

IN THE MATTER of the Resource Management Act  
1991

AND

IN THE MATTER of submissions and further  
Submissions lodged by  
Neale Russell Limited (Mercer  
Airport)  
on the Proposed Waikato  
District Plan

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SUPPLEMENTARY STATEMENT OF EVIDENCE OF  
CHRISTOPHER JOHN DAWSON  
ON BEHALF OF  
NEALE RUSSELL LIMITED (MERCER AIRPORT) AS SUBMITTER

SUBMITTER REFERENCE 921

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## **1. INTRODUCTION**

**1.1** My full name is Christopher John Dawson and I hold the position of Planning Project Manager at Bloxam Burnett and Olliver, a firm of consulting engineers, planners and surveyors based in Hamilton. My qualifications and experience are set out in my primary statement of evidence dated 17<sup>th</sup> February 2021.

**1.2** By way of clarification Mercer Airport is the name of the facility, however the airport is owned by Neale Russell Limited and is operated by Palms on George Ltd. The submitter is Neale Russell Limited however for ease of reference will be referred to as Mercer Airport throughout my supplementary statement.

**1.3** I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and I agree to comply with it.

**1.4** I confirm that this supplementary evidence is written within my expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2. SCOPE OF EVIDENCE**

**2.1** In this evidence I will address the following:

- A. The most appropriate zoning for the Mercer Airport land under the RMA;
- B. Comparison of the 1996 consent conditions and the rezoning rules
- C. s32AA assessment
- D. Conclusion

## **3. THE MOST APPROPRIATE ZONING UNDER THE RMA**

**3.1** Ms Legarth states in paragraph 252 of her report that “a Council may use the ‘special purpose airport zone’ where that may assist Council to carry out its functions to achieve the purpose of the RMA and the RMA section 32 evaluation supports the proposed objectives, policies and methods of implementation in that zone”. Ms Legarth then continues in paragraphs 253 and 254 to state that Mercer is one of many airports in the North Waikato and that there should be

a differentiation between airports and smaller airfields. With respect, this is irrelevant to the consideration of Mercer Airport.

- 3.2** Each site should be considered on its merits and the land use activities and appropriate zoning for Mercer Airport needs to be assessed applying the tests under the RMA. The correct approach is to determine what district plan provisions (or zone) most appropriately assists Waikato District Council to carry out its functions to achieve the purpose of the Act. The critical evaluation is set out in s32 of the Act which determines the efficiency and effectiveness of the proposed provisions in achieving the objectives of the Proposed Waikato District Plan (PDP).

Ms Legarth's report does not follow the structure of s32 of the Act and neither is the approach to that assessment as set out in the s42A Framework Report (as clarified by the Commissioner's Minute of 15 March 2021) undertaken. Whilst some aspects of her assessment address elements of the required s32 analysis, other of her considerations, are not, in my opinion relevant to that required assessment.

- 3.3** Paragraphs 226 – 246 of Mr Legarth's report set out the relevant background to the Mercer Airport submission. However, at paragraph 247, she states: In analysing the submission I have considered the National Planning Standard (the Standards) criteria for a 'Special Purpose Zone' and the zone names and descriptions. The RMA definitions of 'airport' and 'network utility operator'; and the mandatory requirements for Airport noise management and land use planning also provide context for the change sought.

- 3.4** Whilst I agree that the National Planning Standards provide some guidance to this District Plan review, and understand that the Hearings Panel has indicated a desire to adopt the approach where possible, I do not agree that the degree of compatibility of the Mercer Airport Zone criteria for a "Special Purpose Zone", zone names and descriptions are relevant to the substantive evaluation of the Mercer Airport submission, and the zone being sought.

- 3.5** Mercer Airport is unique and what is being sought here, is an appropriate, bespoke zone. The degree of comparability with Special Purpose Zone – Airport in the National Planning Standards is not relevant to the substantive evaluation. Therefore, I take Ms Legarth's comments in paragraphs 248-252 as being informative, rather than evaluative of this submission. Where she

concludes at paragraph 252 that Council “may use the ‘special purpose airport zone’....”, I take that to mean that “a” special purpose zone may be appropriate.

- 3.6** At paragraph 247, Ms Legarth says that there are mandatory requirements for Airport noise management and land use planning (referencing NZS 6805: 1992). This is referenced in Mr Hegley’s evidence, however, my understanding is whilst there is a New Zealand Standard, which deals primarily with noise measurement from airports, it is not a mandatory requirement.
- 3.7** I do not consider Ms Legarth’s comments at paragraph 254 to be relevant. A special purpose zone is being sought for the Mercer Airport. Should consequential amendments to the PDP be required, if that zone is approved, then those can be determined. It is not necessary, or appropriate that the Mercer Airport zone be “shoehorned” into the Special Purpose Zone – Airport of the NPS, or even compared to it.
- 3.8** Ms Legarth says at paragraph 269 that the concerns raised through the previous notified consent process and level of regulation arising from the previous Environment Court consent order can inform the regulatory approach needed to manage effects on the community. I disagree. This, together with Ms Legarth’s analysis of the correspondence received from residents are not matters for consideration set out under s32 of the Act.
- 3.9** I agree with paragraph 276 in that the provisions of the plan are to assist Council to carry out its functions and the objectives of the plan are to achieve the sustainable management purposes of the RMA. For that reason and in response to the concern raised by Ms Legarth at paragraph 279, I have amended the proposed Mercer Airport Objectives and Policies and these are included as Attachment 1 to my rebuttal evidence.
- 3.10** Objective 2 now states: “The adverse effects of airport activities are managed to maintain ~~ensure~~ acceptable amenity outcomes compatible with surrounding land uses.” In my view this now more clearly sets out the second objective of the Mercer Airport Zone.
- 3.11** In my opinion, Mercer Airport also requires a special zone to recognise that it is already a regionally significant aviation resource and should be formally protected as such. While it is currently limited by the conditions of the 1996 resource consent, it is an important and established facility in the North Waikato aviation network and the rezoning, plus Obstacle

Limitation Surfaces<sup>1</sup> and Air Noise Boundary<sup>2</sup> provisions are required to protect that facility and provide it with the operational certainty to grow over time in the future.

- 3.12** While the surrounding land is currently sparsely populated with the majority of houses located north west of the airport adjacent to Koheroa Road, this will not always be the case. It is highly likely that additional houses will be built in the surrounding area and the lack of a Special Zone with associated OLS and Air Noise boundary rules means that Mercer Airport would not be “signalled” to existing and future community residents<sup>3</sup>. This would likely result in a gradual increase in surrounding neighbours and the incremental growth of trees without the appropriate statutory protection for Mercer Airport or the appropriate signals in the District Plan to inform current and future residents of the existence of the airport and the presence of elevated noise levels. The most appropriate time to provide the statutory protection for the airport and the surrounding community is now before the area gets more developed than it already is.
- 3.13** As stated in my EIC<sup>4</sup>, the implementation of a Special Zone for Mercer Airport is essential to ensure that the Proposed Waikato District Plan is consistent with the relevant higher order documents, specifically the Operative Waikato Regional Policy Statement Policy 6.3 and Method 6.3.1.
- 3.14** Ms Legarth states that she has considered the Mercer Airport submission in light of the strategic direction in Chapter 5 – Rural Environment<sup>5</sup>. The policy direction of the Rural Zone is a relevant consideration under s32 of the Act, and Lens 2 of the s42A Framework report because that zone informs the existing environment and will continue to be applied over the surrounding properties. Ms Legarth refers to the outcomes sought by Objective 5.1.1 which are to protect high quality soils, maintain or enhance the rural environment and avoid urban subdivision, use and development. However, Mercer Airport is an existing facility and as such, the Objectives of the Rural Zone cannot be comfortably applied. I consider that a more extensive analysis of the PDP Rural Zone policy direction is required.

