

BEFORE The Independent Hearings Panel
IN THE MATTER of the Resource Management Act 1991 (“**RMA**”)
AND
IN THE MATTER of hearing submissions and further submissions in respect of Te Kowhai Airpark Zone (Hearing 17) of the Waikato District Proposed District Plan (“**WPDP**”)

STATEMENT OF EVIDENCE
BY LLOYD EDWARD DAVIS

INTRODUCTION

1. My name is Lloyd Edward Davis, Panel Beater, residing at 703A Te Kowhai Road, Te Kowhai. I was a submitter to the Waikato Proposed District Plan (**WPDP**). The map below illustrates the location of my property in relation to Te Kowhai Airport.

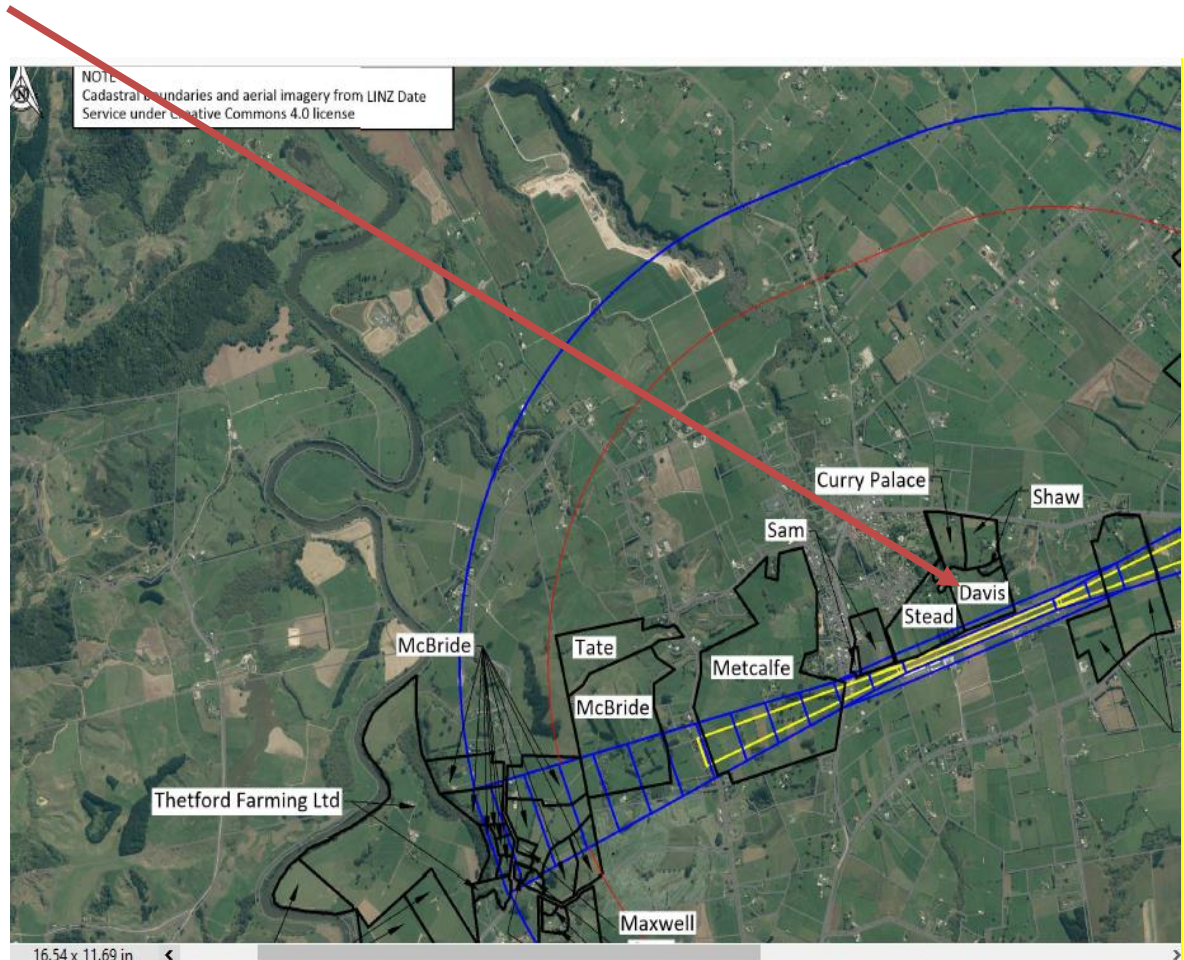


Figure 1

HISTORY AND BACKGROUND

2. My property shares a neighbouring boundary line (my southern boundary) with the Te Kowhai Airport. I own approximately 9.5 hectares and have owned the property for approximately 25 years. What drew myself and my family to this property was the quality of living, lifestyle and keeping farm animals. The property was ideally located close to Hamilton and I appreciated that at some point in the future Hamilton would continue to grow north towards us.
3. My limited interactions with NZTE Operations Limited (**NZTE**) in relation to their proposal to increase operations at the Te Kowhai Airport left me feeling frustrated and somewhat threatened due to them displaying a willingness to push on us what they want to do and being completely dismissive of my responses. What also frustrated and concerned me was that it was apparent that other impacted parties had received inconsistent and additional information to that of myself.

WAIKATO PDP

4. On 16 July 2018, I received advice from Waikato District Council of the proposal to rezone my property from 'Rural' to 'Village'. What this meant for me and my family, from my understanding, was that I would have the option of subdividing my property in the future which has the potential to secure the financial future of my daughters and their children.
5. As demonstrated above under paragraph [1], one of my property neighbours is the Te Kowhai Airpark. My property is to the north of the Airpark and we share my southern boundary.
6. I have significant concerns in relation to content within the WPDP and the potential financial implications it could have on myself and my family.
