submissions decided consequentially.
391. Taking into account the above, the recommended final rule wording for all relevant zones would be that as below.

**Rule X<sup>50</sup> Height - Buildings, structures, **trees**, and vegetation within an airport obstacle limitation surface**

PI	<u>Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</u>
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392. I consider that the above rule would apply to all existing and future trees and vegetation.
393. I therefore recommend that the Panel accept NZTE Operations Limited, accept Waikato Regional Airport Limited and Mercer Airport, and reject Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson and Greig Metcalfe.
394. As a consequence of amending the permitted activity OLS rules as detailed above, a new objective and policy as detailed below are recommended to be included in the PDP.

**Objective – Aerodrome operations**  
To enable the ongoing operation and development of aerodromes within the District.

<sup>50</sup> Rules 16.3.3.3; 17.3.1.2; 19.3.2; 20.3.3; 22.3.4.3; 23.3.4.2; 24.3.3.2; 25.3.1.2 and 27.3.1

### **Policy**

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

395. The new objective and policy above will help plan users when considering any failure to comply with the permitted activity OLS rules.

### *Rules headings*

396. Waikato District Council's submission [697.597] sought that the heading of Rule 19.3.2 in the Business Zone Tamahere be amended as follows: Buildings, structures, and vegetation ~~and objects~~ within an airport obstacle limitation surface. Waikato Regional Airport [FS1253.11] supported this. These amendments would appropriately reflect the nature of the amended rule. I consider that the word "structures" would cover "objects". I recommend that the Panel accept Waikato District Council [697.597] and accept Waikato Regional Airport Limited [FS1253.11].

397. I suggest that the rules headings also include trees, so that the headings read:

Buildings, structures, trees and vegetation ~~and objects~~ within an airport obstacle limitation surface

398. This is a consequential amendment following NZTE Operations Limited's submissions [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13] for trees to be added to the permitted activity rule text.

### *Permitted Activity Rule in Te Kowhai Airpark Zone*

399. There appears to be an inconsistent approach to drafting in the general building height rules and the airport obstacle limitation surface rules. Within the Te Kowhai Airpark the general building height rules and the airport obstacle limitation surface rules are within one rule, while in the other zones, the general building height rules are in a separate rule to the airport obstacle limitation surface rule.
400. To ensure consistency across the district plan, I recommend that the Panel consider amending the rules in the Te Kowhai Airpark Zone, to create a new general building height rule entitled "Height – Building General", which would have the general height requirements from the current Te Kowhai Airpark rule moved into this new rule, and to amend notified Rule 27.3.1 to read "Buildings, structures, trees and vegetation within an airport obstacle limitation surface", retaining requirements relating to the OLS.
401. Consequential changes to the new Height – Building General Rule (27.3.1A) are required to remove references to trees or other vegetation and to delete RD1(b)(ii), as the assessment criteria will remain with amended Rule 27.3.1. I would also recommend that the Panel consider deleting Rule 27.3.1A D1, as there is no way to "fail to comply with Rule 27.3.1A RD1" as required by Rule 27.3.1A D1, therefore there will never be an opportunity to apply for resource consent under Rule 27.3.1A D1.
402. This would satisfy Waikato District Council's submissions [697.131, 697.201, 697.598, 697.642, 697.802, 697.894, 697.979 and 697.409], which generally seek consistency for permitted activity rule wording across specified zones.

### *Permitted Activity Rule in Rural Zone*

403. In responding to Waikato District Council's submission [697.800], the s42A report author for Rural Zone – Landuse report<sup>51</sup> recommended that Rural Zone Rule 22.3.4.3 (relating to the OLS height restrictions) have the following words added to it:

Where the Airport Obstacle Limitation Surface is lower than the height otherwise permitted in Rule 22.3.4.1 or 22.3.4.2, then the lesser surface height applies. Note: refer Appendix N for determining the permitted height.

404. I disagree with having the recommended changes made to all zone OLS height rules, including Rule 22.3.4.3, because the recommended text could potentially create further confusion in two respects. Firstly, it is not clear that compliance with both the general building height rule and the OLS height rule is required, even where the OLS height restriction is lower than the general building height rule. Secondly, the note only refers to PDP Appendix N, which relates to the Hamilton Airport OLS and has less weight than a rule. Rule 22.3.4.3 will also relate to the Te Kowhai aerodrome, therefore reference to the Te Kowhai OLS requirements in PDP Appendix 9 would also be required if that text were to be put into the district plan.
405. It is my opinion that the text recommended by the s42A rural report author above should not be incorporated into the district plan. That way, general planning principles of interpretation will apply, such that people will be required to comply with both the general building height rule for their zone and with the OLS height rule where relevant.

### *Summary – permitted activity rules*

406. I recommend that the Panel add the word “trees”, and retain the words “other vegetation”, and include other amendments as shown below.
- Amend the heading in zones (as relevant) of the OLS rule to read as follows: Buildings, structures, trees and vegetation and objects within an airport obstacle limitation surface
  - Amend permitted activity OLS rules in zones (as relevant) to read as follows: Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.

### *OLS height calculation*

407. Waikato District Council [697.305, 697.451, 697.452, 697.453, 697.454 and 697.455] submitted that Business Zone Rule 17.3.1.2, Business Zone Tamahere Rule 19.3.2, Industrial Zone Rule 20.3.3, Rural Zone Rule 22.3.4.3, Country Living Zone Rule 23.3.4.2, and Village Zone Rule 24.3.3.2 - Buildings, structures and vegetation within an airport obstacle limitation surface, be amended to include a calculation to determine the permitted height with the airport obstacle limitation surface. WDC also mentioned the planning maps. WDC referred to the Waikato Regional Airport and did not refer to the Te Kowhai Airport.
408. Some of the above submission points also apply to Variation I and the OLS at Te Kowhai Airport. Some of the above submissions were addressed in other s42A reports, in a variety of ways. This includes a recommendation by the s42A report author of the Business and Business Town Centre Zones<sup>52</sup> that the Hearing Panel direct that amendments to the Planning Maps be undertaken to show the relevant heights at regular intervals, with respect to the Hamilton Airport (and not the Te Kowhai Aerodrome). Taking into account the s42A Rural Zone report assessments below, it is my opinion that the planning maps should not be amended to show

<sup>51</sup> Hearing 18 – Section 42A report, Rural Objectives Policies and Land Use Rules, Page 353, paragraph 622

<sup>52</sup> Hearing 10 – Section 42A Report, Paragraph 779

relevant heights at regular intervals with respect to the OLS for the Hamilton Airport and the OLS for Te Kowhai aerodrome.

409. I am concerned that the varied recommendations in the other s42A reports will not result in a consistent approach across the PDP. I have undertaken a comprehensive review of all s42A reports for the zones mentioned above, and I agree with the approach and assessments below from the s42A report for Hearing 18 Rural Zone – Landuse, page 352.

*“The height that structures and trees can be without intruding into the OLS increases the more distant the structure is from the end of the runway. As such, the OLS tool does not lend itself to a single height limit or easy mapping, and does require a more bespoke, project-specific calculation to determine the height limit. I agree with the submitter that as a general principle, district plan rules should be clear and simple, with compliance able to be readily determined by lay-readers. For some matters, such as OLS, there is no easy means of providing simple direction as to compliance, with compliance needing to be determined by an expert (in the same manner as having certainty regarding compliance with, say, noise or light spill rules requires expert input). It is therefore recommended that the rule remain as notified.”*

410. Given the above, I recommend that the Panel reject Waikato District Council [697.305, 697.451, 697.452, 697.453, 697.454 and 697.455], reject NZTE Operations Limited [FS1339.92 and FS1339.98] and accept Waikato Regional Airport Limited [FS1253.8, FS1253.10, FS1253.13, FS1253.17, FS1253.22 and FS1253.34].

#### Resource consent rules

411. Waikato District Council [697.132, 697.895, 697.980 and 697.409] submit that rules should be amended to provide clarity and to ensure consistent non-complying or discretionary activity rule wording across the following zones: Residential, Business, Industrial, Rural, Country Living, Village and Reserve, in relation to protrusions into the OLS. The submission requests a non-complying or discretionary activity height rule for the OLS that reads as follows in all relevant zones.

#### **Rule X - Height - Buildings, structures and vegetation within an airport obstacle limitation surface**

NC or DA	Any building, structure or vegetation that does not comply with Rule X PI.
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412. NZTE Operations Limited were largely in support of the Waikato District Council wording above [supports by way of FS1339.88, FS1339.100, and FS1339.102]. However, NZTE Operations Limited's submissions [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13] requested the insertion of the words underlined and italicised below in the non-complying or discretionary activity OLS height rules:

#### **Rule X - Height - Buildings, structures and vegetation within an airport obstacle limitation surface**

NC or DA	Any building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule X PI.
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413. Waikato Regional Airport Limited's further submissions [FS1253.4, FS1253.25, and FS1253.56] were largely in support of the wording above. Mercer Airport's further submission [FS1302.18] also supported NZTE [823.10],

414. I recommend that the Panel accept Waikato District Council [697.132, 697.643, 697.803, 697.895, 697.980 and 697.409], accept NZTE Operations Limited [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13], accept Waikato Regional Airport Limited [FS1253.4, FS1253.5,

FS1253.9, FS1253.15, FS1253.16, FS1253.19, FS1253.20, FS1253.25, FS1253.26, FS1253.36, FS1253.37, FS1253.40 and FS1253.56], accept NZTE Operations Limited [FS1339.88, FS1339.100, and FS1339.102] and accept Mercer Airport [FS1302.18], reject Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson [FS1178.7, FS1178.8, FS1178.10, FS1178.11, FS1178.12 and FS1178.13] and reject Greig Metcalf [FS1335.11].

415. I consider that amending the rules dealing with OLS should be consistent, and recommend that the Panel accept the submissions of Waikato District Council, NZTE Operations Limited and Waikato Regional Airport Limited that the OLS height rules in the Residential, Business, Industrial, Rural, Country Living, Village and Reserve zones state the following:

**Rule X - Height - Buildings, structures and vegetation within an airport obstacle limitation surface**

NC or DA	<u>Any building, structure, tree or other vegetation that does not comply with Rule X.P1.</u>
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*Resource Consent Activity Status*

416. The PDP as notified includes the following activity status for intrusions into the OLS:

Zone	Activity Status	Zone	Activity Status
Residential	Discretionary	Country Living	Non-Complying
Business	Discretionary	Village	Discretionary
Industrial	Non-Complying	Reserve	Non-Complying
Rural	Non-Complying	Te Kowhai	Restricted Discretionary

417. NZTE Operations Limited [823.11 and 823.13] submit that the non-complying activity status in the Rural, Country Living and Reserve Zones be changed to Discretionary Activities to be consistent with other zones. Waikato District Council [697.803, 697.895 and 697.409] also sought this change in activity status.
418. Andrew Wood for CKL [471.52] sought that the activity status in the Residential Zone for intrusions into the OLS be changed from a Discretionary Activity to a Restricted Discretionary Activity. CKL did not provide any further reasoning why restricted discretionary activity status should be considered more appropriate than the notified status of Discretionary Activity.
419. NZTE Operations Limited [FS1339.97, item number 31, response to submission 602.2] have advised that *“The protrusion through the OLS of any structure, including vegetation and trees, would make it unsafe for aircraft to operate at the Aerodrome and would make the OLS non-compliant under the CAA Aerodrome Standards and Requirements (AC139-7), therefore certain vegetation cannot be precluded from compliance”*.
420. Furthermore, in their further submission responses in relation to original submissions on Variation 1, NZTE Operations Limited have advised the following: *“This (OLS) must remain obstacle free in and around the aerodrome for the safety of aircraft operating under IFR. Any existing or future buildings, structures, vegetation and trees must therefore be included in the OLS rules to ensure protrusions into the OLS **do not occur**.” [bold = my emphasis]*
421. I therefore am uncertain on two matters. Firstly, if protrusions into the OLS must not occur (as suggested by the further submissions of NZTE Operations Limited), then the most appropriate approach would be for rules relating to OLS intrusions to be a prohibited activity and not any other type of activity, so that no resource consent could be applied for in respect of such protrusions. I note that no submissions have been received requesting prohibited activity status for OLS rules.

422. Secondly, if some OLS protrusions could be considered acceptable, then the NZTE statements above need further explanation. Given the directive nature of the NZTE statements above, I consider that it would be inappropriate to change the activity status from a very restricted status (Non-Complying) to a lesser restrictive status (Discretionary). District plans in NZ range from a Prohibited status (for trees) to Non-Complying to Discretionary status. On the face of it, a discretionary activity would provide the Council with the ability to assess all effects through the resource consent process, but that may not be the most efficient approach.
423. While it may be that the most appropriate approach would be for prohibited activity status for OLS rules, as no submitter has requested that status, at this time I recommend that the activity status for OLS rules remain as notified, being as per the table above. I invite all submitters to provide evidence as to the most appropriate activity status for intrusions in the OLS, for the Hearing Panel's considerations.
424. The Industrial Zone Hearing 7 s42A report author recommended that Rule 20.3.3 be deleted from the Industrial Zone, on the understanding that no industrial zone is affected by the OLS<sup>53</sup>. However, this is incorrect. 452B Tauwhare Road, Matangi (within the Hamilton Airport OLS) was notified as industrial zoning. If that industrial zoning is to remain, then I recommend that Rule 20.3.3 also remain in the plan. Waikato District Council [697.643] have submitted that the activity status in the Industrial Zone be changed to Discretionary Activity. As noted above, at this time I recommend that the activity status remain as notified, being a non-complying activity.
425. Following further information from submitters, I can revisit my recommendation on the change to Restricted Discretionary Activity status in the Residential Zone as requested by Andrew Wood of CKL [471.52]. A restricted discretionary activity rule might be appropriate only if all the potential effects can be identified and managed as matters of discretion, and the possibility that a consent may be granted is not likely to be a concern.
426. I recommend that the Panel reject NZTE Operations Limited [823.11 and 823.13], reject Waikato Regional Airport Limited [FS1253.26 and FS1253.40] and accept Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson [FS1178.11 and FS1178.13].
427. I recommend that the Panel reject Waikato District Council [697.803, 697.895, 697.409 and 643] and reject Waikato Regional Airport Limited [FS1253.15, FS1253.19 and FS1253.25] and NZTE Operations Limited [FS1339.102].
428. I recommend that the Panel reject Andrew Wood for CKL [471.52] and reject by Housing New Zealand [FS1269.129] and The Surveying Company [FS1308.181] and accept the Waikato Regional Airport Limited [FS1253.2].

#### *Operation of the Airpark*

429. Submissions were made about the following, regarding the operation of the airpark:
- Flight training.
  - Numbers of aircraft movements (increases in air traffic).
  - Hours of operation.
  - Adverse noise effects / noise pollution / reasonable noise levels / best practicable option regarding noise / noise management plan / amenity values which may relate to noise.
  - Airpark management plan.

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<sup>53</sup> S42A report - Report B Industrial Zone Rules, page 103, paragraph 478

- That EFATO (Engine Failure After Take Off) activity associated with the Te Kowhai aerodrome be banned.
430. The district plan can only control the land-based activities and noise associated with aircraft operations, operating hours for aircraft operations, and the use of the aerodrome for flight training and circuit training. Waikato District Council does not have jurisdiction to control aircraft that are flying, including those undertaking EFATO activities, and Waikato District Council cannot prohibit IFR flying.
431. These matters raised by submitters are not directly related to the OLS, or they have been raised by other submitters and are dealt with in other parts of this report. They are out of scope when considering the OLS, and I recommend that the Panel accept in part McCracken Surveys Limited [943.58], Peter and Jackie Gore [V1.2], Kristine and Marshall Stead [V4.2 and V4.3], Jordan Metcalf [V10.3 and V10.4], Greig Metcalf [V16.3 and V16.4], Lloyd Davis [V17.1], Diane and Graham McBride [V8.6 and V8.7], Peter and Sylvia Fowler [18.1], Kit Maxwell [V25.4 and V25.5], Diane and Graham McBride [V8.6 and V8.7] and Peter and Jackie Gore [V1.2], and accept in part Greig Metcalf [FS1335.14], Roger Ranby [VFS4002.8, VFS4002.9, VFS4002.14, VFS4002.28, VFS4002.42, VFS4002.49, VFS4002.15 and VFS4002.24], Kit Maxwell [VFS4003.1, VFS4003.5, VFS4003.6, VFS4003.9, VFS4003.25, VFS4003.29, VFS4003.45 and VFS4003.47] and G and D McBride [FS1347.11 and VFS4004.2], and accept in part by NZTE Operations Limited [FS1339.101, VFS4005.9, VFS4005.10, VFS4005.15, VFS4005.16, VFS4005.26, VFS4005.30, VFS4005.42 and VFS4005.49]; such that the above submission matters are not considered.
432. The above matters lend weight to my considerations and recommendations about the hours of operations rule in section 14.

## 10.4 Recommendations

433. I recommend that the Hearings Panel:
- (a) **Accept** Waikato District Council [697.131, 697.201, 697.598, 697.642, 697.802, 697.894, 697.979 and 697.409] and **accept** Waikato Regional Airport Limited [FS1253.3, FS1253.7, FS1253.12, FS1253.14, FS1253.18, FS1253.20, FS1253.24, FS1253.26, FS1253.35, and FS1253.40] and **accept** NZTE Operations Limited [FS1339.87, FS1339.91, FS1339.96, FS1339.99, and FS1339.102].
  - (b) **Accept in part** NZTE Operations Limited [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13] and **accept in part** Waikato Regional Airport Limited [FS1253.26, FS1253.37 FS1253.40] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson [FS1178.11, FS1178.12 and FS1178.13]; to the extent that the reference to tree or other vegetation is provided for but that the name change to PDP Appendix 9: Te Kowhai Airfield ~~park~~ is not provided for.
  - (c) **Reject** Greig Metcalf [602.2] and **reject** GL & DP McBride [FS1347.5] and **accept** NZTE Operations Limited [FS1339.97].
  - (d) **Accept in part** Grieg Metcalf [602.2], **accept in part** Kathleen Young [V19.2, V19.3, V19.4, V19.5, V19.6, V19.7, V19.8, V19.9] and **accept in part** Nardene Berry [V21.1] where they seek exclusions from the vegetation height controls and **accept in part** GL & DP McBride [FS1347.5], **accept in part** Roger Ranby [VFS4002.31, VFS4002.32, VFS4002.33, VFS4002.34, VFS4002.35, VFS4002.36, VFS4002.37, VFS4002.38 and VFS4002.39] and **accept in part** Kit Maxwell [VFS4003.32, VFS4003.33, VFS4003.34, VFS4003.35, VFS4003.36, VFS4003.37, VFS4003.38, VFS4003.39 and VFS4003.40] and



- accept in part** NZTE Operations [FS1339.97, VFS4005.33, VFS4005.34, VFS4005.35, VFS4005.36, VFS4005.37, VFS4005.38, VFS4005.39 and VFS4005.40 and VFS4005.50].
- (e) **Accept** NZTE Operations Limited [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13] and **accept** Waikato Regional Airport Limited [FS1253.5, FS1253.9, FS1253.16, FS1253.20, FS1253.26, FS1253.37, and FS1253.40] and **accept** Mercer Airport [FS1302.18] and **reject** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson [FS1178.7, FS1178.8, FS1178.10, FS1178.11, FS1178.12, and FS1178.13] and **reject** Greig Metcalf [FS1335.11].
  - (f) **Accept** Waikato District Council [697.597] and **accept** Waikato Regional Airport Limited's further submission [FS1253.11].
  - (g) **Reject** Waikato District Council [697.305, 697.451, 697.452, 697.453, 697.454 and 697.455] and **reject** NZTE Operations Limited [FS1339.92 and FS1339.98] and **accept** Waikato Regional Airport Limited [FS1253.8, FS1253.10, FS1253.13, FS1253.17, FS1253.22 and FS1253.34].
  - (h) **Accept** Waikato District Council [697.132, 697.643, 697.803, 697.895, 697.980 and 697.409], **accept** NZTE Operations Limited [823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13], **accept** Waikato Regional Airport Limited [FS1253.5, FS1253.9, FS1253.16, FS1253.19, FS1253.20, FS1253.25, FS1253.26, FS1253.36, FS1253.37, FS1253.40 and FS1253.56], **accept** NZTE Operations Limited [FS1339.88, FS1339.100, and FS1339.102] and **accept** Mercer Airport [FS1302.18] and **reject** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson [FS1178.7, FS1178.8, FS1178.10, FS1178.11, FS1178.12 and FS1178.13] and **reject** Greig Metcalf [FS1335.11].
  - (i) **Reject** NZTE Operations Limited [823.11 and 823.13] and **reject** Waikato Regional Airport Limited [FS1253.26 and FS1253.40] and **accept** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson [FS1178.11 and FS1178.13].
  - (j) **Reject** Waikato District Council [697.803, 697.895 and 697.409] and **reject** Waikato Regional Airport Limited [FS1253.19 and FS1253.25] and **reject** NZTE Operations Limited [FS1339.102].
  - (k) **Reject** Andrew Wood for CKL [471.52] and **reject** Housing New Zealand [FS1269.129] and **reject** The Surveying Company [FS1308.181] and **accept** Waikato Regional Airport Limited [FS1253.2].
  - (l) **Reject** Waikato District Council [697.643] and **reject** Waikato Regional Airport Limited [FS1253.15].
  - (m) **Accept in part** McCracken Surveys Limited [943.58], **accept in part** Peter and Jackie Gore [V1.2], **accept in part** Kristine and Marshall Stead [V4.2 and V4.3], **accept in part** Jordan Metcalf [V10.3 and V10.4], **accept in part** Greig Metcalf [V16.3 and V16.4], **accept in part** Lloyd Davis [V17.1], **accept in part** Diane and Graham McBride [V8.6 and V8.7], **accept in part** Peter and Sylvia Fowler [18.1], **accept in part** Kit Maxwell [V25.4 and V25.5], **accept in part** Diane and Graham McBride [V8.6 and V8.7] and **accept in part** Peter and Jackie Gore [V1.2] and **accept in part** Greig Metcalf [FS1335.14], **accept in part** Roger Ranby [VFS4002.8, VFS4002.9, VFS4002.14, VFS4002.28, VFS4002.42, VFS4002.48, VFS4002.49, VFS4002.15 and VFS4002.24], **accept in part** Kit Maxwell [VFS4003.1, VFS4003.5, VFS4003.6, VFS4003.9, VFS4003.25, VFS4003.29, VFS4003.45, VFS4003.47, and VFS4003.49] and **accept in part** G and D McBride [FS1347.11 and VFS4004.2] and **accept in part** NZTE Operations Limited [FS1339.101, VFS4005.9, VFS4005.10, VFS4005.16, VFS4005.26, VFS4005.30, VFS4005.42,



VFS4005.48 and VFS4005.49]; such that some submission matters in paragraph 437 are not considered.

434. The text recommended by the s42A Hearing 18 Rural Zone report author below, in relation to Rural Zone Rule 22.3.4.3, should not be incorporated in the district plan.

Where the Airport Obstacle Limitation Surface is lower than the height otherwise permitted in Rule 22.3.4.1 or 22.3.4.2, then the lesser surface height applies. Note: refer Appendix N for determining the permitted height.

435. I recommend that the planning maps should not be amended to show relevant heights at regular intervals with respect to the Hamilton Airport and the Te Kowhai Aerodrome, as was recommended by the s42A report author for the Business and Business Town Centre Zones.

## 10.5 Recommended Amendments

Residential, Business, Business Tamahere, Industrial, Rural, Country Living, Village, Reserve Zones

**Rule X<sup>54</sup> Height - Buildings, structures, trees, and ~~objects~~<sup>556</sup> vegetation within an airport obstacle limitation surface**

PI	<u>Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.<sup>57</sup></u>
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Te Kowhai Airpark Zone

**Rule 27.3.1 – Height ~~of~~ - Buildings, structures, trees, and ~~other~~ vegetation within an airport obstacle limitation surface<sup>58</sup>**

PI	<p><del>(a) The construction or alteration of any building or structure in PRECINCT A OR B must not exceed a height of 10m, and</del></p> <p>(a) Any building, structure, tree or other vegetation in PRECINCTS A OR B must not protrude through the <u>Airport Obstacle Limitation Surfaces defined in Appendix 9 (Te Kowhai Airfield and Obstacle Limitation Surface) as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</u></p>
P2	<p><del>(a) The construction or alteration of any building or structure in PRECINCT C OR D must not exceed a height of 7.5m, and</del></p> <p>(a) Any building, structure, tree or other vegetation in PRECINCTS C OR D must not protrude through the <u>Airport Obstacle Limitation Surfaces defined in Appendix 9 (Te Kowhai Airfield and Obstacle Limitation Surface) as identified on</u></p>

<sup>54</sup> Rules 16.3.3.3; 17.3.1.2; 19.3.2; 20.3.3; 22.3.4.3; 23.3.4.2; 24.3.3.2; and 25.3.1.2

<sup>55</sup> With respect to the Business Zone Tamahere [697.597 and FS1253.11]

<sup>56</sup> For all other zones (excluding Business Zone Tamahere) consequential associated with [823.7, 823.8, 823.9, 823.10, 823.11, 823.12, 823.13, FS1253.5, FS1253.9, FS1253.16, FS1253.20, FS1302.18, FS1253.26, FS1253.37, FS1253.40]

<sup>57</sup> [697.131, 697.201, 697.598, 697.642, 697.802, 697.894, 697.979 and 697.409, FS1253.3, FS1253.7, FS1253.12, FS1253.14, FS1253.18, FS1253.20, FS1253.24, FS1253.26, FS1253.35, FS1253.40, FS1339.87, FS1339.91, FS1339.96, FS1339.99, and FS1339.102, 823.7, 823.8, 823.9, 823.10, 823.11, 823.12 and 823.13, FS1253.5, FS1253.9, FS1253.16, FS1253.20, FS1253.26, FS1253.37, FS1253.40 and FS1302.18]

<sup>58</sup> Refer submissions identified under footnote above starting [697.13] (associated with the permitted activity OLS rule in most zones).

	<u>the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</u>
RDI	(a) Any building, structure, tree or other vegetation that does not comply with Rule 27.3.1. P1 or P2.

**Rule 27.3.1 A Height – Building General**

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

*Residential, Business, Business Tamahere, and Village Zones*

**Rule X<sup>59</sup> - Height - Buildings, structures, trees and vegetation within an airport obstacle limitation surface**

DI	<u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule <del>X</del> P1.
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*Industrial, Rural, Country Living and Reserve Zones*

**Rule X<sup>60</sup> - Height - Buildings, structures, trees and vegetation within an airport obstacle limitation surface**

NC	<u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule <del>X</del> P1.
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## 10.6 Consequential Amendments

**Objective – Aerodrome operations**

To enable the ongoing operation and development of aerodromes within the District.

**Policy – Aerodrome operations**

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

436. The above objective and policy are recommended to be inserted into the PDP as per the table below.

<sup>59</sup> Rules 16.3.3.3; 17.3.1.2; 19.3.2; 24.3.3.2

<sup>60</sup> Rules 20.3.3; 22.3.4.3; 23.3.4.2; 25.3.1.2

<b>Zone</b>	<b>Objectives and Policies numbering</b>	<b>Name</b>
Residential and Village Zones	4.4A	Residential and Village Zones – Aerodrome Operations
	4.4A.1 (a)	Objective – Aerodrome operations
	4.4A.2	Policy - Aerodrome operations
Business and Business Tamahere Zones	4.5.43 (a)	Objective Business and Business Tamahere Zones – Aerodrome Operations
	4.5.44 (a)	Policy - Aerodrome operations
Industrial Zone	4.6.10 (a)	Objective – Aerodrome Operations
	4.6.10 (a)	Policy - Aerodrome operations
Rural Zone	5.3A	Aerodrome Operations
	5.3A.1 (a)	Objective – Aerodrome Operations
	5.3A.2	Policy - Aerodrome operations
Country Living Zone	5.6.20 (a)	Objective – Aerodrome Operations
	5.6.21(a)	Policy - Aerodrome operations
Reserves Zone	8.7 (a)	Objective – Aerodrome Operations
	8.7.2(a)	Policy - Aerodrome operations

## **10.7 Section 32AA evaluation – New OLS Objective and Policy**

### **Other reasonably-practicable options**

437. One option is to “do nothing” and retain objectives and policies as notified.

### **Effectiveness and efficiency**

438. Having aerodrome operations policies with the same wording as proposed, will promote a level of consistency through the plan. The new aerodrome operations policy will be efficient and effective in achieving the new aerodrome operations objective.

### **Costs and benefits**

439. The additional costs relate to the need to address the new aerodrome operations objective and policy when preparing and assessing resource consent applications.

440. The aerodrome operations policy brings benefits to people and the environment, in that it would provide clearer guidance for plan users about what the OLS rules are seeking to achieve, and what consent processing planners will consider when assessing resource consent applications for failure to comply with OLS permitted activity rules.

### **Risk of acting or not acting**

441. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendments. No additional risk assessment is required.

### **Decision about most appropriate option**

442. The new aerodrome operations policy is the most appropriate way to achieve the new aerodrome operations objective. I consider that the new aerodrome operations objective is the most appropriate way to achieve the purpose of the RMA, as it is about managing the use

and development of aerodromes in a way that enables people and communities to provide for their well-being and for their safety.

## **10.8 Section 32AA evaluation – Amended OLS rules**

### **Other reasonably-practicable options**

- 443. One option is to “do nothing” and retain the rules as notified, including their notified activity status.
- 444. Another option is to amend the activity status when resource consent is required, in the Rural, Country Living and Reserve Zones, to Discretionary Activities, as requested by submitters.
- 445. A third option is to amend the activity status in the Residential Zone from a discretionary activity to a restricted discretionary activity, as requested by submitters.

### **Effectiveness and efficiency**

- 446. Changing the OLS rules as proposed will promote a level of consistency through the plan, particularly with regard to the permitted activity rule requirements. The amended rules will be more efficient as they will be clearer. The amended rules will provide additional certainty for plan users as it will be clearer that reference should be made to those specified sections of the plan (as relevant) to better understand and apply the OLS rules.
- 447. The amendments improve the effectiveness and efficiency of the OLS rules in achieving the aerodrome operations objective.

### **Costs and benefits**

#### *Minor word changes*

- 448. The minor wording changes do not result in additional costs but provide benefits in making the rules clearer. The addition of the word “trees” further gives additional clarity, but no additional costs.
- 449. There are no additional costs by retaining the activity status, as notified, for when resource consent is required. There are no additional costs from the minor changes proposed to the discretionary activity and non-complying rules above, as vegetation already included trees.

#### *Designation N – Waikato Regional Airport*

- 450. There are no additional costs with respect to the Business, Business Tamahere, Industrial, Rural and Country Living zoned land from the additional reference to Designation N in all rules, as the notified OLS rules for those zones did not specifically mention any particular aerodrome OLS details, but rather referred to the OLS as shown on the planning maps, which would include both Te Kowhai and the Hamilton Airport OLS. The Reserve Zone OLS permitted activity rule already mentioned Designation N, so there is no change in that zone rule. While the notified OLS permitted activity rules in the Residential and Village Zones mentioned “..as shown on the planning maps”, the preceding text refers to Te Kowhai, so there is some uncertainty as to whether or not the Hamilton Airport was covered by those rules. In addition, my review of the planning maps leads me to understand that the notified planning maps did not show any Residential and Village Zone land covered by the Hamilton Airport OLS. Accordingly, I do not consider that there are any additional costs by including the Designation N reference in the Residential and Village Zone rules.

451. The reference to Designation N would bring benefits to people and the environment, in that it would provide clearer guidance for plan users about the need to refer to another section of the plan to better understand and apply the Hamilton Airport OLS rules.

#### **Risk of acting or not acting**

452. There is sufficient information on the costs to the environment, and benefits to people and communities, to justify the amendments. No additional risk assessment is required.

#### **Decision about most appropriate option**

453. The amendments to Rules 16.3.3.3, 17.3.1.2, 19.3.2, 22.3.4.3, 23.3.4.2, 24.3.3.2, 25.3.1.2 and 27.3.1 and new Rule 27.3.1A relating to the obstacle limitation surfaces are the most appropriate way to achieve the new aerodrome operations objective above. The rules are also consistent with the new aerodrome operations policy above.

## **11 Noise – Airport Noise Control Boundaries**

### **11.1 Overview**

454. Flying of aircraft and associated aircraft operations generate noise. Consequently, they have the potential to result in adverse effects on amenity and amenity values, as well as peoples' health. The measures that can be taken in a district plan are generally limited to activities on the ground, with the main tools being to manage the location and scale of aerodromes and hours of operation. District plan noise management measures can include airport noise control boundaries that limit noise to a specified level, and address reverse sensitivity effects, by restricting new noise-sensitive activities in certain locations and requiring acoustic insulation for noise-sensitive activities.

#### **RMA**

455. The RMA contains the following sections related to the management of noise, particularly as it pertains to aircraft noise.
456. Section 9 provides that no-one may use land in a manner that contravenes a district rule unless the use is allowed by a resource consent or by sections 10 or 10A. Subsection (5) provides:
- “(5) This section applies to overflying by aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority.”
457. Council may have rules in the district plan that relate to aircraft that are flying, but such rules must only relate to noise emission controls for airports. While aircraft are in flight they will not be subject to any other district plan rules.
458. Section 16 requires that the best practicable option be adopted to ensure that noise emissions do not exceed a reasonable level.
459. Section 31 sets out functions of territorial authorities which include the control of the emission of noise and the mitigation of the effects of noise.
460. Section 322 Scope of abatement notice provides for abatement notices to be issued for unreasonable noise.

461. Section 326 Meaning of excessive noise defines excessive noise which is noise under human control but does not include any noise emitted by any aircraft being operated during, or immediately before or after, flight (which would include some engine testing). Excessive noise from aircraft operations, during, immediately before or after flight cannot be managed by way of issuing an excessive noise direction under section 327 of the RMA. Engine testing for aircraft maintenance can be controlled by district plan rules.

## 11.2 Introduction

*PDP as notified*

462. The PDP as notified contained rules relating to noise at Te Kowhai aerodrome as follows:
- Noise – taxiways
  - Noise – other than taxiways
  - Te Kowhai Noise Buffer in the Rural Zone
  - Acoustic insulation requirements (within the Rural Zone and Village Zone which relate to dwellings in the mapped Airport Noise Outer Control Boundary).
463. Submissions refer to the notified provisions and request additional controls on activities affected by noise from the aerodrome.
464. Submissions seek to amend the Proposed District Plan Maps to show new and amended Airport Noise Control Boundaries (ANCBs), supported by new objectives, policies and rules. The requested District Plan Map changes increase the area covered by the notified Airport Noise Outer Control Boundary (OCB), and those changes have potential to affect the location of new noise-sensitive activities and increase the number of properties affected by acoustic insulation requirements for existing noise-sensitive activities, as well as establishing new limits on noise associated with aircraft operations.

## 11.3 Submissions

465. The following submissions were made:

Submission point	Submitter	Summary of submission
Amend the District Plan Maps		
823.26	NZTE Operations Limited	Amend Planning Maps to show the proposed ANCB shown in Figure 3 of the Marshall Day Report attached [to the original submission] at Appendix B.
FSI 178.26	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson	Oppose
FSI 339.207	NZTE Operations Limited	Support but seek amendment
Non-Complying Rules		
823.17	NZTE Operations Limited	(Rural Zone) Amend Rule 22.1.5 Non-Complying Activities to include: <u>NC5 (a) Noise Sensitive Activities within the Te Kowhai Air Noise Boundary (Ldn 65), except this restriction does not</u>

		<u>apply to Noise Sensitive Activities associated with Te Kowhai Airpark Zone.</u> <u>NC56 Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.</u>
FS1178.17	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson	Oppose
823.19	NZTE Operations Limited	(Village Zone) Amend Rule 24.1.3 – Non-Complying Activities to include: <u>NC2 Noise Sensitive Activities within the Te Kowhai Airpark Air Noise Boundary (<math>L_{dn}</math> 65), except this restriction does not apply to Noise Sensitive Activities within Te Kowhai Airpark.</u>
FS1178.19	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson	Oppose
New Objective and Policies		
823.1	NZTE Operations Limited	Insert new Objective 9.2.3 – reverse sensitivity and relevant Policy 9.2.3.1.  <u>Objective 9.2.3</u> <u>The operational needs of Te Kowhai Airpark are not compromised by sensitive land use activities with the potential for reverse sensitivity conflict.</u>  <u>Policy 9.2.3.1</u> <u>Manage reverse sensitivity risk by:</u> <u>(i) ensuring that noise sensitive activities within the Te Kowhai Airpark Noise Control Boundaries are acoustically insulated to appropriate standards; and</u> <u>(ii) ensuring that Te Kowhai aerodrome operates within the noise limits specified by the Te Kowhai Airpark Noise Control Boundaries</u>

#### 11.4 Analysis

466. The submissions from NZTE Operations Limited ask for a package of objectives, policies, rules and amendments to the planning maps to expand the air noise control boundaries (ANCBs) around Te Kowhai aerodrome. I consider that ANCBs in some form are appropriate for Te Kowhai aerodrome.
467. The objectives, policies and rules requested to support the ANCB are relatively simple and I address these first. This analysis is followed by consideration of the mapped extents of the ANCB, which requires a more complex discussion which includes the purpose and nature of ANCBs.
468. To set the scene for this analysis, it is useful to view the ANCBs mapped as proposed by a submitter. See Image 10 below:

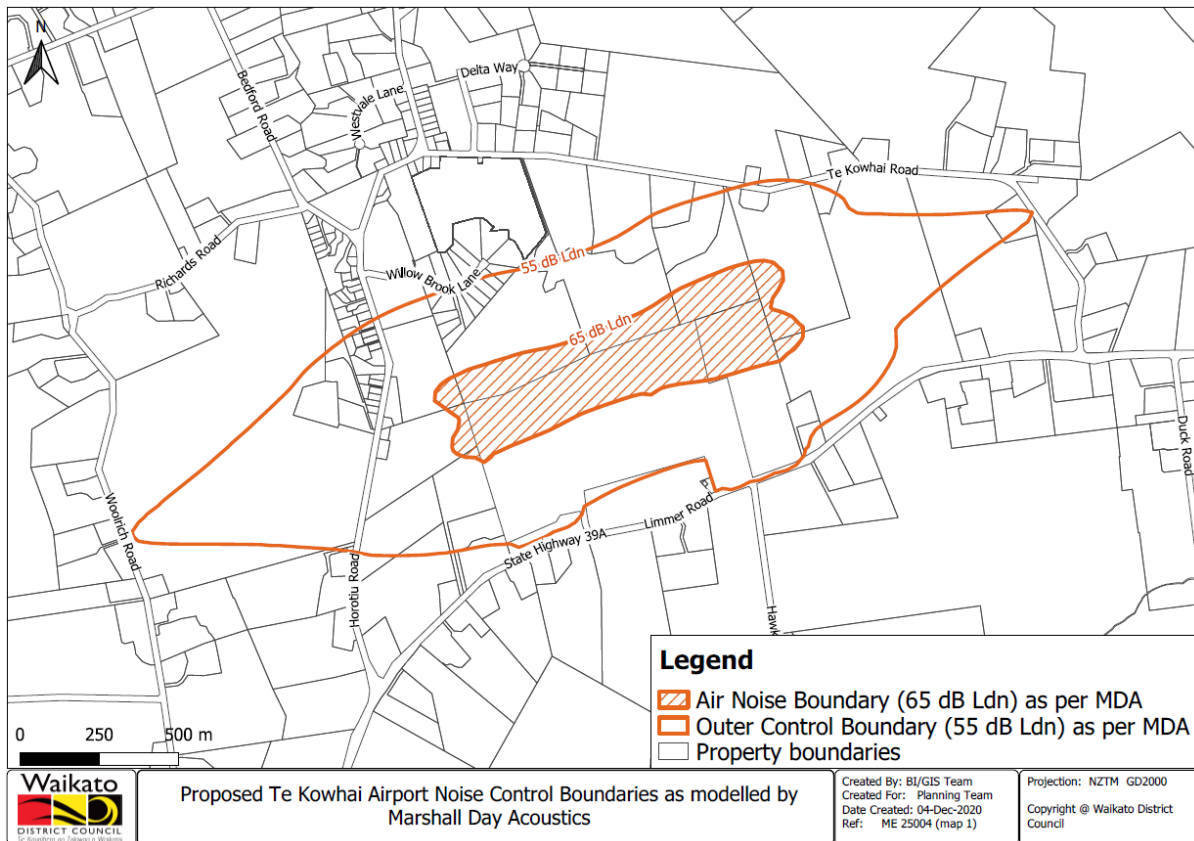


Image 10: Te Kowhai Airpark Airport Noise Control Boundaries (as proposed by NZTE Operations Limited – Marshall Day Acoustics) (from Appendix 9B of this report)

469. There are two mapped areas. The shaded area close to the runway (Air Noise Boundary - ANB) is labelled as 65dB Ldn. The larger area (Outer Control Boundary - OCB) is labelled 55 dB Ldn. Without going into the technicalities of the noise measurement, the ANB (being over the runway) is subject to more aircraft noise than the OCB, therefore it might be expected that planning controls in the two areas will differ.
470. Airport noise control boundaries like these are common in district plan provisions for airports. New Zealand Standard NZS6805:1992 Airport Noise Management and Land Use Planning provides a methodology for calculating the boundaries. The standard indicates two main purposes of ANCB: “to mitigate effects of airport noise on community health and amenity values whilst recognising the need to operate an airport efficiently.” (paragraph 1.4.1.1).
471. District plans generally support health, amenity and airport efficiency outcomes. Plans often emphasise the risk of reverse sensitivity effects, where people moving into an airport vicinity later complain about the noise and force reductions in airport operations. District plan rules typically aim to keep noise-sensitive activities away and require acoustic insulation for development. There is no legislation that mandates these district plan approaches. NZS6805 will be returned to later in this section.