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<sup>1</sup> Supplementary Evidence of Dave Park, paragraph 7.2

<sup>2</sup> Supplementary evidence of Rhys Hegley, paragraph 11

<sup>3</sup> EIC of Chris Dawson, paragraph 5.3

<sup>4</sup> EIC of Chris Dawson, paragraphs 7.14 to 7.19

<sup>5</sup> S42A report, paragraph 285

- 3.15** Objective 5.3.1 states (a) “Rural character and amenity are maintained.” A series of policies are then listed below this objective setting out how it can be achieved. Under Policy 5.3.2: it requires Council to: “Recognise and protect the continued operation of the rural environment as a productive working environment by: (iii) providing for lawfully established rural activities and protecting them from sensitive land uses.”<sup>6</sup>
- 3.16** This policy is relevant to the Mercer Airport case in that the airport was originally established on the site in the mid 1980’s and then land use consent granted by Franklin District Council in 1996 to lawfully establish the activity. On that basis, the PDP sets a strong policy direction that part of maintaining rural character and amenity is to recognise and protect lawfully established rural activities from reverse sensitivity.
- 3.17** Policy 5.3.7 Reverse Sensitivity Effects has a number of parts to it including:
- (b) avoid adverse effects outside the site and where those effects cannot be avoided, they are mitigated;
  - (c) Mitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivision and development; and
  - (d) the scale, intensity, timing and duration of activities are managed to ensure compatibility with the amenity and character of the rural environment.”
- 3.18** In my opinion this policy provides a clear direction that a number of statutory tools can and should be used to ensure that activities in the rural zone are as compatible as possible with their surrounding environment. These tools include recognising that not all effects can be internalised but where they cannot, specific mitigation is required. The design of development (such as requiring a specific level of noise mitigation in houses within an elevated noise area) can also be directed through District Plan rules.
- 3.19** Ms Legarth also states that the proposal seeks to facilitate a potential increase in the nature and scale of effects and seek a higher level of regulation over neighbouring rural properties to facilitate a non-rural use of the land<sup>7</sup>. She says also that she considers aircraft maintenance and

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<sup>6</sup> Proposed Waikato District Plan Policy 5.3.2 (a) (iii)

<sup>7</sup> S42A report, paragraph 286

re-fuelling activities to be industrial in nature when the airfield is not located in an area identified for industrial activities<sup>8</sup>.

- 3.20** There is no presumption in the RMA that the existing zoning should be preferred over a different zoning. The correct question is “what is the most appropriate zoning to assist the Council to carry out its functions so as to achieve the purpose of the RMA?” The airport has been in its current location for over 35 years<sup>9</sup>, and whilst, the existing resource consent enables a specific level of activity, it does not provide the operational certainty for either the airport operator or the surrounding community that a specific zone with associated OLS and air noise boundary would provide.
- 3.21** Ms Legarth appears concerned at the increased level of regulation over neighbouring rural properties. The Mercer Airport Zone as proposed<sup>10</sup> contains two rules relating to neighbouring properties, with the remaining provisions applying to the airport itself.
- 3.22** Rule 29.3.1 (b) requires that any building, structure, tree or other vegetation must not protrude through the OLS. In reality, this rule has very little, if any impact on existing neighbours. That is because any existing buildings that are within the OLS would have existing use rights and as set out in the evidence of Dave Park<sup>11</sup>, the OLS does not impact on any existing buildings outside the perimeter of the Mercer Airport site.
- 3.23** Section D, Section 7 Mercer Airport, Rule 7.1 conditions for permitted activities requires that any habitable buildings within the Outer Control Boundary (OCB) are required to be acoustically insulated to achieve some specific internal noise standards set out later in the Rule. Currently there are two houses located within the proposed OCB with one house located half way between the airport and Koheroa Road and a rural dwelling on Koheroa Road itself. The house located half way between the airport and Koheroa Road is owned by Mercer Airport.
- 3.24** As Mr Hegley notes in his evidence, the changes to building design increase as the noise level increases. However, the typical requirements for buildings located within the lower noise range (between 55 and 60 dBA Ldn) under the OCB would not require any change to the physical

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<sup>8</sup> S42A report, paragraph 284

<sup>9</sup> The land use consent from Franklin District Council was issued in 1996 but some of the aviation activities had been undertaken on the site for about 10 years prior to that consent being granted.

<sup>10</sup> Supplementary evidence of Chris Dawson, Attachment 1

<sup>11</sup> Supplementary evidence of Dave Park, para 7.1

building fabric apart from the addition of air conditioning to maintain temperature while the windows are closed. As the dwelling was located closer to the 60 – 65 dBA Ldn contour, the building construction type would alter with the addition of a double layer of internal plasterboard.<sup>12</sup> In both cases, these requirements are not that different to a standard building standard for a new dwelling.

- 3.25** Rule 7.1 then requires that any new habitable building inside the Air Noise Boundary requires a Restricted Discretionary activity consent under Rule 29.3.5 with Council's discretion limited to acoustic insulation and the achievement of internal noise levels and the design and orientation of the building. However, the location of the Air Noise Boundary is relatively close to the Mercer Airport itself encompassing land that is at the rear of a number of large neighbouring properties. It is therefore unlikely that any additional dwellings (apart from future accommodation above hangars on the airport itself, would be established within this Air Noise Boundary.
- 3.26** Ms Legarth considers that some of the landuses associated with the airport operation such as aircraft maintenance and re-fuelling are industrial in nature. While I agree that repair and servicing technically comes under the Industrial activity definition contained in the PDP, I disagree that they are inappropriate because the airport is not located in an area identified for industrial activities<sup>13</sup>. Both aircraft repair and servicing must occur adjacent to an airport because there is a locational imperative, they must be able to serviced next to the runway where the aircraft lands and takes off from. In a similar vein, aircraft refuelling must occur in a location where the aircraft can taxi up to from the runway.
- 3.27** Ms Legarth is concerned that the existing airport does not directly support rural productive activities and that the Mercer Airport Zone would further facilitate non-rural use of the land<sup>14</sup>. Whilst I accept that the existing rural zoning, and the objectives of that zone are a relevant consideration under s32, the importance is that the airport is part of the existing environment and it has been for some considerable time. I do not consider that the effects of the airfield are actually inconsistent at all with the rural zone, but it is necessary to acknowledge the airfield's legitimate right to continue operating.

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<sup>12</sup> Supplementary evidence of Rhys Hegley, paragraph 16 &17

<sup>13</sup> S42A report, paragraph 284

<sup>14</sup> S42A Report paragraph 286



**3.28** Ms Legarth has raised concerns in relation to the proposed Objectives, Policies and implementation methods attached to my evidence and considers that implementing the Policies associated with Objective 1 would be inconsistent with enabling the rural community to provide for its wellbeing and avoiding, remedying and mitigating effects on the environment<sup>15</sup>. I have amended the proposed objectives, policies and rules to respond to the concerns raised in the s42A report and have included this as Attachment 1 to my supplementary evidence.

**3.29** I have amended a number of matters in the Objectives, Policies and rules to reflect the concerns expressed in the s42A including:

- a) Making Policy 1b more explicit that the control of development surrounding the airport only relates to mechanisms such as obstacle limitation surface and noise control boundaries.
- b) Making Policy 1c more explicit that it is seeking to provide for the airport operations while maintaining the character and amenity of the surrounding properties.
- c) Making Policy 1d more explicit that it is related to commercial activities that support the airport and the aviation sector as opposed to general commercial activities.
- d) Making Objective 2 more specific that the amenity outcomes that are sought for the area are those that are compatible with surrounding landuses as opposed to just being "acceptable".
- e) Activity Status Table 29.1.1 has been amended to clarify that any storage and warehousing on the site must be aviation related and that temporary events have been combined with Temporary events for aviation and a limit of one air show per 12 month period added. Accommodation above hangars has been made a Restricted Discretionary activity.
- f) Proposed Rule 29.2.4 has been amended to specify that it relates to non-aviation noise effects.