7. The reason why I made a submission against the Te Kowhai Airpark Zone is because I am extremely concerned about parts of my land having restrictions imposed on it. Any restrictions that would require future consents for future (subdivided) landowners is likely to make consent processes more difficult, potentially very difficult, and therefore reduce the market price of my property.
8. I do not understand why the future plans and activities of the Te Kowhai Airpark can legally have an adverse impact on myself and my property. I understand if the Air Noise boundary as proposed by NZTE is implemented in the WPDP, this will mean that sections within my land will not be able to be built on as building blocks and will be required to be set back from our property boundary, thereby restricting and reducing the number of sections I have the potential to place on the open market.
9. I am completely willing for the Te Kowhai Airpark to perform any activities within their own boundary provided that it does not adversely impact myself, my family or my property in anyway.

SUBMISSIONS AND SECTION 42A REPORT

Airport Obstacle Limitation Surface

10. The WPDP shows a proposed Obstacle Limitation Surface (**OLS**) to be imposed for Te Kowhai Airpark. The proposed OLS is based on Instrument Flight Rules (**IFR**), while the existing OLS in the Waikato Operative District Plan (**WODP**) is based on Visual Flight Rules (**VFR**).
11. McCracken Surveys Limited filed a submission relating to the proposed OLS on behalf of the Te Kowhai Landowners Group. I am a part of the Te Kowhai Landowners Group. In that submission, we opposed Rule 24.3.3.2 D1 which will mean that a building, structure or vegetation that protrudes through the proposed OLS will be a discretionary activity. A building, structure or vegetation which does not protrude through the Airport OLS will be a permitted activity.
12. As I talked about above, the proposed OLS will require me and other affected landowners to get a consent for a discretionary activity if we want to construct a building or structure which protrudes through the OLS. I am still opposed to Rule 24.3.3.2 D1.