## 11.5 Objectives and Policies

472. The notified PDP contains a small, mapped Airport Noise Outer Control Boundary associated with the Te Kowhai aerodrome over land in the Rural, Village and Te Kowhai Airpark zones.



TKAZ

473. NZTE Operations Limited's submissions [823.1] seeks an additional Objective 9.2.3 and Policy 9.2.3.1 (as below) be added to the TKAZ:

Objective 9.2.3

The operational needs of Te Kowhai Airpark are not compromised by sensitive land use activities with the potential for reverse sensitivity conflict.

Policy 9.2.3.1

Manage reverse sensitivity risk by:

- (i) ensuring that noise sensitive activities within the Te Kowhai Airpark Noise Control Boundaries are acoustically insulated to appropriate standards; and
  - (ii) ensuring that Te Kowhai aerodrome operates within the noise limits specified by the Te Kowhai Airpark Noise Control Boundaries.
474. Objective 9.2.3 as sought by the submitter focuses on reverse sensitivity concerns, as opposed to community health and amenity values. It also refers to 'sensitive land use activities', which is not the same as 'noise-sensitive activities' mentioned in the requested policy. If the Panel were of a mind to accept the submission and include Objective 9.2.3, then I recommend that the reference to 'sensitive land use activities' be replaced with the term 'noise-sensitive activities', given that the reverse sensitivity issue relates to noise, and noise-sensitive activity is the better term to use when noise is the only issue of concern.
475. Policy 9.2.3.1(i), as sought by the submitter, is for noise-sensitive activities within the ANCBs to have acoustic insulation 'to appropriate standards', suggesting that acoustic insulation by itself is appropriate mitigation for noise-sensitive activities within the ANB, as well as within the OCB. Policy 9.2.3.1(i) as proposed by the submitter does not provide that other mitigation might be necessary for adverse noise effects on human health, particularly within the ANB. This is incompatible with the protection of community health as sought by NZS6805:1992.
476. Objective 9.2.3 and Policy 9.2.3.1(i) do not provide strong direction for consideration of adverse noise effects on human health relating to noise-sensitive activities in the ANB; nor would they provide a strong direction for decisions on non-complying activity resource consent applications for noise-sensitive activities in the ANB. In my opinion, objectives and policies for noise-sensitive activities in the ANB should ensure that public health is not compromised, and Objective 9.2.3 and Policy 9.2.3.1(i) also should be consistent with NZS6804:1992 in regard to noise-sensitive activities within the ANB.
477. Policy 9.2.3.1(ii) as sought by the submitter relates to the submitter's proposed ANCBs. This policy is appropriate, as it provides the basis for the new noise rule proposed by the submitter. I recommend that the word "Airpark" be replaced by the word "Airport", as the correct name for that overlay is Airport Noise Control Boundaries.
478. While taking into consideration my comments above, Objective 9.2.3 and Policies 9.2.3.1(i) and (ii), as proposed by NZTE Operations Limited, do provide clearer guidance for plan users with regard to reverse sensitivity matters associated with the Te Kowhai aerodrome. Accordingly, I recommend that the Panel accept in part NZTE Operations Limited [823.1], such that the following be accepted:
- The proposed objective and policy wording be largely accepted,
  - The objective be amended to refer to noise-sensitive activities instead,
  - That Policy 9.2.3.1(ii) be amended to delete the word "Airpark" and replace it with the term "Airport", and
  - That the title of both objective and policies refer to aerodrome reverse sensitivity.

479. NZTE Operations Limited's submission [823.1] only requests that new Objective 9.2.3 and new Policies 9.2.3.1(i) and (ii) be included in the TKAZ zone. However, they seek non-complying activity rules for noise-sensitive activities in the Rural and Village Zones to manage reverse sensitivity concerns. When considering activities in the Rural and Village Zones, Plan users may not think to refer to the new objective and policies in the TKAZ section of the Plan. If there is scope, then the Panel may consider that the objective and policies below could be inserted into the Rural Environment and Village Zone objectives and policies sections of the plan to better assist plan users. The text below has been amended so that it can be more broadly applied to aerodromes in the district as appropriate.

Objective 9.2.3 – Aerodrome reverse sensitivity

The operational needs of aerodromes are not compromised by noise-sensitive activities with the potential for reverse sensitivity conflict.<sup>61</sup>

Policy 9.2.3.1 – Aerodrome reverse sensitivity

- (i) Manage reverse sensitivity risk by ensuring that noise-sensitive activities within Airport Noise Control Boundaries are acoustically insulated to appropriate standards.
  - (ii) ensuring that aerodromes operate within the noise limits specified by Airport Noise Control Boundaries.<sup>62</sup>
480. Notified TKAZ Policy 9.2.1.6(c) states the following: “Sensitive land uses within the noise control boundary must achieve appropriate internal noise levels.” When it was written it only referred to one boundary, being the notified OCB. This policy in its current wording could also relate to the ANB, as it refers to “noise control boundary” (which could be ANCBs, which includes the ANB).
481. Policy 9.2.1.6(c) does not refer to noise-sensitive activities. Both noise-sensitive activities and sensitive land use have their own separate definitions. The Hearing 5 Definitions s42A report authors on page 135, section 3.35.2, paragraph 546 of their s42A report advise “The term ‘noise-sensitive activity’ appears in those rules that seek to manage the effects of noise. The term ‘sensitive land use’ appears in a more limited number of rules, which manage a wider range of effects”. I agree with this.
482. Notified Policy 9.2.1.6(c) is more to do with noise issues as opposed to a wider range of effects. To be consistent with the s42A Hearing 5 report authors, as above, then as a consequential amendment with regard to the Hearing 5 Definitions s42A recommendation for noise-sensitive activities, I recommend that Policy 9.2.1.6(c) be amended as follows: “Sensitive land-uses Noise-sensitive activities.... The following amendments to notified Policy 9.2.1.6(c) are recommended, to provide clearer direction to plan users and consent processing planners:
- Sensitive land-uses Noise-sensitive activities within the noise control boundary~~ies~~ must achieve appropriate internal noise levels taking into account adverse noise effects on human health and amenity values.
483. Notified TKAZ Policy 9.2.1.6(c) if amended as I recommend above, would provide clearer but still limited direction for plan users and processing planners, and would enable adverse noise effects on people's health to be managed/considered to a degree.

<sup>61</sup> Consequential associated with [823.1]

<sup>62</sup> Consequential associated with [823.1]

### Rural Zone

484. The author of the s42A Land Use Rural Zone report, dated 25 August 2020, recommended in paragraph 535 on page 326, that the reference in Policy 5.3.15(iv) to sensitive activities be changed to sensitive land uses.
485. Removing reference to noise-sensitive activities creates a policy gap, in that there would be no notified or recommended rural environment policy relating to acoustic insulation for noise-sensitive activities located in high noise environments. Using the defined term “noise-sensitive activities” is clear, and specific reference to those activities in Policy 5.3.15 would assist with decisions on consent applications under rules that deal with noise-sensitive activities. Amending Policy 5.3.15 as below would also provide better direction about risks to human health (which is what NZS6805:1992 is about, in relation to aircraft noise exposure).
- (vi) Requiring acoustic insulation where sensitive land uses or noise-sensitive activities are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, and the Gun Club Noise Control Boundary, to mitigate adverse noise effects on human health and amenity values.

### Village Zone

486. The author of the s42A Village Zone report - Land use and Activities, dated 11 November 2019, recommended in paragraph 146 on page 70 that the reference in notified Policy 4.4.2(a)(v) to sensitive activities be amended to sensitive land uses and noise-sensitive activities. This will provide clearer direction about what activities this policy covers.
487. Further amending Policy 4.4.2 as below (at the end of the sentence) would also provide better direction about risks to human health (which is what NZS6805:1992 is about, in relation to aircraft noise exposure).
- (v) Requiring acoustic insulation where sensitive land uses activities and noise-sensitive activities are located within high noise environments to mitigate adverse noise effects on human health and amenity values.
488. My recommended amendments to Policy 5.3.15 and Policy 4.4.2 above, consequential to the Hearing 5 recommended definitions, will enable adverse noise effects on people’s health to be managed/considered to a degree.
489. In consideration of all the above, I recommend that notified Rural Environment 5.3.15 Policy – Noise and Vibration, Village Zone 4.4.2 Policy – Noise and TKAZ Policy 9.2.1.6(c), as recommended to be amended by s42A report authors including myself, be incorporated within the PDP, as those amended policies clearly relate to noise-sensitive activities and also provide for consideration of adverse noise effects on human health and amenity values (as sought by NZS6805:1992).

## 11.6 Rules

### Prohibited Activities

490. The Auckland Unitary Plan, Kapiti District Plan and Whangarei District Plan have all prohibited noise-sensitive activities within the 65dB L<sub>dn</sub> ANB. The Waipa District Plan also prohibits dwellings, visitor accommodation, and educational facilities (excepting aviation education training) within the ANB. If the Panel were of a mind to prohibit noise-sensitive activities within the Air Noise Boundary at Te Kowhai aerodrome, this would also be mostly consistent with the approach for Hamilton Airport in the Waipa District Plan. The airports associated with those district plans are likely to be more of a “public” use, compared to Te Kowhai aerodrome which is likely to be more for “private” use and is much smaller.

491. The Marshall Day Acoustics report notes the following: *“Ideally to provide the Airfield with the best level of protection from reverse sensitivity, new noise sensitive development inside both the Air Noise Boundary and the Outer Control Boundary should be prohibited.”*<sup>63</sup> Tonkin and Taylor agree that noise-sensitive development within the ANB and the OCB should be prohibited (to be in line with NZS6805:1992), although they note that there would have to be some form of exception for development within the TKAZ<sup>64</sup>.
492. NZS6805:1992 states that *“It establishes maximum acceptable levels of aircraft noise exposure around airports for the protection of community health and amenity values..”*<sup>65</sup> As NZS6805:1992 recommends prohibiting new noise-sensitive activities within the ANB, it appears that NZS6805:1992 also takes into account that people would also use areas/land outside of buildings that are associated with noise-sensitive activities. The use of such outdoor areas by new noise-sensitive activities within the mapped ANB (through a non-complying activity consent as requested by NZTE Operations Limited) may result in effects on community health/adverse effects on amenity values and noise complaints, thus potentially affecting/resulting in, restrictions on airport operations. Prohibiting new noise-sensitive activities from establishing within the Air Noise Boundary would stop this from happening.
493. My recommendation would be to amend the district plan to prohibit new noise-sensitive activities within the 65dB L<sub>dn</sub> ANB, because that provides more certainty and is in keeping with NZ Standard 6805:1992. However, no submitter has requested this. Furthermore, notified objectives and policies (and as recommended by me to be amended) and requested objective and policies sought in the NZTE Operations Limited submission [823.1] do not support a prohibited activity status. Accordingly, the Panel may consider that amending the district plan to prohibit new noise-sensitive activities within the 65dB L<sub>dn</sub> ANB is out of scope. Given all of the above, I recommend that the Panel consider imposing an activity status for new noise-sensitive activities in the ANB, which is the closest to Prohibited Activity that they can apply (i.e. non-complying activity).

*Proposed non-complying activity rules*

494. The Marshall Day acoustics report notes the following: *“An alternative method that provides less protection but is less onerous on neighbouring landowners is to permit new noise sensitive development subject to acoustic insulation between the Outer Control Boundary and the Air Noise Boundary and to apply a Non-Complying activity status to new noise sensitive development inside the Air Noise Boundary.”*<sup>66</sup>
495. Accordingly, NZTE Operations Limited’s submissions [823.17 and 823.19] seek additional Non-Complying Activities rules in the Rural Zone and Village Zone as follows:
- NCX Noise Sensitive Activities within the Te Kowhai Airpark Air Noise Boundary (L<sub>dn</sub> 65), except this restriction does not apply to Noise Sensitive Activities within Te Kowhai Airpark.
496. It is my understanding that there are no existing noise-sensitive activities located within the Air Noise Boundary as requested by NZTE Operations Limited [823.26].
497. The words “except this restriction does not apply to Noise Sensitive Activities within Te Kowhai Airpark” are not required, as neither the Rural Zone rules nor Village Zone rules would apply to TKAZ land.

<sup>63</sup> Marshall Day Acoustics report Consultant Advice, Document No.: Ca002r01, Dated 8 October 2018, Page 4, Paragraph 3

<sup>64</sup> Appendix 4B1: Tonkin +Taylor “Noise submissions for Te Kowhai Airpark” report, dated 27 January 2021, Job no:1013185, page 10, section 3.3, paragraph 6

<sup>65</sup> NZS6805:1992 Airport Noise Management and Land Use Planning, Page 5, Section 1.1.1

<sup>66</sup> Marshall Day Acoustics report Consultant Advice, Document No.: Ca002r01, Dated 8 October 2018, Page 4, Paragraph 3

498. NZTE Operations Limited's submission [823] is not clear regarding when noise-sensitive activities in the ANB on properties outside the TKAZ should be considered acceptable (to grant non-complying resource consent) and should not be considered acceptable (to decline non-complying resource consent). As discussed earlier in this section, submission [823.1] seeks an additional objective and policies that focus on reverse sensitivity and mitigation through acoustic insulation.
499. If acoustic insulation is the only mitigation required, then buildings containing noise-sensitive activities in the ANB could just as well be permitted activities (rather than non-complying activities as requested by NZTE Operations Limited).
500. However, in managing noise-sensitive activities, I consider that the plan also needs to provide for community health of people using land outside of buildings (as I understand, an outcome of NZS6805:1992). I am not aware of any mitigation in relation to aircraft noise received by noise-sensitive activities that would be effective when people are outside of buildings in the ANB. I consider that it would not be acceptable to grant a non-complying activity application if no suitable mitigation is available or reliable. Then, if all such applications may be declined, then a prohibited activity status is considered to be more appropriate.
501. To ensure consistency across the district plan and to protect community health and amenity values, I recommend that the same activity status for noise-sensitive activities outside the Airpark within the ANB be applied to noise-sensitive activities inside the Airpark within the ANB, via a new rule within the TKAZ. Previously detailed community health and amenity values concerns are also applicable for noise-sensitive activities inside the Airpark within the ANB. I am not aware of anything that would diminish those concerns with respect to noise-sensitive activities within the Airpark, particularly when it comes to protection of community health with respect to use of outdoor areas.
502. There appears to be no scope in any submissions to recommend a prohibited activity status for noise-sensitive activities in the ANB in the Rural and Village Zones and in the TKAZ.
503. Accordingly, I am recommending that the Panel accept NZTE Operations Limited [823.17 and 823.19] and reject Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.19 and FS1178.17]. This is on the basis that NZTE Operations Limited's submission requests a non-complying activity status for such activities, which is closest to prohibited activities.
504. I note that as a consequential of incorporating the new non-complying activity rule in the Village Zone (as above), notified Village Zone Rule 24.1.3 (1) NC1 will need to be amended to become rule NC2.

*Restrictions on noise-sensitive activities within the ANB*

505. The following assessments are based on the noise contours provided by NZTE Operations Limited in their original submission [823.26], as modelled by Marshall Day Acoustics (MDA).
506. Referring to Image 11 below, the orange shaded area is land within the Air Noise Boundary 65dB L<sub>dn</sub>. There are 10 properties in total located partially within the ANB (two of which are proposed to be the TKAZ).

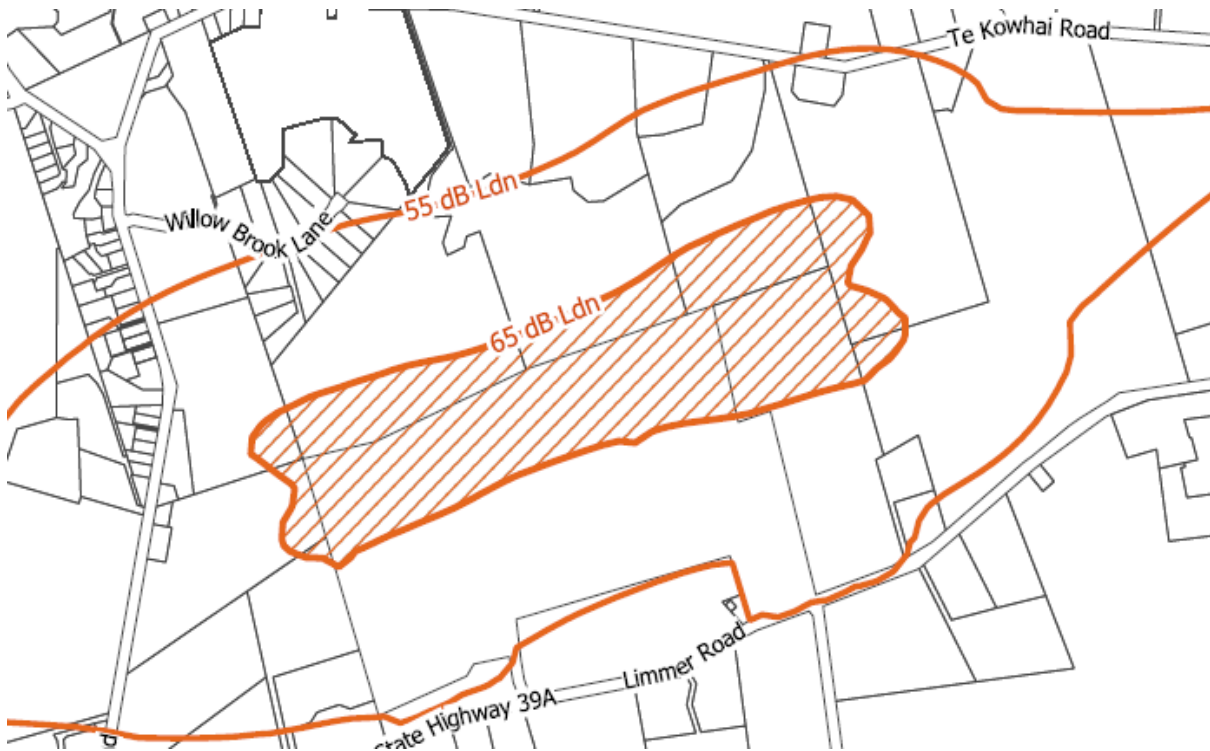


Image 11: All properties partially affected by the ANB 65dB L<sub>dn</sub> area (as modelled by MDA)

507. If new noise-sensitive activities were to be non-complying activities within the ANB 65dB L<sub>dn</sub> (as shown in Image 11 above), then I note the following:

- Properties outside the TKAZ either already have an existing dwelling or could locate one on their property which is not within the ANB.
- Properties outside the TKAZ could (subject to resource consent approval if required) locate other noise-sensitive activities on their property which is not within the ANB.
- In the TKAZ Precinct A (runway) some noise-sensitive activities are non-complying activities, while those not listed would be discretionary activities. Given that Precinct A is the runway, all noise-sensitive activities would be considered inappropriate in this precinct. Restricting noise-sensitive activities within Precinct A may provide certainty but may not actually have much of an effect.
- In the TKAZ Precinct B (commercial), approximately 100 metres into Precinct B from the northern boundary would be covered by the ANB area. This would be most of the Precinct B area. Reviewing the definition for noise-sensitive activities (as previously stated), some of those activities would be permitted activities in Precinct B, while others would be discretionary activities. Given the commercial nature of Precinct B and its location close to the runway, it is unlikely that some of the activities that make up noise-sensitive activities would be established in Precinct B. The restriction for noise-sensitive activities may affect the establishment of some potential activities within Precinct B, e.g. part of an education facility.
- In the TKAZ Precinct C (residential), this precinct would be unaffected by the ANB area, due to the location of Precinct C.
- In the TKAZ Precinct D (residential) approximately 100 metres into Precinct D from the northern boundary would be covered by the ANB area, which may affect housing density within Precinct D.

508. As previously noted, my recommended amended Rural Zone, Village Zone and TKAZ policies should ideally provide stronger direction for plan users and consents processing planners, when processing a non-complying activity application for noise-sensitive activities. However, I feel that there is no scope within the relevant submissions to include any further clearer wording.
509. If the Panel consider that there is scope to include a prohibited activity rule for new noise-sensitive activities in the ANB, rather than a non-complying activity rule for such activities (as requested by NZTE Operations Limited's submission [823.17 and 823.19]), then the plan would provide more certainty about management of new noise-sensitive activities in the ANB in the Rural Zone, Village Zone and Te Kowhai Airpark Zone.

## 11.7 Planning maps

### *Map new and amended Airport Noise Control Boundaries*

510. NZTE Operations Limited's submission [823.26] requested that the Planning Maps be amended to show proposed new and amended Airport Noise Control Boundaries. NZTE Operations Limited's further submission [FS/339.207] supports this, but seeks an amendment - that the Airport Outer Control Boundary as originally notified on Planning Maps numbered 25, 26 and 26.2 should be deleted.
511. I consider that it is appropriate to amend the planning maps to show a *65dB L<sub>dn</sub> Air Noise Boundary* line and a *55dB L<sub>dn</sub> Outer Control Boundary* line, in accordance with NZS6805:1992<sup>67</sup>, because other district plans (such as Waipa District Plan and Tauranga City Plan) include maps showing the ANB and the OCB. The planning maps would refer to those lines as Airport Air Noise Boundary and Airport Noise Outer Control Boundary respectively.
512. The Marshall Day report attached to NZTE Operations Limited submission [823] is attached as Appendix 9A to this report. It includes Figure 3 – Proposed Te Kowhai Airpark Noise Control Boundaries. Image 12 below shows the 65dB L<sub>dn</sub> and 55dB L<sub>dn</sub> lines from Figure 3 of the Marshall Day Acoustics report, however the image below shows those Airport Noise Control Boundaries with respect to property boundaries (grey lines). The orange shaded area is the land within the Air Noise Boundary (65dB L<sub>dn</sub>).

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<sup>67</sup> NZS6805:1992 section 1.4.3.8 pg. 12



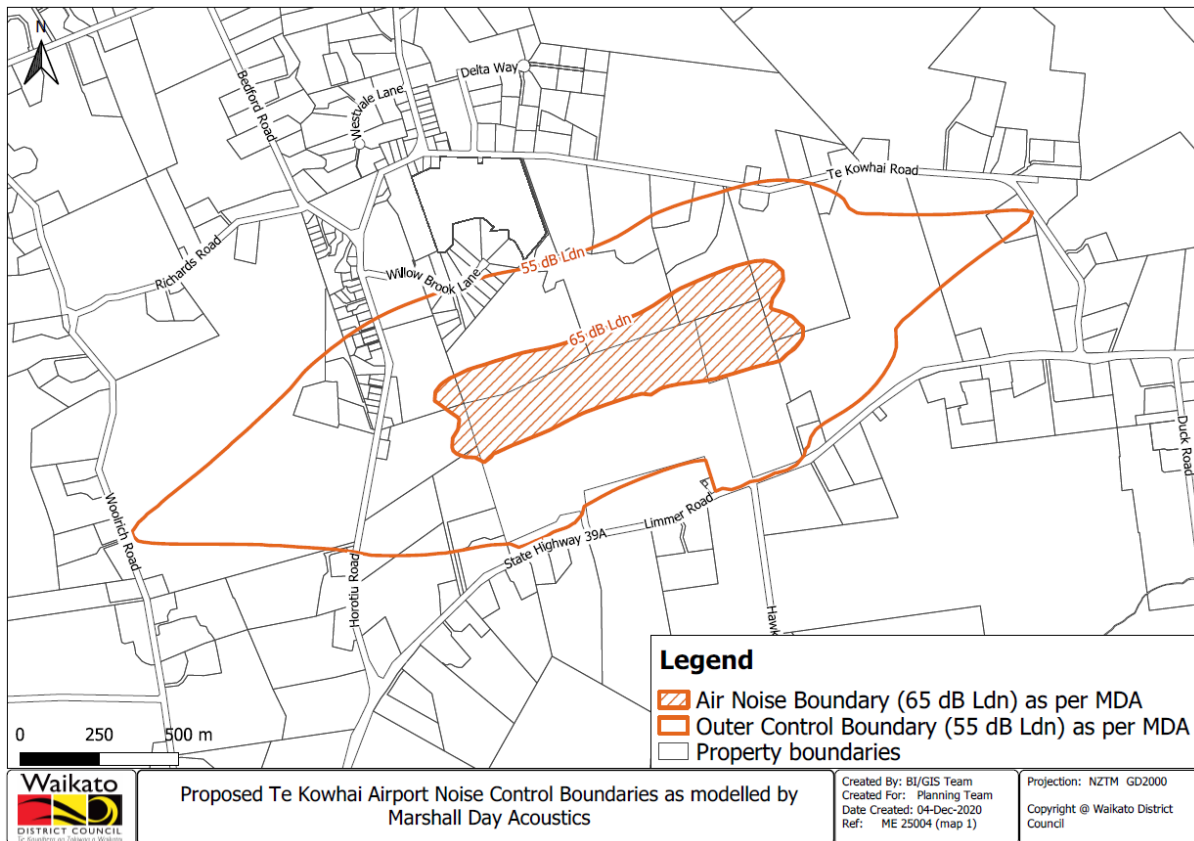


Image 12: Te Kowhai Airpark Airport Noise Control Boundaries (as proposed by NZTE Operations Limited – Marshall Day Acoustics) (from Appendix 9B of this report)

513. When recommending criteria for landuse planning within the ANCBs, NZS6805:1992 refers to noise-sensitive uses. In this regard, the PDP refers to noise-sensitive activities.
514. The Hearing 5 Definitions s42A report authors recommended the PDP definition for noise-sensitive activities be amended to that below. I agree with what was recommended and set out below. I have applied this definition in my discussion of noise-sensitive activities in this report.

Noise-sensitive activity	<p>Means the following:</p> <p>(a) buildings used for residential activities, including boarding establishments, <del>rest homes</del>, retirement villages, papakainga housing development, <del>in-house aged care facilities</del>, <u>visitor travellers'</u> accommodation, and other buildings used for residential accommodation but excluding camping grounds;</p> <p>(b) marae and marae complex;</p> <p>(c) hospitals;</p> <p>(d) teaching areas and sleeping rooms in an education<u>al</u> facility;</p> <p><u>(e) places of assembly</u></p>
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#### *Assumptions behind the Airport Noise Control Boundaries*

515. NZTE Operations Limited's submission [823.26] seeks that the planning maps be amended to show the ANCBs in Figure 3 attached to the Marshall Day Acoustics report. It is important to note that the maps do not reflect current noise conditions. The maps reflect modelling of the noise that might be experienced in future. There are several assumptions underlying the locations of the ANB and the OCB, as shown in Figure 3 attached to the MDA report. These include:



- The number of aircraft movements per calendar year/12-month period that will be experienced due to projected growth in aircraft movements in future
- The types of aircraft operating from the aerodrome in future
- Aircraft movements between 10pm and 7am the following day
- Flight training school
- Circuit training.

516. In this report I recommend the following:

- A resource consent requirement once a maximum of 15,000 aircraft movements per calendar year is exceeded
- A resource consent requirement where aircraft operations are not carried out between 0700 hours to 2200 hours (i.e., not a permitted activity between 10pm and 7am the following day)
- Flight Training School – non-complying activity in all precincts
- Circuit Training – non-complying activity in all precincts.

517. On behalf of Council, Tonkin and Taylor have used the same model as Marshall Day Acoustics and have re-run the model with the above parameters (as recommended in this report). There is a memo in Appendix 4B2 of this report which provides further details. The new Air Noise Boundary and the amended Outer Control Boundary as produced by Tonkin and Taylor are in Appendix 4B2 of this report.

518. Image 13 below shows the Tonkin and Taylor-mapped Airport Noise Control Boundaries with property lines underneath. Image 14 below shows both the Marshall Day Acoustics-mapped Airport Noise Control Boundaries and the Tonkin and Taylor mapped Airport Noise Control Boundaries. Copies of Image 13 and Image 14 are in Appendix 9C and 9D (respectively) of this report.

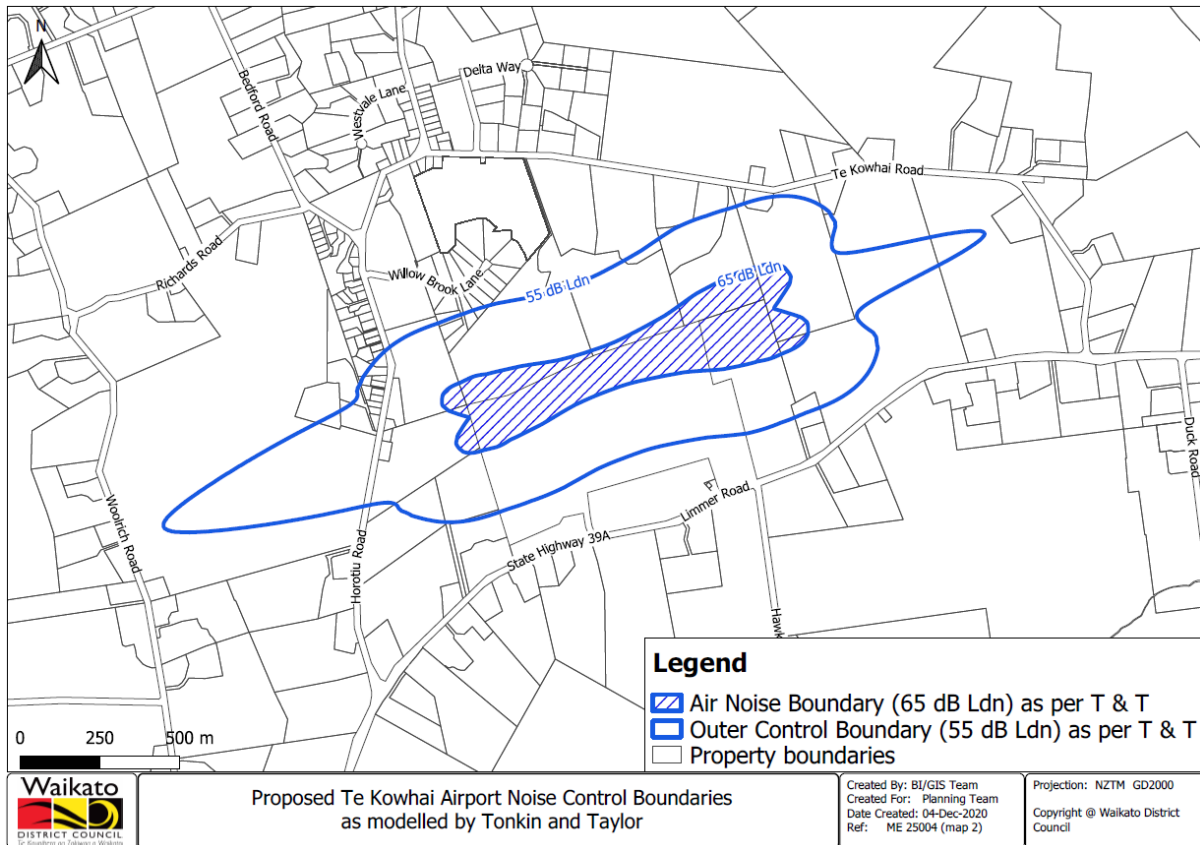


Image 13: Te Kowhai Airpark Airport Noise Control Boundaries (as modelled by Tonkin and Taylor) (from Appendix 9C of this report)

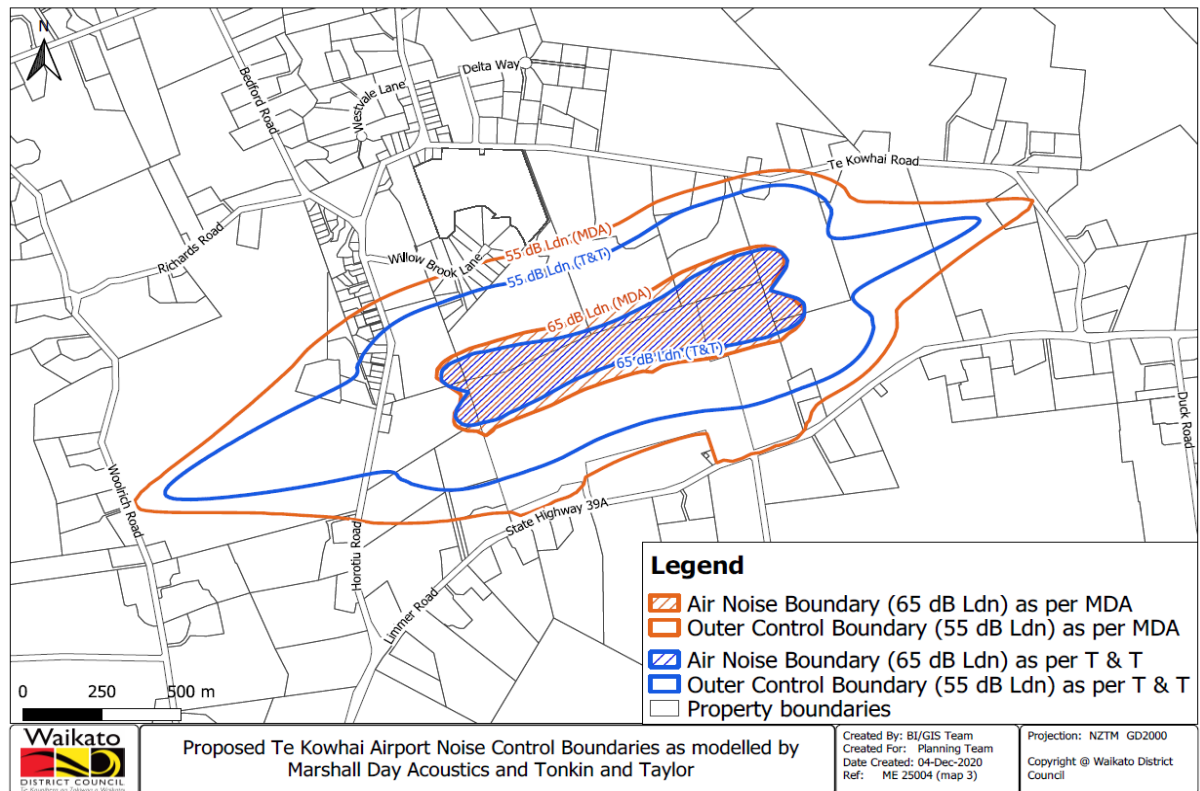


Image 14: Te Kowhai Airpark Airport Noise Control Boundaries (as modelled by Marshall Day Acoustics and Tonkin and Taylor) (from Appendix 9D of this report)

519. Image 15 below shows the properties that would no longer be affected by the Outer Control Boundaries using the Tonkin and Taylor modelling, when compared with the Marshall Day Acoustics modelling.

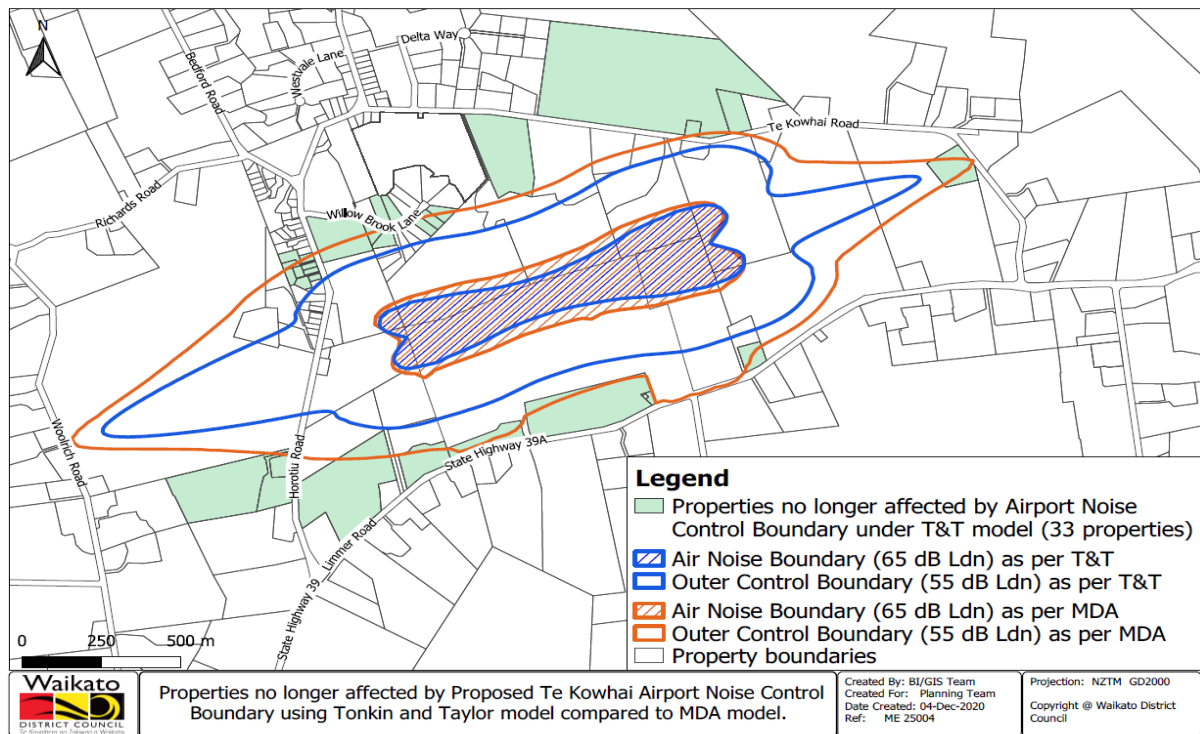


Image 15: Properties no longer affected by the Outer Control Boundary under the T and T model (from Appendix 9E of this report)

520. Comparing the Marshall Day Acoustics mapped Airport Noise Control Boundaries with the Tonkin and Taylor mapped Airport Noise Control Boundaries, I note the following.

	Marshall Day Acoustics	Tonkin and Taylor
1) Air Noise Boundary (within 65db Ldn)	10 properties affected	10 properties affected
2) Outer Control Boundary (between the 55db Ldn and 65db Ldn)	77 properties affected	44 properties affected

521. Based on the table above, 33 fewer properties are affected by the Outer Control Boundary line as per the Tonkin and Taylor modelling, when compared with the Marshall Day Acoustics modelling. The T and T modelling would result in approximately 54.8 hectares of land not being located within the Outer Control Boundary.
522. Based on the table above, there is no change in the number of properties affected by the Air Noise Boundary line as per the Tonkin and Taylor modelling, when compared with the Marshall Day Acoustics modelling. The T and T modelling would result in less area on those properties being within the ANB (reduction of approx. 7.5 hectares).
523. I consider that it is more appropriate to use the ANCBs as modelled by Tonkin and Taylor (reduced in scope) given the following:
- 33 fewer properties would be affected by the Tonkin and Taylor-modelled Airport Outer Control Boundary, when compared with the Marshall Day Acoustics-modelled boundary.