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<sup>15</sup> S42A report, paragraph 289

- g) New Rule 29.2.4A Noise – Aircraft operations has been added to ensure that noise from aircraft operations in the Mercer Airport Zone complies with the 65 dBA Ldn air noise boundary and the 55 dBA Ld Outer Control boundary. A method for monitoring and reporting the compliance with the rule to the Council is also included.
- h) Proposed Rule 29.2.7 has been amended to reduce the permitted volume of earthworks to 1,000 m<sup>3</sup> in a single calendar year to align with the equivalent rule in the proposed Te Kowhai Airport Zone.
- i) Proposed Rule 29.2.8 Hazardous substances has been amended to add a Discretionary criteria 29.2.8 D1 for any use, storage or disposal of any hazardous substance that does not comply with one or more of the conditions for a permitted or Controlled activity.
- j) Proposed rule 29.2.10 has been amended to refer only to Temporary events and additional criteria added to confirm that a temporary event does not include motorised outdoor recreation, outdoor musical events or concerts and that an air show event is only to occur once per consecutive 12 month period.
- k) Proposed Rule 29.2.12 Jet Flights has been amended to clarify that the 20 jet flights per 12 month period are only to occur between the hours of 7 am and 10 pm and that the rule does not apply to ex-military jets.
- l) New Rule 29.3.6 has added to set out the matters of discretion for the Council should an application be made for accommodation above hangars.

**3.30** In my opinion, the revised Objectives, Policies and implementation methods more clearly articulate the desired outcomes for both the airport and the surrounding rural environment and are more specific on the implementation methods to achieve those objectives and policies.

**3.31** At paragraph 288, Ms Legarth sets out her evaluation of s32 of the Act. This appears to be a key part of her assessment. She says: "Section 32 of the RMA requires an evaluation of whether the submitter's Objectives 1 and 2 are the most appropriate way to achieve the purpose of that Act. Section 5 of the RMA is to promote the sustainable management of natural and physical resources, which, among other things, is to enable 'people and communities' to provide for their well-being while meeting the requirements of subsections (a) to (c) of the Act. The airfield

provides services to the flying community, but not to people and the community in general, and the effects on the environment are only avoided, remedied or mitigated to a degree.”

- 3.32** It is surprising that Ms Legath does not regard the people who use the airfield as part of the community in general. The evidence of Dee Bond sets out the types of operators, businesses and benefits of the airfield. Those economic benefits fall both to the District and to the Region. Whilst some of the effects of the airfield such as from aircraft noise and traffic are externalised, these effects are mitigated by requiring acoustic insulation in any new habitable dwellings located within the identified Outer Control Boundary or Air Noise Boundary and ensuring that the access right of way is appropriately constructed to safely accommodate the proposed traffic accessing the airport.
- 3.33** As noted in the Traffic Impact Assessment provided in August 2020, the access into the Mercer Airport has been assessed for adequacy. A number of mitigation measures are proposed to ensure that the access is to an appropriate standard including placing a limit on the number of vehicles accessing the Mercer Airport Zone to 160 vehicles per day (320 vehicle movements)<sup>16</sup>, constructing six passing bays within the private right of way, two speed humps and an additional 30 km/hr sign.
- 3.34** There are effects, primarily noise, that arise from an airport operation that cannot be contained within the boundary of the site where they are generated. While Mercer Airport will continue to take all necessary steps to ensure that the noise effects of its operations are carefully managed and that they comply with the air noise boundary contours, there will still be some noise effects on the neighbouring community. The imposition of air noise boundary provisions will provide certainty to all parties. They will ensure that future habitable dwellings located within the air noise boundaries are acoustically insulated and that future residents are informed of the higher noise levels in advance of their property purchase. The rebuttal evidence of Mr Hegley confirms that the proposed air noise boundary provisions are appropriate for the surrounding rural community and that the additional costs associated with insulating habitable buildings to meet the requirements of the rule will be minor<sup>17</sup>.

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<sup>16</sup> Rule 29.2.11, Proposed Mercer Airport provisions, Attachment 1, Rebuttal evidence of Chris Dawson

<sup>17</sup> Supplementary evidence of Rhys Hegley, para 18

**3.35** The aviation safety requirements of an airport operation necessitate that an OLS is put in place to ensure that the approach surfaces associated with the airport are protected from intrusions that would potentially render the airport unsafe. Mr Park confirms in his rebuttal evidence that the proposed OLS will not impact on any existing buildings or houses<sup>18</sup> while acknowledging that some existing trees may need to be trimmed. In my opinion the implementation of these provisions would be entirely consistent with enabling the rural community to provide for its health and wellbeing while avoiding, remedying or mitigating adverse effects.

**3.36** As stated in my EIC<sup>19</sup>, the Operative District Plan contains objectives and policies relating to reverse sensitivity. The Proposed District Plan also contains an Objective and Policy that are specifically related to reverse sensitivity:

6.1.6 Objective - Reverse Sensitivity

Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid) is not compromised.

6.1.7 Policy – Reverse Sensitivity and Infrastructure

a) Avoid reverse sensitivity effects on infrastructure from subdivision, use and development as far as reasonably practicable, so that ongoing and efficient operation of infrastructure is not compromised.

**3.37** While the Proposed District Plan is still working its way through the First Schedule process under the RMA, some weight can nevertheless be placed on the Objectives and Policies of the PDP. In concert with the very similar Objective and Policy contained in the Operative District Plan this confirms that there is an imperative on Council to ensure that reverse sensitivity effects are avoided as far as reasonably practicable.

**3.38** At paragraph 290, Ms Legarth expresses concern over a number of non-aviation related activities contained in proposed Rule 29.1.1. I disagree that any of the activities listed in Activity Status Table 29.1.1 and refer to the amended provisions in Attachment 1 of my supplementary evidence. The table makes it clear that any maintenance and servicing, light industry, offices or

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<sup>18</sup> Supplementary Evidence of Dave Park, para 7.1

<sup>19</sup> EIC of Chris Dawson, para 7.1 – 7.3

storage and warehousing is to be aviation related. I have now deleted the Controlled Activity "Water, stormwater and wastewater infrastructure as these matters will be controlled by other parts of the District Plan or through the Building Act. Fuel storage and refuelling is listed as a Controlled Activity and would be controlled under new Rule 29.2.8 C1 Hazardous Substances. I have now altered the consent status for Accommodation above hangars so that it becomes a Restricted Discretionary activity and new Rule 29.3.6 RD1 sets out those matters that the Council's discretion will be limited to.

- 3.39** I have also made a number of changes to the objectives and policies as set out paragraph 3.30 of my supplementary evidence. In my opinion the revised Objectives, Policies and other methods of implementation are now provide stronger guidance to both Mercer Airport, the surrounding rural residents and the Council over what objectives are sought for the Mercer Airport Zone and what how those objectives are to be achieved.
- 3.40** At paragraphs 292 and 293 of the s42A report, Ms Legarth states that the special zone sought for Mercer Airport is inconsistent with the strategic direction for the surrounding rural zone. I disagree and as set out above in paragraphs 3.15 to 3.19 of my supplementary evidence I have set out other Objectives and Policies that are highly relevant to the consideration of Mercer Airport. Policy 5.3.2 is particularly important as it signals an imperative to protect legally established activities from surrounding sensitive landuses.
- 3.41** This is the exact situation that Mercer Airport is now facing and the current District Plan review is the ideal time to implement this change. The density of surrounding development is still relatively low and consists primarily of large scale rural properties. This will not always be the case and it is important that the Council act now to implement the Mercer Airport Zone
- 3.42** Policy 5.3.7 (b), (c) and (d) is also relevant because it signals the methods that can be used to maintain the amenity and character of the rural environment. The proposed Mercer Airport Zone utilises all of these methods through the provisions contained in Attachment 1 to my supplementary evidence and include the OLS, Air Noise Boundary and Outer Control Boundary and a comprehensive suite of new provisions to ensure the design, location and height of surrounding houses recognise the airport.

**3.43** I confirm my opinion that the most effective way for the Council to achieve the purpose of the RMA in relation to the Mercer Airport is to rezone it to Mercer Airport Zone with appropriate objectives, policies and other implementation methods.