13. The s 42A report on the Te Kowhai Airpark Zone states that the Obstacle Limitation Surface should be carried over from the WODP and that VFR should remain applicable to the Zone rather than IFR. I support that recommendation. I do not believe that NZTE has shown any justification for IFR to be necessary for Te Kowhai Airpark. Further, the proposed OLS is more restrictive and will place further restrictions on what adjoining landowners can do on their land.
14. In relation to Rule 24.3.3.2 D1, NZTE made submissions that it should be a discretionary activity if any building, structures, **trees** and vegetation protrude through the Airport Obstacle Limitation Surface. A group of affected landowners and I made a further submission opposing this submission.
15. The s 42A Report recommends that NZTE's submission point, as above, should be accepted. I oppose this recommendation. If trees on adjoining land to the Te Kowhai Airpark have to be trimmed or removed then there is no certainty on where costs will lie in respect of the maintenance and removal of those trees. Personally I have not been consulted with by NZTE over this issue. My understanding is that other potentially affected landowners have not been consulted on this issue either. Why should I have to pay to maintain trees on my property just so that a neighbouring commercial venture can operate?

Noise – Airport Noise Control Boundaries

16. A group of affected landowners and I filed a further submission opposing NZTE's original submission that the WPDP Planning Maps be amended to include Air Noise Control Boundaries as shown in Figure 3 of a Marshall Day Report (attached to NZTE's original submission) at Appendix B. Part of my property is located within the Air Noise Boundary (**ANB**) in Figure 3. The further submission was made because we were aware that if implemented, this ANB would severely affect our development rights.
17. The s 42A report states that Air Noise Control Boundaries in some form are appropriate for Te Kowhai Airpark. The s 42A report relies on a Tonkin & Taylor Acoustic report which shows an ANB which is only fractionally smaller than that in the Marshall Day Report. Part of my property is still within the ANB in the Tonkin & Taylor Report.
18. The s 42A report states that Air Noise Control Boundaries in some form are appropriate for Te Kowhai Airpark. The Section 42A Report recommends that the ANB in the Tonkin & Taylor Report should be implemented into the WPDP, rather than the ANB in the Marshall Day Report.
19. While the Tonkin & Taylor ANB is a little bit smaller than the Marshall Day ANB, the reduction in the area of my property that will be affected is relatively small. The location of my property is indicated below with an arrow, in relation to both the ANB in the Tonkin & Taylor Report and the ANB in the Marshall Day Report. The report also talks about the acoustic boundaries and I am not sure whether the rule is intended to apply to both the inner and outer noise boundary.