- The Tonkin and Taylor modelling is based on a maximum of 15,000 aircraft movements per calendar year, which corresponds with anticipated yearly aircraft movements (for the year 2031, which is 10 years after decisions on the PDP are to be released), in an appendix to the Section 32 report for Te Kowhai Airpark.
524. The benefit of the ANCB to the airport operator needs to be considered alongside the costs to local landowners, whose development potential is constrained. The usual justification for reverse sensitivity controls on development is that the airport confers social and economic benefits on the wider community, and the rules are for the greater good. The argument is more difficult to sustain for a small private aerodrome such as Te Kowhai, as it confers only limited public benefit.
525. The other justification for development controls is to preserve the health and amenity of people who might move into the area. This justification is applicable at Te Kowhai aerodrome but needs to be considered alongside other methods to preserve health and amenity. The obvious other method is to constrain the noise generating activities. Operations at Te Kowhai aerodrome would be constrained by reference to the ANCBs, as well as District Plan rules.
526. In another section of this report I responded to NZTE Operations [823.14] by recommending that Rule 27.2.7 be amended to limit noise from aircraft operations in all precincts of TKAZ, to not exceed 65dB Ldn outside the Air Noise Boundary and 55dB Ldn outside the Outer Control Boundary. The T&T noise contours based on 15,000 aircraft movements will therefore help to constrain the overall noise generated from Te Kowhai aerodrome and assist with health and amenity outcomes in the vicinity.
527. I recommend that the Panel accept in part the submission by NZTE Operations Limited [823.26]; to the extent that the notified Planning Maps numbered 25, 26 and 26.2 are amended to show new ANCBs, but those ANCBs to be shown on the Planning Maps are those in the Tonkin and Taylor modelling, as provided in Appendix 9C to this report and that the Panel accept in part NZTE Operations Limited [FS1339.207] that supports ANCBs to be shown on the planning maps. I recommend that the Panel accept in part Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.26].
528. As a result of amending notified district plan maps numbered 25, 26 and 26.2 as per the Tonkin and Taylor modelling (as detailed above) in response to NZTE Operations Limited [823.26], the Airport Noise Outer Control Boundary as shown on district plan maps 25, 26 and 26.2 as originally notified should be removed.

## 11.8 Recommendations

529. I recommend that the Hearings Panel:
- (a) **Accept in part** NZTE Operations Limited [823.1]; *such that the proposed objective and policy wording be largely accepted, but that the objective be amended to refer to noise-sensitive activities instead and that Policy 9.2.3.1(ii) be amended to delete the word “Airpark” and replace it with the term “Airport”.*
  - (b) **Accept** NZTE Operations Limited [823.17 and 823.19] that seek new non-complying activity rules in the Rural and Village Zones and **reject** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.17 and FS1178.19].
  - (c) **Accept in part** NZTE Operations Limited [823.26] and **accept in part** NZTE Operations Limited [FS1339.207] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry

Thompson [FS1178.26]: to the extent notified Planning Maps numbered 25, 26 and 26.2 are amended to show new ANCBs, but those ANCBs to be shown on those Planning Maps are those as per the Tonkin and Taylor modelling, as provided in Appendix 9C to this report.

## 11.9 Recommended Amendments

530. The following amendments are recommended.

### *District Plan Maps*<sup>68</sup>

531. That the district plan maps numbered 25, 26 and 26.2 be amended to show Airport Noise Control Boundaries – being the Airport Air Noise Boundary (65 dB L<sub>dn</sub>) and the Airport Outer Control Boundary (55 dB L<sub>dn</sub>) locations associated with the Te Kowhai aerodrome, modelled by Tonkin and Taylor, as shown in Appendix 9C of this report. Noting that the representation of those boundaries will need to be in accordance with any directions from the National Planning Standards.
532. 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.

### *Rural Zone*

Policy 5.3.15 Noise and vibration (a) Recognise and provide for the generation of noise from activities that are anticipated in the rural environment whilst managing the adverse effects of noise and vibration by Adverse effects of noise and vibration are minimised by:

(vi) Requiring acoustic insulation where sensitive land uses or noise sensitive activities are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, and the Gun Club Noise Control Boundary, to mitigate adverse noise effects on human health and amenity values.<sup>69</sup>

### **Objective 5.3A.3 – Aerodrome reverse sensitivity**

The operational needs of aerodromes are not compromised by noise-sensitive activities with the potential for reverse sensitivity conflict.<sup>70</sup>

### **Policy 5.3.A4 – Aerodrome reverse sensitivity**

- (a) Manage reverse sensitivity risk by ensuring that noise-sensitive activities within Airport Noise Control Boundaries are acoustically insulated to appropriate standards.
- (b) ensuring that aerodromes operate within the noise limits specified by Airport Noise Control Boundaries.<sup>71</sup>

### Rule 22.1.5 Non-Complying Activities

<u>NC5</u>	<u>Noise-sensitive activities to be located within the Te Kowhai aerodrome Airport Air Noise Boundary.</u> <sup>72</sup>
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<sup>68</sup> [823.26]

<sup>69</sup> Consequential associated with s42A Hearing 5 report authors recommendations for noise-sensitive activities

<sup>70</sup> Consequential associated with [823.1]

<sup>71</sup> Consequential associated with [823.1]

<sup>72</sup> [823.17]

### 22.1.5 Non-Complying Activities

<u>NC5</u> <u>NC6</u> <sup>73</sup>	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
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#### Village Zone

### Rule 24.1.3 Non-Complying Activities

<u>NC1</u>	<u>Noise-sensitive activities to be located within the Te Kowhai aerodrome Airport Air Noise Boundary.</u> <sup>74</sup>
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#### Te Kowhai Airpark

#### **Objective 9.2.3 – 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.<sup>75</sup>

#### **Policy 9.2.3.1 – 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.<sup>76</sup>

## 11.10 Consequential Amendments

#### Rural Zone

Policy 5.3.15 Noise and vibration (a) Recognise and provide for the generation of noise from activities that are anticipated in the rural environment whilst managing the adverse effects of noise and vibration by Adverse effects of noise and vibration are minimised by:

- (vi) Requiring acoustic insulation where sensitive land uses or noise sensitive activities are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, and the Gun Club Noise Control Boundary, to mitigate adverse noise effects on human health and amenity values.<sup>77</sup>

#### **Objective 5.3A.3 – Aerodrome reverse sensitivity**

The operational needs of aerodromes are not compromised by noise-sensitive activities with the potential for reverse sensitivity conflict.<sup>78</sup>

#### **Policy 5.3.A4 – Aerodrome reverse sensitivity**

- (a) Manage reverse sensitivity risk by ensuring that noise-sensitive activities within Airport Noise Control Boundaries are acoustically insulated to appropriate standards.

<sup>73</sup> [823.17]

<sup>74</sup> [823.19]

<sup>75</sup> [823.1]

<sup>76</sup> [823.1]

<sup>77</sup> Consequential associated with s42A Hearing 5 report authors recommendations for noise-sensitive activities

<sup>78</sup> Consequential associated with [823.1]

- (b) ensuring that aerodromes operate within the noise limits specified by Airport Noise Control Boundaries.<sup>79</sup>

#### Village Zone

##### Policy 4.4.2 Noise

- (a) The adverse effects of noise on residential amenity are minimised by:  
 (v) Requiring acoustic insulation where sensitive land uses activities and noise-sensitive activities are located within high noise environments to mitigate adverse noise effects on human health and amenity values.<sup>80</sup>

##### **Objective 4.4.3A – Aerodrome reverse sensitivity**

- (a) The operational needs of aerodromes are not compromised by noise-sensitive activities with the potential for reverse sensitivity conflict.<sup>81</sup>

##### **Policy 4.4.4A – Aerodrome reverse sensitivity**

- (a) Manage reverse sensitivity risk by ensuring that noise-sensitive activities within Airport Noise Control Boundaries are acoustically insulated to appropriate standards.  
 (b) Ensuring that aerodromes operate within the noise limits specified by Airport Noise Control Boundaries.<sup>82</sup>

#### 24.1.3 Non-Complying Activities

<del>NC1</del> <u>NC2</u> <sup>83</sup>	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.
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#### Te Kowhai Airpark Zone

##### Policy 9.2.1.6(c)

~~Sensitive land uses~~ Noise-sensitive activities within the noise control boundaries must achieve appropriate internal noise levels taking into account adverse noise effects on human health and amenity values.<sup>84</sup>

#### 27.1.1 Activity Status Table

Activity	Precinct A Runway and operations	Precinct B Commercial	Precinct C Medium Density Residential	Precinct D Residential
<u>Noise-sensitive activities to be located within the Te Kowhai aerodrome Airport Air Noise Boundary.</u> <sup>85</sup>	<u>NC23</u>	<u>NC24</u>	<u>NC25</u>	<u>NC26</u>

<sup>79</sup> Consequential associated with [823.1]

<sup>80</sup> Consequential associated with s42A Hearing 5 report authors recommendations for noise-sensitive activities

<sup>81</sup> Consequential associated with [823.1]

<sup>82</sup> Consequential associated with [823.1]

<sup>83</sup> Consequential associated with [823.19]

<sup>84</sup> Consequential associated with s42A Hearing 5 report authors recommendations for noise-sensitive activities

<sup>85</sup> Consequential associated with [823.17 and 823.19]

### 11.11 Section 32AA evaluation – Objectives

533. The new TKAZ Objective 9.2.3 and the new Rural and Village Zone objectives are the most appropriate way to achieve the purpose of the RMA, as they will help promote the sustainable management of natural and physical resources (the aerodrome and surrounding land). This objective will help manage the use and development of the aerodrome resource in a way that enables people and communities to provide for their social, economic and cultural well-being and for their health and safety. The objective will also sustain the potential of the aerodrome resource to meet the reasonably-foreseeable needs of future generations for that resource.

### 11.12 Section 32AA evaluation – Policies

#### Other reasonably-practicable options

534. One option is to “do nothing”, i.e. go back to the PDP as notified. This would mean relying on notified TKAZ Policy 9.2.1.6 (c), which refers to sensitive land uses, relying on Rural Zone Policy 5.3.15(a)(vi), which refers to sensitive activities and relies on Village Zone Policy 4.4.2 (a)(v), which refers to sensitive activities (none of which specifically reference noise-sensitive activities).

#### Effectiveness and efficiency

535. The amended policies will be effective and efficient as it will be clearer that they relate to noise-sensitive activities. Adding reference to “*taking into account adverse noise effects on human health and amenity values*” will provide clearer direction to plan users and consent processing planners, thereby making those policies more efficient and effective. The amendments improve the effectiveness and efficiency of those policies in implementing associated objectives.
536. The new noise-sensitive activities policies would be somewhat effective, in that they would provide some direction to plan users that noise-sensitive activities must have acoustic insulation.
537. My recommended amended Rural Zone, Village Zone and TKAZ policies and new aerodrome reverse sensitivity policies for noise-sensitive activities, are not able to be better amended within the scope of the submissions received. However, ideally they would be more effective if they provided stronger direction for plan users and consents processing planners, when processing a non-complying activity application for noise-sensitive activities, to know when to grant or decline consent.
538. New Policy 5.3.A4, new Policy 4.4.4A and new Policy 9.2.3.1 relating to the noise limits specified by the ANCBs, will be effective and efficient, as they will provide guidance to plan users that ANCBs will be used when considering noise associated with aerodromes.

#### Costs and benefits

539. Regarding the amended Rural and Village Zone policies, there will be no additional costs, as the reference to sensitive activities in those policies could have always been considered to include noise-sensitive activities. Regarding the TKAZ, the change to noise-sensitive activities may result in additional costs, in that this policy will now need to be assessed as part of resource consent applications.
540. There would be costs associated with the new policies about ANCBs. Given that the ANCB concept is mentioned in the relevant New Zealand Standard for airport noise management and landuse planning, and ANCBs are one feature in many district plans in NZ, then the use of ANCBs and associated policies as proposed is likely to be somewhat anticipated.



541. One benefit to the environment is that the policies will provide clearer guidance to plan users that the policies relating to noise-sensitive activities and that effects on human health and amenity values are key considerations. One benefit to the environment is that the ANCB policies provide clearer/directive guidance to plan users as to how noise associated with aerodromes will be managed.

### **Risk of acting or not acting**

542. Regarding the Rural Zone in particular, one risk of not acting is that the change from sensitive activities to sensitive land uses (as recommend by the s42A report author for Land Use Rural Zone) would create a policy gap, in that there would be no notified or recommended rural environment policy relating to acoustic insulation for noise-sensitive activities located in high noise environments.
543. There is sufficient information to justify amendments to TKAZ Policy 9.2.1.6(c), Rural Zone Policy 5.3.15(a)(vi) and Village Zone Policy 4.4.2(a)(v). There is sufficient information to justify new Rural Zone Policy 5.3.A4, new Village Zone Policy 4.4.4A and new TKAZ Policy 9.2.3.1. No additional risk assessment is required.

### **Decision about most appropriate option**

544. Amended TKAZ Policy 9.2.1.6(c) is considered to be the most appropriate way to implement PDP TKAZ Objective 9.2.1(a) Te Kowhai Airpark. Amended Rural Zone Policy 5.3.15(a)(vi) is considered to be the most appropriate way to implement PDP Rural Zone Objective 5.3.1(a). Amended Village Zone Policy 4.4.2(a)(v) is considered to be the most appropriate way to implement PDP Village Zone Objective 4.4.1(a).
545. New Rural Zone Policy 5.3.A4 is considered to be the most appropriate way to implement PDP Rural Objective 5.3.A.3 – Reverse sensitivity. New Village Zone Policy 4.4.4A is considered to be the most appropriate way to implement PDP Village Objective 4.4.3A – Aerodrome reverse sensitivity. New TKAZ Policy 9.2.3.1 is considered to be the most appropriate way to implement TKAZ Objective 9.2.3 – Aerodrome reverse sensitivity.

## **11.12 Section 32AA evaluation – Noise-sensitive activities in the Air Noise Boundary**

### **Other reasonably-practicable options**

546. One option is to “do nothing”, i.e. use the Plan as notified, which does not include rules for noise-sensitive activities within the ANB in the Rural, Village and Te Kowhai Airpark Zones.

### **Effectiveness and efficiency**

547. My recommended amended Policies 5.3.15 (for Rural Zone) and 4.4.2 (for Village Zone) are about requiring acoustic insulation where noise-sensitive activities are located within high noise environments, to mitigate adverse noise effects on human health and amenity values. While resource consent applications for non-complying activity rules in the Rural and Village Zones would allow for consideration of acoustic insulation, those non-complying rules are not expressly directive regarding acoustic insulation. Those non-complying rules would also allow for consideration of the mitigation of adverse noise effects on human health and amenity values. While non-complying activity Rules 22.1.5 and 24.1.3 are somewhat effective as a means of implementing my recommended amended Policies 5.3.15 and 4.4.2 and recommended new Policies 5.3.A4 and 4.4.4A, I do not consider them to be an effective means of implementing those Policies.

548. The amended Rural Zone non-complying activity rule would be somewhat effective in implementing Rural Environment Objective 5.3.1 – Rural Character and Amenity, and Objective 5.3A.3 Aerodrome reverse sensitivity, in that a non-complying activity application would allow for the rural character and amenity of Te Kowhai to be identified and maintained (by way of acoustic insulation for noise-sensitive activities in a high noise environment such as the ANB). I am still unsure about the mitigation for noise-sensitive activities occurring outside of buildings within the ANB.
549. The amended Village Zone non-complying activity rules would be somewhat effective in implementing Village Zone Objective 4.4.1 – Adverse effects of landuse and development, and Objective 4.4.3A Aerodrome reverse sensitivity, in that a non-complying activity application would allow for the health and well-being of people and communities to be protected from adverse effects of landuse (by way of acoustic insulation from noise-sensitive activities in a high noise environment such as the ANB). I am still unsure about protection measures for noise-sensitive activities occurring outside of buildings within the ANB.
550. Resource consent applications for a non-complying activity rule in the TKAZ would allow for consideration of acoustic insulation, however the non-complying rule is not expressly directive regarding acoustic insulation. Those non-complying rules would also allow for consideration of mitigation of adverse noise effects on human health and amenity values. While the TKAZ non-complying activity rule for noise-sensitive activities within the ANB is somewhat effective as a means of implementing my recommended amended Policy 9.2.1.6(c) and new Policy 9.2.3.1(a) (for the TKAZ), I do not consider that rule to be an effective means of implementing those Policies.
551. The new TKAZ non-complying activity rule would be somewhat effective in implementing Te Kowhai Airpark Objective 9.2.1 relating to the use and development of the Te Kowhai Airpark, and somewhat effective in implementing new Te Kowhai Airpark Objective 9.2.3 - Aerodrome reverse sensitivity.
552. Given that NZS6805:1992 recommends prohibiting new noise-sensitive land uses (aka noise-sensitive activities) within the Air Noise Boundary, that other district plans in NZ have done that in their rule frameworks, and I am not aware of any appropriate mitigation for noise-sensitive activities occurring within the ANB outside of buildings, my recommendation would have been to either amend notified objectives or recommend new objectives for new noise-sensitive activities within the ANB, with those considerations in mind. That would have flowed onto either amended policies or new policies for those activities, in that location. This would have likely resulted in new recommended prohibited activity rules. However, as there did not appear to be any scope for this, I have recommended amendments to amended Policies 5.3.15 (for Rural Zone) and 4.4.2 (for Village Zone) and 9.2.1.6(c) for TKAZ, and a new Policy 5.3.A.4(a) (for Rural Zone), Policy 4.4.4A(a) (for Village Zone) and Policy 9.2.3.1(a) (for TKAZ), which are somewhat effective.

### **Costs and benefits**

553. One additional cost is that non-complying activity resource consent would now be required for noise-sensitive activities in the Air Noise Boundary associated with the Te Kowhai aerodrome in the Rural, Village and Te Kowhai Airpark Zones. Acoustic insulation information may be required as part of these consent applications, which may result in additional costs associated with these applications.
554. One benefit is clearer guidance to plan users regarding noise-sensitive activities in the Air Noise Boundary associated with the Te Kowhai aerodrome in the Rural, Village and Te Kowhai Airpark Zones. The new rules will assist with the administration of the plan and reduce confusion. There is wider benefit to the local community from managing new noise-sensitive activities in the Air Noise Boundary associated with the Te Kowhai aerodrome.

### **Risk of acting or not acting**

- 555. There is sufficient information to justify the new non-complying activity rules in the Rural, Village and Te Kowhai Airpark Zones for new noise-sensitive activities in the ANB. No additional risk assessment is required.
- 556. If these non-complying activity rules for noise-sensitive activities in the ANB are not included within the PDP, then such activities may become permitted activities with associated acoustic insulation requirements, with no other ability to consider adverse effects of noise on human health and amenity values when noise-sensitive activities are located in high noise environments.

### **Decision about most appropriate option**

- 557. For the reasons above, the new non-complying activity rule for noise-sensitive activities in the Air Noise Boundary in the Rural Zone is considered to be a workable option to implement PDP Rural Environment Objective 5.3.1 – Rural Character and Amenity and Objective 5.3A.3 Reverse Sensitivity. The new rules will also implement amended Rural Policy 5.3.15.
- 558. For the reasons above, the new non-complying activity rule for noise-sensitive activities in the Air Noise Boundary in the Village Zone is considered to be a workable option to implement Objective 4.4.1 – Adverse effects of landuse and development and Objective 4.4.3A – Reverse sensitivity. The new rule will also implement amended Village Zone Policy 4.4.2.
- 559. For the reasons above, the new non-complying activity rule for noise-sensitive activities in the Air Noise Boundary in the Te Kowhai Airpark Zone is considered to be a workable option to implement TKAZ Objective 9.2.1(a) Te Kowhai Airpark and Objective 9.2.3(a) – Reverse Sensitivity. The new rules will also implement amended Policy 9.2.1.6(c).

## **11.13 Section 32AA evaluation – New and Amended Airport Noise Control Boundaries**

### **Other reasonably-practicable options**

- 560. One option is to “do nothing”, i.e. retain the Airport Noise Outer Control Boundary as notified, and not include an Airport Air Noise Boundary for the Te Kowhai aerodrome on the district plan maps.

### **Effectiveness and efficiency**

- 561. The amendments to notified district plan maps numbered 25, 26 and 26.2 will be efficient, as they will help implement rules relating to noise-sensitive activities in proximity to the Te Kowhai aerodrome. These district plan map amendments are more efficient, as they are based on the 10 year (out to year 2031) forecasted annual aircraft movements as per Appendix 13 to the Section 32 report for the TKAZ.
- 562. The recommended amendments to notified district plan maps numbered 25, 26 and 26.2 will help implement Policy 9.2.1.6(a) such that Te Kowhai Aerodrome’s operational needs are safeguarded through mechanisms such as noise control boundaries. The amendments improve the effectiveness and efficiency of the district plan maps in helping to implement Objective 9.2.1(a) Te Kowhai Airpark.

### **Costs and benefits**

563. One additional cost (when compared with the notified Airport Noise Outer Control Boundary) is that more properties in proximity to the Te Kowhai aerodrome would require acoustic insulation with respect to noise-sensitive activities.
564. One benefit is clearer guidance to plan users regarding noise-sensitive activities on properties in proximity to the Te Kowhai aerodrome. There is wider benefit to the local community from managing noise-sensitive activities on properties in proximity to the Te Kowhai aerodrome.

### **Risk of acting or not acting**

565. There is sufficient information to justify the amendments to notified district plan maps 25, 26 and 26.2. No additional risk assessment is required.

### **Decision about most appropriate option**

566. For the reasons above, the amendments to the district plan maps are considered to be the most appropriate way to implement PDP TKAZ Objective 9.2.1 Te Kowhai Airpark. The maps will also implement Policy 9.2.1.6(a), while protecting people's health.

## **12 Noise - Acoustic Insulation**

### **12.1 Introduction**

567. This section considers submissions on rules relating to acoustic insulation requirements (zone rules and Appendix I Acoustic Insulation rules).
568. There are rules in the Rural Zone (Rule 22.3.7.4), Country Living Zone (Rule 23.3.7.4) and Village Zone (Rule 24.3.7) that require noise-sensitive activities within the Airport Noise Outer Control Boundary to comply with Appendix I Acoustic Insulation. There is also a Te Kowhai noise buffer which requires acoustic insulation for development on some sites adjoining the airpark, to cater for aircraft noise on taxiways close to external property boundaries.

### **12.2 Submissions**

569. 31 submission points were received on the topic of acoustic insulation. Some submissions seek new zone rules to require acoustic insulation for noise-sensitive activities. Some submissions seek changes to Appendix I Acoustic Insulation. NZTE Operations Limited [823.1] also propose a new objective and policy relating to acoustic insulation for noise-sensitive activities in the Airport Noise Control Boundaries.
570. The following submissions were made:

Submission point	Submitter	Summary of submission
602.4	Greig Metcalf	(Village Zone) Amend Rule 24.3.7 PI Building - Airport Noise Outer Control Boundary, as follows: PI Construction, addition to or alteration of a dwelling <u>within the Airport Noise Outer Control Boundary</u> must achieve the internal design sounds levels specified in Appendix I - Acoustic Insulation, Section 3 Table 6.
FSI 253.39	Waikato Regional Airport Limited	Oppose
697.140	Waikato District Council	(Residential Zone) Insert new rule after Rule 16.3.10 as follows: <u>16.3.10A Building – Te Kowhai Noise Buffer</u> <u>PI</u> <u>Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix I (Acoustic Insulation).</u> <u>RDI</u> <u>(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 16.3.10A PI</u> <u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) on-site amenity values;</u> <u>(ii) noise levels received at the notional boundary of the dwelling;</u> <u>(iii) timing and duration of noise received at the notional boundary of the dwelling;</u> <u>(iv) potential for reverse sensitivity effects.</u>
FSI 339.89	NZTE Operations Limited	Oppose
697.210	Waikato District Council	(Business Zone) Insert new rule after 17.3.5, as follows: <u>17.3.5A Building – Te Kowhai Noise Buffer</u> <u>PI Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix I (Acoustic Insulation).</u> <u>RDI</u> <u>(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 17.3.5A PI</u> <u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) on-site amenity values;</u> <u>(ii) noise levels received at the notional boundary of the dwelling;</u> <u>(iii) timing and duration of noise received at the notional boundary of the dwelling;</u> <u>(iv) potential for reverse sensitivity effects</u>

FSI 339.93	NZTE Operations Limited	Support but with amendments
697.317	Waikato District Council	Amend Appendix I (Acoustic Insulation) as follows: <i>Appendix I - Acoustic Insulation - Section 3 (Te Kowhai Airpark). Te Kowhai Airpark acoustic standards for outer control noise boundary and the noise buffer should apply to any building containing a noise sensitive activity.</i>
FSI 339.199	NZTE Operations Limited	Support in part
697.907	Waikato District Council	(Country Living Zone) Insert the following rule after Rule 23.3.8: <u>23.3.8B Building – Te Kowhai Noise Buffer</u> <u>PI Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix I (Acoustic Insulation).</u> <u>RDI</u> <u>(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 23.3.8B PI</u> <u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) on-site amenity values;</u> <u>(ii) noise levels received at the notional boundary of the dwelling;</u> <u>(iii) timing and duration of noise received at the notional boundary of the dwelling;</u> <u>(iv) potential for reverse sensitivity effects.</u>
FSI 339.95	NZTE Operations Limited	Support but with amendments
FSI 387.730	Mercury NZ Limited for Mercury D	Oppose
823.15	NZTE Operations Limited	(Residential Zone) Insert new Rule 16.3.12 as follows: <u>16.3.12 Noise Sensitive Activities</u> <u>PI – Construction, addition, or alteration to a building containing a Noise Sensitive Activity located between the Waikato Regional Airport or Te Kowhai Air Noise Boundary and the Outer Control Boundary must comply with Appendix I – Acoustic Insulation.</u> <u>RDI (a) Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 16.3.12 PI.</u> <u>(b) Council's discretion is restricted to the following matters:</u> <u>(i) internal design sound levels;</u> <u>(ii) on-site amenity values; and</u> <u>(iv) Potential for reverse sensitivity effects.</u>
FSI 253.6	Waikato Regional Airport Limited	Support
823.16	NZTE Operations Limited	Delete Rule 22.3.7.3 Building – Te Kowhai Noise Buffer.

FSI 178.16	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson	Oppose
823.18	NZTE Operations Limited	Amend Rule 22.3.7.4 PI (a)(i) to read: The <u>Waikato Regional Airport and Te Kowhai Airpark Zone</u> Air Noise Boundary and Outer Control Boundary”
FSI 178.18	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson	Oppose
FSI 253.21	Waikato Regional Airport Limited	Support
823.20	NZTE Operations Limited	(Village Zone) Amend Rule 24.3.7 to read: Rule 24.3.7 <del>Airport Noise Outer Control Boundary</del> <u>Noise Sensitive Activities</u> PI Construction, addition to or alteration of a <del>dwelling building containing a Noise Sensitive Activity located between the Te Kowhai Airpark Air Noise Boundary and the Outer Control Boundary</del> must comply with Appendix I - Acoustic Insulation, Section 3 RDI (a) Construction, addition to or alteration to a <del>dwelling building</del> that does not comply with a condition in Rule 27.3.7 PI. (b) Council's discretion is restricted to the following matters: (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the <del>building dwelling</del> ; (iii) Timing and duration of noise received at the notional boundary of the <del>dwelling building</del> ; and (iv) Potential for reverse sensitivity effects.
FSI 178.20	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson.	Oppose
FSI 253.38	Waikato Regional Airport Limited	Support
FSI 335.10	Greig Metcalf	Oppose
823.21	NZTE Operations Limited	Insert a new Figure 3 into Appendix I being Figure 4 of the Marshall Day Report attached [to the original submission] at Appendix B.
FSI 178.21	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie	Oppose

	Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson.	
823.24	NZTE Operations Limited	Introduce the new Te Kowhai Airpark Airport Noise Control Boundaries (ANCB) recommended in the Marshall Day Report.
FSI 178.24	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson.	Oppose
823.25	NZTE Operations Limited	<p>(Appendix 1) Replace Rule 3 Figure 2 with the Figure 3 in the Marshall Day Report attached [to the original submission] at Appendix B.</p> <p>AND</p> <p>Amend Appendix 1- Acoustic Insulation Section 3 Te Kowhai Airpark to read as follows:</p> <p>3. Te Kowhai Airpark</p> <p><del>The Te Kowhai Airpark Outer Noise Control Boundaries</del> identify areas that experience high noise levels from aircraft landing and taking off from the Te Kowhai Airpark. <del>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. Noise Sensitive Activities</del> <u>Dwellings</u> within the Te Kowhai Airpark <del>Outer Noise Control Boundaries</del> <u>that</u> are required to be acoustically insulated <u>must</u> <del>to</del> achieve the internal noise standards specified in sections 3.1 <del>and 3.2</del> below.</p> <p>AND</p> <p>Amend Appendix 1- Acoustic Insulation Rule 3.1 to read as follows:</p> <p>3.1 Conditions for <del>Permitted Activities</del> <u>Noise Sensitive Activities</u> inside the Te Kowhai Airpark <del>Outer Control Noise Boundaries</del></p> <p>...</p> <p>(3) Where a building is partly or wholly contained within the Te Kowhai Airpark <del>Outer Noise Control Noise Boundaries</del>, 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 systems 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.</p> <p>AND</p> <p>Delete Rule 3.2- Conditions for Permitted Activities the Te Kowhai Airpark Noise Buffer in Appendix 1.</p>
FSI 178.25	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason	Oppose



	Strangwick, Nicola and Kerry Thompson.	
923.104	Waikato District Health Board	<p>Add a new rule section setting requirements for mechanical ventilation as follows:</p> <p><u>X. Mechanical ventilation I.</u></p> <p><u>Buildings that are required to have acoustic insulation must be designed, constructed and maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:</u></p> <p><u>(i) For habitable rooms for a residential activity:</u></p> <p><u>A. Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;</u></p> <p><u>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;</u></p> <p><u>C. Provide relief for equivalent volumes of spill air;</u></p> <p><u>D. Provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degree Celsius and 25 degree Celsius;</u></p> <p><u>E. Generate less than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</u></p> <p><u>(ii) For other spaces, a specification as determined by a suitably qualified and experienced person.</u></p> <p><u>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.I.</u></p>
923.108	Waikato District Health Board	<p>Delete Appendix I- Acoustic Insulation 3.1. (3), 3.1.4 and 3.1.5</p> <p>AND Add to Appendix I- Acoustic Insulation a new 3.1 (3) as follows:</p> <p><u>A mechanical ventilation must be installed in accordance with X.</u></p>
923.109	Waikato District Health Board	<p>Delete Appendix I- Acoustic Insulation 3.2 (3), 3.2 (4) and 3.2 (5) AND</p> <p>Add to Appendix I- Acoustic Insulation a new 3.2 (3) as follows:</p> <p><u>A mechanical ventilation must be installed in accordance with X.</u></p>

## 12.3 Analysis

### Noise-Sensitive Activities in the Outer Control Boundary (OCB)

571. NZTE Operations Limited's submission seeks a new Residential Zone rule [823.15], and an amended Village Zone rule [823.20], which require construction of, addition to or alteration of a building containing noise-sensitive activities on land located between the ANB 65dB L<sub>dn</sub> line and the Outer Control Boundary 55dB L<sub>dn</sub> line to comply with PDP Appendix I – Acoustic Insulation.

572. NZTE Operations Limited's submissions [823.15 and 823.20] are consistent with the requirements in Table 2 of NZS6805:1992, which recommend that noise-sensitive uses within the OCB (but outside of the ANB) should be prohibited unless the district plan permits those uses, subject to a requirement for appropriate acoustic insulation.
573. The Panel may consider that there is scope to require noise-sensitive activities in the OCB within the TKAZ to also comply with PDP Appendix I - Acoustic Insulation, on the basis that this would promote consistency between provisions within the district plan. There is no notified rule in that zone requiring acoustic insulation, although notified Policy 9.2.1.6(c) calls for such a rule:
- “(c) Sensitive land uses within the noise control boundary must achieve appropriate internal noise levels.”
574. For noise-sensitive activities in the TKAZ, the PDP Appendix I would provide minimum acoustic insulation requirements (a minimum level of protection) and the Te Kowhai aerodrome operator may, through private agreement, require additional acoustic insulation. I consider that an acoustic insulation rule, is needed within the TKAZ (the same as the other zones), to provide transparency for all plan users about acoustic insulation requirements for new noise-sensitive activities within the TKAZ.
575. Greig Metcalf [602.4] requested that Village Zone Rule 24.3.7 PI be amended to make it clear that this rule only relates to a dwelling within the Airport Noise Outer Control Boundary. NZTE Operations Limited's submission [823.20] proposes alternative wording to Rule 24.3.7 that changes the reference “dwelling” to “building containing a noise-sensitive activity” as well as other changes to ensure that Rule 24.3.7 PI for noise-sensitive activities is relatively consistent with other zones. The wording proposed by NZTE Operations Limited's submission would also address Mr Metcalf's submission, as dwellings are included in the definition of a ‘noise-sensitive activity’ and the rule as requested to be amended by NZTE Operations Limited [823.20] refers to buildings in the OCB.
576. Rather than specifically referring to aerodrome names, and to maintain the general application of the rule, I recommend that the Panel accept in part NZTE Operations Limited [823.20], accept in part Waikato Regional Airport Limited [FS/253.38] and accept in part Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS/178.20] and Greig Metcalf [FS/335.10]. I recommend that this be accepted only to the extent that the rule name is changed, and amendments are made to the matters of discretion. I recommend that the Panel accept in part Greig Metcalf [602.4], to the extent that Rule 24.3.7 be amended to refer to an Outer Control Boundary and that the further submission by Waikato Regional Airport Limited [FS/253.39] be accepted in part.
577. NZTE Operations Limited [823.15] sought that the Residential Zone noise-sensitive activities rule also refer to the Waikato Regional Airport. However, the PDP district plan maps do not show any Residential Zone properties within the Noise Outer Control Boundary associated with the Hamilton Airport. Accordingly, the new Residential Zone noise-sensitive activities rule does not need to refer to the Hamilton Airport. I recommend that the Panel accept in part NZTE Operations Limited [823.15] and accept in part Waikato Regional Airport Limited [FS/253.6]; to the extent that a new noise-sensitive activities rule be inserted into the Residential Zone, but that it does not refer to the Waikato Regional Airport.

*Noise-Sensitive Activities in the Air Noise Boundary*

578. NZTE Operations Limited's submission [823.18] sought that Rural Zone Rule 22.3.7.4 PI Building - Noise Sensitive Activities be amended so that it applies to noise-sensitive activities in the ANB and OCB (notified rule only refers to the OCB) of both the Waikato Regional

Airport and Te Kowhai Airpark Zone. NZTE Operations Limited submission [823]<sup>86</sup> is clear that the ANCBs (being both the ANB and the OCB) are to be referred to in Rule 22.3.7.4 PI. Including noise-sensitive activities in the Air Noise Boundary in Rule 22.3.7.4 is appropriate, given that the Air Noise Boundary is a high noise area, so requiring acoustic insulation within that area is fitting, and the rule would then implement amended Rural Zone Policy 5.3.15 (as discussed above).

579. Waikato Regional Airport Limited's further submission [FS/253.21] supports this but recommends that the reference to the Waikato Regional Airport be changed to refer instead to the Hamilton Airport. In order to maintain the general application of the rule, I support submission [823.18] in part, to include the ANB and OCB, but to not include aerodrome names. So the Rural Zone rule would read:

“22.3.7.4 PI (a) Construction of, or addition, or alteration to a building containing a noise-sensitive activity must be insulated in compliance with Appendix I (Acoustic Insulation) within:

~~(i) The Airport Noise Outer Control Boundary;~~

(i) An airport noise boundary or outer control boundary; ...”

580. I recommend that the Panel accept in part NZTE Operations Limited [823.18] and Waikato Regional Airport Limited [FS/253.21] and accept in part Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS/178.18], such that Rule 22.3.7.4 PI does not specifically refer to Waikato Regional Airport and the TKAZ, and does not specifically refer to Hamilton Airport, but does refer to noise-sensitive activities in the ANB.
581. Consequential amendments to align other zones with the rewording of Rural Zone Rule 22.3.7.4 should be considered. Village Zone Rule 24.3.7 could be reworded accordingly. New Residential Zone rule wording could also be consistent with the Rural Zone wording above. Page 7 paragraph 32(d) of NZTE Operations Limited submission [823] is clear that the submitter seeks the ANCBs (being both the ANB and the OCB) are to be referred to in Village Zone Noise-sensitive activities Rule 24.3.7 PI. On page 10 of NZTE Operations Limited submission [823], the third column in the table states: “Chapter 24 Rule 24.3.7 does not provide for the proposed ANCBs in Figure 3 of the Marshall Day Report. Rule 24.3.7 is required to be amended.” Therefore, NZTE Operations Limited seeks that Village Zone Noise-sensitive activities Rule 24.3.7 PI be amended to refer to the ANB, as well as the OCB.
582. To ensure consistency within the district plan, the Panel may consider that there is scope in submissions to amend the recommended new noise-sensitive activities rule in the TKAZ to also apply to noise-sensitive activities in the ANB (as recommended for the Rural Zone Rule 22.3.7.4 and Village Zone Rule 24.3.7).
583. I also recommend, as a consequential amendment to ensure the consistency of rule titles throughout the district plan, that the word “building” be removed from the title so that the Rural Zone rule title reads as follows: “22.3.7.4 Noise-Sensitive Activities”.

#### *Objectives and Policies*

584. The proposed amendments to the rules above, are within the scope of the following relevant objectives and policies:
- Urban: Objective 4.4.1, Policy 4.4.2, Objective 4.4.3A and Policy 4.4.4A
  - Village: Policy 4.4.2, amended as recommended by the Land Use Village Zone s42A report, Objective 4.4.3A and Policy 4.4.4A

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<sup>86</sup> Page 7, paragraph 32(c)

- Rural: 5.3.15 Policy, amended as recommended by the Land Use Rural Zone s42A report, Objective 5.3A.3 and Policy 5.3.A4
- Airpark: Policy 9.2.1.6(c), Objective 9.2.3 and Policy 9.2.3.1.

#### *Te Kowhai Noise Buffer*

585. The Airpark Noise Buffer (Te Kowhai) is shown on the planning maps. NZTE Operations Limited's submission [823.16] requested that Rural Zone Rule 22.3.7.3 Building – Te Kowhai Noise Buffer be deleted.
586. Tonkin and Taylor (WDC's noise experts) have advised that *"The [Marshall Day] ANCBs includes taxiway noise, so the notified provisions relating to the 'Te Kowhai Airpark Buffer Zone' are no longer necessary, if the MDA ANCBs are incorporated into the PDP.<sup>87</sup>"*
587. As ANCBs (which include taxiway noise) are recommended for inclusion in the PDP in this report (in response to NZTE Operations Limited [823.26]), then I rely on the report by Tonkin and Taylor, that Rule 22.3.7.3 Building – Te Kowhai Noise Buffer is no longer required, and I recommend that the Panel delete that Rule; accept the submission by NZTE Operations Limited [823.16] and reject the further submission by Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.16]. One consequential amendment would be that the Te Kowhai Noise Buffer be removed from the district plan maps.
588. NZTE Operations Limited's submission [823.25] also seeks that Rule 3.2 Conditions for Permitted Activities the Te Kowhai Airpark Noise Buffer in PDP Appendix I be deleted. Considering the advice from Tonkin and Taylor, I also recommend that PDP Appendix I - Rule 3.2 should be deleted; and recommend that the Panel accept the submission by NZTE Operations Limited [823.25] and reject Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.25].
589. If the Panel decides to retain the noise buffer, then I suggest that the terminology used to describe the noise buffer be standardised in rules, maps and PDP Appendix I.
590. Waikato District Council's (WDC) submissions [697.140, 697.210, and 697.907] sought to insert rules into the Residential Zone, the Business Zone and the Country Living Zone to require acoustic insulation of new dwellings and of additions or alterations to existing dwellings, all within the Te Kowhai Noise Buffer. The WDC submission notes that there is Residential, Business and Country Living-zoned land in close proximity to the Te Kowhai Airpark/Airfield.
591. However, the Te Kowhai Noise Buffer is not shown on the notified planning maps over land zoned Residential, Business and Country Living, so these submissions are redundant. In addition, I have recommended that the Te Kowhai Noise Buffer be deleted from the district plan. I recommend that the Panel reject the submissions by WDC [697.140, 697.210 and 697.907] and accept the further submissions by NZTE Operations Limited [FS1339.89, FS1339.93 and FS1339.95].
592. NZTE Operations Limited made further submissions [FS1339.93 and FS1339.95] on WDC submission points [697.210 and 697.907] and identified consequential amendments that new acoustic insulation rules for noise-sensitive activities within the Outer Control Boundaries also be applied to the Business Zone and Country Living Zone.