**4. COMPARISON OF 1996 CONSENT AND THE PROPOSED ZONING PROVISIONS**

**4.1** Ms Legarth has stated in the s42A report that she has concerns with a number of the objectives, policies and implementation methods contained in my evidence and considers that the permitted activity rules and standards should reinforce the consent order from the Environment Court issued in 2014. I have set out below in Table 1 a comparison of the relevant 1996 conditions and the activity specific rules/provisions in the proposed Mercer Airport Zone.

Activity specific condition in 1996 consent	Proposed activity specific provision in proposed Mercer Airport Zone.
Aircraft activity is not to exceed an average of 100 movements per day averaged over a rolling 3 month period.	This requirement will be superseded by the requirement to comply with the noise contours under new Rule 29.2.4A which link to the 65 dBA Ldn Air Noise boundary
Aircraft movements are to be confined between the hours of 7 am to 10 pm.	As stated in my EIC <sup>20</sup> , the limitation on aircraft movements to between the hours of 7 am and 10 pm does not recognize the advances in instrument technology (IFR) such that these strict limits will not apply. However the requirement to still meet the noise limits under new Rule 29.2.4A will still apply.
The runway length shall not exceed 1360 m.	The runway length will be determined by those requirements necessary to achieve Code B aircraft compliance. As set out in the evidence of Dave Park <sup>21</sup> , this would comprise a runway length of 1190 metres and provision for a 150-metre extension at both ends of the runway (optional for the future if required).

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<sup>20</sup> EIC Chris Dawson, paragraph 4.9

<sup>21</sup> EIC Dave Park, paragraph 6.4

The airfield shall operate in a manner which ensures that no aircraft will have to fly over any dwelling at a height of less than 250 m.	The implementation of the Obstacle Limitation Surface (OLS) in the Proposed District Plan will ensure safe aircraft operation.
A requirement for aircraft noise not to exceed the 55 dBA Ldn contour as stipulated by Hegley Acoustic Consultants in Figure 3 of report 9287 dated July 2013.	Proposed new rule 29.2.4A requires noise from aircraft operations not to exceed the 65 dBA Ldn level outside the Air Noise Boundary and 55 dBA Ldn outside the Outer Control Boundary.
Traffic numbers are limited to 60 vehicle per day (60 movements in and 60 movements out)	Proposed new rule 29.2.11 Access and Vehicles states that the number of vehicles accessing the Mercer Airport Zone shall not exceed 160 vehicles per day (320 vehicle movements). This is confirmed by the BBO Traffic Impact Assessment provided as further information to the Council on 21 August 2020.
Buildings consented on site are backpackers for short term accommodation and hangar for garaging and maintenance of light aircraft.	Any new buildings will be controlled by reference to the proposed Mercer Zone Rules as follows: <ul style="list-style-type: none"> <li>• Rule 29.3.1 P1 (a) Maximum height of 10 metres,</li> <li>• Rule 29.3.1 P1 (b) Not located so it would protrude through the Obstacle Limitation Surface,</li> <li>• Daylight Admission Rule 29.3.2,</li> <li>• Building Coverage Rule 29.3.3,</li> <li>• Building setback Rule 29.3.4 of 6 metres,</li> <li>• Habitable buildings inside the 65 dBA Ldn contour Rule 29.3.5 and</li> <li>• Accommodation above Hangars Rule 29.3.6.</li> </ul>
Activities noted in the 1996 application documentation: <ul style="list-style-type: none"> <li>• sky diving and training</li> <li>• flight training,</li> <li>• scenic flights,</li> </ul>	Activities noted in the Permitted Activity Table in the Proposed Mercer Airport Zone provisions: <ul style="list-style-type: none"> <li>• General Aviation</li> </ul>

<ul style="list-style-type: none"> <li>• possible short commuter and light freight services.</li> <li>• One off events such as NZ National Skydiving championships, max 3 per year.</li> <li>• Night flying operations for skydiving, up to 12 take offs and landings per year</li> <li>• Siting of a building for 30 people on a short term stay arrangement plus suitable food catering;</li> <li>• Aircraft hangar for garaging of operational aircraft, light maintenance, reconditioning and rebuilding of aircraft including external work.</li> <li>• Storage of fuel.</li> </ul>	<ul style="list-style-type: none"> <li>• Jet flights</li> <li>• Commercial Aviation</li> <li>• Aviation related light industry</li> <li>• Aviation related offices</li> <li>• Aviation related storage and warehousing</li> <li>• Temporary Events</li> <li>• Navigational equipment</li> <li>• Mercer Airport runway and taxiway</li> <li>• Clubrooms</li> <li>• Cafe</li> </ul>
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Table 1: comparison between the 1996 consent and the proposed Mercer Airport Zone provisions

**4.2** One of the key purposes of the proposed Mercer Airport Zone is to enable the Mercer Airport to grow over time in accordance with a set of objectives, policies and rules to ensure that adverse effects are managed so as to retain rural amenity. The proposed Zone provisions as amended in my supplementary evidence will enable more flexibility on the part of Mercer Airport but will also provide greater certainty and protection for the surrounding community over the operation of the airport.

**4.3** I confirm my opinion that the most appropriate zone to enable Waikato District Council to achieve the purpose of the RMA is the Mercer Airport Zone with its associated amended Objectives, Policies and other rules as set out in my supplementary evidence. On the basis of the amended Mercer Airport Zone provisions, I now set out my amended analysis under s32AA which is an update on the analysis provided as an Appendix to my Evidence in Chief.

## **5. UPDATED S32AA ASSESSMENT**

**5.1** The purpose of a s32AA assessment is to undertake an analysis as to effectiveness and efficiency of the proposed objectives, policies and other methods of implementation in achieving the objectives of the Proposed Waikato District Plan. I provided a s32AA analysis as part of my EIC<sup>22</sup>

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<sup>22</sup> EIC Chris Dawson, Attachment 6



but have undertaken a revised s32AA assessment in Attachment 2 based on the amended Objectives and Policies contained in Attachment 1 to my supplementary evidence and the supplementary evidence of Mr Dave Park and Mr Rhys Hegley.

## **6. CONCLUSION**

- 6.1** A letter was received on 30 March 2021 from Waikato Regional Council (WRC) in relation to the flooding and drainage infrastructure in the area (see Attachment 3). The WRC letter was forwarded to Waikato District Council for their information but was not included or discussed in the s42A report. My original submission on behalf of Mercer Airport stated that the airport did not rely on any Council provided reticulated infrastructure apart from access to a formed public road. This statement was incorrect and as noted in the letter, Mercer Airport is located in an area that benefits from both flood and drainage infrastructure provided by the Waikato Regional Council's Motukaraka drainage scheme. I note the issues raised by the Council in their letter and acknowledge that these issues will need to be addressed in any development plans that the airport has for its land at Mercer.

## **7. CONCLUSION**

- 7.1** In conclusion, it is my opinion that the revised Objectives, Policies and other Methods of implementation provide a greater level of certainty for both the Airport operator and the surrounding community over the operation of the airport and the appropriate management of its effects on rural amenity.
- 7.2** The implementation of a Mercer Airport Zone will assist Council to carry out its functions to achieve the purpose of the RMA. My revised s32AA analysis in Attachment 2 supports the updated objectives, policies and other methods of implementation for the Mercer Airport Zone.

Chris Dawson

3 May 2021

Attachment 1  
Amended Objectives, Policies and Rules for  
Mercer Airport Zone

Mercer Airport Proposed Objectives and Policies:  
3 May Supplementary Evidence version

Amendments for hearing:

- ~~Strikethrough~~ = delete
- Additional text = RED text

Amend Chapter 9 – Specific Zones to add new Chapter 9.5 – Mercer Airport Zone with the objectives and policies set out below:

Objective 1: Mercer Airport is able to operate safely and efficiently and is developed to meet the current and future needs of the aviation community.

Policy 1a: To enable the continued operation and development of Mercer Airport by providing for a diversity of aviation and other activities which support the aviation sector.

Policy 1b: To protect the operational and safety requirements of Mercer Airport by controlling development surrounding the Airport that may restrict or infringe those requirements ~~through mechanisms such as airspace protection (Obstacle Limitation Surface) and noise control boundaries.~~

Policy 1c: To ensure that the ~~adverse effects of excessive building scale bulk and location, excessive~~ site coverage of buildings and structures at the Airport provide for the unique operational requirements of ~~an the airport whilst maintaining the amenity and character of achieving appropriate levels of amenity at the~~ Mercer Airport Zone and surrounding properties.