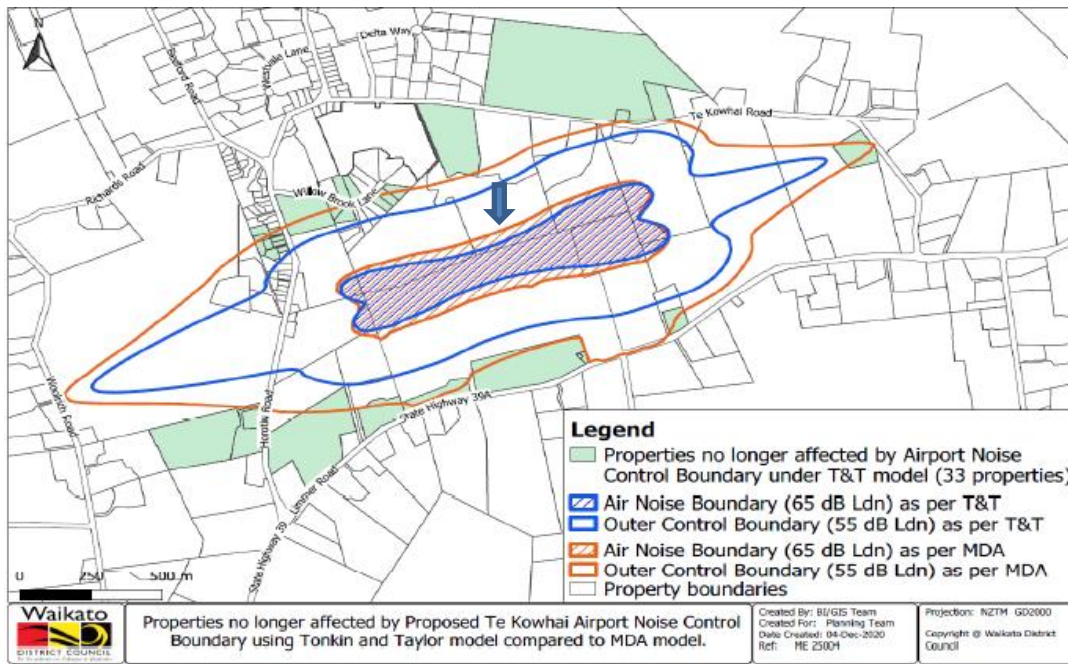


Figure 2

20. To be clear, I do not support the recommendation that the Tonkin & Taylor ANB should be implemented into the WPDP, just as I do not support that the Marshall Day ANB should be implemented into the WPDP, due to the restrictions that this will place on how can I develop my property. It is my understanding that the ANB's have been introduced as a result of the need for IFR. However, the s 42A report states that there is no need for IFR at the Te Kowhai Airpark.
21. Section 11.9 of the Section 42A recommends that noise-sensitive activities which are to be located within the Village Zone and are located within the Tonkin & Taylor ANB should be a non-complying activity.

Village Zone

Rule 24.1.3 Non-Complying Activities

<u>NCI</u>	<u>Noise-sensitive activities to be located within the Te Kowhai aerodrome Airport Air Noise Boundary.</u> ⁷⁴
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22. This rule, as I understand it, will make it very difficult to establish a residential activity within the ANB and therefore impedes my ability to develop my own land. This then results in what would be a significant financial loss of income from realising the full extent of subdivided lots. As at the time of writing I have not received any offer from NZTE to compensate me for this.
23. I don't understand how the recommended changes to Rule 24.1.3 (pg 142 of s 42A report) fits with the recommendation re Rule 24.3.7 (pg 161 of the s 42A report). The first recommendation would make noise sensitive activities Non-complying within the Air Noise Boundary and the second recommendation would make noise sensitive activities permitted within any of the noise boundaries if there was acoustic insulation in place.

Noise – Airpark Management Plan

24. I supported Greig Metcalfe’s original submission which referenced that the emission of noise from the Airpark could be controlled by:
- A maximum number of aircraft movements;
 - Hours of operation to exclude night flying;
 - Preparation of an Airpark Management Plan and a Comprehensive Noise Management Plan prepared through consultation with affected landowners and taking into account Fly Neighbourly Principles.
25. The s 42A report (Section 14) recommends a maximum of 15,000 annual aircraft movements and that flying outside of 0700 hours to 2200 hours should be prohibited. I support these recommendations.
26. The s 42A report also states that inclusion of an Airpark Management Plan and Comprehensive Noise Management Plan is not required because of the inclusion of noise standards, a restriction on night flying and a cap on annual aircraft movements. I do **not** support that recommendation and firmly believe that further consultation with adjoining landowners needs to happen.

Conclusion and Outcome Sought

27. In summary I am happy to support NZTE with their future plans and activities provided that there is zero impact in the way of restrictions on what I wish to do with my own land. I am not seeking to place any restrictions on anyone else and I expect the same – namely to develop my land without any restrictions.
28. I am far from satisfied with NZTEs consultation up to this point. There has been insufficient and inconsistent consultation.
29. My desired outcome is that I am left with the freedom and ability to develop my land, as I see fit, with absolutely no restrictions. Alternatively, I would be happy to consider compensation from NZTE which accurately reflects the extent of financial loss and/or consider NZTE purchasing my property which enables them to proceed with their plans.

Lloyd Davis

15 February 2021