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<sup>87</sup> Tonkin + Taylor "Noise submissions for Te Kowhai Airpark" report, dated 25 August 2020, Job no:1013185, page 9, section 3.3, paragraph 3

593. The final 65dB  $L_{dn}$  and 55dB  $L_{dn}$  boundaries will need to be identified through the Panel decisions and if need be, additional acoustic insulation rules relating to acoustic requirements in PDP Appendix I could be provided in the Plan so that all zones which occur within the Air Noise Boundary and Outer Control Boundary have acoustic insulation rules. Based on the ANCBs in PDP Appendix 9C of this report, this would include the Business Zone and Reserves Zone but not the Country Living Zone.

*Appendix I – Acoustic Insulation*

594. NZTE Operations Limited's submission [823.25] requested that PDP Appendix I - Acoustic Insulation Section 3 Te Kowhai Airpark - be amended. I recommend that changes sought to sections 3 and 3.1 (heading section) [823.25] of Appendix I of the PDP be accepted, as they make it clear that there are controls relating to both the Air Noise Boundary and the Outer Control Boundary, and that acoustic insulation requirements will relate to noise-sensitive activities.
595. NZTE Operations Limited [823.25] and Waikato District Health Board [923.104 and 923.108] sought amendments to section 3.1(3) relating to mechanical ventilation. I recommend that the Waikato District Health Board's wording be accepted instead of the amendments requested by NZTE Operations Limited. This would result in a consistent approach across the high noise activities/locations mentioned in PDP Appendix I and is in accordance with the recommendation of the s42A report author (Grant Eccles) for Hearing 2 – All of Plan.
596. Accordingly, I recommend that the Panel accept Waikato District Health Board [923.104 and 923.108] and accept in part the submission by NZTE Operations Limited [823.25] that deals with PDP Appendix I details associated with the Airpark and a heading and accept in part the submission by Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1/78.25]; and that recommend changes be made to PDP Appendix I, to section 3 (details) and 3.1 (heading).
597. Waikato District Council's (WDC) submission [697.317] requested that PDP Appendix I (Acoustic Insulation) – Section 3 for Te Kowhai Airpark be amended to apply to any building containing a noise-sensitive activity. NZTE in their original submission [823.25] also seek this (with reference to the description in section 3 only).
598. Amending references to “dwelling” and “building” within section 3 of PDP Appendix I to refer to “building/s containing a noise sensitive activity” as requested by WDC [697.317] and NZTE Operations Limited [823.25] will result in consistency with rules and policies. This amended wording will also provide additional certainty for plan users that it is only buildings containing a noise-sensitive activity (which includes dwellings as well as other buildings) that are required to have specified acoustic insulation. This submitter has also submitted on the noise buffer, which I have recommended be removed. I recommend that the Panel accept in part the submission by WDC [697.317] as it relates to the outer control noise boundary only and accept in part the further submission by NZTE Operations Limited [FS/339.199].
599. NZTE Operations Limited's submission [823.25] requested that PDP Appendix I Rule 3 Figure 2 (showing noise contours) be replaced with Figure 3 from the Marshall Day Acoustics (MDA) Report. Figure 3 of the MDA report shows adjusted Airport Noise Control Boundaries (ANCBs) only. My earlier recommendation is to amend notified district plan maps to show ANCBs as per Tonkin and Taylor modelling.
600. I recommend that the Panel accept in part NZTE Operations Limited [823.25] and accept in part Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1/78.25]; to the extent that PDP Appendix I Rule 3 Figure 2 is not replaced with Figure 3 of the MDA report, based on advice from

Tonkin and Taylor to replace Figure 2 with information equating to an amended Figure 4 of the MDA report.

601. I have recommended that Figure 3 of the MDA report not be incorporated in PDP Appendix I for the reasons stated above. Therefore, the NZTE Operations Limited [823.24] submission to “*Introduce the new Te Kowhai Airpark Airport Noise Control Boundaries (ANCB) recommended in the Marshall Day Report*” (relating to PDP Appendix I) is not necessary. I recommend that the Panel reject NZTE Operations Limited [823.24] and accept Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FSI 178.24].
602. NZTE Operations Limited’s submission [823.21] requested that new Figure 3 be added to PDP Appendix I (being Figure 4 of the Marshall Day Acoustics Report which shows future noise contours for acoustic insulation).
603. I consider that a new figure should be added to PDP Appendix I, Section 3, which shows noise contours for acoustic insulation based on the ANCBs in Appendix 9C of this report, because these are based on the 10-year forecast in an appendix to the Section 32 report for the TKAZ; and that my recommendations for flight training school and circuit training be a non-complying activity.
604. I recommend that the Panel accept in part NZTE Operations Limited [823.21] to the extent that PDP Appendix I, Section 3, Figure 2 be replaced with an amended version of Figure 4 of the MDA report based on the Tonkin and Taylor modelling, and accept in part Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FSI 178.21].

#### *Mechanical ventilation*

605. Waikato District Health Board’s (WDHB) submissions [923.104, 923.108 and 923.109] requested a new rule to set requirements for mechanical ventilation as well as amendments to PDP Appendix I. The s42A report author of Hearing 2 – All of Plan (Grant Eccles) addressed this in paragraphs 309 to 312 (pages 79 and 80) of the s42A report for Hearing 2. I agree with those assessments, and in particular Mr Eccles’ following comment: “*I agree with the submitter that, where acoustic insulation is required, occupants of dwellings should not have to suffer either excess noise or excess/insufficient temperatures.*”
606. WDHB’s submission [923.108] is to delete notified rules in PDP Appendix I numbered 3.1 (3), 3.1 (4) and 3.1 (5), and replace them with the wording in submission [923.104] which deals with mechanical ventilation. A consequential amendment is the deletion of Table 8 which deals with noise limits for ventilation systems, as noise limits are requested in the new mechanical ventilation rule.
607. While Mr Eccles recommended that submission [923.108] be accepted, I recommend that the Panel accept submission [923.108] in part, such that additional words should be added to make it clear that the ventilation system must also be installed. I recommend that the Panel accept the submission by Waikato District Health Board [923.104] and accept in part the submission by Waikato District Health Board [923.108]: to the extent that existing requirements in PDP Appendix I numbered 3.1 (3), 3.1 (4) and 3.1 (5) be deleted and replaced with the wording in submission 923.104, that amends mechanical ventilation requirements in PDP Appendix I Section 3, and that installation of mechanical ventilation be required.
608. I have recommended above that the submission of NZTE Operations Limited [823.25] be accepted in part and PDP Appendix I – Rule 3.2 be deleted. The relief sought in submission point [923.109] is no longer necessary, as it relates to mechanical ventilation requirements for land within the Te Kowhai Noise Buffer (which is to be deleted). While Mr Eccles

recommended that submission [923.109] be accepted, I respectfully disagree, and I recommend that the Panel reject the submission by Waikato District Health Board [923.109].

## 12.4 Recommendations

609. I recommend that the Hearings Panel:

- (a) **Accept in part** NZTE Operations Limited [823.20], **accept in part** Waikato Regional Airport Limited [FS1253.38], **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.20] and **accept in part** Greig Metcalf [FS1335.10]. *This is accepted only to the extent that the rule name be changed, and amendments made to the matters of discretion.*
- (b) **Accept in part** Greig Metcalf [602.4] and **accept in part** Waikato Regional Airport Limited [FS1253.39]; *to the extent that Rule 24.3.7 be amended to refer to the Outer Control Boundary.*
- (c) **Accept in part** NZTE Operations Limited [823.15] and **accept in part** Waikato Regional Airport Limited [FS1253.6]; *to the extent that a new noise-sensitive activities rule be inserted into the Residential Zone, but that it does not refer to the Waikato Regional Airport.*
- (d) **Accept in part** NZTE Operations Limited [823.18], **accept in part** Waikato Regional Airport Limited [FS1253.21] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.18]; *such that Rule 22.3.7.4 PI does not specifically refer to Waikato Regional Airport and the TKAZ, and does not specifically refer to Hamilton Airport, but does refer to noise sensitive activities in the ANB.*
- (e) **Accept** NZTE Operations Limited [823.16] and **reject** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.16].
- (f) **Accept in part** NZTE Operations Limited [823.25] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.25]; *accept most changes, with the exception that changes to Rule 3.1(3) text not be accepted and to the extent that PDP Appendix 1 Rule 3 Figure 2 not be replaced with Figure 3 of the MDA report.*
- (g) **Reject** WDC [697.140, 697.210 and 697.907] and **accept** NZTE Operations Limited [FS1339.89, FS1339.93 and FS1339.95].
- (h) **Accept in part** WDC [697.317] and **accept in part** NZTE Operations Limited [FS1339.199]; *to the extent that it relates to the outer control noise boundary only.*
- (i) **Reject** NZTE Operations Limited [823.24] and **accept** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.24].
- (j) **Accept in part** NZTE Operations Limited [823.21] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.21]; *to the extent that a new figure be added to PDP Appendix 1, Section 3, which shows noise contours for acoustic insulation, but that they are based on the Tonkin and Taylor ANCBs in Appendix 9C of this report.*
- (k) **Accept** WDHB [923.104].
- (l) **Accept in part** WDHB [923.108]; *to the extent that existing requirements in PDP Appendix 1 numbered 3.1 (3), 3.1 (4) and 3.1 (5) can be deleted and replaced with the wording in submission [923.104,] and that installation of mechanical ventilation be required.*

(m) **Reject** WDHB [923.109].

## 12.5 Recommended Amendments

### Residential Zone

#### Rule 16.3.12 Noise-Sensitive Activities<sup>88</sup>

<u>PI</u>	(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must <del>comply</del> <u>be insulated in compliance</u> with Appendix I (Acoustic Insulation) within: (i) <del>The Airport Noise Outer Control Boundary</del> <u>An airport noise boundary or outer control boundary</u> . <sup>89</sup>
<u>RDI</u>	(a) <u>Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 16.3.12. 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> (iv) <u>potential for reverse sensitivity effects.</u> <sup>90</sup>

### Rural Zone

#### ~~22.3.7.3 Building Te Kowhai Noise Buffer~~<sup>91</sup>

<del>PI</del>	<del>Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix I (Acoustic Insulation).</del>
<del>RDI</del>	(a) <del>Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 22.3.7.3 PI</del> (b) <del>Council's discretion shall be restricted to the following matters:</del> (i) <del>on-site amenity values;</del> (ii) <del>noise levels received at the notional boundary of the dwelling;</del> (iii) <del>timing and duration of noise received at the notional boundary of the dwelling;</del> (iv) <del>potential for reverse sensitivity effects.</del>

#### Rule 22.3.7.4 Building— Noise-Sensitive Activities

<u>PI</u>	(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must <del>comply</del> <u>be insulated in compliance</u> with Appendix I (Acoustic Insulation) within: (i) <del>The Airport Noise Outer Control Boundary</del> <u>An airport noise boundary or outer control boundary</u> . <sup>92</sup> (ii) 350m of the Huntly Power Station site boundary; (iii) The Waikato Gun Club Noise Control Boundary.
<u>RDI</u>	(a) Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 22.3.7.4 .PI. (b) Council's discretion is restricted to the following matters:

<sup>88</sup> [823.15 and FS/253.6]

<sup>89</sup> [602.4]

<sup>90</sup> [823.15 and FS/253.6]

<sup>91</sup> [823.16]

<sup>92</sup> [823.18 and FS/253.21]



	<ul style="list-style-type: none"> <li>(i) internal design sound levels;</li> <li>(ii) on-site amenity values; and</li> <li>(iii) potential for reverse sensitivity effects.</li> </ul>
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### Village Zone

#### Rule 24.3.7 Building— Airport Noise Outer Control Boundary Noise-Sensitive Activities<sup>93</sup>

PI	<p>(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must <del>comply</del> <u>be insulated in compliance</u> with Appendix I (Acoustic Insulation) within:</p> <p style="padding-left: 40px;">(i) <del>The Airport Noise Outer Control Boundary</del> <u>An airport noise boundary or outer control boundary<sup>94</sup></u>;</p> <p><del>must achieve the internal design sound levels specified in Appendix I—Acoustic Insulation, Section 3 Table 6 comply with Appendix I—Acoustic Insulation, Section 3.</del></p>
RDI	<p>(a) Construction <del>of, or</del> addition, <del>to</del> or alteration to, a <u>dwelling building<sup>95</sup></u> that does not comply with a condition in Rule 24.3.7 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) On-site amenity values;</li> <li>(ii) Noise levels received at the notional boundary of the <u>building dwelling<sup>96</sup></u>;</li> <li>(iii) Timing and duration of noise received at the notional boundary of the <u>dwelling building; and<sup>97</sup></u></li> <li>(iv) Potential for reverse sensitivity effects.</li> </ul>

### Te Kowhai Airpark Zone

#### Rule 27.3.14 Noise-Sensitive Activities<sup>98</sup>

<u>PI</u>	<p>(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must <del>comply</del> <u>be insulated in compliance</u> with Appendix I (Acoustic Insulation) within:</p> <p style="padding-left: 40px;">(i) <del>The Airport Noise Outer Control Boundary</del> <u>An airport noise boundary or outer control boundary.</u></p>
<u>RDI</u>	<p><u>(a) Construction of, or addition, or alteration to, a building that does not comply with a condition in Rule 27.3.14 PI.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) internal design sound levels;</u></li> <li><u>(ii) on-site amenity values; and</u></li> <li><u>(iv) potential for reverse sensitivity effects.</u></li> </ul>

## 12.6 Appendix I Acoustic Insulation

### 3. Te Kowhai Airpark

The Te Kowhai Airpark ~~Outer~~ Noise Control Boundaryies identify areas that experience high noise levels from aircraft landing and taking off from the Te Kowhai Airpark. ~~The Te Kowhai Airpark Noise~~

<sup>93</sup> [823.20 and FS/253.38]

<sup>94</sup> [823.20 and FS/253.38]

<sup>95</sup> [823.20 and FS/253.38]

<sup>96</sup> [823.20 and FS/253.38]

<sup>97</sup> [823.20 and FS/253.38]

<sup>98</sup> Consequential associated with [823.15 and 823.20]

~~Buffer identifies land within the Rural Zone around the Te Kowhai Airfield that experiences high noise levels from aircrafts using the taxiways. Buildings containing Noise Sensitive Activities Dwellings within the Te Kowhai Airpark Outer Noise Control Boundaryies that are required to be acoustically insulated must to achieve the internal noise standards specified in sections 3.1 and 3.2 below.<sup>99</sup>~~

3.1 Conditions for ~~Permitted Activities Buildings containing Noise-Sensitive Activities~~ inside the Te Kowhai ~~aerodrome Airpark Outer Control Airport~~ Noise ~~Control~~ Boundaryies<sup>100</sup>

...

~~Replace Appendix I – Acoustic Insulation Rule 3 Figure 2 with new figure showing noise contours for acoustic insulation in 2db increments based on the ANCBs in Appendix 9C of this report.~~

~~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.<sup>101</sup>~~

### ~~3.1(3) Mechanical ventilation<sup>102</sup>~~

~~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. 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) 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<sup>103</sup>~~

~~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:~~

<sup>99</sup> [823.25]

<sup>100</sup> [823.25]

<sup>101</sup> [923.108]

<sup>102</sup> [923.104]

<sup>103</sup> [823.25]

**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
+1	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 L <sub>Aeq</sub> )	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35

## 12.7 Consequential Amendments

District Plan maps:

Delete the Airpark Noise Buffer (Te Kowhai) from the District Plan maps.<sup>104</sup>

Appendix:

Delete PDP Appendix I - Acoustic Insulation Section 3.1 Table 8 as a consequence of imposing amended Rule 3.1(3).

**Table 8: Noise limits for ventilation systems**<sup>105</sup>

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

<sup>104</sup> Consequential associate with [823.16]

<sup>105</sup> Consequential associated with [923.104]

## 12.8 Section 32AA evaluation – Acoustic Insulation

### Other reasonably-practicable options

610. One option is to “do nothing”, i.e. use the Plan as notified. This would mean the following:
- No Residential Zone Noise-Sensitive Activities Rule.
  - No Te Kowhai Airpark Zone Noise-Sensitive Activities rule.
  - Rural and Village Zone rules for noise-sensitive activities only relating to the Airport Noise Outer Control Boundary.
  - PDP Appendix I Section 3 only referring to the Airport Noise Outer Control Boundary.
  - Retaining Rural Zone Rule 22.3.7.3 Te Kowhai Noise Buffer and retaining PDP Appendix I Section 3 Te Kowhai Noise buffer requirements.
  - Retaining notified ventilation requirements including Table 8.
611. Option 2 is to add new rules in the Residential Zone and Te Kowhai Airpark Zone for noise-sensitive activities and to amend Rural Zone Rule 22.3.7.4 and Village Zone Rule 24.3.7 for noise-sensitive activities, and to amend PDP Appendix I Section 3 to refer to both ANCBs and buildings containing noise-sensitive activities.
612. Option 3 would be to delete Rural Zone Rule 22.3.7.3 and delete PDP Appendix I Section 3.2, both of which relate to the Te Kowhai Noise Buffer, and to delete the Airpark Noise Buffer (Te Kowhai) from the District Plan maps.
613. Option 4 is to amend the mechanical ventilation requirements in PDP Appendix I, Section 3, including deleting Table 8.

### Effectiveness and efficiency

614. The new and amended zone rules for noise-sensitive activities will be relatively consistent with each other, reduce confusion, and be easier to monitor. The new and amended zone rules are more efficient and effective, as they are clearer about acoustic insulation requirements for noise-sensitive activities in the OCB and the ANB in the Residential, Rural, Village and Te Kowhai Airpark Zones.
615. The new Residential and Te Kowhai Airpark Zones noise-sensitive activities rules and the recommended amendments to Rural and Village Zone noise-sensitive activities rules, give effect to amended Policy 4.4.2 Noise, amended Policy 5.3.15 Noise and Vibration and amended Policy 9.2.1.6(c) and new Policy 5.3.A4, new Policy 44.4A and new Policy 9.2.3.1. The new rules and amendments improve the effectiveness and efficiency of these rules in implementing Residential and Village Zone Objective 4.4.1 – Adverse effects of land use and development, Rural Zone Objective 5.3.1 Rural Character and Amenity, and TKAZ Objective 9.2.1 Te Kowhai Airpark.

### Costs and benefits

616. One additional cost relates to compliance with the acoustic insulation requirements in PDP Appendix I Section 3 for buildings containing noise-sensitive activities, only in the OCB in the Residential Zone, and in the OCB and the ANB in the Village Zone, Rural Zone and Te Kowhai Airpark Zone.
617. One benefit is clearer guidance to plan users regarding acoustic insulation requirements in the Residential, Village, Rural and Te Kowhai Airpark Zones. The new and amended rules will also be relatively consistent with each other, reduce confusion, and be easier to monitor. There is wider benefit to the local community by requiring acoustic insulation in the ANB and the OCB within the Residential, Village, Rural and Te Kowhai Airpark Zones.

### Risk of acting or not acting

618. There is sufficient information to justify the amendments to Rule 16.3.12, Rule 22.3.7.3, Rule 22.3.7.4, Rule 24.3.7, Rule 27.3.14, PDP Appendix I and the district plan maps. No additional risk assessment is required.

### Decision about most appropriate option

619. For the reasons above, the amendments to Rule 16.3.12, Rule 22.3.7.3, Rule 22.3.7.4, Rule 24.3.7, Rule 27.3.14, PDP Appendix I and the district plan maps are considered to be the most appropriate way to achieve PDP Residential and Village Zone Objective 4.4.1 – Adverse effects of land use and development, Rural Zone Objective 5.3.1 Rural Character and Amenity, and TKAZ Objective 9.2.1 Te Kowhai Airpark.

## 13 Noise - Rules

### 13.1 Rule 27.2.7 Noise – Taxiways

#### 13.1.1 Introduction

620. Rule 27.2.7 Noise – Taxiways sets out noise limits for permitted activities in all Precincts from aircraft movements on taxiways. It does not seek to manage noise from other aircraft operations, which includes noise from aircraft using the runway taking off and landing.

#### 13.1.2 Submissions

621. 8 submission points were received on Rule 27.2.7 Noise - taxiways. One submitter sought that the rule be deleted in its entirety, one submitter wanted the permitted activity requirements deleted and replaced with other requirements, and other submitters requested changes such as flying hours and adding reference to Village Zone.
622. The following submissions were made:

Submission point	Submitter	Summary of submission
304.2	Graham Taylor	Amend Rule 27.2.7 Noise - Taxiways to include night flying curfew on general aviation and recreational flying between 10pm and 7am.
<i>FSI339.190</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
602.12	Greig Metcalf	Amend PI as follows: a) ii) When measured at the notional boundary of any other site in the Rural Zone <u>or Village Zone...</u>
<i>FSI339.178</i>	<i>NZTE Operations Limited</i>	<i>Support</i>
823.14	NZTE Operations Limited	Replace Rule 27.2.7 to with the below  <u>27.2.7 Noise- Aircraft Operations</u>

		<p><u>Noise from aircraft operations in ALL PRECINCTS, including aircraft movements on taxiways, shall not exceed 65dB L<sub>dn</sub> outside the Air Noise Boundary and 55dB L<sub>dn</sub> outside the Outer Control Boundary as shown in the Planning Maps. These limits do not apply inside the Te Kowhai Airpark Zone. For the purpose of this control aircraft noise shall be assessed in accordance with NZS6805:1992 "Airport Noise Management and Land Use Planning" and logarithmically averaged over a three month period. For the purposes of this rule aircraft operations shall include aircraft taking-off, landing, taxiing and flying on circuit flight paths. The following operations are excluded from the calculation of noise for compliance with noise limits:</u></p> <ul style="list-style-type: none"> <li>• <u>Aircraft engine testing and maintenance</u></li> <li>• <u>Aircraft landing or taking off in an emergency</u></li> <li>• <u>Emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency</u></li> <li>• <u>Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002</u></li> <li>• <u>Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere</u></li> <li>• <u>Aircraft undertaking firefighting duties</u></li> <li>• <u>Air Shows (for one air shows per year)</u></li> </ul> <p><u>Aircraft movements shall be recorded monthly and once the total movements in the busiest three month period reaches 4,500, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated once every three years. When the calculated noise level is within 1 decibel of the limit, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated annually and verified with infield monitoring once every three years.</u></p>
FS1178.14	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson.	Oppose
923.167	Waikato District Health Board	Delete Rule 27.2.7 PI and DI.
FS1339.186	NZTE Operations Limited	Support in part

### 13.1.3 Analysis

#### NZTE Operations Limited

623. NZTE Operations Limited's submission [823.14] is to replace notified Rule 27.2.7 with amended text.

624. This submission is linked to submission [823.26] - requesting that airport noise control boundaries (ANCB) be added to the planning maps, discussed earlier. The analysis that follows assumes that the Hearings Panel will accept [823.26], in full or in part. If the Panel rejects submission [823.26], it follows that [823.14] will also be rejected.
625. NZTE Operations Limited's submission [823.14] proposes that Noise Rule 27.2.7 be amended as a consequence of defining new ANCBs (OCB and ANB), and in consideration of:
- New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning (Standard 6805) and
  - NZTE's understanding of a general approach to aircraft noise control in New Zealand, and
  - options for management of perimeter taxiway noise.
626. Tonkin and Taylor have reviewed the Te Kowhai Airpark noise rules on behalf of Waikato District Council and advise that Noise Rule 27.2.7 as notified is confusing and may prove difficult to monitor. As notified Rule 27.2.7 only manages noise from aircraft on taxiways - it does not manage noise from aircraft on the runway or noise from aircraft flying in the vicinity of the aerodrome, and as such, not all aircraft noise is managed by notified Rule 27.2.7.
627. I recommend that notified Rule 27.2.7 Noise – Taxiways be replaced by a new Rule 27.2.7A to manage noise associated with aircraft operations, in consideration of the following:
- New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning is a New Zealand Standard which can be used to control airport noise.
  - The National Planning Standards refer to NZS6805 (with respect to measurement methods only).
  - Other district plans within New Zealand include rules with respect to New Zealand Standard NZS6805:1992 Airport Noise Management and Land Use Planning (refer to the following examples):
    - Bridge Pa Aerodrome (Rule 25.1.7F in the Hastings District Plan)
    - North Shore Airport (Rule 1525.6.1 in the Auckland Unitary Plan)
    - Kaipara Flats Airfield (Rule 1513.6 in the Auckland Unitary Plan)
    - Kapiti Airport (Rule Table 12D.1 in Kapiti Proposed District Plan).
  - Tonkin and Taylor agree that *"The revised Rule 27.2.7 proposed in the MDA report offers an appropriate means of managing aircraft noise (including taxiing noise) within the contours that have been predicted, noting that there are some minor differences between the predictions by MDA and T+T (the T+T predictions did not include taxiing noise)."*<sup>106</sup> This is based on 21,000 aircraft movements per year.
628. I have assessed each part of NZTE Operations Limited submission for replacement rule wording, as requested in their submission [823.14], as detailed below:
- Submitted text:  
Rule 27.2.7 Noise - Aircraft Operations
629. I recommend that notified Rule 27.2.7 be replaced by new Rule 27.2.7A – Noise – ~~Taxiways~~ Aircraft Operations. It will then be clear that the noise standards that form part of this rule relate to noise associated with aircraft operations, rather than noise associated with other activities (which will be managed under Rule 27.2.6). I have recommended that a new term "aircraft operations" be defined and provided for in the PDP.

<sup>106</sup> Appendix 4B1: Tonkin +Taylor "Noise submissions for Te Kowhai Airpark" report, dated 27 January 2021, Job no:1013185, page 10, section 6.1, paragraph 1

Submitted text:

Noise from aircraft operations in ALL PRECINCTS, including aircraft movements on taxiways, shall not exceed 65dB L<sub>dn</sub> outside the Air Noise Boundary and 55dB L<sub>dn</sub> outside the Outer Control Boundary as shown in the Planning Maps.

630. I support the inclusion of this text. The references to the 65dB L<sub>dn</sub> Air Noise Boundary and 55dB L<sub>dn</sub> Outer Control Boundary relate to the mapped noise contours discussed earlier in this report. While the Panel has been presented with two different maps for consideration, the rule will work for either map.
631. It is appropriate to manage noise from aircraft operations in all precincts, including aircraft movements on taxiways. The Tonkin and Taylor report states that “The Hegley report rightly points out that NZS6805 only covers noise from aircraft arriving at and departing from the airfield and does not explicitly include taxiing noise.”<sup>107</sup> They also note that aircraft taxiing has been included in the noise contours produced by Marshall Day Acoustics (Marshall Day). Tonkin and Taylor agree with the Marshall Day approach of including taxiing within the noise contours, on the basis that the OCB has been extended and now includes the taxiways.

Submitted text:

These limits do not apply inside the Te Kowhai Airpark Zone.

632. I do not support the inclusion of this text. The Air Noise Boundary and the Outer Control Boundary as proposed by NZTE Operations Limited and as modelled by Tonkin and Taylor extend over land that is within the TKAZ and land that is outside the TKAZ. The limits referred to are the noise limits with respect to noise received on TKAZ land between the 65dB L<sub>dn</sub> line and the 55dB L<sub>dn</sub> line and on TKAZ outside the 55dB L<sub>dn</sub> line. NZTE Operations Limited request that the proposed noise limits apply to noise measured on land not zoned TKAZ, but that those limits should not apply to land zoned TKAZ. The NZTE Operations Limited’s submission [823] does not detail why those 65dB L<sub>dn</sub> and 55dB L<sub>dn</sub> limits relating to aircraft operations noise cannot be complied with, within the TKAZ.
633. NZ6805:1992 uses the 65dB L<sub>dn</sub> and 55dB L<sub>dn</sub> criteria relating to noise-sensitive uses as a means to protect community health and amenity values. Therefore, I recommend that this rule also apply the 65dB L<sub>dn</sub> and 55dB L<sub>dn</sub> criteria limits within the TKAZ, to protect community health and amenity values for all persons within the TKAZ, be they owners, occupiers or visitors etc. An option may be to manage potential reverse sensitivity issues through some sort of private agreements with owners/occupiers, and to protect community health within TKAZ by appropriate acoustic insulation. However, those agreements are not in place, and it is uncertain whether they might be effective, as the exact content is unknown. A private agreement may not be enforceable with respect to visitors within the TKAZ, and the approach may simply have a non-complaint clause and not offer appropriate mitigation for community health for all people (owners, occupiers or visitors etc.) occupying space inside and outside buildings within the TKAZ.
634. I recommend that the submitted new rule wording (limits do not apply inside the airpark zone) not be included in the plan.

Submitted text:

For the purpose of this control 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.

<sup>107</sup> Appendix 4B1: Tonkin +Taylor “Noise submissions for Te Kowhai Airpark” report, dated 27 January 2021, Job no:1013185, page 6, section 3.1.1, paragraph 1



635. I consider that the wording referring to the NZ Standard is appropriate. However, the word “control” should be replaced with the word “rule” because the statement above is referring to the rule.

Submitted text:

For the purposes of this rule aircraft operations shall include aircraft taking-off, landing, taxiing and flying on circuit flight paths. The following operations are excluded from the calculation of noise for compliance with noise limits:

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

636. The activities that aircraft operations encompass (for the purposes of new Rule 27.2.7A) as stated in the opening paragraph above, have been submitted by NZTE Operations Limited.

637. The submitter proposes that the rule state what aircraft operations means, because there is no definition in the notified PDP for aircraft operations. As part of this report, I have recommended that a new term “aircraft operations” be incorporated into the PDP, as well as a definition for such. My recommended definition for aircraft operations includes the majority of activities as proposed above by the submitter. However, territorial authorities do not have jurisdiction under the RMA to control aircraft that are flying. Accordingly my definition for aircraft operations does not state “and flying on circuit flight paths”. If my definition for “aircraft operations” is included in the PDP, then I recommend that the text below not be included in the rule:

For the purposes of this rule aircraft operations shall include aircraft taking-off, landing, taxiing and flying on circuit flight paths.

638. However, if my definition is not included in the PDP, I recommend that the text above be contained within the new rule (with the exception of the circuit flight path text – which should not be included).

639. Tonkin and Taylor also consider that the exceptions listed above are reasonable.<sup>108</sup> I agree with the exceptions, subject to aircraft engine testing and air shows being controlled through separate rules that I discuss below. I note that these exceptions are also provided for within other district plans. Accordingly, the Waikato District Plan would not control noise generated by those excepted activities. Any other relevant clauses of the RMA would apply to noise associated with these activities.

640. NZTE Operations Limited’s proposal to exempt aircraft engine testing and maintenance from requested aircraft operations noise Rule 27.2.7 would be consistent with several other district plans (including Waipa District Plan). However, other district plans that I have reviewed also include a separate noise rule for aircraft engine testing and maintenance (which includes hours associated with these activities). Tonkin and Taylor also advise in their report, dated 27 January 2021, section 2, paragraph 2, the following:

<sup>108</sup> Appendix 4B1: Tonkin +Taylor “Noise submissions for Te Kowhai Airpark” report, dated 27 January 2021, Job no:1013185, page 3, section 2.1, paragraph 3

*“Testing of aircraft engines for repair or maintenance reasons (ground engine testing) can be a significant source of noise; however these ground-based noise sources are typically dealt with via noise rules in the district plan refer Section 2.4). We do not consider it appropriate to assess noise from ground engine testing within the Air Noise Control Boundaries (ANCBs).”*

641. Given the above, I consider that it is appropriate that aircraft engine testing and maintenance be specifically provided for by a separate rule in the district plan. I recommend a new Rule 27.2.7A P2 below as a consequential amendment.

Rule 27.2.7A Aircraft Operations

P2(a) Aircraft engine testing and maintenance in all precincts must:

- (i) take place only between the hours of 7.00am and 10.00pm.
- (ii) meet the receiving site relevant zone permitted noise levels when measured within any site outside the Te Kowhai Airpark Zone.

Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.

Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.<sup>109</sup>

642. Recommended Rule P2(a)(ii) above is the same as one of the requirements in the noise rule for general activities (Rule 27.2.6). If Rule 27.2.7A P2 above is added to the PDP, then a consequential amendment is also required to Rule 27.2.7A D1 to include reference to Rule P2. The noise limits recommended above would not be applicable to sites within the TKAZ. Section 16 of the RMA would apply for noise generated on and received on sites within the Airpark.
643. Regarding air shows, Tonkin and Taylor have advised the following: *“Airshow noise is typically controlled by limiting the frequency and duration of this type of event rather than including it in the assessment period for the airfield. It is not practical to specify noise limits for airshows due to the variety of activities that take place.”<sup>110</sup>*
644. An air show would meet the definition of “temporary event”, as defined below (as recommended by Hearing 5 Definitions section 42A report authors (page 267, section 3.75.5, paragraph 1003).
- Means a social, cultural or recreation event ~~that has a duration of less than 72 hours~~, including entertainment events, carnivals, festivals, fairs, markets, and exhibitions, and associated temporary buildings and car parks.*
645. The Hearing 5 Definitions section 42A report authors (page 267, section 3.75.6, paragraph 1004) recommend a consequential amendment to provide that Rule 27.2.14 Temporary Events Rule (TKAZ) include new clause (b) The duration of each event is less than 72 hours. This will control the duration of an air show event.
646. To control the frequency of an air show event - to ensure that the TKAZ Temporary Events Rule 27.2.14 only provides for one air show per year as a permitted activity - I propose the following consequential change to that rule:

<sup>109</sup> Consequential associated with [823.14]

<sup>110</sup> Appendix 4B1: Tonkin + Taylor “Noise submissions for Te Kowhai Airpark” report, dated 27 January 2021, Job no:1013185, page 9, section 3.2

“27.2.14 PI (a) (v) An air show event occurs only once per consecutive 12 month period.”<sup>111</sup>

647. A further consequential amendment as proposed below will simplify Activity Status Table Rule 27.1.1 to be consistent with Rule 27.2.14:

~~Events and promotions including~~<sup>112</sup> Temporary events

648. Submitted text:

Aircraft movements shall be recorded monthly and once the total movements in the busiest three month period reaches 4,500, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated once every three years. When the calculated noise level is within 1 decibel of the limit, noise contours for the purpose of assessing compliance with Rule 27.2.7 shall be calculated annually and verified with infield monitoring once every three years.

649. Tonkin and Taylor are generally supportive of the above. However, they state: “The value of 4,500 movements needs some justification, although is likely to be related to the modelling results and a percentage of the total annualised number of movements, e.g. within 85% of the number of movements in three months that derived the ANB”. Further justification/information about the appropriateness of the volume of 4,500 aircraft movements is needed for the potential effects to be known sufficiently well to provide for 4,500 aircraft movements in the permitted activity rule. Tonkin and Taylor also comment on the requested frequency of in-field monitoring and note that the frequency could be reduced to every two years to be conservative and demonstrate ongoing compliance. This would ensure that any noncompliance can be appropriately dealt with in a timely manner.

650. At this time, I consider that the first part of the submitted text creates an unnecessary delay in the commencement of producing noise contours necessary to determine compliance with the rule. The submission does not provide sufficient detail to understand and justify why such a delay is warranted. Given this, noise contours for the purpose of assessing compliance with the rule should be produced no later than 12 months after the date when the rule becomes legally operative. I agree with Tonkin and Taylor that the three-yearly monitoring timetable should be reduced to two years.

651. I recommend the following amended wording:

Aircraft movements shall be recorded monthly and noise contours for the purpose of assessing compliance with Rule 27.2.7A 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 limit, 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.

652. Where a district plan rule requires noise calculations/monitoring to be undertaken, it is appropriate for those results to be provided to Council. I recommend a consequential amendment below, being an additional rule, to require this:

A report detailing the noise contours and calculations and the in-field noise levels in the years that those are monitored, shall be prepared and forwarded to the Council on an annual basis by the Aerodrome Operator.

653. I recommend that the Panel accept in part NZTE Operations Limited’s submission [823.14], and use the NZTE proposed wording, as amended by my recommended amendments. I recommend the Panel accept in part Kristine Stead on behalf of Marshall & Kristine Stead,

<sup>111</sup> Consequential associated with [823.14]

<sup>112</sup> Consequential associated with [823.14]

Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.14].

#### *Objectives and Policies*

654. New Rule 27.2.7A is supported by objectives and policies. The rule is to control the noise emanating from the airpark, to protect the amenity of the land surrounding the airpark. Noise from aircraft operations is capped by reference to the noise contours, and engine testing noise is restricted in terms of decibels and hours of operation. Objective 9.2.2 - Amenity Outcomes and Policy 9.2.2.1 – Airpark Standards justify these controls.

#### *Greig Metcalf*

655. Greig Metcalf's submission [602.12] is to amend Rule 27.2.7 PI(a)(ii) to include reference to the Village Zone. As recommended, notified Rule 27.2.7 is to be replaced by new Rule 27.2.7A, which provides better outcomes for local amenity than the rule submitted on. The new rule is not limited to specified zones, but limits noise generated within the airpark by reference to measurable standards. There is no need to add the words "Village Zone" to new Rule 27.2.7A. I recommend that the Panel reject Greig Metcalf [602.12] and reject NZTE Operations Limited [FS1339.178] because the new rule as recommended will apply to the Village Zone and does not need specific reference to that zone.

#### *Waikato District Health Board*

656. Waikato District Health Board's (WDHB) submission [923.167] requests that Rule 27.2.7 be deleted in its entirety, on the basis that in the content of Rule 27.2.7 be instead incorporated into Rule 27.2.6. Changes recommended to Rule 27.2.7 above would result in essentially quite a different rule to notified Rule 27.2.7. I recommend that the Panel accept in part WDHB [923.167] and accept in part NZTE Operations Limited [FS1339.186]; to the extent that Rule 27.2.7 is to be deleted and new Rule 27.2.7A now deals with noise from aircraft operations, not only with noise on taxiways.

#### *Graham Taylor*

657. Graham Taylor's submission [304.2] seeks to amend Rule 27.2.7 to include a night curfew on general aviation and recreational flying between 10pm and 7am. Graham Taylor's submission is that aircraft movements at night would have serious adverse noise effects on residents near the aerodrome. NZTE Operations Limited's further submission is that their amended noise rule for aircraft operations would adequately manage noise effects.
658. I agree that noise from aircraft operations at night is likely to have adverse effects on residents in close proximity to the aerodrome (given it may cause sleep disturbance), and that aircraft noise at night may not be adequately/appropriately managed through the amended Aircraft Operations noise rule sought by NZTE Operations Limited. This is because the amended rule sought in the submission provides for the noise to be logarithmically averaged over a three month period.
659. In addition, the acoustic report appended to the TKAZ s32 report stated that there will be no night-time taxiing, with aircraft arrivals at Te Kowhai after 10pm being parked up outside airport hangers or the terminal building<sup>113</sup>. However, there was no rule in the Proposed District Plan as notified to manage that activity. To assist with managing amenity and noise at night, a night curfew on aviation activities is appropriate.