Policy 1d: To enable a range of ~~commercial aviation activities opportunities at the that support Mercer Airport and the aviation sector any associated infrastructure and business including hangars, workshops, storage buildings and refuelling facilities. fixed wing aircraft helicopters, and rockets by recognizing their operational and safety requirements.~~

Objective 2: The adverse effects of airport activities are managed to ~~maintain ensure acceptable~~ amenity outcomes ~~compatible with surrounding land uses.~~

Policy 2a: Mitigate adverse airport effects ~~by managing~~ ~~through the application of general and airport specific performance standards including:~~

- a) The scale and intensity of on-site activities;
- b) Noise;
- c) ~~Glare and~~ Lighting; ~~and~~
- d) ~~Earthworks;~~
- e) Hazardous substances;
- f) ~~Outdoor storage;~~
- g) ~~Temporary events~~

Policy 2b: ~~To~~ Ensure that bulk and location standards provide for the unique operational requirements of an airport whilst at the same time achieving appropriate levels of amenity for surrounding properties.

A) Rules and Provisions:

C1 Amend Section C – Rules by inserting new Chapter 29 – Mercer Airport Zone after Chapter 28 – Rangitahi Peninsula Zone as set out below:

#### Chapter 29 – Mercer Airport Zone

(1) The rules that apply to activities in the Mercer Airport Zone are contained in [Rule 29.2](#) Land Use – Effects and, [Rule 29.3](#) Land Use – Building.

(2) The activity status tables and standards in the following chapters also apply to activities in the Mercer Airport Zone:

14 Infrastructure and Energy as specified in [Rule 29.2](#);

15 Natural Hazards and Climate Change (Placeholder).

(3) The following symbols are used in the tables:

(a)P Permitted activity

(b)C Controlled activity

(c)RD Restricted discretionary activity

(d)D Discretionary activity

(e)NC Non-complying activity

(4) The Mercer Airport Zone is shown on the planning maps.

(5) Rule Table [29.1.1](#) identifies Permitted activities (P), Controlled Activities (C), Discretionary activities (D) and Non-complying activities (NC) within the zone.

#### 29.1 Land Use – Activities

(a) All Permitted and Controlled activities identified in Activity Status Table [29.1.1](#) must comply with all Land Use - Effects rules in [Rule 29.2](#) and Land Use - Building rules in [Rule 29.3](#).

(b) With respect to controlled activities, Council reserves control over the following matters:

(i) the proposed site design and layout in relation to:

A. the sensitivity of the surrounding natural, human and physical environment,

B. potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities, and

C. interaction with natural hazards (flooding, instability), as applicable,

(ii) proposed emergency management planning (spills, fire and other relevant hazards), and

(iii) proposed procedures for monitoring and reporting of incidents.

(c) To reference the activity status, use the following format:

(i) Rule

(ii) Activity status and number

(iii)Activity

(iv)Precinct

(for example, 21.7 D11 Navigation Equipment Precinct B Commercial)

### 29.1.1 Activity Status Table

Activity	Mercer Airport Zone
General Aviation including helicopters and light jet aircraft	P
Recreational flying	P
Jet flights	P
Commercial aviation	P
Commercial maintenance and servicing	P
Aviation related light industry	P
Aviation related offices	P
Aviation related storage & Warehousing	P
Temporary Events for Aviation	P
Non-aviation Temporary events	P
Navigational equipment	P
Mercer Airport runway and taxiways	P
Clubrooms	P
Café	P
Fuel storage and refuelling	C
Water, stormwater and wastewater infrastructure	C
Accommodation above hangars	C- <b>RD</b>

## 29.2 Land Use – Effects

### 29.2.1 On Site Services

Any activity must comply with the requirements for service connections in Rules 14.2 and 14.11 of Chapter 14 (Infrastructure and Energy).

### 29.2.2 On-site parking and loading

Any activity must comply with the requirements for on-site parking and loading in Rules 14.12 of Chapter 14 (Infrastructure and Energy).

### 29.2.3 On-site manoeuvring

Any activity must comply with the requirements for on-site manoeuvring and queuing in Rules 14.2 of Chapter 14 (Infrastructure and Energy).

### 29.2.4 Noise – non-aviation related

P1	(a) Noise from any non-aviation related activity in the Mercer Airport Zone must not exceed the following noise limits when measured at the notional boundary of a site within the Rural Zone: (i) 55 dB (L <sub>Aeq</sub> ), 7 am to 10 pm every day; and (ii) 40 dB (L <sub>Aeq</sub> ) and 70 dB (L <sub>Afmax</sub> ), 10 pm to 7 am the following day
P2	(a) Rule P1 does not apply to:

	<ul style="list-style-type: none"> <li>(i) Construction noise; or</li> <li>(ii) Noise from emergency sirens.</li> <li><del>(iii) Noise from rocket testing on site.</del></li> </ul>
D1	Any activity that does not comply with rule 29.2.4 P1 or P2.

#### 29.2.4A – Noise – Aircraft operations

P1	<p>(a) Noise from aircraft operations in the Mercer Airport Zone shall not exceed 65 dBA Ldn outside the Air Noise Boundary and 55 dBA Ldn outside the Outer Control Boundary as shown on the Planning Maps. For the purpose of this rule aircraft noise shall be assessed in accordance with NZS6805:1992 “Airport Noise Management and Land Use Planning” and logarithmically averaged over a three month period. The following operations are excluded from the calculation of noise for compliance with noise limits:</p> <ul style="list-style-type: none"> <li>• Aircraft engine testing and maintenance</li> <li>• Aircraft landing or taking off in an emergency</li> <li>• Air Show (for one air show per year).</li> </ul> <p>(b) Aircraft movements shall be recorded monthly and noise contours for the purpose of assessing compliance with rule 29.2.4A P1 shall be calculated no later than 12 months from the date 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 29.2.4A shall be calculated annually and verified with infield monitoring once every two years.</p> <p>(c) A report detailing the noise contours and calculations and in-field noise levels in the years that these are monitored, shall be prepared and forwarded to the Council on an annual basis by the airport operator.</p>
D1	(a) Any activity that does not comply with Rule 29.2.4A P1.

#### 29.2.5 Construction Noise

P1	(a) Construction noise generated from a construction site in the Mercer Airport Zone must meet the limits in NZS 6803:1999 Acoustics – Construction Noise.
D1	Any activity that does not comply with rule 29.2.5 P1.

#### 29.2.6 Glare and Lighting

P1	(a) Illumination from glare and artificial light spill (excluding runway lighting) must not exceed 10 lux measured vertically at any other site.
RD1	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 29.2.6 P1.</p> <p>(b) Councils discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Light spill levels on any other site;</li> <li>(iii) Duration and frequency</li> </ul>

#### 29.2.7 Earthworks

P1	<p>(a) Earthworks within the Mercer Airport Zone must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Earthworks must not exceed a volume of more than 1,000 m<sup>3</sup> in a single calendar year;</li> </ul>
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	<ul style="list-style-type: none"> <li>(ii) Earthworks must not exceed an area of more than 1,000 m<sup>2</sup> in a single calendar year;</li> <li>(iii) The height of the resulting cut or batter face does not exceed 1.5 m with a maximum slope of 1:2 (1 metre vertical to 2 m horizontal).</li> <li>(iv) Areas exposed by the earthworks not covered by buildings or other impervious surfaces are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(v) Sediment is retained on site through implementation and maintenance of erosion and sediment controls;</li> <li>(vi) Earthworks must not divert or change natural water flows or established drainage paths.</li> </ul>
P2	<ul style="list-style-type: none"> <li>(a) The importation of fill material to the site must meet all of the following conditions, in addition to the conditions in rule 29.2.7 P1 (a) <ul style="list-style-type: none"> <li>(i) Earthworks do not exceed a total volume of 500 m<sup>3</sup> per site and a depth of 1 metre;</li> <li>(ii) Earthworks must be fit for compaction;</li> <li>(iii) The height of the resulting batter face in stable ground must not exceed 1.5 metres with a maximum slope of 1:2 (1 m vertical to 2 m horizontal)</li> <li>(iv) Earthworks do not restrict the ability of the land to drain;</li> <li>(v) The sediment from fill material is retained on the site.</li> </ul> </li> </ul>
RD1	<ul style="list-style-type: none"> <li>(a) Earthworks that do not comply with Rule 29.2.7 P1 or P2</li> <li>(b) Councils discretion is limited to the following matters: <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 earthworks relative to waterways</li> <li>(vi) Compaction of fill material</li> <li>(vii) Volume and depth of fill material</li> <li>(viii) Geotechnical stability of fill material</li> <li>(ix) Flood risk</li> <li>(x) Land instability, erosion and sedimentation</li> </ul> </li> </ul>