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<sup>113</sup> Section 32 Appendix 3: Acoustic Design Report By Hegley Acoustic Consultants dated April 208, page 23 item (b)

660. Submission point [304.2] is the same as an “hours of operation” rule, which is discussed in this report under Rule 27.2 Landuse Effects and Policy 9.2.2.1 Airpark Standards (section 14). It is more appropriate to include a new specific “hours of operation” rule within the district plan, to achieve what Graham Taylor’s submission is seeking. I recommend that the Panel accept in part Graham Taylor [304.2] and accept in part NZTE Operations Limited [FS1339.190]: to the extent that a new hours of operation rule for aircraft operations be recommended to be added to the PDP.
661. The new rule limiting hours for engine testing recommended above as a consequential amendment to [823.14] is also within the scope of, and supported by, submission [304.2].

### 13.1.4 Recommendations

662. I recommend that the Hearings Panel:
- (a) **Accept in part** NZTE Operations Limited [823.14] and **accept in part** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.14]: *to the extent that provisions in Rule 27.2.7 PI are replaced by new provisions on noise from aircraft operations (new Rule 27.2.7A PI), with consequential amendments as per my recommended amendments below.*
  - (b) **Reject** Greig Metcalf [602.12] and **reject** NZTE Operations Limited [FS1339.178].
  - (c) **Accept in part** Waikato District Health Board [923.167] and **accept in part** NZTE Operations Limited [FS1339.186]: *to the extent that notified Rule 27.2.7 has been deleted and replaced with new wording.*
  - (d) **Accept in part** Graham Taylor [304.2] and **accept in part** NZTE Operations Limited [FS1339.190]: *that a night curfew be imposed by way of a new landuse rule called “Hours of Operation for aircraft operations.”*

### 13.1.5 Recommended Amendments

663. The following amendments are recommended.

Rule 27.2.7A Noise - Taxiways Aircraft Operations<sup>114</sup>

PI	<p><del>a) In ALL PRECINCTS, noise from aircraft movements on the taxiways must not exceed the following noise limits:</del></p> <p><del>(i) When measured at the notional boundary of 202, 212 and 214 Limmer Road:</del></p> <p style="padding-left: 40px;"><del>A. 50dB<sub>(LAeq)</sub> 7am to 10pm every day; and</del></p> <p style="padding-left: 40px;"><del>B. 40dB<sub>(LAeq)</sub> and 65dB<sub>(LAFmax)</sub> at all other times; or</del></p> <p><del>(ii) When measured at the notional boundary of any other site in the Rural Zone:</del></p> <p style="padding-left: 40px;"><del>A. 50dB<sub>(LAeq)</sub> 7am to 7pm every day; and</del></p> <p style="padding-left: 40px;"><del>B. 45dB<sub>(LAeq)</sub> 7pm to 10pm every day; and</del></p> <p style="padding-left: 40px;"><del>C. 40dB<sub>(LAeq)</sub> and 65dB<sub>(LAFmax)</sub> at all other times</del></p> <p><del>(b) Rule 27.2 (PI)(a)(ii) does not apply to 98A and 98B Limmer Road</del><sup>115</sup></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 in the Planning Maps. For the purpose of this rule aircraft noise shall be assessed in accordance with</u></p>
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<sup>114</sup> [823.14]

<sup>115</sup> [823.14]

	<p><u>NZS6805:1992 "Airport Noise Management and Land Use Planning" and logarithmically averaged over a three month period. The following operations are excluded from the calculation of noise for compliance with noise limits:</u></p> <ul style="list-style-type: none"> <li><u>Aircraft engine testing and maintenance</u></li> <li><u>Aircraft landing or taking off in an emergency</u></li> <li><u>Emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency</u></li> <li><u>Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002</u></li> <li><u>Aircraft using the aerodrome due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere</u></li> <li><u>Aircraft undertaking firefighting duties</u></li> <li><u>Air Show (for one air show per year)</u><sup>116</sup></li> </ul> <p><u>(b) Aircraft movements shall be recorded monthly and noise contours for the purpose of assessing compliance with Rule 27.2.7A PI shall be calculated no later than 12 months of 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 limit, 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><sup>117</sup></p> <p><u>(c) A report detailing the noise contours and calculations and the in-field noise levels in the years that those are monitored, shall be prepared and forwarded to the Council on an annual basis by the Aerodrome Operator.</u><sup>118</sup></p>
<u>P2</u> <sup>119</sup>	<p><u>(a) Aircraft engine testing and maintenance in all precincts must:</u></p> <ul style="list-style-type: none"> <li><u>(i) take place only between the hours of 7.00am and 10.00pm.</u></li> <li><u>(ii) 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></li> </ul> <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 27.2.7 PI <u>and P2</u> . <sup>120</sup>

#### Air show

664. As a consequence of adding the exclusion "air show" to amended Rule 27.2.7, I recommend that Rule 27.2.14 Temporary Events be amended to add the following rule:

PI (a) (v) An air show event occurs only once per consecutive 12 month period.<sup>121</sup>

AND amend Rule 27.1.1 Activity Status Table:

~~Events and promotions including~~<sup>122</sup> Temporary events

<sup>116</sup> [823.14]

<sup>117</sup> [823.14]

<sup>118</sup> Consequential associated with [823.14]

<sup>119</sup> Consequential associated with [823.14]

<sup>120</sup> Consequential associated with [823.14]

<sup>121</sup> Consequential associated with [823.14]

<sup>122</sup> Consequential associated with [823.14]

### **13.1.6 Section 32AA evaluation – Rule 27.2.7A – Noise - Aircraft Operations**

#### **Other reasonably-practicable options**

- 665. One option is to “do nothing”, i.e. retain the rule as notified. This would mean retaining the rule heading as Rule 27.2.7 Noise - Taxiways and retaining the wording of noise Rule 27.2.7 as notified.
- 666. Another option is to accept the submission made by Greig Metcalf to retain the existing rule wording but add in references to Village Zone.

#### **Effectiveness and efficiency**

- 667. The new rule will be effective, as it will appropriately manage noise associated with aircraft operations at Te Kowhai aerodrome. It also makes for an efficient rule as it makes it clear how noise from aircraft operations at Te Kowhai aerodrome will be measured and assessed.
- 668. New Rule 27.2.7A is supported by objectives and policies. The rule is to control the noise emanating from the airpark, to protect the amenity of the land surrounding the airpark. Noise from aircraft operations is capped by reference to the noise contours and engine testing noise is restricted in terms of decibels and hours of operation. Objective 9.2.2 – Amenity outcomes and Policy 9.2.2.1 – Airpark standards, justify these controls.

#### **Costs and benefits**

- 669. One additional cost is that resource consent would now be required for noise from aircraft operations which do not comply with the noise limits set out in the amended rule. New Rule 27.2.7A also creates additional costs in terms of needing to keep monthly records of aircraft movements and undertake calculations of noise contours and infield monitoring.
- 670. One benefit to the environment is that this would ensure that noise from aircraft operations will be appropriately managed. Other benefits are clearer guidance to plan users regarding how noise from aircraft operations will be managed. The new rule will also reduce confusion and be easier to monitor when compared with Rule 27.2.7 as notified. There is wider benefit to the local community from managing noise from aircraft operations associated with this aerodrome.

#### **Risk of acting or not acting**

- 671. There is sufficient information to justify new Rule 27.2.7A. No additional risk assessment is required.

#### **Decision about most appropriate option**

- 672. The deletion of Rule 27.2.7 and introduction of new Rule 27.2.7A are considered to be the most appropriate way to implement PDP TKAZ Objective 9.2.2 – Amenity outcomes and Policy 9.2.2.1 – Airpark standards.

## 13.2 Rule 27.2.6 Noise – Other than Taxiways

### 13.2.1 Introduction

673. Rule 27.2.6 sets out noise limits for activities in Precincts B, C and D and also advises which activities are excluded from the rule. Rule 27.2.6 does not currently apply to activities in Precinct A. Rule 27.2.6 does not state how to measure noise, i.e. those rules do not contain any reference to any relevant NZ noise standards. In addition, the name of this rule is recommended to be changed due to deletion of Rule 27.2.7 Noise – Taxiways.

### 13.2.2 Submissions

674. 12 submission points were received on Rule 27.2.6 Noise - Other than taxiways. One submitter wanted the rule to be retained, other submitters requested changes such as flying hours, adding reference to Village Zone and combining requirements of Rule 27.2.7 Noise – Taxiways with this rule.
675. The following submissions were made:

Submission point	Submitter	Summary of submission
304.1	Graham Taylor	Amend Rule 27.2.6 Noise – Other than Taxiways to include night flying curfew on general aviation and recreational flying between 10pm and 7am.
FSI339.189	NZTE Operations Limited	Oppose
378.56	Fire and Emergency New Zealand (FENZ)	Retain Rule 27.2.6 Noise – Other Than Taxiways
FSI035.163	Pareoranga Te Kata	Support
FSI339.173	NZTE Operations Limited	Support with amendments
602.11	Greig Metcalf	Amend P1 as follows: a) Noise from any activity in PRECINCT B must not exceed the following noise limits when measures at the notional boundary of a site within the Rural Zone <u>or Village Zone...</u>  Amend P2 as follows: a) Noise from any activity in PRECINCTS C OR D must not exceed the following noise limits when measures at the notional boundary of a site within the Rural Zone <u>or Village Zone</u> outside of the Te Kowhai Airpark Zone...
FSI339.177	NZTE Operations Limited	Support
FSI347.8	GL & DP McBride	Support
823.27	NZTE Operations Limited	Rename Rule 27.2.6 to read: 27.2.6- Noise- Other than <u>Aircraft Operations</u> <del>than Taxiways</del> .
FSI178.27	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie	Oppose



	Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson							
923.168	Waikato District Health Board	<div>Amend Rule 27.2.6 P1, P2, P3 and D1, as follows:</div> <table><tr><td>P1</td><td><div>(a) <u>Sound from emergency sirens.</u></div><div>(b) <u>Sound from aircraft movements on taxiways received at 98A and 98B Limmer Road.</u></div></td></tr><tr><td>P2</td><td><div><u>Sound measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008 must not exceed:</u></div><div>(a) <u>For sound for activity in Precinct B, excluding aircraft movements on taxiways, the following noise limits at any point within a notional boundary on any site outside the Te Kowhai Airpark Zone:</u></div><div><div>(i) <u>55 dB L<sub>Aeq(15 min)</sub>, 7am to 10pm;</u></div><div>(ii) <u>40 dB L<sub>Aeq(15 min)</sub>, 10pm to 7am the following day;</u></div><div>(iii) <u>70 dB L<sub>AFmax</sub>, 10pm to 7am the following day;</u></div></div><div>(b) <u>For sound from activity in Precincts C or D, excluding aircraft movements on taxiways, the permitted activity noise limits for the zone of any site where sound is received outside the Te Kowhai Airpark Zone:</u></div><div>(c) <u>For sound from aircraft movements on taxiways, the following noise limits at any point within notional boundaries on 202, 212 and 214 Limmer Road:</u></div><div><div>(i) <u>50 dB L<sub>Aeq(15 min)</sub>, 7am to 10pm;</u></div><div>(ii) <u>40 dB L<sub>Aeq(15 min)</sub>, 10pm to 7am the following day;</u></div><div>(iii) <u>65 dB L<sub>AFmax</sub>, 10pm to 7am the following day;</u></div></div><div>(d) <u>For sound from aircraft movements on taxiways, received at any other sites outside the Te Kowhai Airpark Zone, the permitted activity noise limits for the zone of any site where sound is received.</u></div></td></tr><tr><td>D1</td><td><div>(a) <u>Sound that is outside the scope of NZS6802:2008 or a permitted activity standard; and</u></div><div>(b) <u>Sound <del>Any activity</del> that does not comply with Rule 27.2.7 P1 or P2.</u></div></td></tr></table>	P1	<div>(a) <u>Sound from emergency sirens.</u></div> <div>(b) <u>Sound from aircraft movements on taxiways received at 98A and 98B Limmer Road.</u></div>	P2	<div><u>Sound measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008 must not exceed:</u></div> <div>(a) <u>For sound for activity in Precinct B, excluding aircraft movements on taxiways, the following noise limits at any point within a notional boundary on any site outside the Te Kowhai Airpark Zone:</u></div> <div><div>(i) <u>55 dB L<sub>Aeq(15 min)</sub>, 7am to 10pm;</u></div><div>(ii) <u>40 dB L<sub>Aeq(15 min)</sub>, 10pm to 7am the following day;</u></div><div>(iii) <u>70 dB L<sub>AFmax</sub>, 10pm to 7am the following day;</u></div></div> <div>(b) <u>For sound from activity in Precincts C or D, excluding aircraft movements on taxiways, the permitted activity noise limits for the zone of any site where sound is received outside the Te Kowhai Airpark Zone:</u></div> <div>(c) <u>For sound from aircraft movements on taxiways, the following noise limits at any point within notional boundaries on 202, 212 and 214 Limmer Road:</u></div> <div><div>(i) <u>50 dB L<sub>Aeq(15 min)</sub>, 7am to 10pm;</u></div><div>(ii) <u>40 dB L<sub>Aeq(15 min)</sub>, 10pm to 7am the following day;</u></div><div>(iii) <u>65 dB L<sub>AFmax</sub>, 10pm to 7am the following day;</u></div></div> <div>(d) <u>For sound from aircraft movements on taxiways, received at any other sites outside the Te Kowhai Airpark Zone, the permitted activity noise limits for the zone of any site where sound is received.</u></div>	D1	<div>(a) <u>Sound that is outside the scope of NZS6802:2008 or a permitted activity standard; and</u></div> <div>(b) <u>Sound <del>Any activity</del> that does not comply with Rule 27.2.7 P1 or P2.</u></div>
P1	<div>(a) <u>Sound from emergency sirens.</u></div> <div>(b) <u>Sound from aircraft movements on taxiways received at 98A and 98B Limmer Road.</u></div>							
P2	<div><u>Sound measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008 must not exceed:</u></div> <div>(a) <u>For sound for activity in Precinct B, excluding aircraft movements on taxiways, the following noise limits at any point within a notional boundary on any site outside the Te Kowhai Airpark Zone:</u></div> <div><div>(i) <u>55 dB L<sub>Aeq(15 min)</sub>, 7am to 10pm;</u></div><div>(ii) <u>40 dB L<sub>Aeq(15 min)</sub>, 10pm to 7am the following day;</u></div><div>(iii) <u>70 dB L<sub>AFmax</sub>, 10pm to 7am the following day;</u></div></div> <div>(b) <u>For sound from activity in Precincts C or D, excluding aircraft movements on taxiways, the permitted activity noise limits for the zone of any site where sound is received outside the Te Kowhai Airpark Zone:</u></div> <div>(c) <u>For sound from aircraft movements on taxiways, the following noise limits at any point within notional boundaries on 202, 212 and 214 Limmer Road:</u></div> <div><div>(i) <u>50 dB L<sub>Aeq(15 min)</sub>, 7am to 10pm;</u></div><div>(ii) <u>40 dB L<sub>Aeq(15 min)</sub>, 10pm to 7am the following day;</u></div><div>(iii) <u>65 dB L<sub>AFmax</sub>, 10pm to 7am the following day;</u></div></div> <div>(d) <u>For sound from aircraft movements on taxiways, received at any other sites outside the Te Kowhai Airpark Zone, the permitted activity noise limits for the zone of any site where sound is received.</u></div>							
D1	<div>(a) <u>Sound that is outside the scope of NZS6802:2008 or a permitted activity standard; and</u></div> <div>(b) <u>Sound <del>Any activity</del> that does not comply with Rule 27.2.7 P1 or P2.</u></div>							
FS1339.185	NZTE Operations Limited	Support in part						

### 13.2.3 Analysis

676. There is general support for Rule 27.2.6 Noise - Other Than Taxiways to be retained, with some amendments, as discussed below.

*NZTE Operations Limited*

677. NZTE Operations Limited's submission [823.27] requested that Rule 27.2.6 be renamed to Rule 27.2.6 - Noise - Other than ~~Aircraft Operations than Taxiways~~. As I have recommended, the title of new Rule 27.2.7A should be Noise - Aircraft Operations, then it is appropriate to amend the title of Rule 27.2.6 to Noise - Other than Aircraft Operations. I recommend that the Panel accept NZTE Operations Limited [823.27] and that the Panel reject Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FSI 178.27].

*Waikato District Health Board*

678. Waikato District Health Board's (WDHB) submission [923.168] requested that Rule 27.2.6 P1, P2, P3 and D1 be amended because of their request to delete Rules 27.2.7 P1 and D1.
679. Submission [923.168] identifies several issues with noise Rules 27.2.6 and 27.2.7. They consider that the separation of noise limits into Rules 27.2.6 and 27.2.7 adds unnecessary complexity and they sought that Rule 27.2.6 be amended to be one rule, being a combination of proposed Rules 27.2.6 and 27.2.7. It is appropriate that there be two separate noise rules, because the nature of the noise and the effects to be controlled are different between the two rules.
680. WDHB's submission [923.168] requested new permitted activity Rules 27.2.6 P1 and P2. I agree that sound for emergency sirens should be provided for as a permitted activity. The remaining part of Rule P1 and the whole of Rule P2 as requested by WDHB are confusing and may prove difficult to monitor for compliance.
681. Rule 27.2.6 as notified did not prescribe any requirements for general noise in Precinct A. WDHB's submission [923.168] provides for general noise in Precinct A to be considered as a discretionary activity as follows: *D1 (a) Sound that is outside the scope of NZS6802:2008 or a permitted activity standard*; While events and promotions, including temporary events, are provided for in Precinct A as a permitted activity, the Discretionary Activity rule proposed by WDHB would result in those activities requiring resource consent for noise. Activities in Precinct A should be required to comply with either the permitted activity aircraft operations noise rule or a permitted activity general noise rule (as relevant), rather than defaulting to a discretionary activity rule, as activities in Precinct A can be appropriately managed by either of those permitted activity rules.
682. Tonkin and Taylor (Appendix 4B1) agree in principle with the WDHB's submission [923.168] - that sound from Precincts C and D received outside the airpark meet the permitted activity noise limits for the sites outside the airpark (receiving sites). To ensure that rule wording is consistent across the district plan where possible, to reduce confusion and to ensure that rules can be easily monitored, the following wording is recommended (to become Rule 27.2.6 P2):
- Noise measured within any site in any zone, other than the Te Kowhai Airpark Zone, must meet the permitted noise levels for that zone.
683. The above rule would relate to noise generated within Precincts A, B, C and D which is received on sites outside the Te Kowhai Airpark.
684. The WDHB's reference to "Sound that is outside the scope of NZS6802:2008" as part of requested Rule 27.2.6 D1(a) above, is not required, as aircraft sound will be managed under amended Rule 27.2.7A – Noise – Aircraft Operations instead.
685. Rule 27.2.6 Noise – Other than Taxiways as notified, did not propose any noise limits on sites within the Te Kowhai Airpark. There were no submissions requesting the insertion of a rule

for noise received on sites within the Airpark. Section 16 of the RMA would apply for noise generated on, and received on, sites within the Airpark. Private covenants included at the time of subdivision will presumably be considered by the developer as a means to protect the amenity of land within the airpark.

686. WDHB's submission [923.168] referred to NZS6801:2008 and NZS6802:2008 in their requested Rule 27.2.6 P2. Including reference to those two NZ noise standards within Rule 27.2.6 is appropriate for consistency with other general noise rules in the PDP. The recommendations in the s42A reports (responding to similar WDHB submissions) for the Rural Zone (Hearing 18, page 330, paragraph 557), Country Living Zone (Hearing 12, pages 71-72, paragraph 6.3.4) and Village Zone (Hearing 6, page 102, paragraph 310) provide the following as part of the same general noise rule which has the noise limits in it:

- (a) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.
- (b) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise

687. WDHB's submission [923.168] noted that Rule 27.2.6 has a format which is inconsistent with other DP chapters. To ensure consistency between district plan zone rules, I recommend that notified Rule 27.2.6 P1 be amended to refer to 'noise from emergency sirens'; that the requirements in Rule 27.2.6 P2 be amended to those above, and that notified Rule 27.2.6 P3 be deleted. One consequential amendment is that the reference to P3 in Rule 27.2.6 D1 needs to be deleted, as Rule 27.2.6 P3 is to be deleted in its entirety.
688. I recommend that the Panel accept in part WDHB [923.168] and accept in part NZTE Operations Limited [FS1339.185]; to the extent that sound from emergency sirens be provided for as a permitted activity, sound from Precincts C and D received outside the airpark meet the permitted activity noise limits for the sites outside the airpark (receiving sites), NZ Standard noise measurement and assessment standards are specified in the rule, and the rule format be amended to be more consistent with other zone rules.
689. I agree with the Rural Zone – Landuse s42A report writer (page 329, paragraph 550), and recommend that the Panel consider as a consequential amendment, that the introduction to the general noise rule include a note to clarify that noise permitted under P1 is not subject to the limits under P2. I also recommend (if the Panel considers that there is scope) that the reference to P1 in Rule D1 be deleted, as activities by definition either fall within P1 (and are permitted), or do not fall within P1, and are subject to the general noise limits in P2. As such, there is no pathway by which activities can move from P1 to requiring a resource consent.

#### *Fire and Emergency New Zealand*

690. Fire and Emergency New Zealand's (FENZ) submission [378.56] seeks to retain Rule 27.2.6 P3 relating to noise from emergency sirens. Emergency sirens are unlikely to comply with existing Rules 27.2.6 P1 and P2 - due to their emergency nature, any non-compliances with Rules 27.2.6 P1 and P2 cannot be planned for - and the ability for FENZ to use emergency sirens as a permitted activity will help provide for the ongoing health and safety of people and communities. In any case, the airpark zone is a small area served by short private roads with low traffic volumes, and sirens will rarely be needed or used in the zone.
691. As there are no submissions seeking to change or delete Rule 27.2.6 P3, I recommend that the Panel accept Fire and Emergency New Zealand [378.56], accept NZTE Operations Limited [FS1339.173] and accept Pareoranga Te Kata [FS1035.163].
692. The text relating to emergency siren noise is recommended to be reworded under another submission.

Greig Metcalf

693. Greig Metcalf's submission [602.11] seeks to amend Rule 27.2.6 P1(a) and P2(a) to include reference to Village Zone as well. I favour a rule that has broader application and does not state any specific zones, but instead states: Noise measured within any site in any zone, other than the Te Kowhai Airpark Zone, must meet the permitted noise levels for that zone. I recommend that the Panel reject Greig Metcalf [602.11], reject NZTE Operations Limited [FS1339.177] and reject GL & DP McBride [FS1347.8].

Graham Taylor

694. Graham Taylor's submission [304.1] seeks to amend Rule 27.2.6 to include a night curfew on general aviation and recreational flying between 10pm and 7am. Graham Taylor's submission is that aircraft movements at night would have serious adverse noise effects on residents near the aerodrome. NZTE Operations Limited's further submission is that their amended noise rule for aircraft operations would adequately manage noise effects.
695. The earlier discussion under Rule 27.2.7 submission point [304.2] (paragraphs 657 - 661) is also relevant here. I recommend that the Panel accept in part Graham Taylor [304.1] and accept in part NZTE Operations Limited [FS1339.189]: *to the extent that a separate hours of operation rule for aircraft operations be provided in the PDP.*

### 13.2.4 Recommendations

696. I recommend that the Hearings Panel:
- (a) **Accept** NZTE Operations Limited [823.27] and **reject** Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson [FS1178.27].
  - (b) **Accept in part** Waikato District Health Board [923.168] and **accept in part** NZTE Operations Limited [FS1339.185]: *to the extent that sound from emergency sirens be provided for as a permitted activity, sound from Precincts C and D received outside the airpark meet the permitted activity noise limits for the sites outside the airpark (receiving sites), NZ Standard noise measurement and assessment standards are specified in the rule, and the rule format be amended to be more consistent with other zone rules.*
  - (c) **Accept** Fire and Emergency New Zealand [378.56] and **accept** NZTE Operations Limited [FS1339.173] and Pareoranga Te Kata [FS1035.163].
  - (d) **Reject** Greig Metcalf [602.11], **reject** NZTE Operations Limited [FS1339.177] and **reject** GL and DP McBride [FS1347.8].
  - (e) **Accept in part** Graham Taylor [304.1] and **accept in part** NZTE Operations Limited [FS1339.189]: *that a night curfew be imposed by way of a new landuse rule called "Hours of Operation for aircraft operations."*

### 13.2.5 Recommended Amendments

697. The following amendments are recommended:

### Rule 27.2.6 Noise – Other than Taxiways Aircraft Operations<sup>123</sup>

Noise generated by activities permitted under Rule P1 are not subject to Rule P2.<sup>124</sup>

P1	Noise generated by emergency sirens. <sup>125</sup>
P1 P2 <sup>126</sup>	<p><del>(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:</del></p> <p><del>(i) 55dB<sub>(LAeq)</sub>, 7am to 10pm every day; and</del></p> <p><del>(ii) 40dB<sub>(LAeq)</sub> and 70dB<sub>(LAFmax)</sub>, 10pm to 7am the following day.</del></p> <p><del>(a) Noise measured within any site in any zone, other than the Te Kowhai Airpark Zone, must meet the permitted noise levels for that zone.</del></p> <p><del>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</del></p> <p><del>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</del></p>
P2 <sup>127</sup>	<p><del>(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:</del></p> <p><del>(i) 50dB<sub>(LAeq)</sub>, 7am to 7pm every day; and</del></p> <p><del>(ii) 45dB<sub>(LAeq)</sub>, 7pm to 10pm every day; and</del></p> <p><del>(iii) 40dB<sub>(LAeq)</sub> and 65dB<sub>(LAFmax)</sub> all other times.</del></p>
P3 <sup>128</sup>	<p><del>(a) In ALL PRECINCTS, Rules P1 and P2 do not apply to:</del></p> <p><del>(i) Noise from aircraft movement on the taxiways; or</del></p> <p><del>(ii) Construction noise; or</del></p> <p><del>(iii) Noise from emergency sirens.</del></p>
DI	Any activity that does not comply with Rule 27.2.6 P1, P2 <del>or P3</del> . <sup>129</sup>

698. For Hours of Operation for Aircraft Operations refer to section 14 of this report.

### **13.2.6 Section 32AA evaluation – Rule 27.2.6 – Noise other than Aircraft Operations**

#### **Other reasonably-practicable options**

699. One option is to “do nothing”, i.e. retain the provisions as notified. This would mean retaining the rule heading as Rule 27.2.6 Noise - Other than taxiways, not including any noise measurement and assessment standard references, not including any noise limits for noise generated in Precinct A and being inconsistent with other general noise rules within the PDP.
700. Another option is to retain the notified rule wording but add in references to Village Zone in Rules 27.2.6 P1 and P2.

<sup>123</sup> [823.27]

<sup>124</sup> Consequential associated with [923.168 and FS1339.185]

<sup>125</sup> [378.56, FS1339.173, FS1035.163 and 923.168]

<sup>126</sup> [923.168 and FS1339.185]

<sup>127</sup> [923.168 and FS1339.185]

<sup>128</sup> [923.168 and FS1339.185]

<sup>129</sup> [923.168 and FS1339.185]

### **Effectiveness and efficiency**

701. The amended rule will be relatively consistent with other zone general noise rules, reduce confusion, and be easier to monitor. Stating the measurement and assessment standards in the rule also makes for a more efficient rule, as it is clear how general noise will be measured and assessed. Amended Rule 27.2.6 is more efficient, as it is clearer that general noise in all precincts, which does not comply with the permitted noise levels for sites outside the TKAZ, needs resource consent.
702. The recommended amendments to Rule 27.2.6 implement Policy 9.2.2.1 to ensure that adverse noise airpark effects are managed. The amendments improve the effectiveness and efficiency of Rule 27.2.6 in implementing Objective 9.2.2(a) Amenity Outcomes.

### **Costs and benefits**

703. One additional cost is that resource consent would be required for general noise in Precinct A which does not comply with the limits in the amended rule. Another cost is that resource consent would be required for general noise in all precincts that does not comply with the permitted noise levels for sites outside the TKAZ.
704. One benefit to the environment is that it would be clearer how general noise in all precincts (including Precinct A) will be appropriately managed with respect to all zoned land outside the TKAZ. Other benefits are clearer guidance to plan users regarding general noise in all precincts. The amended rule will also be relatively consistent with other zone general noise rules, reduce confusion, and be easier to monitor. There is wider benefit to the local community from managing general noise in all precincts.

### **Risk of acting or not acting**

705. There is sufficient information to justify the amendments to Rule 27.2.6. No additional risk assessment is required.

### **Decision about most appropriate option**

706. I have concluded that the recommended amendments to Rule 27.2.6 are the most appropriate way to implement PDP TKAZ Objective 9.2.2 Amenity outcomes. The amended rule also implements Policy 9.2.2.1 – Airpark standards.

## **14 Rule 27.2 Landuse – Land Use - Effects and Policy 9.2.2.1 – Airpark Standards**

### **14.1 Introduction**

707. The purpose of Policy 9.2.2.1 Airpark Standards is to manage adverse airpark effects through general and specific performance standards, and to ensure that bulk and location standards provide for the operational requirements of the airpark while retaining appropriate levels of amenity.
708. Section 27.2 Land Use – Effects contains a number of rules within the Te Kowhai Airpark Rules - Chapter 27 which prescribe requirements which are to be applied to landuse activities in the Te Kowhai Airpark.

## 14.2 Submissions

709. Seven submission were received relating to requests for additional landuse – effects rules, and five submission points were received specifically on Policy 9.2.2.1.

710. The following submissions were made:

Submission point	Submitter	Summary of submission
<i>Rule 27.2 Land Use – Effects</i>		
602.10	Greig Metcalf	<p>Insert appropriate standards applicable to “general aviation” and “recreational flying” activities to ensure they are carried out in accordance with “Fly Neighbourly” principles which avoid adverse effects on neighbours.</p> <p>These standards should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• A requirement to adhere to an "Airpark Management Plan" prepared in consultation with neighbours and Te Kowhai community.</li> <li>• A stipulation on the hours of operation to limit night flying.</li> <li>• A stipulation on the maximum of aircraft movements being 21,000 per annum.</li> </ul>
<i>FSI 154.2</i>	<i>Marshall Stead on behalf of Lloyd Davis Jason Strangwick Kylie Davis- Strangwick Nicola Thompson and Kerry Thompson Marshall Stead Kristine Stead</i>	<i>Support</i>
<i>FSI 347.7</i>	<i>GL &amp; DP McBride</i>	<i>Support</i>
<i>FSI 339.176</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
830.14	Linda Silvester	Add new provisions to Chapter 27 Te Kowhai Airpark Zone to include energy efficiency policies and rules (see submission for wording)
<i>FSI 276.179</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
<i>FSI 339.183</i>	<i>NZTE Operations Limited</i>	<i>Oppose</i>
<i>Policy 9.2.2.1</i>		
602.37	Greig Metcalf	<p>Add clauses to Policies 9.2.2.1 - Airpark standards as follows:</p> <p>(a) Manage adverse airpark effects through the application of general and airpark-specific performance standards including:</p> <p>(i) Noise</p> <p>(ii) Hazardous substances;</p> <p>(iii) Building setbacks;</p> <p>(iv) Minimum site areas;</p> <p>(v) Subdivision allotment size</p> <p><u>(vi) Management Plan based on Fly Neighbourly principles;</u></p>

		(vii) Hours of operation (viii) Maximum aircraft movements.
FS1339.74	NZTE Operations Limited	Oppose
FS1347.10	GL & DP McBride	Support
697.568	Waikato District Council	Amend wording in Policy 9.2.2.1(b) to read as follows: (b) <del>To</del> Ensure that bulk and location...
FS1339.72	NZTE Operations Limited	Support

### 14.3 Analysis

#### *Greig Metcalf*

711. Greig Metcalf's submission [602.10] requested "appropriate standards" to ensure that general aviation and recreational flying are carried out in accordance with "Fly Neighbourly" principles. His reasons relate to the operation of aircraft in and around noise-sensitive areas and managing aircraft noise.
712. Greig Metcalf's submission [602.37] proposes that Policy 9.2.2.1 be amended to refer to three additional matters which provide the policy framework for the changes which he has sought for Rule 27.2 Landuse Effects.

#### *Fly Neighbourly principles*

713. Greig Metcalf [602.10] refers to the NZ Aviation Industry Association Environmental Code of Practice (being the AIRCARE Code of Practice for Aircraft Operators) and the Fly Neighbourly Guide Third Edition (USA) produced by the Helicopter Association International Fly Neighbourly Committee. Both of those (NZ and USA) documents refer to aircraft operations and voluntary mitigation of aircraft noise. They largely seek to manage helicopter noise through aircraft operating procedures, and pilot/operator/landowner/administrator training and procedures. There are only minor references to ground operations in those documents. Most references are related to actual flying. In addition, if an external document is referenced in the district plan, then a plan change would be required every time the external document was updated.
714. While at a policy level the principles could be applied, I consider that it would be inappropriate to have a new rule requiring general aviation and recreational flying to be carried out in accordance with "Fly Neighbourly" principles that were developed for a different purpose, i.e. helicopter use, and were developed as voluntary guidelines. Those principles largely relate to management of aircraft operations during flight (which Council does not have jurisdiction to manage) and it would be difficult for Council to ensure compliance with the minor parts of those documents which are relevant to Council jurisdiction.
715. I have also reviewed the document entitled "*Fly Neighbourly Agreements – Information and Guidelines*" prepared by the Australian Government Civil Aviation Safety Authority. That document advises that a Fly Neighbourly Agreement would include opportunities for aircraft operators to vary their operations to reduce disturbance caused by aircraft. Opportunities identified in that document include:
- (a) Limitations on times of operation during the day/night
  - (b) Limitations on number of operations.
716. Other opportunities in that Australian document relate to activities occurring in the air. In addition, the Fly Neighbourly Piloting techniques and principles identified also relate to the



actual flying of aircraft in the air. WDC does not have jurisdiction to manage the flying of aircraft. The aerodrome operator NZTE Operations Limited [FS1339.176] opposes this submission - they advise that they do not oppose the “Fly Neighbourly” principles, but they consider that they are appropriately managed by NZCAA provisions.

717. All of the above documents relate to the management of aircraft noise. The district plan manages aircraft noise through noise rules. In addition, rules relating to hours of operation for aircraft operations and maximum aircraft movements per calendar year are also proposed (as detailed below) to reduce effects of aircraft operations on noise-sensitive areas.
718. I have also reviewed the Kempsey Airport Fly Neighbourly Advice report prepared by the Airport Group, dated October 2019 (NSW, Australia). That report also largely deals with the actual flying of aircraft. It includes some limitation on times of operation and restrictions on engine testing and maintenance.
719. I recommend that the Panel accept in part Greig Metcalf [602.10] and accept in part Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead [FS1154.2] and GL and DP McBride [FS1347.7] and accept in part NZTE Operations Limited [FS1339.176].
720. In summary, I recommend that the request for general aviation and recreational flying to be in accordance with “Fly Neighbourly principles” be rejected taking into account the following:
- The Fly Neighbourly principles were developed for a different purpose.
  - They apply to helicopter use.
  - They were developed as voluntary guidelines.
  - They relate to management of aircraft operations during flight (which Council does not have jurisdiction to manage) and
  - It would be difficult for Council to ensure compliance with the minor parts of those documents which are relevant to Council jurisdiction.
- I recommend that parts of submission [602.10] be accepted, to the extent that these relate to hours of operation and a rule for maximum aircraft movements (as discussed further below), as this is consistent with my recommendations on amendments to Policy 9.2.2.1 – Airpark Standards.

#### *Airpark Management Plan*

721. Greig Metcalf’s submission [602.10] requested “appropriate standards” to require adherence to an airpark management plan, which is in part to be based on the “Fly Neighbourly” principles. While a noise management plan might form part of a condition of a resource consent, I consider that a condition of a permitted activity rule, requiring an airpark management plan based on “Fly Neighbourly” principles, would not provide sufficient certainty about content or effectiveness, and as such would be inappropriate.
722. The submission did not detail other matters to include in an airpark management plan. The submission did mention managing aircraft noise. I have recommended that noise from aircraft operations be managed by way of an amended noise Rule 27.2.7 P1 and new noise Rule 27.2.7 P2. In addition, new TKAZ landuse rules for hours of operation for aircraft operations and maximum aircraft movements have also been recommended which will also provide some restrictions in relation to aircraft noise. Given all of this, I do not consider that it is appropriate to require an airpark management plan by way of a new district plan rule.
723. I recommend that the Panel accept in part Greig Metcalf [602.10] and accept in part Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead [FS1154.2] and GL and DP McBride [FS1347.7] and accept in part NZTE Operations Limited [FS1339.176]. This is because requiring an airpark management plan based on “Fly Neighbourly” principles would not

provide sufficient certainty about content or effectiveness, the submission is not clear on all matters to be included in such a document, and aircraft noise is managed by way of amended noise Rule 27.2.7 – Noise Aircraft Operations. I also consider that inclusion of the words (vi) Management Plan based on Fly Neighbourly principles; to Policy 9.2.2.1(a) in the district plan is not appropriate for those reasons. I recommend that the Panel accept in part the submission by Greig Metcalf [602.37] and accept in part the further submission by GL and DP McBride [FS/347.10], accept in part the further submission by NZTE Operations Limited [FS/339.71], to the extent that Policy 9.2.2.1(a) does not refer to a management plan based on Fly Neighbourly principles.

724. I recommend that parts of submission [602.10] be accepted, to the extent that these deal with an additional rule for hours of operation for aircraft operations and a rule for maximum aircraft movements (as discussed further below).

*Hours of operation for aircraft operations*

725. Greig Metcalf's submission [602.10] in relation to a request for "appropriate standards" for general aviation and recreational flying, states: "Stipulate hours of operation to limit night flying".

- I am uncertain about what the term "night flying" in this case means exactly, but it is likely to relate to the time between sunset and sunrise (a commonly understood time for night), the exact timing of which changes daily.
- I am also uncertain about what the term "limit night flying" in this case means exactly, but it is likely to mean to have no "general aviation" and "recreational flying", and no "Aviation Operations" at "night".

726. McCracken Surveys Limited [943.58] also refer to hours of operation when they say "Will it (IFR) extend operation hours that will have associated effects on adjoining and nearby landowners?" This submission does not expand on what those effects may be. Flying on IFR (Instrument Flight Rules) is likely to allow for aircraft movements at Te Kowhai aerodrome to occur during darkness, which is not possible at present.

727. The Civil Aviation Authority of New Zealand (CAA) and Aviation Security Service (AVSEC) website in relation to "night" advises the following<sup>130</sup>:

*Night means the hours between –*

*(1) the end of evening civil twilight, which is when the centre of the setting sun's disc is 6 degrees below the horizon; and*

*(2) the beginning of morning civil twilight, which is when the centre of the rising sun's disc is 6 degrees below the horizon:*

*These times are published in AIP New Zealand GEN 2.7 Daylight Tables, and are dependent on location and the time of year.*

728. Due to the reduced level of certainty with the above given its variable nature, I consider that it would be inappropriate to refer to the above definition of "night" when considering a restriction on flying activities at "night".

729. The general public would commonly understand "night" to be between the hours of sunset and sunrise; these timeframes vary during the year.

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<sup>130</sup> Civil Aviation Authority of New Zealand (CAA) and Aviation Security Service (AVSEC) website Licensing and certification/Pilots/Flight Training/Flight Instructor Guide/Night Flying

730. If “night” in this context, means it would be ‘dark’, then the effect on amenity would be noise effects.
731. Referring to New Zealand Standard Airport Noise Management and Land Use Planning NZS 6805:1992 the day/night level definition advises the following: “...with the addition of 10dB to night-time levels during the period from midnight to 07.00 hours and from 22.00 hours to midnight, to take account of the increased annoyance caused by noise at night.” Based on this, I consider that it is appropriate to consider that “night” flying in this case should refer to aircraft flying between the hours of 10.00pm and 07.00am the following day.
732. Graham Taylor [304.1 and 304.2] submitted that Rule 27.2.6 Noise – Other than Taxiways and Rule 27.2.7 Noise – Taxiways be amended to include a night flying curfew on general aviation and recreational flying between 10pm and 7am. Rather than amend those rules, I consider a separate rule for hours of operation for aircraft operations to be clearer for plan users and others in the community.
733. Mr Metcalf’s submission [602.10] requests a restriction on hours of operation for “general aviation” and “recreational flying”, so as to **avoid adverse impacts on neighbours** (bold - my emphasis) (such as noise). By using the word “avoid”, the rule to implement this would lean towards a prohibited activity. This would result in no “general aviation” or “recreational flying” occurring at “night”.
734. Council does not have jurisdiction to control aircraft that are flying. Therefore, Council cannot include a rule in the district plan relating to the flying of aircraft between prescribed hours. Council can control the use of land and require landuse resource consent relating to take-offs and landings and taxiing and other activities associated with these activities, between prescribed hours.
735. Even if aircraft were undertaking take-offs, landings, taxiing and other activities associated with these activities during the “night” hours, the effects are likely to be limited associated to noise effects. Greig Metcalf’s submission identifies noise as his concern. Council has jurisdiction under the RMA to control the emission of noise and to ensure the best practicable option to mitigate the effects of noise. As detailed earlier in this report, Council looks to manage aircraft noise through noise rules.
736. NZS6805:1992 establishes maximum acceptable levels of aircraft noise exposure around airports for the protection of community health and amenity values. This NZ Standard sets out the minimum requirements needed to protect people from the adverse effects of airport noise<sup>131</sup>. Council may decide that additional mechanisms for the protection of amenity values are required, such as an hours of operation rule for aircraft operations.
737. Submissions referred to hours of operation for “general aviation” and “recreational flying”, as those two activities are listed in the TKAZ rules. Assessments elsewhere in this report recommend those two terms be deleted and replaced with a new term “aircraft operations”. Any further consideration of hours of operation will be in respect to the new term “aircraft operations”.
738. Other district plans limit night-time flying. The Operative Wellington District Plan includes a rule for night flying operations which does not permit domestic operations to occur between the hours of midnight to 6am. The Proposed Kapiti Coast District Plan Appeals Version includes a rule that aircraft operations must not occur between the hours of 10.30pm and 6.00am. These district plan rules also have specific exceptions that allow some aircraft operations within those hours.

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<sup>131</sup> NZS6805:1992 New Zealand Standard Airport Noise Management and Land Use Planning pg. 5

739. While the examples above provide for a shortened “night-time” period, I consider that a permitted activity rule should not permit aircraft operations at the Te Kowhai aerodrome between the hours of 10pm and 7.00am the following day. This takes into account the site and its surrounds, nearby landuse and the small-scale private nature of the Te Kowhai aerodrome. I am aware that the resource consent for the Mercer Airport granted in May 1996 contains a consent condition that does not allow aircraft movements between 10.00pm and 7.00am the following day.
740. I consider that it is appropriate that aircraft operations at Te Kowhai aerodrome be permitted between the hours of 7.00am and 10.00pm with specific exceptions, as per the proposed TKAZ rule below. Note that “Aircraft operations” is proposed to be those activities as per my recommended definition for such.

#### **Rule 27.2.16 – Hours of Operation for Aircraft Operations**

<u>P1</u>	(a) <u>In ALL PRECINCTS, Aircraft Operations including take-offs and landings, must be carried out between 0700 hours to 2200 hours.</u>
<u>P2</u>	<p>(a) <u>In ALL PRECINCTS, Rule P1 does not apply to the following:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Aircraft landing or taking off in an emergency; or</u></li> <li>(ii) <u>Emergency flights required to rescue persons from life threatening situations; or</u></li> <li>(iii) <u>Emergency flights to transport patients, human vital organs or medical personnel in a medical emergency; or</u></li> <li>(iv) <u>Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002; or</u></li> <li>(v) <u>Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere; or</u></li> <li>(vi) <u>Aircraft being used in the course of firefighting duties; or</u></li> <li>(vii) <u>Aircraft being used in the course of police duties.</u></li> </ul>

741. I consider that an “hours of operation” rule relating to aircraft operations would introduce a relevant policy (Policy 9.2.2.1) and relevant objective (Objective 9.2.2) to the TKAZ.
742. The relevant Policy is provided below:

#### **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 subdivision allotment size.
  - (v) Subdivision allotment size.
- (b) *To 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.*
743. Greig Metcalf’s submission [602.37] also requested a consequential amendment to the policy above, to include hours of operation in (a). Based on the above discussion, I agree with the inclusion of the words “hours of operation” to Policy 9.2.2.1(a), although I recommend that it read (vii) Hours of operation for aircraft operations, to be consistent with the new proposed rule.

744. The associated objective is provided below:

**9.2.2 Objective – Amenity outcomes**

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

745. The addition of hours of operation for aircraft operations (as a new rule and to Policy 9.2.2.1(a)) will ensure that Objective 9.2.2 is implemented. A policy that limits aircraft operations between specified hours will help to ensure acceptable amenity outcomes for people in the surrounding area.
746. I recommend that the Panel accept in part Greig Metcalf [602.10] and accept in part Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead [FS1154.2] and GL and DP McBride [FS1347.7] and accept in part NZTE Operations Limited [FS1339.176], to the extent that a rule for hours of operation for aircraft operations is added.

*Maximum aircraft movements*

747. Greig Metcalf's submission [602.10] requested that "appropriate standards" be imposed, which include "A stipulation on the maximum of aircraft movements being 21,000 per annum".
748. Appendix 13 to the Te Kowhai Airpark Zone Section 32 report: Appendix 13: Summary Assessment of Environmental Effects contains a section on aircraft movements. It states "TKA projects that hangarage of 200 aircraft has the potential to generate in the region of 21,000 aircraft movements per annum, equating to an average of 57 movements per day." Appendix 13 to the Te Kowhai Airpark Zone Section 32 report states the following in relation to aircraft movements: 1 Aircraft arrival = 1 movement. 1 Aircraft departure = 1 movement.
749. The frequency of aircraft movements in Appendix 13 to the TKAZ section 32 report is an estimate of future demand. The frequency of aircraft movements can have impacts on amenity/amenity values. By controlling aircraft movements to a maximum of 21,000 per annum, Mr Metcalf's submission [602.10] aims to avoid an increase of adverse impacts on neighbours, and to manage issues of operating aircraft in and around noise-sensitive areas. Submissions on aircraft noise are dealt with in a separate section of this report.
750. NZTE Operations Limited [FS1339.176] have advised that "Total aircraft noise would be limited at the Air Noise Control Boundaries which effectively limits aircraft movements." A condition of a permitted activity rule providing for an annual maximum number of aircraft movements would signal an appropriate scale of effects, including effects on amenity. In particular, such a rule would also help to implement Objective 9.2.2 stated below:

**9.2.3 Objective – Amenity outcomes**

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

751. I consider that it is appropriate to have a new rule with a condition on the number of permitted aircraft movements per year, however it is my view that the number of aircraft movements allowed in a permitted activity rule should be based on known movements, and the potential scale of effects on neighbouring properties.
752. When considering what controls to impose on annual aircraft movements in a permitted activity rule, and the need to manage amenity effects, it is important to also consider historic aircraft movements. Appendix 13 to the TKAZ Section 32 report states: "It (a graph) indicates that movements increased steadily from approximately 6,000 movements in the 1980s to the mid 1990s until it reached a peak of approximately 32,000 movements in 2007. Between 2007 and 2015 movement numbers declined sharply to approximately 2,000 movements. Data provided by TKA confirms that there were 6323 movements in 2017. The combined total equates to

*approximately 17 movements per day, a level comparable to the 1980s and early 1990s.” Since 2007, people in this locality have been experiencing a low volume of annual aircraft movements associated with the Te Kowhai aerodrome.*

753. 21,000 aircraft movements are more than double the annual aircraft movements forecast for 2020<sup>132</sup>. In 2007 there was a peak of 32,000 aircraft movements. Following that, yearly aircraft movements declined until 2016, when they began increasing again. The limited annual aircraft movements since 2007 indicates the high end of the scale of aircraft movements relating to the existing effects on amenity in this locality resulting from the Te Kowhai aerodrome.
754. Reaching an estimated 21,000 aircraft movements per year is a long-term target associated with the proposed hangarage of 200 aircraft within the TKAZ. The chart entitled “*Te Kowhai Aerodrome Aircraft Movements: Historic and Predicted*” contained within Appendix 13 to the Te Kowhai Airpark Zone Section 32 report, shows a yearly forecast of aircraft movements out to the year 2045. It was forecast that aircraft movements would increase from just over 10,000 per year in 2020 to over 20,000 in 2042, to more than 21,000 per year in 2045. Accordingly, 21,000 annual movements may be reached over a period of 20 years after decisions on the PDP are due to be released (in 2021). District plan provisions are to be reviewed every ten years. Looking at the 10-year timeframe after release of Council decisions on the PDP (2021), the predicted annual movements in the year 2031 are predicted to be just over 15,000. In my opinion, 21,000 annual aircraft movements are not an appropriate number in a permitted activity rule that applies to the planning timeframe of this PDP.
755. Based on the estimated aircraft movements, I recommend that a new rule be imposed permitting the total aircraft movements per calendar year to be a maximum of 15,000. In the event that the number of aircraft movements exceed 15,000 movements per calendar year, the plan still provides a consenting path where effects on amenity can be assessed, and conditions imposed if need be.
756. While the submitter had referred to “per annum”, to make such a rule easy to interpret, I propose that the term “per annum” be replaced with “per calendar year”.
757. To ensure that it is clear for all plan users what an aircraft movement is considered to be, within the body of the rule I have recommended the following:  
  
One aircraft landing is one aircraft movement and one aircraft take-off is one aircraft movement.
758. I recommend that the Panel accept in part Greig Metcalf [602.10], accept in part Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead [FS1/54.2] and GL and DP McBride [FS1/347.7], and accept in part NZTE Operations Limited [FS1/339.1/76]. The part of submission [602.10] to be accepted is that requesting an annual maximum aircraft movements rule.
759. In section 8 of this report I discuss the terms “general aviation” and “recreational flying”. In this section I recommend that these terms be replaced with the term “Aircraft operations”. Accordingly, I recommend that any new rules relate to aircraft operations.
760. Greig Metcalf’s submission [602.37] requested that Policy 9.2.2.1 be amended to refer to aircraft movements. I recommend that Policy 9.2.2.1(a) be amended to read (viii) Aircraft Movements, because it enables increased effects on amenity to be addressed and provides policy support for the recommended new permitted activity rule for aircraft movements, subject to a condition that allows just 15,000 aircraft movements per calendar year. I recommend that the Panel accept in part Greig Metcalf [602.37], accept in part GL and DP

<sup>132</sup> Te Kowhai Airpark Zone Section 32 report: Appendix 13: Summary Assessment of Environmental Effects

McBride [FS1347.10] and accept in part NZTE Operations Limited [FS1339.71], to the extent that Policy 9.2.2.1(a) be amended to refer to aircraft movements.

#### Energy Efficiency

761. Linda Silvester's submission [830.14] requested new provisions to be added to Chapter 27 Te Kowhai Airpark Zone to include energy efficiency policies and rules. Similar submission points were analysed in the s42A report for Infrastructure and Energy Overall Report D0. I agree with the comments in Infrastructure and Energy Overall Report D0 on page 27, paragraphs 104 and 105. That s42A report writer considers that the PDP does not need to contain rules on matters sought by this submitter, as the Building Code already contains provisions on such matters. The s42A report writer also notes that PDP Rule 14.6.1 includes permitted activity rules relating to electricity generation, which they consider support and enable renewable energy. I recommend that the Panel reject the submission by Linda Silvester [830.14], reject the further submission by Whaingaroa Environmental Defence Inc. Society [FS1276.179] and accept the further submission by NZTE Operations Limited [FS1339.183].

#### Waikato District Council

762. Waikato District Council's submission [697.568] proposes to amend Policy 9.2.2.1(b) as follows: (b) ~~To e~~ Ensure that bulk and location .... (etc). Starting a policy with a verb is consistent with good planning drafting for policies and is a minor change that does not change the meaning of the policy. I recommend that the Panel accept the submission by Waikato District Council [697.568] and accept the further submission by NZTE Operations Limited [FS1339.72].

### 14.4 Recommendation

763. I recommend that the Hearings Panel:
- (a) **Accept in part** Greig Metcalf [602.10] and **accept in part** Marshall Stead on behalf of Lloyd Davis, Jason Strangwick, Kylie Davis-Strangwick, Nicola Thompson and Kerry Thompson, Marshall Stead, Kristine Stead [FS1154.2] and GL and DP McBride [FS1347.7] and **accept in part** NZTE Operations Limited [FS1339.176] to: *Accept the request for a new hours of operation permitted activity rule and accept the request for a new annual maximum aircraft movements rule.*
  - (b) **Accept in part** Greig Metcalf [602.37], **accept in part** GL and DP McBride [FS1347.10] and **accept in part** NZTE Operations Limited [FS1339.71]: *to the extent that Policy 9.2.2.1(a) is amended to refer to hours of operation for aircraft operations and aircraft movements.*
  - (c) **Reject** Linda Silvester [830.14], **reject** Whaingaroa Environmental Defence Inc. Society [FS1276.179] and **accept** NZTE Operations Limited [FS1339.183].
  - (d) **Accept** Waikato District Council [697.568] and **accept** NZTE Operations Limited [FS1339.72].

### 14.5 Recommended Amendments

764. The following amendments are recommended:

**Policy 9.2.2.1(a) 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;
  - (v) Subdivision allotment size;
  - (vi) Hours of operation for aircraft operations;<sup>133</sup>
  - (vii) Aircraft movements;<sup>134</sup>
- (b) ~~To e~~<sup>135</sup> 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.

**Rule 27.2.16 – Hours of Operation for Aircraft Operations**

<u>P1</u>	<u>(b) In ALL PRECINCTS, Aircraft Operations including take-offs and landings, must be carried out between 0700 hours to 2200 hours.</u> <sup>136</sup>
<u>P2</u>	<u>(a) In ALL PRECINCTS, Rule P1 does not apply to the following:</u> <ul style="list-style-type: none"> <li><u>(i) Aircraft landing or taking off in an emergency; or</u></li> <li><u>(ii) Emergency flights required to rescue persons from life threatening situations; or</u></li> <li><u>(iii) Emergency flights to transport patients, human vital organs or medical personnel in a medical emergency; or</u></li> <li><u>(iv) Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002; or</u></li> <li><u>(v) Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere; or</u></li> <li><u>(vi) Aircraft being used in the course of firefighting duties; or</u></li> <li><u>(vii) Aircraft being used in the course of police duties.</u><sup>137</sup></li> </ul>
<u>D1</u>	<u>Any activity that does not comply with Rule 27.2.16 P1 and P2.</u> <sup>138</sup>

**Rule 27.2.17 - Aircraft Movements**

<u>P1</u>	<u>(a) In Precinct A, the maximum number of aircraft movements per calendar year shall be 15,000.</u> <sup>139</sup> <u>One aircraft landing is one aircraft movement and one aircraft take-off is one aircraft movement.</u>
<u>D1</u>	<u>Any activity that does not comply with Rule 27.2.17 P1.</u> <sup>140</sup>

<sup>133</sup> [602.37 and FS1347.10]<sup>134</sup> [602.37 and FS1347.10]<sup>135</sup> [697.568 and FS1339.72]<sup>136</sup> [602.10, FS1154.2 and FS1347.7]<sup>137</sup> Consequential associated with [602.10, FS1154.2 and FS1347.7]<sup>138</sup> Consequential associated with [602.10, FS1154.2 and FS1347.7]<sup>139</sup> [602.10, FS1154.2 and FS1347.7]<sup>140</sup> Consequential associated with [602.10, FS1154.2 and FS1347.7]



765. While I have recommended new rule numbers above, being 27.2.16 and 27.2.17, I recommend that those rules become the first and second rules beneath the 27.2 Land Use – Effects heading, and that all other effects rules be renumbered accordingly.

#### **14.6 Section 32AA evaluation – policy amendments for hours of operation and aircraft movements**

##### **Other reasonably-practicable options**

766. Option 1 is to “do nothing”, i.e. revert back to the PDP as notified, which would mean that Policy 9.2.2.1(b) would not refer to hours of operation for aircraft operations and that it would not refer to aircraft movements.
767. Option 2 is to go with the wording as proposed by the submitter, being: “hours of operation” and “maximum aircraft movements”.
768. Option 3 is to include the words “Management Plan based on Fly Neighbourly principles” as proposed by the submitter.

##### **Effectiveness and efficiency**

769. The amendments improve the effectiveness of the district plan in achieving Objective 9.2.2(a). The amendments provide guidance to plan users about some specific airpark performance standards that are used to manage airpark effects.

##### **Costs and benefits**

770. One additional cost is that resource consent applications for aircraft operations after 10pm and before 7am the following day would need to address Policy 9.2.2.1(a).
771. One benefit to the environment is that the effects of aircraft operations between 10pm and 7.00am the following day will be appropriately managed. Other benefits are clearer guidance to plan users about requirements relating to aircraft operations after 10pm and before 7am. There is wider benefit to the local community from managing effects of aircraft operations after 10pm and before 7am.
772. One additional cost is that resource consent applications for annual total aircraft movements exceeding 15,000 would need to identify the scale of effects associated with the performance standards identified in Policy 9.2.2.1(a).
773. One benefit to the environment is that annual aircraft movements are specifically managed. Other benefits are clearer guidance to plan users regarding annual aircraft movements. There is wider benefit to the local and regional community from managing effects of annual aircraft movements.

##### **Risk of acting or not acting**

774. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendments to the policy.

##### **Decision about most appropriate option**

775. The amendments to Policy 9.2.2.1(a) are considered to be the most appropriate way to achieve Te Kowhai Airpark Objective 9.2.2 Amenity Outcomes.

## **14.7 Section 32AA evaluation – hours of operation for aircraft operations rule**

### **Other reasonably-practicable options**

- 776. There are two options for dealing with hours of operation. One option is to “do nothing”, i.e. revert back to the PDP as notified. This would mean that there would be no rule restricting hours of operation for aircraft operations.
- 777. Another option is to provide for general aviation and recreational flying in accordance with “Fly Neighbourly” principles, a requirement to adhere to an “Airpark Management Plan” and hours of operation to limit night flying.

### **Effectiveness and efficiency**

- 778. NZ Standard 6805:1992 provides minimum requirements to protect people from the adverse effects of airport noise. Council may decide that additional mechanisms for the protection of amenity values are required, such as an hours of operation for aircraft operations rule.
- 779. The hours of operation rule is effective as it provides more certainty for plan users on permitted hours of operation for aircraft operations. It also makes it clear when a resource consent would be required for hours of operation associated with aircraft operations.
- 780. The recommended addition of a new hours of operation rule for aircraft operations implements Policy 9.2.2.1(a) to ensure that adverse airpark effects can be managed. The amendments improve the effectiveness of the district plan in achieving Objective 9.2.2(a).

### **Costs and benefits**

- 781. One additional cost is that resource consent is required for aircraft operations after 10pm and before 7am the following day.
- 782. One benefit to the environment is that aircraft operations between 10pm and 7.00am the following day will be appropriately controlled by a condition in a permitted activity rule. Other benefits are clearer guidance to plan users about requirements relating to aircraft operations after 10pm and before 7am. There is wider benefit to the local community from managing effects of aircraft operations after 10pm and before 7am.

### **Risk of acting or not acting**

- 783. There are no additional risks in not acting. There is insufficient information on the scale of effects on amenity, and as the costs fall on those in the community who are affected, the new permitted activity rule and condition are justified.

### **Decision about most appropriate option**

- 784. I consider that the new rule permitting hours of operation for aircraft operations subject to conditions is the most appropriate way to achieve Te Kowhai Airpark Policy 9.2.2.1(a) and Objective 9.2.2 – Amenity Values.

### **Other reasonably-practicable options – aircraft movements rule**

- 785. Option 1: “do nothing”, i.e. revert back to the PDP as notified, which would mean that there would be no rule dealing with maximum permitted annual aircraft movements and hence potential for increased scale of effects on amenity.
- 786. Another option is to require general aviation and recreational flying to be in accordance with “Fly Neighbourly” principles, a requirement to adhere to an “Airpark Management Plan” and maximum number of aircraft movements being 21,000 per annum.

### Effectiveness and efficiency

787. The new permitted activity rule is effective as it provides clearer guidance to plan users regarding permitted annual aircraft movements.
788. The recommended addition of a new annual aircraft movements rule manages additional effects on amenity and implements Policy 9.2.2.1(a), to ensure that adverse airpark effects are managed. The amendments improve the effectiveness of the district plan in achieving Objective 9.2.2(a).

### Costs and benefits

789. One additional cost is that resource consent is required if the total aircraft movements per calendar year exceed 15,000.
790. One benefit to the environment is that the scale of annual aircraft movements is appropriately managed at a level where the potential effects are known. Other benefits are clearer guidance to plan users regarding annual aircraft movements. There is wider benefit to the local and regional community from managing effects of annual aircraft movements.

### Risk of acting or not acting

791. There are no additional risks in not acting. There is insufficient information on the scale of effects on amenity, and as the costs fall on those in the community who are affected, the new permitted activity rule and condition are justified.

### Decision about most appropriate option

792. The new annual aircraft movements rule is considered to be the most appropriate way to achieve Te Kowhai Airpark Policy 9.2.2.1(a) and Objective 9.2.2 – Amenity Values.

## 15 Rule 27.2.9 Landuse - Glare and Lighting

### 15.1 Introduction

793. Glare and Lighting Rules 27.2.9 PI and RDI list requirements relating to glare and artificial light in all precincts.

### 15.2 Submissions

794. Two submission points were received in support of the provisions dealing with glare and lighting in the Te Kowhai Airpark Zone.
795. The following submissions were made:

Submission point	Submitter	Summary of submission
742.174	NZ Transport Agency	Retain Rules 27.2.9 PI and RDI as notified.
FSI 339.164	NZTE Operations Limited	Support

### 15.3 Analysis

796. The NZ Transport Agency submission [742.174] seeks that Rules 27.2.9 PI and RDI Glare and Lighting, as notified, be retained. NZTE Operations Limited's further submission [FS1339.164] supports this. There were no submission points seeking to amend or delete Rules 27.2.9 PI and 27.2.9 RDI. I recommend that the Panel accept the submission by NZ Transport Agency [742.174] and accept the further submission by NZTE Operations Limited [FS1339.164] because no changes are sought to the rules, as notified, by any submitters.

### 15.4 Recommendations

797. I recommend that the Hearings Panel retain Rule 27.2.9 PI and RDI as notified, and
- (a) **Accept** NZ Transport Agency [742.174] and accept NZTE Operations Limited [FS1339.164].

### 15.5 Recommended Amendments

798. There are no recommended amendments.

### 15.6 Section 32AA evaluation

799. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

## 16 Rule 27.2.10 Landuse - Earthworks

### 16.1 Introduction

800. Earthworks Rules 27.2.10 PI, P2 and RDI list requirements relating to earthworks within a site in all precincts and the importation of fill material in all precincts.

### 16.2 Submissions

801. Four submission points were received on the topic of earthworks. These focus on the potential effects of earthworks on infrastructure. Note that the National Planning Standards has a definition for earthworks and that definition shall apply in respect of this rule.
802. The following submissions were made:

Submission point	Submitter	Summary of submission
945.29	First Gas Limited	Add a new condition (viii) to Rule 27.2.10 PI as follows: <u>(viii) Earthworks to a depth of greater than 200mm are to be located a minimum of 12m from the centreline of a gas transmission pipeline.</u>
FS1339.191	NZTE Operations Limited	Oppose in part

945.30	First Gas Limited	Add a matter of discretion to Rule 27.2.10 RD1 (b) - Earthworks as follows: <u>(xii) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u>
FSI339.192	NZTE Operations Limited	Oppose in part

### 16.3 Analysis

803. First Gas Limited's submission [945.29] proposes a new condition in the permitted activity Rule 27.2.10 PI(a) (viii) relating to the depth of earthworks within a 12m distance from the centre line of a gas transmission pipeline, so that resource consent would be required for earthworks greater than 200mm depth within 12m of a gas transmission pipeline. A gas transmission pipeline exists through the airpark zone in a north-south direction. The location of that pipeline is shown on the Planning Maps.
804. First Gas is the Requiring Authority over some gas pipelines (part of the gas transmission network) within Waikato District (Designation R1). However, the gas transmission pipeline location through the proposed Te Kowhai Airpark is not designated in the PDP. Therefore, if the additional condition in the permitted activity rule for earthworks (Rule 27.2.10 PI(a)(viii)) were to be imposed, then anyone (including First Gas Limited) undertaking earthworks deeper than the 200mm depth within 12m of the centreline of the pipeline would need to obtain resource consent for such earthworks.
805. First Gas Limited's submission [945.29] referred to relevant parts of the Operative Waikato Regional Policy Statement (WRPS). In particular, they referred to the following:

#### **Objective 3.12**

Development of the built environment (including transport and other infrastructure) and associated landuse occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by,

- e. recognising and protecting the value and long-term benefits of regionally significant infrastructure [which includes gas pipelines]

#### **Policy 6.6**

Management of the built environment ensures particular regard is given to:

- b. that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected.

806. I agree with First Gas Limited's submission [945.29], that the addition of new condition (viii) to Rule 27.2.10 PI(a), as they have proposed, would contribute to the PDP "giving effect" to a relevant objective and policy of the Waikato Regional Policy Statement as stated above.
807. The s42A report author for Infrastructure has recommended a new PDP policy for regionally-significant infrastructure, as detailed below:

#### 6.1.17 Policy – Regionally-Significant Infrastructure<sup>141</sup>

- a. Have particular regard to the benefits that can be gained from the development and use of regionally significant infrastructure (as defined in the Waikato Regional Policy Statement 2016); and

<sup>141</sup> Section 42A Report Infrastructure, dated 20/10/20, D13 Chapter 6: Infrastructure and Energy objectives and policies, page 17, section 3.4, paragraph 17

b. Protect the effectiveness and efficiency of existing and planned regionally significant infrastructure.

808. Regionally-Significant Infrastructure above is noted by that report author to take its meaning from the definition in the Waikato Regional Policy Statement, which includes pipelines for the distribution or transmission of natural or manufactured gas or petroleum.
809. The addition of condition (viii) to Rule 27.2.10 PI(a) would implement Policy 6.1.17 b. above, in that limiting the depth of earthworks within 12m of the major gas pipeline would protect the effectiveness and efficiency (functioning) of that gas transmission pipeline (being regionally-significant infrastructure).
810. Infrastructure Objective 6.1.6 and Policy 6.1.7 are also relevant when considering the addition of condition (viii) to Rule 27.2.10 PI(a). My recommended amendments to that objective and policy are discussed in the noise section of this report. Permitted activity condition 27.2.10 PI(a)(viii) would implement amended Objective 6.1.6 and Policy 6.1.7, by ensuring that the operation of major gas transmission infrastructure is not compromised, by restricting the depth of earthworks within 12m of that infrastructure.
811. NZTE Operations Limited's further submission [FS1339.191] opposes the permitted activity condition request by First Gas Limited's submission [945.29]. NZTE Operations Limited's submission considers that First Gas already has the benefit of the two 12m-wide existing easements. While those easements exist, I consider that it is important to take into account the following:
- These are regionally- and nationally-significant infrastructure (major gas transmission lines).
  - The RMA requires the district plan to give effect to any regional policy statement (RMA 75(3)(c)). The addition of new condition (viii) to Rule 27.2.10 PI(a) would contribute to the PDP "giving effect" to WRPS Objective 3.12 and Policy 6.6.
  - Proposed Rule 27.2.10 PI(a)(viii) would also implement PDP Objective 6.1.1 and new Policy 6.1.17 (as recommended by the s42A Infrastructure report author).<sup>142</sup>
  - Proposed Rule 27.2.10 PI(a)(viii) would also implement PDP Objective 6.1.6 and Policy 6.1.7 (as recommended by the S42A Infrastructure report author).<sup>143</sup>
812. Taking into account the above, I consider that an additional condition in the permitted activity rule for earthworks (Rule 27.2.10 PI(a)(viii)) as proposed by First Gas Limited is appropriate. I recommend that the Panel accept the submission by First Gas Limited [945.29] and reject the further submission by NZTE Operations Limited [FS1339.191].
813. First Gas Limited's submission [945.30] proposes a new matter of discretion within Restricted Discretionary Activity Rule 27.2.10 RD1(b). I note that the PDP as notified contains the following matter of discretion: Rule 27.2.10 RD1(b)(xi) Proximity to underground services and service connections. However, I consider the additional matter of discretion as proposed by First Gas Limited's submission [945.30] to provide better direction to district plan users as to how a non-compliance with proposed permitted activity Rule 27.2.10 PI(viii) will be assessed. I therefore agree with First Gas Limited's submission [945.30].
814. I consider that it is appropriate to retain Rule 27.2.10 RD1(b)(xi) and to impose new Rule 27.2.10 RD1(b)(xii), as they consider two different matters. The first is solely concerned about

<sup>142</sup> Section 42A Report Infrastructure, dated 20/10/20, D13 Chapter 6: Infrastructure and Energy objectives and policies, page 21, section 4.3, paragraph 80 and page 17, section 3.4, paragraph 17

<sup>143</sup> Section 42A Report Infrastructure, dated 20/10/20, D13 Chapter 6: Infrastructure and Energy objectives and policies, page 45, section 9.3, paragraph 196 and page 54, section 10.3, paragraph 246

the distance of earthworks from services and service connections, while the second is more concerned about the effects on that infrastructure. The processing planner may want to specifically condition the distance of the earthworks from services and service connections and retaining Rule 27.2.10 RD1(b)(xi) would enable them to do that.

815. NZTE Operations Limited's further submission [FS1339.192] opposes this request by First Gas Limited's submission [945.30] for an additional matter of discretion. I consider that the gas pipeline easements do not take into account those matters I have identified above. I therefore recommend that the Panel accept the submission by First Gas Limited [945.30] and reject the further submission by NZTE Operations Limited [FS1339.192].
816. Regarding both of the above submission points by First Gas Limited, Mr Cattermole in the s42A report for Village Zone – landuse and activities (page 112 paragraph 345) advised the following:
- “It is my opinion that this is unnecessary, as it is my understanding that the gas pipelines in the Waikato District are either covered by a designation or an easement which restricts activities (including earthworks) within the 12m corridor. I note from an example easement document that I have found on a property off Harrisville Road that the earthworks are restricted to those exceeding 400mm in depth, which is less restrictive than the 200mm sought in the submission. Despite this, it should be the role of First Gas Limited (the submitter) to update and/or amend the easements accordingly if they feel that earthworks between 200mm and 400mm may have an impact upon their infrastructure. For these reasons, I disagree with the relief sought.”*
817. For the reasons provided above, I respectfully disagree with the assessments above by Mr Cattermole.
818. There is no designation over the major gas transmission pipeline within the TKAZ. Even if there were a designation over the First Gas Limited gas transmission pipelines (within the Waikato District), district plan rules would apply to activities undertaken by persons who are not the Requiring Authority.
819. To ensure that those matters I have identified above are accounted for, the above-recommended additional condition in the permitted activity rule for earthworks (Rule 27.2.10 PI(a)(viii)) and additional matter of discretion (Rule 27.2.10 RD1(b)(xii)) should be incorporated into the district plan, so as to relate to persons who are not the Requiring Authority.
820. Regarding the existing gas pipeline easement, regardless of the zone, I consider that the gas pipeline easement does not take into account those matters that I have identified above. Accordingly, even owners and occupiers of properties covered by the existing gas pipeline easement should also need to comply with my recommended additional condition and additional matter of discretion. For properties with the gas transmission line in them, which do not have the gas pipeline easement over it, then proposed permitted activity condition 27.2.10 PI(a)(viii) and proposed matter of discretion Rule 27.2.10 RD1(b)(xii) would appropriately protect the effectiveness and efficiency (functioning) of the gas transmission pipeline (being regionally-significant infrastructure) (as per new Policy 6.1.17) and ensure that the operation of major gas transmission infrastructure is not compromised (as per amended Policy 6.1.7).
821. While I have not considered the other district plan zones in depth, the reasons provided above would also seem to relate to other zones, such that my recommended additional condition and additional matter of discretion could be applied to those zones as well.

### 16.3 Recommendations

822. For the reasons above I recommend that the Hearings Panel:

- (a) **Accept** First Gas Limited [945.29] and **reject** NZTE Operations Limited [FS/339.191].
- (b) **Accept** First Gas Limited [945.30] and **reject** NZTE Operations Limited [FS/339.192].

### 16.4 Recommended Amendments

823. The following amendments are recommended.

#### Rule 27.2.10 Earthworks

PI	<p>(a) In ALL PRECINCTS, earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Earthworks must be located more than 1.5m either side of a public sewer, open drain, overland flowpath or other service pipe;</li> <li>(ii) Earthworks must not exceed a volume of more than 1,000m<sup>3</sup> in a single calendar year;</li> <li>(iii) Earthworks must not exceed an area of more than 1,000m<sup>2</sup> in a single calendar year;</li> <li>(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);</li> <li>(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;</li> <li>(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(vii) Earthworks must not divert or change natural water flows or established drainage paths.</li> <li>(viii) <u>Earthworks greater than 200mm depth are to be located a minimum of 12m from the centreline of a gas transmission pipeline.</u><sup>144</sup></li> </ul>
RDI	<p>(a) Earthworks that do not comply with Rule 27.2.10 PI or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of earthworks;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of fill material;</li> <li>(v) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) Compaction of the fill material;</li> <li>(vii) Volume and depth of fill material;</li> <li>(viii) Geotechnical stability;</li> <li>(ix) Flood risk, including natural water flows and established drainage paths;</li> <li>(x) Land instability, erosion and sedimentation;</li> <li>(xi) Proximity to underground services and service connections.</li> </ul>

<sup>144</sup> [945.29]



	(xii) <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u> <sup>145</sup>
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## 16.5 Section 32AA evaluation – Earthworks Rules 27.2.10 PI(a)(viii) and RDI(b)(xii)

### Other reasonably-practicable options

824. One option is to “do nothing”, i.e. revert back to the PDP as notified. This would mean not including a specific condition in permitted activity Rule 27.2.10 PI(a)(viii) and not including RDI(b)(xii) matters of discretion, relating to depth of earthworks within 12m of a gas transmission pipeline. Consequently, there would be no restrictions on such earthworks.
825. Another option may be that the gas company rely on legal rights under the existing Pipeline Easement Certificate which covers the parts of the gas transmission pipeline in the TKAZ. However, I am unsure if the terms of those easement documents vary between properties or not.

### Effectiveness and efficiency

826. The recommended amendments to Rule 27.2.10 PI(a) and RDI(b) are considered to be the most efficient and effective means of implementing new Infrastructure Policy 6.1.17(b) for Regionally-Significant Infrastructure, in that limiting the depth of earthworks within 12m of the major gas transmission pipeline would protect the effectiveness and efficiency (functioning) of that pipeline (being regionally-significant infrastructure).
827. The new matter of discretion would enable the decision-maker to consider effects on the operation of the major gas transmission pipeline so as to protect the effectiveness and efficiency (functioning) of that pipeline (being regionally-significant infrastructure). These amendments are also the most efficient and effective means of achieving Objective 6.1.1 relating to development, operation and maintenance of infrastructure.
828. The recommended amendments to Rule 27.2.10 PI(a) and RDI(b) are also considered to be the most efficient and effective means of achieving amended Objective 6.1.6 and amended Policy 6.1.7, as the new permitted activity condition would ensure that the operation of major gas transmission infrastructure is not compromised by restricting the depth of earthworks within 12m of that infrastructure.
829. The recommended amendments to Rule 27.2.10 RDI(b) are considered to be the most efficient and effective means of implementing new Infrastructure Policy 6.1.17(b) for Regionally-Significant Infrastructure, in that the new matter of discretion would enable the decision-maker to consider effects on the operation of the major gas transmission pipeline so as to protect the effectiveness and efficiency (functioning) of that pipeline (being regionally-significant infrastructure). These amendments are also the most efficient and effective means of achieving Objective 6.1.1 relating to development, operation and maintenance of infrastructure.
830. The recommended amendments to Rule 27.2.10 RDI(b) also implement amended PDP Policy 6.1.7 and ensure that the ongoing and efficient operation of the major gas pipeline is not compromised by activities that are subject to resource consent. The amendments improve the effectiveness of Rule 27.2.10 RDI in implementing Objective 6.1.6 and provide suitable guidance to plan users, allowing decision-makers to assess earthworks activities located close to the major gas transmission pipeline.

<sup>145</sup> [945.30]

### Costs and benefits

831. One additional cost would be that resource consent would now be required for earthworks over 200mm depth within 12m of the gas transmission line. There would also be a high cost to the community if the gas pipeline was disrupted through earthworks too close to it.
832. One benefit to the environment is that earthworks in close proximity to a major gas transmission line can be appropriately managed. Other benefits include clearer guidance to plan users regarding earthworks near major gas transmission pipeline infrastructure. There is wider benefit to the local, regional and national community from managing the effects of earthworks around major gas transmission pipeline infrastructure.

### Risk of acting or not acting

833. There is sufficient information to justify the amendments to Rule 27.2.10 PI(a) and RD1(b). No additional risk assessment is required.

### Decision about most appropriate option

834. For the reasons above, the amendments to Rule 27.2.10 PI(a) and RD1(b) are considered to be the most appropriate way to achieve amended PDP Infrastructure Objective 6.1.1 Development, Operation and Maintenance of Infrastructure and amended PDP Objective 6.1.6. Adverse Effects on Infrastructure. The rule also implements amended Policy 6.1.7 and new Policy 6.1.17.

## 17 Rule 27.2.12 Landuse - Signs

### 17.1 Introduction

835. Signage Rules 27.2.12 PI, P2, P3, P4 and RD1 prescribe requirements relating to signage in Precincts A, B, C and D that is visible from a public place or site in another zone, as well as real estate, and community event and temporary event signage.

### 17.2 Submissions

836. Four submission points were received relating to signs Rule 27.2.12.
837. The following submissions were made:

Submission point	Submitter	Summary of submission
742.175	NZ Transport Agency	Retain Rules 27.2.12 PI, P2, P4 and RD1 as notified
FSI339.165	NZTE Operations Limited	Support
602.56	Greig Metcalf	Amend Rule 27.2.12 P3 (a) Signs - general as follows: (a) <del>Any</del> real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions: (i) There is no more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates;

		<p>(ii) <u>There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates;</u></p> <p>(iii) <u>There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site;</u></p> <p>(iv) The sign is not illuminated;</p> <p>(v) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(vi) The sign does not project into or over road reserve.</p> <p>(vii) <u>Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.</u></p>
FS1339.179	NZTE Operations Limited	Neutral

### 17.3 Analysis

#### NZ Transport Agency

838. NZ Transport Agency's submission [742.175] seeks that permitted activity Rules 27.2.12 P1, 27.2.12 P2, 27.2.12 P4 and restricted discretionary activity Rule 27.2.12 RD1 Signs be retained as notified. There were no submission points seeking to amend or delete Rule 27.2.12 P1, Rule 27.2.12 P2, Rule 27.2.12 P4 and Rule 27.2.12 RD1, therefore I recommend that the Panel accept the submission of NZ Transport Agency [742.175] and the further submission of NZTE Operations Limited [FS1339.165] because no changes are sought by any submitters to those rules as notified.