#### 29.2.8 Hazardous Substances

P1	<ul style="list-style-type: none"> <li>(a) The use, storage or disposal of any hazardous substance where: <ul style="list-style-type: none"> <li>(i) The aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for Mercer Airport Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances);</li> <li>(ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</li> </ul> </li> </ul>
C1	<ul style="list-style-type: none"> <li>a) Fuel storage and refuelling infrastructure, including self-automated dispensing facilities must not exceed: <ul style="list-style-type: none"> <li>(i) An aggregate of 100,000 litres of petrol or aviation fuel in underground storage tanks; and</li> <li>(ii) An aggregate of 50,000 litres of diesel in underground storage tanks; and</li> <li>(iii) An aggregate of 6 tonnes of LPG (single vessel storage).</li> </ul> </li> <li>(b) Council reserves its control over the following matters:</li> </ul>

	<p>(i)The proposed site design and layout in relation to:</p> <p>A. The sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</p> <p>B. Interaction with natural hazards such as flooding, instability;</p> <p>C. Proposed emergency management planning (spills, fire and other relevant hazards);</p> <p>D.Procedures for monitoring and reporting of incidents.</p>
D1	<b>The use, storage or disposal of any hazardous substance that does not comply with one or more of the conditions in Rule 29.2.8 P1 or C1.</b>

#### 29.2.9 Outdoor Storage

P1	<p>(a)Outdoor storage of goods or materials must:</p> <p>(i)Be associated with a Permitted Activity operating from the site; and</p> <p>(ii)Not encroach on any required parking and manoeuvring areas.</p>
RD1	<p>(a)Outdoor storage of goods or materials that does not comply one or more conditions in Rule 27.2.10 P1.</p> <p>(b)Council's discretion is restricted to the following matters:</p> <p>(i)Effects on amenity;</p> <p>(ii)Visual impact;</p> <p>(iii)Nature, scale and location of screening;</p> <p>(iv)Proximity and height of stockpiles to road reserve or other sites;</p> <p>(v)Access to sunlight and daylight;</p> <p>(c) Safety of road users and pedestrians.</p>

#### 29.2.10 ~~Non-Aviation~~ Temporary Events

P1	<p>(a) A <del>non-aviation</del> temporary event must comply with all of the following conditions:</p> <p>(i)The event occurs no more than 3 times per consecutive 12-month period;</p> <p><b>(ii) It does not involve motorised outdoor recreation (except flying)</b></p> <p><b>(iii) It does not involve outdoor musical events or concerts.</b></p> <p>(ii) It operates within the hours of:</p> <p>A. 7.00am to 10pm Monday to Saturday; and</p> <p>B. 7.00am to 6pm Sunday;</p> <p><b>(b) An air show event occurs only once per consecutive 12 month period.</b></p> <p><b>(c) Temporary structures are:</b></p> <p>(i)Erected no more than 7 days before the event occurs; and</p> <p>(ii)Removed no more than 7 days after the end of the event;</p> <p>(c)The site is returned to its original condition no more than 7 days after the end of the event;</p>
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RD1	<p>(a) A <del>non-aviation</del> temporary activity <b>event</b> that does not comply with Rule 29.2.9 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> <b>Effects on the safe and efficient operation of the land transport network.</b></li> </ul>
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#### 29.2.11 Access and vehicles

P1	<p>(a) The use of Mercer Airport for any permitted activity set out in Rule 29.1.1 (apart from a <del>Non-aviation</del> temporary event) provided that:</p> <ul style="list-style-type: none"> <li>(i) The number of vehicles accessing the Mercer Airport zone shall not exceed <del>200</del> <b>160</b> vehicles <b>(320 vehicle movements)</b> per day.</li> </ul>
RD1	<p>(a) The use of Mercer Airport for a use that does not comply with Rule 29.2.11 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Safety of access users;</li> <li>(ii) Intersection safety with a public road;</li> <li>(iii) Formation, width, drainage</li> </ul>

#### 29.2.12 Jet Flights

P1	<p>(a) The use of Mercer Airport for no more than forty (40) jet movements (20 flights) per 12-month period <b>between the hours of 7 am and 10 pm (excluding ex-military jets).</b></p>
RD1	<p>(a) Jet flights that do not comply with Rule 29.2.12 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Frequency and duration of flights;</li> <li>(ii) Noise levels</li> <li>(iii) Amenity</li> </ul>

### 29.3 Land Use – Building

#### 29.3.1 Height of buildings, structures, trees and other vegetation

P1	<p>(a) The construction or alteration of any building or structure must not exceed a height of 10 m, and</p> <p>(b) Any building, structure, tree or other vegetation must not protrude through the Obstacle Limitation Surfaces defined in Appendix 13 (Mercer Airport Zone and Obstacle Limitation Surface).</p>
RD1	<p>(a) Any building, structure, tree or other vegetation that does not comply with Rule 29.3.1. P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Form, bulk and location of building, structure, object, mast or tree;</li> </ul>

	(ii)Effect on the safe and efficient operation of Mercer Airport; (iii)Access to daylight and sunlight.
D1	Any building, structure, tree or other vegetation that does not comply with Rule 29.3.1 RD1.

### 29.3.2 Daylight Admission

P1	(a)Any building or stockpiling of materials must not protrude through a height control plane rising at an angle of:  (i) 37 degrees commencing at an elevation of 2.5m above ground level at every point of the Zone boundary.
RD1	(a)Any building or stockpile that does not comply with Rule 29.3.2 P1.  (b)Council's discretion is restricted to the following matters:  (i)Effects on amenity values; (ii)Admission of daylight and sunlight to the site and other sites; (iii)Extent of areas of non-compliance.

### 29.3.3 Building Coverage and Impervious Area

P1	(a)Construction or alteration of a <a href="#">building</a> must comply with all of the following:  (i) The total <a href="#">building coverage</a> must not exceed:  A. 30% of the <a href="#">site</a> area, up to a maximum of 900 m <sup>2</sup> ; and B. result in more than 60% of the <a href="#">site</a> having an <a href="#">impervious surface</a> , up to a maximum 1800 m <sup>2</sup> impermeability.
RD1	(a)Construction or alteration of a <a href="#">building</a> that does not comply with Rule 29.3.3 P1.  (b)Council's discretion is restricted to the following matters: (i)Effects on amenity values; (ii) <a href="#">Building</a> form, bulk, location, external cladding and colour; (iii)Extent of area of non-compliance; (iv)Effects on adjacent sites; (vi)Stormwater management; (vii)Onsite parking provision; (viii)Landscape planting and other visual mitigation measures

### 29.3.4 Building Setbacks from Zone boundary

P1	(a) Construction or alteration of a building must be set back at least 6 m from a Mercer Airport Zone boundary.
RD1	(a)Construction or alteration of a building that does not comply with Rule 29.3.4 P1.  (b)Council's discretion is restricted to the following matters: (i)Effects on amenity values; (ii)Effects on adjacent sites;

	(iii) Effects on aircraft safety and taxiing.
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### 29.3.5 Habitable buildings inside the 65 dBA Ldn air noise boundary contour on the planning maps

RD1	<p>(a) Any habitable building inside the 65 dBA Ldn contour as shown on the planning maps.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Acoustic insulation and achievement of internal noise levels;</li> <li>(ii) Design and orientation of habitable building;</li> </ul> <p>(c) Mercer Airport shall be considered an affected party for any application under Rule 29.3.5.</p>
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### 29.3.6 Accommodation above hangars

RD1	<p>(a) Any accommodation in the Mercer Airport Zone when located above a hangar.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(iii) Acoustic insulation and achievement of internal noise levels;</li> <li>(iv) Design and orientation of habitable building;</li> <li>(v) Provision of appropriate water, wastewater and stormwater disposal services.</li> </ul>
NC1	Any accommodation in the Mercer Airport Zone that does not comply with Rule 29.3.6 RD1.

C2 Amend Section D – Appendices and Schedules by adding a new Section 7 – Mercer Airport Zone immediately after Appendix 6 – Acoustic insulation for other areas.

### Appendix 7. Mercer Airport

1. Add new item B1 Mercer Airport to 1. (a) (i) buildings for noise sensitive activities in the noise control boundaries and buffers for:
2. Add new section 7. Mercer Airport Zone

#### 7. Mercer Airport Zone

The Mercer Airport Outer Control Boundary (OCB) identifies an area that experiences high noise levels from aircraft landing and taking off from the Mercer Airport. Habitable buildings within the Mercer Airport Outer Control boundary are required to be acoustically insulated to achieve the internal noise standards specified in sections 7.1 and 7.2 below.

7.1 Conditions for permitted activities inside the Mercer Airport Outer Control Boundary.

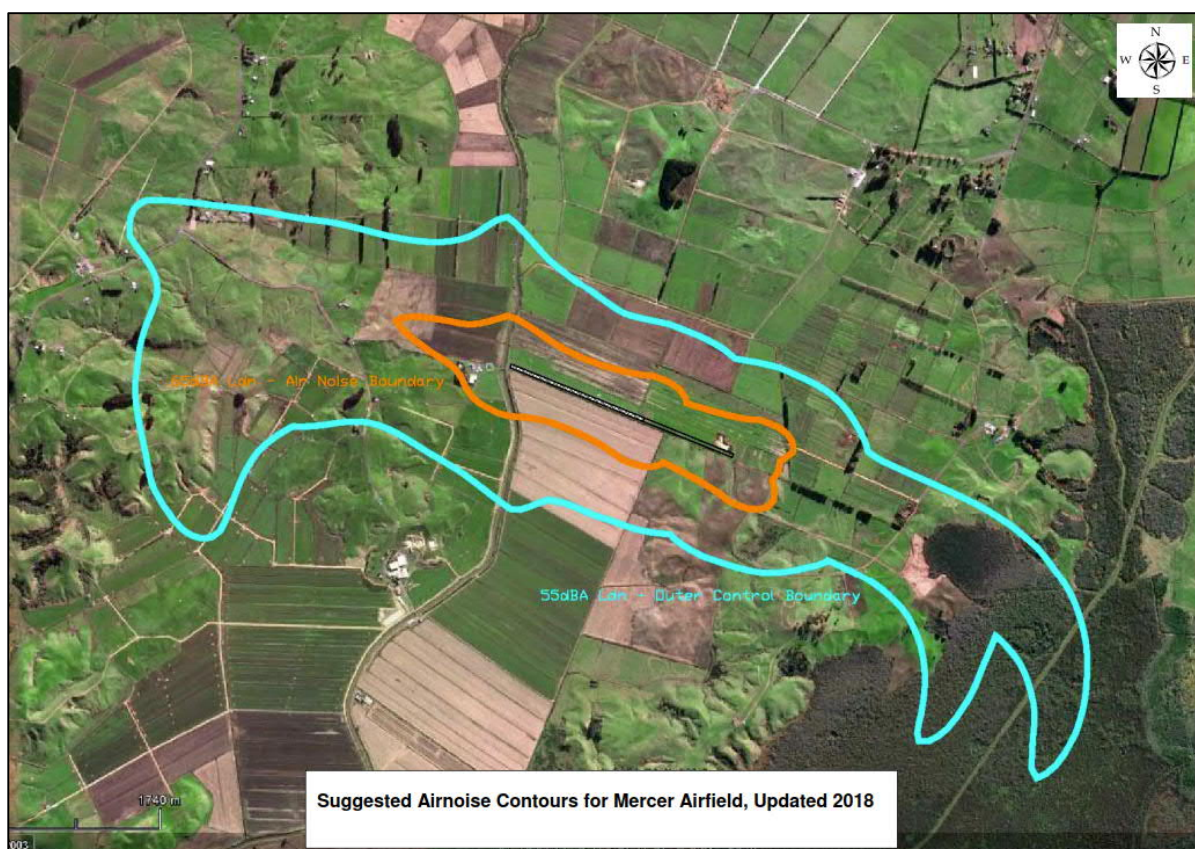
- (1) Prior to the issue of a building consent for any building to which this rule applies, compliance with the requirements of the rule shall be demonstrated through the production of a design certificate from an appropriately qualified and experienced acoustic specialist certifying that an internal noise level will not exceed the level shown in Table 15 below:

Table 15: Internal noise levels

Area	Internal Noise level
Habitable rooms	Ldn 40 dBA

- (2) The internal noise level shall be achieved based on the predicted external level at the subject site shown on Figure 3 below and in accordance with the adjustments to the dBA level to establish an un-weighted external source spectrum for aircraft noise outlined in Table 16 below.

Figure 3: Mercer Airport, Ldn contours



- (3) Where a building is partly or wholly contained within the Mercer Airport OCB, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed

and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 - Ventilation.

- (4) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in **Table 16** – Noise limits for ventilation systems.
- (5) Compliance with rules (4) and (5) above shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably-qualified acoustics specialist, stating the design proposed is capable of meeting the activity standards.

Table 16: Noise limits for ventilation systems

Room Type	Noise level measured at least 1 m from the diffuser (Leq dBA)	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35

## 7.2 Conditions for permitted activities inside the 65-dBA Ldn Air Noise boundary contour

- (1) New habitable building inside the 65 dBA Ldn air noise boundary shall be a Restricted Discretionary Activity as set out in Rule 29.3.5.

C3 Amend Section D – Appendices and Schedules, Chapter 29 – Appendices by inserting a new Appendix 13 – Mercer Airport Zone as set out below:

### Appendix 13 – Mercer Airport

#### 1 Introduction

This appendix is referred to in the Rural Zone building rules. The safe operation of aircraft using the Mercer Airport requires that each runway should be provided with a take-off climb and approach surfaces such that aircraft taking off or landing have a clear obstacle free surface on which to carry out the initial part of the climb or the final part of the approach. The Civil Aviation Authority of New Zealand has adopted specifications defining the surfaces about and above an Aerodrome which there must be no obstacles. These surfaces are known as obstacle limitation surfaces and are defined in terms of distances from the runway and heights relative to the runways for protection of aircraft in the vicinity of the aerodrome.

The runway is on the following land: Lot 1 DP 384812 and Lot 2 DP 384812.

## 2 Runway and Associated Runway Strip

The runway and associated runway strip is defined as follows:

- (a) Runway – the runway is 1190 metres long and 23 metres wide.
- (b) Runway strip – the runway is contained within the runway strip. The strip is 1310 metres long and 80 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 (Horizontal) and Moturiki Datum (Vertical) are as follows:

mN	mE	Elevation
757880.434	431169.034	2.1
757806.489	431138.502	1.6
757380.478	432379.878	2.0
757306.533	432349.346	4.8

## 3 Obstacle Limitation Surface

The obstacle limitation surfaces associated with this runway strip are defined as follows:

### 3.1 Approach surfaces

There is an approach surface at both ends of the runway strip. Each approach surface is a truncated fan originating from an 80 metres wide base centred at the 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 3000 metres (3.5 kilometres). Each approach surface rises upwards and outwards at a gradient of 1 vertical to 40 horizontal (1:40). The base of the western approach surface commences at a height of 2.0 metres above Moturiki Datum and the base of the eastern approach surface commences at a height of 2.0 metres above Moturiki Datum. The sides of the approach surfaces splay outwards at a rate of 1 vertical to 10 horizontal (1:10).