#### Greig Metcalf

839. Greig Metcalf's submission [602.56] requested that Rule 27.2.12 P3 (a) Signs be amended. Mr Metcalf also made similar submissions on real estate signs rules in other zones.
840. The amendments requested by Mr Metcalf to Rule 27.2.12 P3(a) as above are drafted as if the real estate signage rules were written the same for every zone. However, the real estate signs rule in the Te Kowhai Airpark Zone is worded differently. It is appropriate that there be consistent rule wording for real estate signs within the zones (unless there is a zone-specific reason for any difference). In my assessment below I discuss how the Te Kowhai Airpark Zone real estate sign rules could be amended to be more consistent with the sign rules in other zones.
841. The submission made by Mr Metcalf [602.56] relies on the format and text of signage rules used in other zones for the drafting of his decision sought. His (a), (a)(i), (a)(ii) and (a)(iii) do not easily fit into TKAZ Rules 27.2.12 P3(a)(i), (ii) and (iii) as notified. I consider that it is important to achieve consistency between zone rules on the same topic, as it improves clarity and efficiency when implementing the plan. I have approached Mr Metcalf's submission by focusing on the clear intent of the decision sought, which is to replace TKAZ Rules 27.2.12 P3(a), (a)(i), (a)(ii) and (a)(iii) with his proposed wording.
842. Mr Metcalf's submission [602.56] sought that Rule 27.2.12 P3(a) be amended as follows:
- (a) Any real estate ~~for sale~~ sign relating to the site on which it is located must comply with all of the following conditions:

843. I consider that the change from “A” to “Any” is a minor change, and it would be consistent with other TKAZ signage rules which also refer to “Any” sign.
844. Removal of the words ‘for sale’ is appropriate, as the words ‘for sale’ are included in the definition for a real estate sign (provided below), as recommended in Hearing 5 Definitions, (s42A report, dated 5 November 2019, page 301, section 3.90.5, paragraph 1141) which I agree with. In addition, this approach would be consistent with that recommended by the Hearing 6 Village Zone s42A report author (page 121 paragraph 372).

<u>Real estate sign</u>	<u>Means a real estate sign advertising a property or business for sale, for lease, or for rent.</u>
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845. This submitter also sought the deletion of the words “relating to the site on which it is located” within Rule 27.2.12 P3(a). I agree with the Hearing 6 Village Zone s42A report author (page 122 paragraph 373) that deleting these words (in this case) may create scenarios where there are real estate signs which confuse people as to where the actual property for sale/rent is, and distract road users, pedestrians, cyclists and other road corridor users. As such, I consider that the words “relating to the site on which it is located” should be retained within Rule 27.2.12 P3(a).
846. Regarding Rules 27.2.12 P3(a)(i), (a)(ii) and (a)(iii), Mr Metcalf’s submission [602.56] sought that they be amended and new Rule 27.2.12 P3(a)(vii) be added, to read as follows:
- (i) There is no more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates;
  - (ii) There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates;
  - (iii) There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site;
  - (vii) Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.
847. I agree with the Hearing 6 Village Zone s42A report author and the reasons in his analysis when he states the following (page 122 paragraphs 374 - 376):
- “I do agree with the amendments sought to (i) and (ii) and (iii),.... I also disagree with proposed amendment (vii), as it would be difficult and very time consuming to enforce. It is also more likely to be policed by the new purchaser of their own accord. In order to make the above amendments work, I also propose including the words ‘of which’ to the end of 24.2.7.1 P3 (a), numbering of (i) clauses A-C, the inclusion of ‘There is no more than 1 sign’ to the start of (A) and the addition of ‘and’ to the end of (B).”
848. In addition, the Hearing 6 Village Zone s42A report author (page 122 paragraphs 374 - 376) stated that the proposed sign sizes are appropriate but did not agree with the rest of (i) to (iii) as requested by Greig Metcalf (relating to the location of the sign on the site or on another site) for reasons outlined above. I agree with the Hearing 6 Village Zone s42A report author in this matter.
849. Taking into account all of the above, I recommend that the Panel accept in part the submission by Greig Metcalf [602.56] and accept in part the further submission by NZTE Operations Limited [FS/339.179] regarding the deletion of the words ‘for sale’, inclusion of the number of signs per site, and sign measurements, so that this rule wording is similar to other zone rule wording.

## 17.4 Recommendations

850. I recommend that the Hearings Panel:

- (a) **Accept** NZ Transport Agency [742.175] and **accept** NZTE Operations Limited [FS1339.165].
- (b) **Accept in part** Greig Metcalf [602.56] and NZTE Operations Limited [FS1339.179]: deleting the words 'for sale', including the number of signs per site, and sign measurements so that this rule wording is similar to other zone rule wording.

## 17.5 Recommended Amendments

851. The following amendments are recommended:

### Rule 27.2.12 Signs

P3	<p>(a) In ALL PRECINCTS, a real estate <del>'for sale'</del> sign <del>must</del> <u>relating to the site on which it is located must comply with all of the following conditions:</u></p> <p style="margin-left: 20px;"><del>(i) Relate to the sale of the site on which it is located; and</del></p> <p style="margin-left: 20px;"><del>(ii) Be no more than 2 signs per site; and</del></p> <p style="margin-left: 20px;"><del>(iii) Be no larger than 1m<sup>2</sup> in area (per sign).</del></p> <p style="margin-left: 20px;"><u>(i) There are no more than 3 signs per site of which:</u></p> <p style="margin-left: 40px;"><u>(A) There is no more than 1 sign per agency measuring 600mm x 900mm;</u></p> <p style="margin-left: 40px;"><u>(B) There is no more than 1 sign measuring 1800mm x 1200mm; and</u></p> <p style="margin-left: 40px;"><u>(C) There is no more than 1 real estate header sign measuring 1800mm x 1200mm<sup>146</sup></u></p>
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## 17.6 Section 32AA evaluation - Signs

### Other reasonably-practicable options

852. One option is to "do nothing", i.e. revert back to the PDP as notified. This would include retaining the words "for sale". But this would not provide for those signs which are "for rent". In addition, this option would only include signs relating to the sale of the site on which they are located, only 2 signs per site and each sign being no larger than 1m<sup>2</sup> in area.
853. Another option is to accept the submission points by deleting the words "for sale", and not require the sign to be related to the site on which it is located; add conditions to the rule and allow only one sign per road frontage on the site to which it relates, one sign meeting specified maximum dimensions, one real estate header sign with maximum dimensions, and timeframes for its removal from the site.

### Effectiveness and efficiency

854. The recommended amendments to Rule 27.2.12 P3(a) implement Policy 9.2.2.1 by ensuring that adverse airpark effects associated with signage in the Airpark Zone are managed. The amendments improve the effectiveness of Rule 27.2.12 P3(a) in achieving Objective 9.2.2. Furthermore, the amendments improve the effectiveness of the rule and plan administration by ensuring that these requirements are consistent across zones within the district plan.

<sup>146</sup> [602.56 and FS1339.179]

### **Costs and benefits**

855. If Rule 27.2.12 P3 was specific to 'for sale' signs only, then the provisions addressing 'for rent' signs would be Rules 27.2.12 P1 and P2. However, as the s42A Definitions report authors have recommended that a definition for real estate signs be put into the PDP (which includes for rent signs), then "for rent" signs would be in the definition for real estate signs but would not be covered by Rule 27.2.12 P3 if the word "for sale" were to remain. Therefore, removal of the words "for sale" would result in the benefit of being able to appropriately administer the Plan.
856. There is a potential cost arising from the recommended amendments, as 'for rent' signs would be subject to Rule 27.2.12 P3, however it is my opinion that the cost would be minimal, as most 'for rent' signs should be able to comply with the amended rule.
857. In relation to the number of signs per site, the increase in the number of signs allowed (from 2 to 3) does have corresponding potential adverse impacts on the amenity of the TKAZ. However, as noted by the Hearing 6 Village Zone s42A report author (page 127 paragraph 405), the increase in the number of signs does provide a benefit, in that it will allow for increased awareness of a property that is for sale/rent, and accordingly likely reduce the length of time that the sign(s) would need to be on the site due to a faster turnover. This therefore has a benefit to both amenity and traffic safety. In addition, while multiple signs do give rise to driver distraction, signs giving information about location or directions may also reduce the chances that a driver miss a real estate sign that they are searching for (especially if they are driving to view the property), which in turn reduces the likelihood that road users need to undertake sharp turns or U-turns on the road corridor.
858. In relation to the size of a sign, the amendments proposed by the submitter would allow a greater area of signage than was provided for in the notified PDP. This may result in potential adverse impacts on the amenity of the TKAZ. However, the points noted in the above paragraph are also relevant here and in my opinion, consistency is needed when managing signs.

### **Risk of acting or not acting**

859. One risk of not acting, by not deleting the words "for sale" from Rule 27.2.12 P3, is that "for rent" signs would not be controlled by Rule 27.2.12 P3, but instead would be controlled by Rules 27.2.12 P1 and P2. This would seem an inconsistent approach when considering that "for rent" signs and "for sale" signs would be similar in nature and that the proposed definition of "real estate" signs includes "for rent" signs.
860. There are no further risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendments to the rule.

### **Decision about most appropriate option**

861. For the reasons above, the amendments to Rule 27.2.12 P3 are considered to be the most appropriate way to achieve Te Kowhai Airpark Policy 9.2.2.1 and Objective 9.2.2 Amenity Outcomes.

## 18 Rule 27.2.13 Landuse - Signs – Effects on traffic

### 18.1 Introduction

862. Signs Rules 27.2.13 PI and RDI prescribe requirements relating to signs that are directed at road users in all precincts. These include character and symbol requirements and consideration of effects on the road network.

### 18.2 Submissions

863. Four submission points were received on the Signs – Effects on traffic Rule 27.2.13.
864. The following submissions were made:

Submission point	Submitter	Summary of submission
742.176	NZ Transport Agency	Amend Rule 27.2.13 PI(a)(iv) as follows: “Contain <del>maximum</del> <u>no more than</u> 40 characters and a <del>maximum no more than</del> <u>6 words, symbols or graphics</u> ,”
FS1339.166	NZTE Operations Limited	Support
742.177	NZ Transport Agency	Amend Rule 27.2.13 RDI(b)(ii) as follows: “Effects on the safe and efficient operation of the <del>road-land transport</del> network;”
FS1339.167	NZTE Operations Limited	Support

### 18.3 Analysis

#### NZ Transport Agency

865. The NZ Transport Agency (NZTA) submission [742.176] supports the intent of Rule 27.2.13 PI but seeks an amendment to limit the maximum number of words permitted and to be consistent with other provisions in the PDP. NZTA advise that this will ensure that the signage erected does not cause unnecessary visual clutter, and that signs do not affect the efficient, safe and effective functioning of the transport network. I note that the NZ Transport Agency made similar submissions on other zones’ signs - effects on traffic rules.
866. The deletion of the word “maximum” and its replacement with the words “no more than” (as proposed by NZTA’s submission [742.176]) would ensure that the wording of this rule is consistent with other similar rules in other zones of the PDP.
867. In relation to submission point [742.176], I have also reviewed the s42A reports for Village Zone, Business Zone and Residential Zone and associated NZTA and s42A report author rebuttal/reply evidence.
868. NZTA advised the following in their hearing evidence for Hearing 10:
- (paragraph 5.4) In preparing my summary statement for Hearing 7, I noted that the Transport Agency’s original submission to alter the wording of PI (iv) differs to that in the Transport Agency’s brochure: Advertising Signs on State Highways. The brochure wording is as follows:*
- Signs should have a maximum of 6 words and/ or symbols, with a maximum of 40 characters*

(5.6) *Given the similarity of the wording in the PWDP and Transport Agency Brochure, I respectfully requested a minor amendment to Rule 17.2.7.2 PI(iv) as follows (insertions underlined):*

*Contain no more than 40 characters and no more than 6 words and/or symbols;*

(5.7) *It was my opinion that the minor amendment would provide clarity and consistency of signage requirements in relation to state highways in both the PWDP and the Transport Agency's documentation.*

869. Part of the Te Kowhai Airpark Zone land adjoins State Highway 39. In my opinion, it is appropriate that Rule 27.2.13 PI(a)(iv) be amended to be consistent with the NZ Transport Agency's brochure: *Advertising Signs on State Highways*.
870. I therefore recommend that Rule 27.2.13 PI(a)(iv) be amended as follows:  
 "Contain ~~maximum~~ no more than 40 characters and ~~a maximum no more than~~ 6 words and / or symbols."
871. The above wording is consistent with s42A report authors' recommendations contained in their rebuttal evidence for Hearing 9 (Business -page 11, paragraph 10.3) and Hearing 10 (Residential - paragraph 8.2).
872. NZTA initially requested the inclusion of the words "or graphics" at the end of the above rule [742.176]. However, I understand from NZTA evidence presented at Hearing 10 that they seek that Rule 27.2.13 PI(a)(iv) be consistent with the NZ Transport Agency's brochure: *Advertising Signs on State Highways*, and that the inclusion of the words "or graphics" would not be consistent with that NZTA brochure.
873. I therefore recommend that the Panel accept the submission by NZTA [742.176] in part and accept in part the further submission by NZTE Operations Limited [FS1339.166] - including most of the proposed word changes but not including the words "or graphics".

### **Consequential amendment**

874. A consequential amendment arising from accepting the changes to Rule 27.2.13 PI(a)(iv), as detailed above, is to change matters of discretion in Rule 27.2.13 RD1(b)(iii) to include the word "words", as detailed below.
- (iii) Size and number of characters, words and symbols;
875. NZ Transport Agency submission [742.177] supports the district plan retaining discretion over effects on safety and efficiency, with a minor amendment as follows:  
 "Effects on the safe and efficient operation of the ~~road-land transport~~ network;"
876. PDP Policy 6.5.5 from Section 6.5 Transport, contained within Chapter 6: Infrastructure refers to the safe and efficient operation of the land transport network.
877. Given that Policy 6.5.5 specifically refers to the land transport network and not road network, I consider that it is appropriate to change Rule 27.2.13 RD1(b)(ii) to refer to 'land transport network'. Accordingly, I recommend that the Panel accept the submission by NZ Transport Agency [742.177] and accept the further submission by NZTE Operations Limited [FS1339.166].

## **18.4 Recommendations**

878. I recommend that the Hearings Panel:



- (a) **Accept in part** NZ Transport Agency [742.176] and **accept in part** NZTE Operations Limited [FS1339.166]: including most of the proposed word changes but not including the words “or graphics”.
- (b) **Accept** NZ Transport Agency [742.177] and **accept** NZTE Operations Limited [FS1339.167].

## 18.5 Recommended Amendments

879. The following amendments are recommended:

### Rule 27.2.13 Signs - effects on traffic

PI	<p>(a) In ALL PRECINCTS, any sign directed at road users must:</p> <ul style="list-style-type: none"> <li>(i) Not imitate the content, colour or appearance of any traffic control sign; and</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; and</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a <u>site</u> entrance and intersections; and</li> <li>(iv) Contain <del>maximum</del> <u>no more than</u> 40 characters and <del>a maximum of no more than 6 words and / or</del><sup>147</sup> symbols; and</li> <li>(v) Have lettering that is at least 150mm high; and</li> <li>(vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.</li> </ul>
RDI	<p>(a) Any sign that does not comply with Rule 27.2.13 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values, including cumulative effects;</li> <li>(ii) Effects on the safe and efficient operation of the <del>road-land</del> <u>transport</u><sup>148</sup> network;</li> <li>(iii) Size and number of characters, <u>words</u><sup>149</sup> and symbols;</li> <li>(iv) Size of sign and support structure;</li> <li>(v) Visual appearance.</li> </ul>

## 17.6 Section 32AA evaluation – Rule 27.2.13 PI(a)(iv) and Rule 27.2.13 RDI(b)(ii)

### Other reasonably-practicable options

880. One option is to “do nothing”, i.e. revert back to the PDP as notified. For Rule 27.2.13 PI(a)(iv) this would involve retaining the word “maximum” and referring to “characters” and “symbols” only, and not to “words”. This would mean that there would be no limit on the number of words that could be on a sign which is directed at road users. I acknowledge that the sign size limits combined with the minimum lettering height may serve to restrict the number of words that could be put on a sign. However despite this, NZTA advise that the restriction on the number of words will ensure that the signage erected does not cause

<sup>147</sup> [742.176, FS1339.166]

<sup>148</sup> [742.177, FS1339.167]

<sup>149</sup> Consequential associated with [742.176]

unnecessary visual clutter, and that signs do not affect the efficient, safe and effective functioning of the transport network. For Rule 27.2.13 RDI(b)(ii) this would involve retaining the word “road” so that the reference would be to the “road network”.

881. Another option for Rule 27.2.13 PI(a)(iv) is to amend the wording originally proposed by NZTA by including the word “graphics”. However, as provided in NZTA’s Hearing 10 evidence, the inclusion of the word “graphics” as originally proposed by NZTA is inconsistent with their brochure entitled “Advertising Signs on State Highways”, dated September 2014. NZTA seek consistency between the PDP sign requirements and their “Advertising Signs on State Highways” brochure requirements.

### **Effectiveness and efficiency**

882. The recommended amendments to Rule 27.2.13 PI(a)(iv) give effect to Policy 6.5.5 to ensure that signage does not compromise the safe and efficient operation of the land transport network. The amendments improve the effectiveness of Rule 27.2.13 PI(a)(iv) in achieving Objective 6.5.1. Furthermore, the amendments improve the effectiveness of the rule and plan administration by ensuring that these requirements are consistent across zones within the district plan.
883. The recommended amendments to Rule 27.2.13 RDI(b)(ii) give better effect to Policy 6.5.5 because both refer to the “land transport network” and would be consistent with each other. This wording would also be consistent with and achieve Objective 6.5.1. This consistency would reduce confusion for plan users and improve the effectiveness of the rule and plan administration by ensuring that there is a clear link between the policy and rule, and the use of terms in the matters of discretion are consistent within the Te Kowhai Airpark Zone.

### **Costs and benefits**

884. There may be additional costs for those wanting to have signage which has more than 6 words directed at road users, as such signage would now require resource consent.
885. There are benefits to the environment with the revised rule (27.2.13 PI(a)(iv)), as it is clearer about the maximum number of words that would be permitted on signage directed at traffic. There are benefits for people – public health and safety, in that fewer words means that the sign is quicker to read with less time for people’s eyes to be not watching the road. There is wider benefit for road users outside the TKAZ as the amendments will help ensure that signage directed at road uses does not compromise the use of the land transport network.
886. Regarding Rule 27.2.13 RDI, there is no additional regulation, therefore costs are likely to be the same. There are benefits for the environment with the revised rule, as it is clearer about how some of the effects will be managed. Other benefits are clearer guidance to plan users regarding some of the effects that will be considered in processing resource consent applications.

### **Risk of acting or not acting**

887. There is sufficient information on the costs to the environment, and benefits to people and communities, to justify the amendments to Rule 27.2.13 PI(a)(iv) and Rule 27.2.13 RDI(b)(ii). No additional risk assessment is required.

### **Decision about most appropriate option**

888. For the reasons above, the amendments to Rule 27.2.13 PI(a)(iv) and Rule 27.2.13 RDI(b)(ii) are considered to be the most appropriate way to achieve Infrastructure Objective 6.5.1 Land Transport Network. The amendments to the rules are also more effective in implementing Policy 6.5.5.

## 19 Rule 27.2.14 Landuse - Temporary Events

### 19.1 Introduction

889. Temporary Events Rules 27.2.14 PI and RDI prescribe requirements relating to temporary events in all precincts. One of the rule requirements is that there be no direct site access from a national or regional arterial road.

### 19.2 Submissions

890. Six submission points were received regarding Rule 27.2.14 Temporary Events. Submissions include retaining these rules, deleting parts of these rules and changing parts of these rules.
891. The following submissions were made:

Submission point	Submitter	Summary of submission
742.178	NZ Transport Agency	Retain Rule 27.2.14 PI as notified.
FSI 339.168	NZTE Operations Limited	Support
823.5	NZTE Operations Limited	Delete Rule 27.2.14 PI(d) - Temporary Events.
FSI 178.5	Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson	Oppose
742.179	NZ Transport Agency	Amend Rule 27.2.14 RDI(b)(iv) as follows: “ <del>Traffic and road safety effects</del> <u>Effects on the safe and efficient operation of the land transport network.</u> ”
FSI 339.169	NZTE Operations Limited	Support

### 19.3 Analysis

892. The NZ Transport Agency (NZTA) submission [742.178] supports Rule 27.2.14 PI being retained as notified. They also support no direct access from a national route or regional arterial road. However, NZTE Operations Limited submission [823.5] requested that Rule 27.2.14 PI(d) - Temporary Events be deleted. Rule 27.2.14 PI(d) requires the following:  
“There is no direct site access from a national route or regional arterial road.”
893. Table 14.12.5.6 Road Hierarchy list of the PDP refers to the section of Limmer Road in front of the Te Kowhai Airpark (State Highway 39) as Regional Arterial Road.
894. NZTE Operations Limited’s submission [823] advises that the (Te Kowhai Airpark) zone currently only has one access point - to State Highway 39 - and that they consider that this rule is not required for the Te Kowhai Airpark Zone. They have not provided any further detail regarding this.
895. Deleting Rule 27.2.14 PI(d) would mean that any temporary events at the Te Kowhai Airpark that require access from the road would not automatically require resource consent.

896. Rural Zone Rule 22.1.2 P2(f) and Village Zone Rule 24.1.1 P4(e) provide for temporary events as a permitted activity, subject to activity-specific conditions which include the same matter as Rule 27.2.14 P1(d).
897. A number of Rural Zone and or Village Zone sites may also only have one access point, being to a national route or regional arterial road (like the Te Kowhai Airpark Zone).
898. I consider that it would be more appropriate to retain Rule 27.2.14 P1(d) as notified, as this would ensure consistency with rules for temporary events in other zones. I therefore recommend that the Panel accept the submission by NZ Transport Agency [742.178] and reject the submission by NZTE Operations Limited [823.5].
899. If the Hearing Panel are of a mind to retain this rule as notified, then most of the temporary events in the Te Kowhai Airpark Zone will not be a permitted activity.
900. The NZ Transport Agency submission [742.179] supports the district plan retaining discretion over traffic and road safety effects, but seeks a minor amendment for consistency (with Rule 27.2.13 Signs – effects on traffic RDI), as follows:
- ~~“Traffic and road safety effects~~ Effects on the safe and efficient operation of the land transport network.”
901. PDP Section 6.5 Transport refers to the “land transport network” and Policy 6.5.5(a) below (while not specifically referring to temporary events) does refer to “the safe and efficient operation of the land transport network.”
- 6.5.5 Policy - Road safety**
- (a) Ensure that structures, lighting, signage and vegetation are located and designed so as to not compromise the safe and efficient operation of the land transport network, or obscure RAPID numbers.
902. Amending Rule 27.2.14 RDI(b)(iv) as sought by the NZ Transport Agency would result in consistency within the PDP, and in a clearer link between Rule 27.2.14 RDI(b)(iv) and the policy it implements (Policy 6.5.5). I recommend that the Panel accept the submission by NZ Transport Agency [742.179] and accept the further submission by NZTE Operations Limited [FS1339.169].

## 19.4 Recommendations

903. I recommend that the Hearings Panel:
- (a) **Accept** NZ Transport Agency [742.178].
  - (b) **Reject** NZTE Operations Limited [823.5] and accept *Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strangwick, Jason Strangwick, Nicola and Kerry Thompson* [FS1178.5].
  - (c) **Accept** NZ Transport Agency [742.179] and **accept** NZTE Operations Limited [FS1339.169].

## 19.5 Recommended Amendments

904. The following amendments are recommended:

**Rule 27.2.14 Temporary Events**

RDI	<p>(a) A temporary activity that does not comply with Rule 27.2.14 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity;</li> <li>(ii) Noise levels;</li> <li>(iii) Timing and duration of the event;</li> <li>(iv) <del>Traffic and road safety effects.</del> <u>Effects on the safe and efficient operation of the land transport network.</u><sup>150</sup></li> </ul>
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**19.6 Section 32AA evaluation – Rule 27.2.14 RDI(b)(iv)****Other reasonably-practicable options**

905. One option is to “do nothing” and revert back to the rule as notified, which refers to “traffic and road safety effects”.

**Effectiveness and efficiency**

906. The rule as notified contains wording which is inconsistent with Policy 6.5.5.
907. The recommended amendments to Rule 27.2.14 RDI(b)(iv) give effect to Policy 6.5.5 to ensure that temporary events will not compromise the safe and efficient operation of the land transport network. The amendments improve the effectiveness of Rule 27.2.14 RDI in achieving Objective 6.5.1. The amendments also improve the effectiveness of the rule and plan administration by ensuring that matters of discretion are consistent within the Te Kowhai Airpark Zone and with the relevant Policy.

**Costs and benefits**

908. There are no additional costs. There are benefits for the environment with the revised rule as it is clearer about how some of the effects will be managed. Other benefits are a clearer link between the policy and the rule, and guidance to plan users regarding the matters that will be considered in processing resource consent applications.

**Risk of acting or not acting**

909. There is sufficient information to justify the amendments to Rule 27.2.14 RDI(b)(iv). No additional risk assessment is required.

**Decision about most appropriate option**

910. For the reasons above, the amendment to Rule 27.2.14 RDI(b)(iv) is considered to be the most appropriate way to achieve Infrastructure Objective 6.5.1 Land Transport Network. The rule also implements Policy 6.5.5.

<sup>150</sup> [742.178 and FS/339.169]

## 20 Rule 27.3.7 Landuse - Building setback from a State Highway

### 20.1 Introduction

911. Building setback from a State Highway Rules 27.3.7 PI and DI prescribe requirements relating to the building setback from a State Highway for construction or alteration of a building in all precincts.

### 20.2 Submissions

912. Two submissions were received in support of the provisions dealing with the building setback to a State Highway in the Te Kowhai Airpark Zone.
913. The following submissions were made:

Submission point	Submitter	Summary of submission
742.180	NZ Transport Agency	Retain Rule 27.3.7 PI as notified.
<i>FS1339.170</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

### 20.3 Analysis

914. NZ Transport Agency's submission [742.180] seeks that Rule 27.3.7 PI be retained as notified. NZTE Operations Limited's further submission [FS1339.170] supports this.
915. NZ Transport Agency's submission [742.180] supports a minimum 15 metre setback for buildings from a State Highway, as they consider that it will avoid adverse effects on the state highway. I recommend that the Panel accept the submission by NZ Transport Agency [742.180] and accept the further submission by NZTE Operations Limited [FS1339.170] because no changes are sought by any submitters to the rules as notified.

### 20.4 Recommendations

916. I recommend that the Hearings Panel retain Rules 27.3.7 PI and DI as notified, and
- (a) **Accept** NZ Transport Agency [742.180] and **accept** NZTE Operations Limited [FS1339.170].

### 20.5 Recommended Amendments

917. There are no changes recommended in response to these submissions.

### 20.6 Section 32AA evaluation

918. There are no recommended amendments. Accordingly, no s32AA evaluation has been undertaken.

## 21 Rule 27.4 Subdivision

### 21.1 Introduction

919. Subdivision - General Rule 27.4.1 NCI concerns the proposed non-complying activity status that is applied to subdivision within Precinct A – the runway precinct. There are no other parts to Rule 27.4.1.

### 21.2 Submissions

920. Two submissions were received on the subdivision general rule. One submission sought a new rule for sites containing a gas transmission pipeline, while the other submission is neutral in this regard.
921. The following submissions were made:

Submission point	Submitter	Summary of submission
945.31	First Gas Limited	Seeks the inclusion of the following subdivision rule: <u>Subdivision - Site containing a gas transmission pipeline</u> <u>(a) The subdivision of land containing a gas transmission pipeline is a restricted discretionary activity.</u> <u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) The extent to which the subdivision design avoids or mitigates conflict with the gas infrastructure and activities.</u> <u>(ii) The ability for maintenance and inspection of pipelines including ensuring access to the pipelines.</u> <u>(iii) Consent notices on titles to ensure on-going compliance with AS2885 Pipelines-Gas and Liquid Petroleum-Parts 1 to 3.</u> <u>(iv) The outcome of any consultation with First Gas Limited.</u>
FSI 339.193	NZTE Operations Limited	Neutral

### 21.3 Analysis

922. First Gas Limited's submission [945.31] seeks additional provisions to control the subdivision of sites containing reticulated gas transmission pipelines. This submitter is concerned about the potential for reverse sensitivity effects to arise. I agree with the s42A report writer for Hearing 6: Village Zone - subdivision (Mr Cleese) (page 27 paragraph 70) when he states the following:

*"These issues are considered to be legitimate matters that decision-makers should have the ability or discretion to consider when assessing subdivision applications. Existing network infrastructure plays a strategic role in the well-being of the District's communities and represents significant existing sunk investment."*

923. As the Hearing 6: Village Zone – subdivision s42A report writer (Mr Clease) also dealt with submissions from KiwiRail Holdings Ltd and Counties Power Limited, he recommended that an additional matter of discretion be added to Rule 24.4.1 RD1 to enable consideration of these matters, grouped as ‘effects on regionally-significant infrastructure’ rather than addressing each type of network utility separately. Mr Clease’s recommended additional matter of discretion (page 44 Rule 24.4.1 RD1(ix)) is provided below.
- “The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of regionally significant infrastructure assets.”*
924. Submission [945.31] was not in relation to a specific subdivision rule but was submitted to cover any relevant subdivision rule.
925. The reticulated gas transmission pipelines are located within Precincts A and D. The PDP manages subdivision within Precincts A and D differently.
926. Subdivision within Precinct A is a non-complying activity (refer Subdivision General Rule 27.4.1) and the tests in Section 104D of the RMA apply. The assessment of resource consent applications under that activity status allows the processing planner to consider the subdivision layout and design and how this may impact on the operation, maintenance, upgrading and development of the gas transmission line. Provided the relevant objectives and policies are robust, I do not consider that any changes are required to Rule 27.4.1.
927. Subdivision within Precinct D is a restricted discretionary activity (refer separate rule Subdivision Allotment Size Rule 27.4.2 RD2). It is possible to add a new matter of discretion to Rule 27.4.2 Subdivision Allotment Size RD2(b) as detailed below, to satisfy in part the relief sought by First Gas Limited.
928. First Gas Limited [945.31] submitted seeking additional matters of discretion. The first and second matters proposed by First Gas Limited can be replaced with the same wording as proposed by Mr Clease in the s42A report for the Village Zone – Subdivision, as noted above.
929. In my opinion, the additional matter of discretion in Rule 27.4.2 RD2 would provide the relief that First Gas Limited are seeking, while also being consistent with the recommendations made by the s42A report author of Village Zone – Subdivision. This additional matter of discretion in the restricted discretionary activity rule would also be consistent with the approach recommended by the s42A report authors of Hearing 10 - Residential Zone (page 220, paragraph 584).
930. The third and fourth matters proposed by First Gas Limited are not appropriate. It should be left up to the resource consent applicant and resource consent processing planner to decide whether or not consultation with First Gas Limited is required.
931. I recommend the Panel accept in part the submission by First Gas Limited [945.31] and accept the further submission by NZTE Operations Limited [FS/339.193], to include additional matters of discretion to ensure that any effects on gas pipelines from subdivision proposals can be addressed through the consent process.

## 21.4 Recommendations

932. I recommend that the Hearings Panel:
- i. **Accept in part** First Gas Limited [945.31] and **accept in part** NZTE Operations Limited [FS/339.193]: to the extent that a new matter of discretion be added to Rule 27.4.2 Subdivision Allotment Size RD2(b), First Gas Limited criteria (i) and (ii) are replaced and (iii) and (iv) are not included. No changes are proposed to Rule 27.4.1 NC1.



## 21.5 Recommended Amendments

933. The following amendments are recommended:

### 27.4.2 – Subdivision Allotment Size

RD2	<p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout;</li> <li>(ii) Ability of titles to accommodate a practical building platform including geotechnical stability for building;</li> <li>(iii) Avoidance or mitigation of natural hazards;</li> <li>(iv) Matters referred to within the infrastructure chapter;</li> <li>(v) Impacts on stormwater and wastewater disposal;</li> <li>(vi) Amenity and streetscape;</li> <li>(y) Vehicle and pedestrian networks.</li> <li>(z) Compatibility with the Te Kowhai Airpark Framework Plan in Appendix 9.</li> </ul> <p><u>(ix) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of regionally significant infrastructure assets.<sup>151</sup></u></p>
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## 21.6 Section 32AA evaluation – Rule 27.4.1 NCI

### Other reasonably-practicable options

934. One option is to “do nothing” and retain the rule as notified.

- Subdivision - General Rule 27.4.1 NCI prescribes the activity status to be applied to subdivision within Precinct A – the runway precinct. While Rule 27.4.1 NCI does not specifically refer to regionally-significant infrastructure assets, the non-complying activity classification does allow all effects, including adverse effects on infrastructure, to be considered.
- Subdivision Allotment Size – Rule 27.4.2 RD2(b) does not include any matters of discretion that specifically deal with regionally-significant infrastructure assets.

935. Another option is to amend Subdivision – General Rule 27.4.1 to include a new restricted discretionary activity rule and associated matters of discretion for subdivision of a site containing a gas transmission pipeline, as has been proposed by the submitter First Gas Limited.

### Effectiveness and efficiency

936. The reticulated gas transmission pipelines are located within Precincts A and D and the PDP manages subdivision within Precincts A and D differently.

937. Subdivision within Precinct A is a non-complying activity (refer Subdivision General Rule 27.4.1). Impacts on the gas transmission line in Precinct A can already be assessed in any non-complying subdivision application. This non-complying activity rule is effective, in that if a subdivision application is submitted to Council which might compromise the gas transmission pipeline, then this rule will work to ensure that an appropriate decision can be made (i.e. the non-complying activity status would allow the decline of consent if warranted).

<sup>151</sup> [945.31, FS/339.193]

938. The amendments improve the effectiveness of Rule 27.4.2 RD2 in achieving PDP Objective 6.1.6. The recommended amendments to Rule 27.4.2 RD2(b) (relating to subdivision within Precinct D) implement Policy 6.1.7 by ensuring that a decision on a resource consent application can consider whether the ongoing and efficient operation of the major gas transmission pipeline may be compromised.
939. Furthermore, this matter of discretion is also recommended for inclusion in other zones and adding these to the TKAZ will help ensure a consistent approach within the district plan.

### **Costs and benefits**

940. One additional cost is that some resource consent applications would be required to address an additional matter of discretion. There would also be a high cost to the community if subdivisions impacted the operation, maintenance, upgrading or development of the gas transmission line.
941. One benefit to the environment is that subdivision in close proximity to a gas transmission line is appropriately managed. Other benefits are clearer guidance to plan users regarding subdivision near major infrastructure. There is wider benefit to the local, regional and national community from managing subdivision around major infrastructure such as this gas transmission line.

### **Risk of acting or not acting**

942. There is sufficient information about the potential impact on the gas transmission pipeline, the costs to the environment, and benefits to people and communities to justify the amendments to Rule 27.4.2 RD2(b). No additional risk assessment is required.

### **Decision about most appropriate option**

943. The amendments to Rule 27.4.2 RD2(b) are considered to be the most appropriate way to achieve Infrastructure Objective 6.1.6 Adverse Effects on Infrastructure. The rule is also an effective method of implementing Policy 6.1.7.

## **22 Policy 9.2.1.2 – Servicing**

### **22.1 Introduction**

944. Policy – Servicing (9.2.1.2) is about development being adequately serviced with respect to essential services, water supply, wastewater treatment and disposal, and stormwater treatment and disposal.

### **22.2 Submissions**

945. Five submission points were received on Policy 9.2.1.2. Four submissions were received in support of this policy while one submission from Mercury opposed this.
946. The following submissions were made:

Submission point	Submitter	Summary of submission
378.5	Fire and Emergency New Zealand	Amend Policy 9.2.1.2 (a) Servicing, as follows: (a) Development is to be adequately serviced with respect to essential services, water supply <u>(including for firefighting purposes)</u> , wastewater treatment and disposal and stormwater treatment and disposal.
<i>FS1035.110</i>	<i>Pareoranga Te Kata</i>	Support
<i>FS1302.19</i>	<i>Chris Dawson on behalf of Mercer Airport</i>	Support
<i>FS1339.68</i>	<i>NZTE Operations Limited</i>	Support
<i>FS1388.17</i>	<i>Mercury NZ Limited for Mercury E</i>	Oppose

### 22.3 Analysis

947. Fire and Emergency New Zealand's submission [378.5] requested that water supply for firefighting purposes be specified in Policy 9.2.1.2(a). The notified policy does not specifically mention water supplies for firefighting.
948. The Te Kowhai Airpark does not have ready access to an existing Council reticulated water supply or community reticulated water supply, as there are none located in close proximity.
949. I have considered the information provided on pages 17 and 18 in paragraph 60 of the Statement of evidence of Craig Sharman on behalf of Fire and Emergency New Zealand submitted as evidence as part of Hearing 10 – Residential Zone. This paragraph outlines the purpose of FENZ seeking provision for water supply for firefighting purposes in the district's zones. This includes efficient and effective response to fire, and ability for fire suppression/extinguishing of fires through water supply, which can minimise risk of harm to people and damage to development.
950. The Te Kowhai Airpark Zone contains four precincts, with some small minimum lot sizes provided for (including 450m<sup>2</sup> and 800m<sup>2</sup>). Smaller lots generally do not have the size and minimum development setbacks to significantly reduce the potential of fire escaping across boundaries and affecting development on neighbouring lots. Ensuring that small lots have ready access to water supply sufficient for firefighting purposes is therefore appropriate.
951. In addition, in relation to larger lots, given the comprehensive nature of the Te Kowhai Airpark Zone and that larger lots may be interspersed with smaller lots within Precincts B, C and D, then ensuring the adequacy of the water supply for firefighting purposes for larger lots may also be an appropriate matter to consider at the time of a subdivision proposal. I consider that including the words "including for firefighting purposes" in Policy 9.2.1.2(a) is appropriate because it makes it clear that servicing capacity includes firefighting as a relevant matter.
952. I recommend that the Panel accept the submission by Fire and Emergency New Zealand [378.5] and accept the further submissions by NZTE Operations Limited [FS1339.68], Pareoranga Te Kata [FS1035.10] and Chris Dawson on behalf of Mercer Airport [FS1302.19].

### 22.4 Recommendation

953. I recommend that the Hearings Panel:

- (a) **Accept** Fire and Emergency New Zealand [378.5] and **accept** NZTE Operations Limited [FS1339.68] and **accept** Pareoranga Te Kata [FS1035.10] and **accept** Chris Dawson on behalf of Mercer Airport [FS1302.19].

## 22.5 Recommended Amendments

954. The following amendments are recommended.

### 9.2.1.2 Policy - Servicing

- (a) Development is to be adequately serviced with respect to essential services, water supply (including for firefighting purposes),<sup>152</sup> wastewater treatment and disposal and stormwater treatment and disposal.

## 22.6 Section 32AA evaluation – Policy 9.2.1.2

### Other reasonably-practicable options

955. One option is to “do nothing” and to retain the Policy as notified. This would mean that specific reference to water supply for firefighting purposes would not be included in Policy 9.2.1.2.

### Effectiveness and efficiency

956. The recommended amendments to Policy 9.2.1.2 give better effect to Objective 9.2.1 by ensuring that the TKAZ is a safe, economically-sustainable airpark. The amendments improve the effectiveness of Policy 9.2.1.2 in achieving Objective 9.2.1.
957. Furthermore, the words “including for firefighting purposes” is also proposed within policies within other zones and its inclusion in the TKAZ will promote a consistent approach within the district plan.

### Costs and benefits

958. One additional cost is that resource consent applications for subdivision and development would now have to address water supply for fire-fighting purposes. This may also mean that development proposals would have to increase their water supply capacity and may also need to incorporate more than one source for water supply.
959. One benefit to the environment is that development is appropriately serviced with respect to water supply for firefighting purposes. There is wider benefit to the local community from ensuring that any development in the TKAZ is appropriately serviced with respect to water supply for firefighting purposes.

### Risk of acting or not acting

960. There is sufficient information on the costs to the environment, and benefits to people and communities, to justify the amendments to Policy 9.2.1.2. No additional risk assessment is required.

### Decision about most appropriate option

961. The amendments to Policy 9.2.1.2 are considered to be the most appropriate way to achieve Te Kowhai Airpark Objective 9.2.1 – Te Kowhai Airpark.

<sup>152</sup> [378.5, FS1339.68, FS1035.10, FS1302.19]

## 23 Rule 27.4.2 Subdivision - Subdivision Allotment size

### 23.1 Introduction

962. Subdivision allotment size Rules 27.4.2 RD1, RD2 and D1 prescribe requirements relating to allotment size which are to be applied to subdivision activities in Precincts B, C and D. These rules mention water supply servicing but do not specifically identify firefighting water supplies. These rules also include variations in minimum lot sizes that are intended to provide flexibility in development density within the Airpark.

### 23.2 Submissions

963. Five submission points were received on the topic of subdivision allotment size. Two submissions sought changes to the rules that deal with subdivision allotment size. One submitter sought additional matters of discretion to provide for water supply for firefighting, and three submissions supported changes to the rule for water supply for firefighting purposes. One submission sought that the subdivision framework be simplified, while one further submission opposed that.

964. The following submissions were made:

Submission point	Submitter	Summary of submission
378.76	Fire and Emergency New Zealand	Amend Rule 27.4.2 as follows: (a) Subdivision within PRECINCT B. (b) Council's discretion is restricted to the following matters:... <u>(x) Proposed lots must be connected to public-reticulated water supply or water supply sufficient for firefighting purposes.</u> (a) Subdivision within PRECINCT C AND D where:... <u>(x) Proposed lots must be connected to public-reticulated water supply or water supply sufficient for firefighting purposes.</u> Council's discretion is restricted to the following matters:... <u>(x) Provision of infrastructure, including water supply for firefighting purposes.</u>
FS1035.183	Pareoranga Te Kata	Support
FS1339.172	NZTE Operations Limited	Support
535.83	Hamilton City Council	Amend the proposed subdivision framework to simplify and to provide more certainty as to what the infrastructure implications are, what quantum of development can occur, and what the effects would be for subdivision to occur on this zone.
FS1339.188	NZTE Operations Limited	Oppose

### 23.3 Analysis

#### *Hamilton City Council (HCC)*

965. Hamilton City Council's submission [535.83] seeks that Rule 27.4.2 be simplified, to provide certainty around infrastructure implications, extent of development and effects from subdivision. This submission does not state exactly how Rule 27.4.2 should be amended to achieve what this submitter is seeking. Their reasons for the decision relate to potential cross-boundary impacts on Hamilton's roading, waters and community infrastructure, concerns about future servicing of development in the TKAZ, and uncertainty of overall maximum number of allotments and infrastructure to be provided.
966. I consider that Rule 27.4.2 RD2 for subdivision within Precincts C and D appropriately provides for graduated density on-site, so that lots closest to external boundaries are of lower density, thus being somewhat more compatible with sites external to the TKAZ.
967. Subdivision Allotment Size Rule 27.4.2 RD1 does not contain specific requirements about infrastructure servicing, while Rule 27.4.2 RD2 only contains requirements about connections to a Te Kowhai Airpark reticulated wastewater network, and no other servicing is specified. Rule 27.4.2 applies in addition to relevant rules in Chapter 14 Infrastructure and Energy, which contains rules for infrastructure and service connections.
968. Infrastructure Permitted Activity Rule 14.3.1 P12 requires that all new lots make provision for access and service connections up to the boundary for wastewater, water supply and stormwater - i.e. all new lots are to be connected to a reticulated system. Consistent with this is the provision of water, stormwater and wastewater utility infrastructure within the TKAZ as a permitted activity (TKAZ Rule 27.1.1 Activity Status Table – P12, P13, P14 and P15), subject to compliance with TKAZ Land Use Effects Rule 27.2.1 On Site Services.
969. While HCC is concerned that new subdivision within the TKAZ will be required to connect to HCC infrastructure, none of those rules dictates that lots within the TKAZ must be connected to any reticulated networks outside the TKAZ. In addition, none of those rules is clear about whether the infrastructure provision / ownership / management / operation is public or private. HCC is concerned about the potential infrastructure implications (in particular, with respect to their networks) and has requested more certainty around this.
970. The following sections of this report address wastewater servicing, potable water supply, water supply for firefighting purposes and stormwater disposal respectively.

#### *Wastewater servicing*

971. The Section 32 report for the TKAZ, page 6, section 3 states the following: "*There are currently no reticulated Council services available within Te Kowhai village. Therefore, Te Kowhai airpark will be reliant upon a site-designed private reticulated network, which will be needed to service lots below 2,500m<sup>2</sup> in area.*" It was always the intention that wastewater within the TKAZ was to be managed by a private reticulated wastewater system for lots below 2,500m<sup>2</sup> in area. There was never any intention that lots within the TKAZ be connected to a public reticulated wastewater system as a restricted discretionary activity.
972. While Precinct B Rule 27.4.2 RD1(b)(ii) states "*The ability to connect with reticulated services outside of the Te Kowhai Airpark reticulated network, as and when these become available;*" this relates to a situation where the reticulated network has been designed and constructed so that it can be physically connected to a reticulated system outside of the TKAZ if it became available. It is not stipulating that it must be connected to an external reticulated system. Subdivision that would result in wastewater connections to a public reticulated system was always to be assessed as a Discretionary Activity under Rule 27.4.2 D1 (as notified).

973. To provide additional certainty and clearer direction to plan users regarding reticulated wastewater infrastructure in relation to TKAZ Precinct B, an additional condition should be added to Restricted Discretionary Rule 27.4.2 RD1 as below:
- 27.4.2. RD1 (a)(i) Proposed lots must be connected to a private reticulated wastewater network.
974. The use of the word “private” in the condition above will make it clear to plan users that it is a privately-owned wastewater system (as opposed to a public system), which is consistent with the direction in the TKAZ S32 report, as detailed above.
975. Including a condition in the rule that requires lots in Precinct B to be connected to a reticulated wastewater system would also be partially consistent with the Business Zone (Rule 17.4.1 RD1(a)(ii)) and Business Town Centre Zone (Rule 18.4.1.RD1(a)(ii)), which requires connection to public-reticulated wastewater as a condition in those restricted discretionary rules. If those restricted discretionary conditions are not complied with then the activity is to be assessed as a discretionary activity. This would also ensure consistency with Infrastructure Rule 14.3.1 P12 - 14.3.1.8 (1) activity-specific conditions for service connections up to the boundary of the lot for wastewater.
976. In addition, I recommend that Precinct B matters of discretion in Rule 27.4.2 RD1(b)(i) and (ii) be amended as below to be consistent with conditions wording in Rule 27.4.2 RD2 and to provide additional certainty as requested by HCC [535.83]:
- (i) The extent to which the allotment can be serviced by the Te Kowhai Airpark private reticulated ~~system~~ wastewater network;
  - (ii) The ability to connect with reticulated services outside of the Te Kowhai Airpark private reticulated wastewater network, as and when these become available;
977. Wastewater disposal in Precinct C (as a restricted discretionary activity) will either be by connection to a Te Kowhai Airpark reticulated network or by on-site treatment and disposal if the lot is at least 2,500m<sup>2</sup> and not connected to the Te Kowhai Airpark reticulated wastewater network. It is not clear from conditions in Rule 27.4.2 RD2(a) whether the “Te Kowhai Airpark reticulated wastewater network” is provided / owned / managed / operated by private or public means. To make this clearer and to help resolve HCC’s concerns [535.83], I recommend that the word “private” be added in front of the words “reticulated wastewater network” in all parts of Rule 27.4.2 RD2(a)(ii).
978. To provide additional certainty about infrastructure implications as requested by HCC [535.83], and to be consistent with the S32 report for the TKAZ, Rule 27.4.2 RD2(a)(iii) relating to wastewater disposal in the Airside Overlay (in Precinct D), also needs amending to add the word “private” in front of the words “reticulated wastewater network”.
979. Wastewater disposal in Precinct D (as a restricted discretionary activity) will be by on-site treatment and disposal if the lot has a net site area of at least 2,500m<sup>2</sup> (which meets current permitted activity rules for on-site wastewater disposal under the Waikato Regional Plan for residential activities). However, Rule 27.4.2 RD2(a)(v) provides that the net site area for lots in Precinct D can be reduced to 1,000m<sup>2</sup>, providing it is connected to a reticulated wastewater network etc. From my consenting experience, I note the following issues with Rule 27.4.2 RD2(a)(v) as notified:
- (a) This rule is not clear about whether the infrastructure provision / ownership / management / operation is public or private.
  - (b) This rule is not clear about requirements for lots between 1,001m<sup>2</sup> and 2,499m<sup>2</sup>, which has implications regarding infrastructure provision.

To provide additional certainty (as requested by HCC [535.83]) and clearer direction to plan users regarding wastewater infrastructure in relation to Precinct D, extra wording should be added to Restricted Discretionary Rule 27.4.2 RD2(a)(v) as below:

- i. The net site area may be reduced to no less than 1,000m<sup>2</sup> providing it is connected to a private reticulated wastewater network and is not bordering the perimeter 25m building setback.
980. Connections to a public reticulated wastewater system would be assessed as a Discretionary Activity under Rule 27.4.2 D1 (as notified).
981. I recommend the Panel accept in part the submission by Hamilton City Council [535.83] and accept in part the further submission by NZTE Operations Limited [FS/339.188] – to the extent that Rules 27.4.2 RD1(a) and RD2(a) are amended to refer to private reticulated wastewater network.

#### *Potable water supply*

982. The three waters feasibility report (appended to the Section 32 report for the TKAZ) section 5, paragraphs 1 and 2, notes that it is unlikely that Hamilton City Council reticulated water supply infrastructure will have the pressures and flows required for the TKAZ development, and given it (TKAZ) is a rural location with a high ground water table which leads to potential contamination of any bore or surface supply, the most secure and practical supply is deemed to be a rainwater collection system.
983. Potable water supply to each lot will be determined by the total roof area size and collection method and not the lot size. However, the lot size together with the Building Coverage Rule 27.3.3 will determine the permitted activity roof size.
984. Rules 27.4.2 RD1 and 27.4.2 RD2 do not contain specific requirements regarding potable water supply. In addition, those rules do not contain explicit mention of potable water supply in their matters of discretion or conditions.
985. The three waters feasibility report (appended to the Section 32 report for the TKAZ) states “It is anticipated, as a minimum, that each residential lot will contain a 150m<sup>2</sup> dwelling and associated 150m<sup>2</sup> hanger. Based on 300m<sup>2</sup> of roof area a minimum of 60 mm of rainfall would be needed each month to supply the required 540 litres a day (for a dwelling with an average occupancy of 3 persons).”<sup>153</sup>.
986. That report also anticipates that potable water supply in Precinct B will be via roof water collection from the large roof areas in that Precinct, given Precinct B allows a total building coverage of 70% for each lot.
987. Rules 27.4.2 RD1 and 27.4.2 RD2 provide for the following minimum lot sizes:
- Precinct B – no minimum lot size
  - Precinct C – 450m<sup>2</sup>, 1,000m<sup>2</sup>, and 2,500m<sup>2</sup> (depending on connections to a private reticulated wastewater network)
  - Precinct D – 800m<sup>2</sup>, 1,000m<sup>2</sup> and 2,500m<sup>2</sup> (depending on connections to a private reticulated wastewater network)
988. Lots in Precincts C and D with a net site area of at least 2,500m<sup>2</sup> could be appropriately serviced by on-site water tanks for potable water supply. Accordingly, TKAZ Rules 27.4.2 RD2(a)(ii)C and (iv) do not need to include requirements for domestic potable water supply.

<sup>153</sup>Te Kowhai Airpark Development 3 Waters Feasibility Report, produced by Homes Consulting, dated 27 June 2017, page 8, section 5.1



I note, however, that this approach is inconsistent with Infrastructure Permitted Activity Rule 14.3.1.8(1) requiring service connections up to the lot boundaries for water supply, and any non-compliance with that rule would revert to a Restricted Discretionary Activity, as recommended by the s42A Infrastructure report author (report D3 14.3, pages 61 and 62, paragraph 268).

989. The Urban Design Rule Testing by Adapt Studio (Appendix 16 to the Section 32 report for TKAZ) does not appear to show that 300m<sup>2</sup> of roof area (as per the three waters feasibility report) would be able to be provided on lots of 450m<sup>2</sup> or less and lots between 450m<sup>2</sup> and 800m<sup>2</sup> in area.
990. In addition, given that Precinct B has no minimum lot size and is for commercial use, I am uncertain as to whether all lots within Precinct B will be of sufficient size to meet their potable water supply needs from their roof area.
991. To understand how potable water supply is proposed to be managed via subdivision rules in the PDP, I have reviewed the Business Zone and Business Town Centre Zone notified subdivision rules, Infrastructure notified rules and the s42A reports for the Village Zone – Subdivision, Residential Zone and Infrastructure chapters.
992. There appear to be the following management options for potable water supply:
- Option 1 - Rely on the provisions in the Infrastructure Chapter (Chapter 14) and do not have any specific references in TKAZ Rules 27.4.2 RD1 and RD2 to potable water supply.
  - Option 2 – Delete Rule 27.4.2 RD2(a)(ii)A. and include a new restricted discretionary activity condition in Rule 27.4.2 RD1(a) requiring a minimum net site area of 800m<sup>2</sup> in Precinct B. This would result in lots with a minimum net site area of 800m<sup>2</sup> or more in Precincts B, C and D being restricted discretionary activities and lots with a minimum net site area of less than 800m<sup>2</sup> in Precincts B, C and D being a Discretionary Activity under Rule 27.4.2 D1.
  - Option 3 - Require lots in Precinct C with a minimum net site area less than 800m<sup>2</sup> to be connected to a private reticulated potable water supply system, by amending Rule 27.4.2 RD2(a)(ii)A. Potable water supply for lots in Precincts C and D with a minimum net site area of 800m<sup>2</sup> and over 800m<sup>2</sup> can be provided by way of roof water collection, although this approach would be inconsistent with Infrastructure Permitted Activity Rule 14.3.1.8(1) as noted earlier.
  - Option 4 - Require all lots within Precinct B to be connected to a Te Kowhai Airpark private reticulated potable water supply system, by way of an additional condition in Rule 27.4.2 RD1.
  - Option 5 - Amend Rules 27.4.2 RD1 and RD2 to only include specific matters of discretion relating to a potable water supply.

#### **Option 1 – rely on Chapter 14 Infrastructure**

993. The subdivision Business Zone rules (Business Zone Rule 17.4.1 RD1(a)(ii) and Business Town Centre Zone Rule 18.4.1 RD1(a)(ii)), Village Zone rules (Rule 24.4.1 Subdivision Te Kowhai and Tuakau RD1(a) and (b) and Rule RD2(a)) and Residential Zone rule (Rule 16.4.1 RD1(a)) include a condition/s about reticulated water supply within their rule as notified, or it is proposed to be included by way of recommendations in s42A reports. Generally those zones have reticulated water supply infrastructure, however the Village Zone rules also make provision where there is no reticulated water supply. Implementing Option 1 would be inconsistent with other zone rules. In addition, HCC's submission [535.83] requested that more certainty be provided as to the infrastructure implications. This option does not improve certainty.

### **Option 2 – provide for a minimum net site area of 800m<sup>2</sup> in Precincts B, C and D as an RDA**

994. Provide for lots with a minimum net site area of 800m<sup>2</sup> or more in Precincts B, C and D being restricted discretionary activities and lots with a minimum net site area of less than 800m<sup>2</sup> in Precincts B, C and D being a Discretionary Activity under Rule 27.4.2 D1, which would then allow consideration of the appropriateness of the potable water supply on such small lots through the consent process. Rules 27.4.2 RD1 and RD2 would not need to require lots to be connected to a reticulated private potable water supply, as the lots at 800m<sup>2</sup> plus net site area, would be of sufficient size to have their own on-site potable water supply.

### **Option 3 – Amending an existing condition in Precinct C**

995. Requiring lots in Precinct C with a minimum net site area less than 800m<sup>2</sup> to be connected to a private Te Kowhai Airpark reticulated potable water supply network would be partially consistent with the Village Zone (s42A subdivision report author recommendation, pages 44 and 45 - Rule 24.4.2 Subdivision – Te Kowhai and Tuakau RD2(a)(i)), which includes a condition that requires connection to public water infrastructure for lots with a minimum size of 800m<sup>2</sup>. This would also be partially consistent with Residential Zone restricted discretionary activity Rules 16.4.1, 16.4.2 and 16.4.3 (as notified), which include a condition that the proposed lots must be able to be connected to a public reticulated water supply for lots with a minimum net site area ranging from 450m<sup>2</sup>, to 650m<sup>2</sup> to 750m<sup>2</sup>. While this condition would provide less flexibility, it provides more certainty. As Rules 27.4.2 RD1 and RD2 will be amended to require all lots to be connected to a private reticulated water supply for firefighting purposes, requiring connections to that private reticulated supply for potable water supply for small lots makes sense, as the reticulation will be running past those sites. In addition, it will make for more efficient and effective use of that private reticulated water supply infrastructure.
996. The reason for requiring connection to a private Te Kowhai Airpark reticulated potable water supply network for lots less than 800m<sup>2</sup> net site area, is that it is my understanding that those lots are unlikely to be able to meet their potable water supply needs through a rainwater collection system via roof collection, as they may not be able to contain sufficient roof area as a permitted activity. There may also be issues with accommodating the rainwater storage tanks on such small lots. TKAZ has been promoted on the basis that it is proposed to be able to manage its own servicing needs. Should connection to a public reticulated water supply network be available in the future, then Discretionary Activity Rule 27.4.2 D1 would apply.

### **Option 4 – Additional condition in Precinct B**

997. Including an additional condition in Rule 27.4.2 RD1 that all lots in Commercial Precinct B be connected to a Te Kowhai Airpark private reticulated potable water supply network would be partially consistent with the Business Zone (Rule 17.4.1 RD1(a)(ii)) and Business Town Centre Zone (Rule 18.4.1 RD1(a)(ii)), which also includes a condition that all lots have connection to a public-reticulated water supply. This would also be consistent with Infrastructure Permitted Activity Rule 14.3.1 P12 condition 14.3.1.8(1) for service connections for water supply.

### **Option 5 – Additional matters of discretion only**

998. Option 5 is about only providing additional matters of discretion for potable water supply in Rules 27.4.2 RD1 and RD2. One such matter of discretion could be: Provision of infrastructure, including potable water supply
999. On its own, a matter of discretion allows an assessment as part of a decision on an application for resource consent. This provides less certainty for plan users and it may not be consistently applied across all subdivision applications. This additional matter of discretion would allow the

adequacy of the potable water supply to be assessed in the resource consent process and could be a requirement in a condition on a resource consent, if granted.

### Outcome

- I000. Options 3 and 4, would provide additional certainty (as requested by HCC's submission [535.83]) and clearer direction to plan users regarding potable water supply, as well as being relatively consistent in its approach with other similar District Plan rules. Option 5, adding a matter of discretion in combination with rules, is also appropriate for reasons of assessing adequacy of the proposed private potable water supply network and providing certainty and clear direction to plan users.
- I001. I recommend that the Panel accept in part the submission by Hamilton City Council [535.83] and accept in part the further submission by NZTE Operations Limited [FS/339.188] – to the extent that Rules 27.4.2 RD1(a) and RD2(a) are amended to refer to private reticulated potable water supply network and that Rules 27.4.2 RD1(b) and RD2(b) are amended to refer to additional assessment criteria about potable water supply.

### Water supply for firefighting purposes

- I002. FENZ submission [378.76] requests that Rule 27.4.2 Subdivision Allotment Size be amended to require lots in Precincts B, C and D be connected to a public-reticulated supply or water supply sufficient for firefighting purposes, with an associated matter of discretion. NZTE Operations Limited [FS/339.172] supports this, on the basis that water supply for firefighting purposes is appropriate at an airpark. Notified Subdivision Rules 27.4.2 RD1 and RD2 do not mention water supply for firefighting purposes.
- I003. Assessments in this report with respect to Policy 9.2.1.2 Servicing, which provide reasons why FENZ is seeking provision for water supply for firefighting purposes in the district's zones, and why water supply for firefighting purposes is appropriate in the TKAZ, also are appropriate here. I recommend that Subdivision Rules 27.4.2 RD1 and RD2 be amended so that all lots within the TKAZ require a connection to a private reticulated water supply network sufficient for firefighting purposes. The addition of the words: "that must be sufficient for firefighting purposes" makes it clear that the private reticulated water supply network must also provide water supplies for firefighting purposes.
- I004. FENZ sought that the rules say "connected to a public-reticulated water supply". Connection to a private Te Kowhai Airpark reticulated water supply network sufficient for firefighting purposes would ensure that the TKAZ manages its own servicing needs.
- I005. FENZ submission [378.76] matter of discretion should also be imposed as part of Rule 27.4.2 RD1 and Rule 27.4.2 RD2, to be consistent with the recommendations from the s42A report authors for the Residential Zone (page 263, paragraph 690) for Rule 16.4.2 RD1(b)(x) and (page 266, paragraph 695) for Rule 16.4.3 RD1(b)(x).
- I006. The Te Kowhai Airpark Development 3 Waters Feasibility Report produced by Homes Consulting (Appendix 4 to the Section 32 Report for Te Kowhai Airpark at page 9, Section 5.3, paragraph 2) advises that a ponded area for firefighting water supply would encourage birdlife, which they consider would be hazardous to aircraft. Accordingly, a water reservoir on-site with a reticulated system would seem appropriate. To ensure that there is sufficient land and an appropriate location within the TKAZ, the district plan should provide for decision-makers to consider this option.
- I007. I recommend that the Panel accept in part the submission by Fire and Emergency New Zealand [378.76] and accept in part the further submissions by Pareoranga Te Kata [FS/035.183] and NZTE Operations Limited [FS/339.172] - to the extent that proposed lots must be connected to a private reticulated water supply sufficient for firefighting purposes as conditions of

restricted discretionary activity Rules 27.4.2 RD1 and RD2, and a matter of discretion be included in those rules for provision of infrastructure, including water supply for firefighting purposes.

#### *Stormwater disposal*

- I008. Neither Rule 27.4.2 RD1 nor RD2 contains a specific requirement for stormwater, however the existing matters of discretion in Rule 27.4.2 RD2 and new matter of discretion in Rule 27.4.2 RD1 will refer to matters in the infrastructure chapter – Chapter 14, which will appropriately manage stormwater disposal.
- I009. HCC [535.83] submitted about the potential for cross-boundary impacts on “community infrastructure”. However, I am uncertain as to what the reference to “community infrastructure” relates to.
- I010. HCC [535.83] also submitted about the quantum of development, which I understand relates to a concern regarding infrastructure. The amendments I propose above provide for private service reticulation within the Airpark as a restricted discretionary activity and public reticulation as a discretionary activity. This allows all potential effects on public infrastructure to be considered, and clarity on that should help alleviate HCC’s concerns.
- I011. The matters of discretion in Rules 27.4.2 RD1 and RD2 are largely different and somewhat inconsistent. While Precinct B is the commercial precinct and Precincts C and D are residential precincts, there does not seem to be any reason why the matters of discretion between the two rules should not be more consistent. Accordingly, I recommend that the matters of discretion in Rule 27.4.2 RD1 be amended to add the following:
- a. Avoidance or mitigation of natural hazards
  - b. Matters referred to within the infrastructure chapter
  - c. Impacts on stormwater and wastewater disposal
  - d. Amenity and streetscape
  - e. Vehicle and pedestrian networks
  - f. Geotechnical stability for building
- I012. In addition, Rule 27.4.2 RD2 (b) (viii) should be amended to say the following:
- (viii) ~~Compatibility~~ Consistency with the Te Kowhai Airpark Framework Plan in Appendix 9.
- I013. I recommend that the Panel accept in part the submission by Hamilton City Council [535.83] and accept in part the further submission by NZTE Operations Limited [FS1339.188] – to the extent that Rules 27.4.2 RD1(b) and RD2(b) are amended as detailed above.

## **23.4 Recommendations**

- I014. I recommend that the Hearings Panel:
- (a) **Accept in part** Hamilton City Council [535.83] and **accept in part** NZTE Operations Limited [FS1339.188]: *To the extent that Rules 27.4.2 RD1(a) and RD2(a) are amended to refer to private reticulated wastewater and potable water supply networks (as appropriate) and that assessment criteria in Rules 27.4.2 RD1 and RD2 are amended as appropriate.*
  - (b) **Accept in part** Fire and Emergency New Zealand [378.76] and **accept in part** Pareoranga Te Kata [FS1035.183] and **accept in part** NZTE Operations Limited [FS1339.172]: *To the extent that proposed lots must be connected to a private reticulated water supply sufficient for firefighting purposes and that a matter of discretion for provision of infrastructure, including water supply for firefighting purposes be provided for.*

## 23.5 Recommended Amendments

1015. The following amendments are recommended:

### 27.4.2 Subdivision allotment size

RD1	<p>(a) Subdivision within PRECINCT B.</p> <p><u>(i) Proposed lots must be connected to a private reticulated wastewater network.</u><sup>154</sup></p> <p><u>(ii) Proposed lots must be connected to a private reticulated potable water supply network that is also sufficient for firefighting purposes.</u><sup>155</sup></p> <p>(b) Council's discretion is restricted to the following matters:<sup>156</sup></p> <p>(i) The extent to which the allotment can be serviced by the Te Kowhai Airpark <u>private</u> reticulated <del>system</del> <u>wastewater network</u>;</p> <p>(ii) The ability to connect with reticulated services outside of the Te Kowhai Airpark <u>private</u> reticulated <u>wastewater and water supply</u> networks, as and when these become available;</p> <p>(iii) Consistency with the Te Kowhai Airpark Framework Plan in <u>Appendix 9</u>;</p> <p>(iv) Access, parking and traffic safety considerations;</p> <p>(v) Impacts on aviation and airpark activity;</p> <p>(vi) Site suitability and the extent to which the intended activity can be accommodated on site.</p> <p><u>(vii) Avoidance or mitigation of natural hazards</u></p> <p><u>(viii) Matters referred to within the infrastructure chapter</u></p> <p><u>(ix) Impacts on stormwater and wastewater disposal</u></p> <p><u>(x) Provision of infrastructure, including potable water supply and water supply for firefighting purposes</u><sup>157</sup></p> <p><u>(xi) Amenity and streetscape</u></p> <p><u>(xii) Vehicle and pedestrian networks</u></p> <p><u>(xiii) Geotechnical stability for building</u><sup>158</sup></p>
RD2	<p>(a) Subdivision within PRECINCT C AND D where:</p> <p>(i) It is in accordance with Appendix 9 - the Te Kowhai Airpark Framework Plan; and</p> <p>(ii) Every allotment within PRECINCT C, other than a utility allotment, has a net site area of at least:</p> <p>A. 450 m<sup>2</sup> if connected to the Te Kowhai Airpark <u>private</u><sup>159</sup> reticulated wastewater network <u>and connected to a private reticulated potable water supply network that must also be sufficient for firefighting purposes</u><sup>160</sup> and not bordering the 25m building setback perimeter; or</p> <p>B. 1000 m<sup>2</sup> if connected to the Te Kowhai Airpark <u>private</u><sup>161</sup> reticulated wastewater network, <u>and connected to a private reticulated water supply network that must be sufficient for</u></p>

<sup>154</sup> [535.83]

<sup>155</sup> [378.76, FS1035.183, FS1339.172]

<sup>156</sup> [535.83]

<sup>157</sup> [378.76, FS1035.183, FS1339.172]

<sup>158</sup> [535.83]

<sup>159</sup> [535.83]

<sup>160</sup> [535.83, 378.76, FS1035.183, FS1339.172]

<sup>161</sup> [535.83]

	<p><u>firefighting purposes</u><sup>162</sup> and borders the 25m building setback perimeter; or</p> <p>C. 2500 m<sup>2</sup> in the case of any allotment not connected to the Te Kowhai Airpark <u>private</u><sup>163</sup> reticulated wastewater network <u>and connected to a private reticulated water supply network that must be sufficient for firefighting purposes</u><sup>164</sup>; or</p> <p>(iii) Every allotment within the 'Airside Overlay' of PRECINCT D has a net site area of at least 800m<sup>2</sup> and is connected to the Te Kowhai Airpark <u>private</u><sup>165</sup> reticulated wastewater network <u>and connected to a private reticulated water supply network that must be sufficient for firefighting purposes</u><sup>166</sup>; or</p> <p>(iv) Every allotment within PRECINCT D outside of the 'Airside Overlay' has a net site area of at least 2,500m<sup>2</sup>, <u>and is connected to a private reticulated water supply network that must be sufficient for firefighting purposes</u><sup>167</sup> except:</p> <p>(v) The net site area may be reduced to <u>no less than</u><sup>168</sup> 1,000m<sup>2</sup> providing it is connected to a <u>private</u><sup>169</sup> reticulated wastewater network <u>and connected to a private reticulated water supply network that must be sufficient for firefighting purposes</u><sup>170</sup> and is not bordering the perimeter 25m building setback.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout;</li> <li>(ii) Ability of titles to accommodate a practical building platform including geotechnical stability for building;</li> <li>(iii) Avoidance or mitigation of natural hazards;</li> <li>(iv) Matters referred to within the infrastructure chapter;</li> <li>(iv) Impacts on stormwater and wastewater disposal;</li> <li>(v) Amenity and streetscape;</li> <li>(vi) Vehicle and pedestrian networks.</li> <li>(viii) <u>Compatibility Consistency</u> with the Te Kowhai Airpark Framework Plan in Appendix 9.</li> <li>(ix) <u>Provision of infrastructure, including potable water supply and water supply for firefighting purposes</u>.<sup>171</sup></li> </ul>
DI	Subdivision that does not comply with Rules 27.4.2 RD1 or RD2.

## 23.6 Section 32AA evaluation – Rule 27.4.2 RD1 – Precinct B

### Other reasonably-practicable options

1016. One option is to “do nothing” and to retain the provisions as notified.

<sup>162</sup> [535.83, 378.76, FS1035.183, FS1339.172]

<sup>163</sup> [535.83]

<sup>164</sup> [535.83, 378.76, FS1035.183, FS1339.172]

<sup>165</sup> [535.83]

<sup>166</sup> [535.83, 378.76, FS1035.183, FS1339.172]

<sup>167</sup> [535.83, 378.76, FS1035.183, FS1339.172]

<sup>168</sup> [535.83]

<sup>169</sup> [533.83]

<sup>170</sup> [535.83, 378.76, FS1035.183, FS1339.172]

<sup>171</sup> [535.83, 378.76, FS1035.183, FS1339.172]

- I017. Option 2 is to amend Rule 27.4.2 RDI(a) to only include a condition in the restricted discretionary rule as proposed by the submitter about water supply for firefighting purposes, and no other changes.
- I018. Option 3 is to amend Rule 27.4.2 RDI to include a condition in the restricted discretionary activity rule and a matter of discretion about water supply for firefighting purposes, all as per what the submitter wanted, with no other changes.
- I019. A fourth option would be to only amend the matters of discretion in Rule 27.4.2 RDI(b) as requested by the submitter, with no other changes.
- I020. Option 5 is to only include a condition in the restricted discretionary activity rule to refer to “and connected to a private reticulated wastewater network” and no other changes.
- I021. A sixth option is to only include a condition in the restricted discretionary activity rule to refer to “and connected to a private reticulated potable water supply network” and no other changes.
- I022. A seventh option is to amend Rule 27.4.2 RDI to include a condition and matter of discretion to refer to a private reticulated potable water supply network” and no other changes.
- I023. Option 8 is to amend the matters of discretion to be consistent with those in Rule 27.4.2 RD2.

### **Effectiveness and efficiency**

- I024. It is not clear that existing matters in Rule 27.4.2 RDI(b)(i) allow Council to consider whether the water supply is adequate to provide for firefighting purposes. The additional condition in Rule 27.4.2 RDI(a)(ii) is clearer and more effective.
- I025. The recommendation to include new requirements in Rule 27.4.2 RDI relating to lots being connected to a private reticulated water supply network for potable water supply and for firefighting purposes, and new condition and amended matters of discretion for a private reticulated wastewater network, are more effective, as the rule would be more succinct about the infrastructure implications for development within Precinct B. The recommendation to add additional matters of discretion to Rule 27.4.2 RDI will help ensure that Rule 27.4.2 RDI is more effective in implementing the policies and objectives.
- I026. The recommended amendments to Rule 27.4.2 RDI achieve Objective 9.2.1 to ensure that the TKAZ is a safe, economically-sustainable airpark. I consider that the recommended amendments would improve the effectiveness of Rule 27.4.2 RDI in achieving Objective 9.2.1.

### **Costs and benefits**

- I027. While Rule 27.4.2 RDI(b)(i) may be read as:
  - a. potable water supply and water supply which includes capacity for firefighting purposes; and
  - b. connection of lots to a private reticulated wastewater network
 there is some lack of clarity regarding this matter. Accordingly, there may not be additional costs associated with the amendments to Rule 27.4.2 RDI, relating to potable water supply and water supply for firefighting purposes, or a connection of lots to a private reticulated wastewater network.
- I028. There will be additional costs associated with information that needs to be included in a subdivision application.
- I029. One benefit to the environment is that development is appropriately serviced with respect to potable water supply, water supply for firefighting purposes and with regard to wastewater

disposal. There is wider benefit to the local community from ensuring that development in the TKAZ is appropriately serviced with respect to potable water supply, water supply for firefighting purposes and wastewater disposal. The assessment criteria will also benefit the environment and people by ensuring that subdivision applications are appropriately assessed.

### **Risk of acting or not acting**

- I030. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendments to Rule 27.4.2 RD1.

### **Decision about most appropriate option**

- I031. I have concluded that the amendments to Rule 27.4.2 RD1 are considered to be the most appropriate way to achieve Te Kowhai Airpark Objective 9.2.1 – Te Kowhai Airpark.

## **23.7 Section 32AA evaluation – Rule 27.4.2 RD2 Precincts C and D**

### **Other reasonably-practicable options**

- I032. One option is to “do nothing” and to retain Rule 27.4.2 RD2 as notified. This would mean that the rule does not specifically:
- Refer to “private” reticulated wastewater network.
  - Refer to a “private reticulated potable water supply network”.
  - Refer to “a private reticulated water supply network sufficient for firefighting purposes”.
  - Include relevant matters of discretion.
- I033. Another option is to amend Rule 27.4.2 RD2(a) to only include a condition as part of the restricted discretionary activity rule as sought by the submitter - about water supply for firefighting purposes and no other changes.
- I034. Option 3 is to amend Rule 27.4.2 RD2 to include a condition as part of the restricted discretionary activity rule and matters of discretion about water supply for firefighting purposes, as sought by the submitter, with no other changes.
- I035. A fourth option would be to only amend the matters of discretion in Rule 27.4.2 RD2(b) as sought by the submitter, with no other changes.
- I036. Option 5 is to only refer to “private” reticulated wastewater network and no other changes.
- I037. A sixth option is to only refer to “and connected to a private reticulated potable water supply network” as part of the conditions of the restricted discretionary activity rule and no other changes.
- I038. Option 7 is to amend Rule 27.4.2 RD2 to include a condition and matter of discretion to refer to a “private reticulated potable water supply network” and no other changes.
- I039. Option 8 is to amend the matters of discretion to be consistent with those in Rule 27.4.2 RD1.

### **Effectiveness and efficiency**

- I040. With the recommended additions to the conditions and additional matters of discretion, Rules 27.4.2 RD2(a)(ii), (iii), (vii) and (v) are clearer and more effective in relation to requirements for lots to be connected to a private reticulated potable water supply, and those lots to be connected to a reticulated water supply for firefighting purposes. New Rules 27.4.2 RD2 (a)(ii), (iii) and (v) are clearer in the requirement to be connected to a “private” reticulated



wastewater network. Additions to Rule 27.4.2 RD2(v) also make things clearer with respect to the 1,000m<sup>2</sup> lot size mentioned in that rule. These rules provide additional certainty regarding infrastructure implications for development within Precincts C and D.

- I041. The recommended amendments to Rule 27.4.2 RD2 give effect to Objective 9.2.1 to ensure that the TKAZ is a safe, economically-sustainable airpark. The amendments improve the effectiveness of Rule 27.4.2 RD2 in achieving Objective 9.2.1.
- I042. Furthermore, the words “including for firefighting purposes” are also proposed within matters of discretion within other zones and their inclusion in the TKAZ provisions will help ensure a consistent approach within the district plan.

### **Costs and benefits**

- I043. One additional cost is that all lots in Precincts C and D would need to connect to a private reticulated water supply network for firefighting purposes, and lots with a minimum net site area less than 800m<sup>2</sup> in Precinct C would need to connect to a reticulated water supply network for general domestic water supply purposes to meet conditions of restricted discretionary activity Rule 24.7.2 RD2.
- I044. There will be additional costs associated with resource consent applications and information requirements.
- I045. One benefit to the environment is that development is appropriately serviced with respect to potable water supply, water supply for firefighting purposes and with regard to wastewater disposal. There is wider benefit to the local community from ensuring that development in the TKAZ is appropriately serviced with respect to potable water supply, water supply for firefighting purposes and with regard to wastewater disposal.

### **Risk of acting or not acting**

- I046. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendments to Rule 27.4.2 RD2.

### **Decision about most appropriate option**

- I047. I have concluded that the recommended amendments to Rule 27.4.2 RD2 are the most appropriate way to achieve Te Kowhai Airpark Objective 9.2.1 – Te Kowhai Airpark.

## **24 Rule 27.4.5 Subdivision - Road Access**

### **24.1 Introduction**

- I048. Road Access Rules 27.4.5 RD1 and D1 prescribe requirements relating to vehicle access, including location and formation requirements for subdivision proposals.

### **24.2 Submissions**

- I049. Two submission points in support were received on Rule 27.4.5 Subdivision - Road Access.
- I050. The following submissions were made:

Submission point	Submitter	Summary of submission
742.181	NZ Transport Agency	Retain Rule 27.4.5 RDI and DI as notified.
<i>FS1339.171</i>	<i>NZTE Operations Limited</i>	<i>Support</i>

### 24.3 Analysis

1051. The NZ Transport Agency [742.181] seeks that Rules 27.4.5 RDI and DI, as notified, be retained, as they support Rules 27.4.5 RDI and DI and the requirement to be in general accordance with Appendix 9. NZTE Operations Limited [FS1339.171] supports this. There were no submission points seeking to amend or delete Rule 27.4.5 RDI and Rule 27.4.5 DI. I recommend that the Panel accept NZ Transport Agency [742.181] and accept NZTE Operations Limited [FS1339.171].

### 24.4 Recommendations

1052. I recommend that the Hearings Panel retain Rule 27.4.5 RDI and DI as notified, and:
- (a) **Accept** NZ Transport Agency [742.181] and **accept** NZTE Operations Limited [FS1339.171].

### 24.5 Recommended Amendments

1053. There are no changes recommended in response to these submissions.

### 24.6 Section 32AA evaluation

1054. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

## 25 Conclusion

1055. This s42A report includes assessments and recommendations on the main notable changes to the PDP as follows:
- Replacing the Airport Obstacle Limitation Surface (OLS) with the OLS as per the Operative District Plan, with some minor amendments.
  - Expanding the Noise contours - but these are recommended to be less than those requested in the submission by NZTE Operations Limited.
  - A new rule has been recommended restricting permitted hours of operation for aircraft operations to between 7am and 10pm every day.
  - A new rule has been recommended restricting the maximum number of permitted aircraft movements per calendar year to 15,000 movements.
  - A new rule has been recommended for flight training school to be a non-complying activity in all precincts.
  - A new rule has been recommended that circuit training be a non-complying activity in all precincts.

- The retail activity rule has been recommended to be changed to a commercial activity and it is recommended that the associated permitted activity limits are reduced and made clearer, so that it is a permitted maximum of 300m<sup>2</sup> gross floor area in Precinct B only.
- It has been recommended that educational facilities be a restricted discretionary activity in Precincts C and D. In addition, two new policies have been recommended in the TKAZ for educational facilities.

1056. For the purposes of this report, it has been assumed that the Te Kowhai Airpark Zone is to remain in the plan. Submissions asking for the Te Kowhai Airpark Zone to be removed will be considered at Hearing 25 Zone Extents.