### 3.2 Transitional side surfaces

The transitional side surfaces rise upwards and outwards from the sides of each approach surface at a gradient of 1 vertical to 5 horizontal (1:5) to a height of 47 metres above Moturiki Datum.

### 3.3 Horizontal Surface

The horizontal surface is above the main runway with an elevation of 47m above Moturiki Datum. The outer limits are at a locus of 2500 metres, measured from the periphery of the main strip.

### 3.4 Conical Surface

The conical surface slopes upwards and outwards from the periphery of the horizontal surface at a gradient of 1 vertical to 20 horizontal (1 in 20) to an elevation of 152m above Moturiki Datum.

K:\145420 Mercer Airport\Proposed District Plan\PDP hearings\Evidence - Mercer Airport team\Dawson evidence\Rebuttal Evidence\Attachment 1 - revised Mercer Airport provisions\Attachment 5 Mercer Airport Proposed Objectives and Policies (3 May version).docx

Attachment 2  
Amended s32AA assessment



Table 1: Rezoning Proposal – s32AA version 3 May 2021

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
The rezoning proposal	Neale Russell Limited (Mercer Airport) seek the rezoning of their landholdings located at Koheroa Road from Rural Zone to Mercer Airport Zone.
Relevant objectives of the PDP	<ul style="list-style-type: none"> <li>• Growth occurs in defined growth areas (1.5.2(a))</li> <li>• Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic and environmental significance (1.12.8(b)(vi))</li> <li>• Infrastructure can be efficiently and economically provided (4.1.3(a))</li> <li>• In the rural environment, high class soils are protected for productive rural activities, productive rural activities are supported and urban development in the rural environment is avoided (5.1.1(a))</li> <li>• Rural character and amenity are maintained (5.3.1 (a)), 5.3.4 (a), (b)</li> <li>• Development does not compromise the predominant open space character and amenity of rural areas (5.3.8 (b))</li> <li>• Subdivision, use and development ensures the effect on public infrastructure are minimised. (5.3.8 (f))</li> <li>• Infrastructure is protected from reverse sensitivity effects so that its ongoing operation is not compromised. (6.1.6 (a))</li> </ul>
Scale and significance of the rezoning proposal	<p>The scale and significance of the proposal is limited due to the following factors:</p> <ul style="list-style-type: none"> <li>• The proposal relates to the zoning of particular landholding in a particular part of the District (Mercer)</li> <li>• The proposed rezoning aligns with the strategic direction of higher order documents (WRPS, NPS-UD) and growth strategies (Future Proof; Waikato 2070). Specifically, the proposal will align with WRPS Policy 6.3 and Method 6.3.1.</li> <li>• The proposed airport development is able to be accommodated on the site, having regard to the assessments prepared by expert consultants. It has been operating on the site under resource consent since 1996 and now needs to be recognised in the District Plan to provide protection for the airport and signal its presence to surrounding landowners. The expert consultants have confirmed that the extent of the Obstacle Limitation Surface<sup>1</sup> and air noise boundary<sup>2</sup> are essential to provide long term certainty and protection for aircraft movements and to ensure the potential for reverse sensitivity is minimised.</li> <li>• The Mercer Airport is located in a part of the North Waikato with relatively low population and has significant buffer distances to the closest areas of lifestyle blocks and houses on nearby Koheroa Road.</li> </ul>

<sup>1</sup> Supplementary evidence of Dave Park, para 7.2

<sup>2</sup> Supplementary evidence of Rhys Hegley, para 18

Other reasonably practicable options to achieve the objectives (alternative options)	The following alternative options to the proposal have been identified:	
	a)	Do nothing / status quo and continue to operate Mercer Airport under the 1986 resource consent conditions.
	b)	Seek resource consent for every specific growth proposal under the Proposed District Plan Rural Zone provisions and the existing 1996 resource consent.

Table 2: Benefits and Costs Analysis of the Airport Rezoning Proposal

Rezoning Proposal: Rezone Mercer Airport from Rural to Mercer Airport Zone including introduction of Obstacle Limitation Surface and Air noise boundary – i.e. Relief Sought		
	Benefits	Costs
General	<ul style="list-style-type: none"> <li>• Mercer Airport is able to become a more integrated part of the Mercer community.</li> </ul>	<ul style="list-style-type: none"> <li>• No general costs identified</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• More comprehensive environmental controls in place through a site specific Mercer Airport Zone. Site specific controls are more appropriate versus standard Rural Zone provisions applied to an aviation facility. The proposed Objectives, Policies and Rules in Attachment 1 will ensure that Rural Character and amenity are maintained as required by Objective 5.3.1 (a), 5.3.4 (a) and (b) and that development does not compromise the predominant open space character and amenity of rural areas as required by Objective 5.3.8 (b).</li> <li>• The inclusion of an OLS will ensure that the required safety zones surrounding the airport as prescribed by the Civil Aviation Authority are inserted into the District Plan and protected through a set of specific District Plan rules. This</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental impacts typically associated with development.</li> <li>• Increased demand on reticulated infrastructure such as electricity. Mercer Airport is self-contained for water and wastewater services.</li> <li>• There would be some minor additional costs associated with acoustic insulation for any surrounding future houses built within the 65 dbA Air Noise Boundary and within the 55 dBA Ldn Outer Control Boundary as set out in the Rebuttal evidence of Rhys Hegley<sup>3</sup>.</li> </ul>

<sup>3</sup> Supplementary evidence of Rhys Hegley, para 18

	<p>will ensure aviation safety standards are met and in particular Objective 6.1.6 (a) is achieved.</p> <ul style="list-style-type: none"> <li>• The inclusion of an Air Noise Boundary will ensure that appropriate acoustic insulation is included for any future habitable building located within the 65 dBA ANB. This will ensure that the potential for reverse sensitivity is minimised and Objective 6.1.6 (a) is achieved.</li> <li>• The inclusion of an Outer Control Boundary will ensure that appropriate acoustic insulation is provided as part of a building consent requirement. This will also ensure that the potential for reverse sensitivity is minimised.</li> </ul>	
Social	<ul style="list-style-type: none"> <li>• Rezoning provides clear information to existing and future neighbouring landowners over the nature, scale and scope of activities on the Mercer Airport site. They will also understand the acoustic implications arising from activities at Mercer Airport. This will enable neighbouring landowners to plan around these constraints.</li> <li>• The opportunity for Mercer Airport to be an integral part of the Mercer community through Air Shows, sky diving and other tourist related activities drawing people into the area.</li> </ul>	<ul style="list-style-type: none"> <li>• No social costs identified</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• There will be additional economic benefits associated with enabling the Mercer Airport to expand the nature and range of activities undertaken on site.</li> <li>• This will in turn potentially result in additional employment and economic flow on effects for the local economy of the North Waikato and the wider economy.</li> </ul>	<ul style="list-style-type: none"> <li>• No economic costs identified other than the financial cost of involvement in the Proposed District Plan process.</li> <li>• Some minor additional costs for neighbouring landowners seeking to build a house within the outer control boundary.</li> <li>• No additional costs on existing dwellings under the OLS.<sup>4</sup></li> </ul>

<sup>4</sup> Supplementary evidence of Dave Park, para 7.2

	<ul style="list-style-type: none"> <li>There will be economic benefits associated with introducing an OLS to protect the Mercer Airport. This will enable the airport to meet the relevant CAA standards and provide certainty for all airport users that they are utilising a facility that is up to the required standard.</li> </ul>	<ul style="list-style-type: none"> <li>Some costs associated with trimming tall trees encroaching into the OLS with these costs generally borne by the Airport.</li> </ul>
Economic Growth	<ul style="list-style-type: none"> <li>Having a site specific zone will provide the airport operators with sufficient certainty to invest in the future development of the facility.</li> <li>Enabling aviation related commercial activities such as aviation related light industry, aviation related offices, storage and warehousing will bring economic activity to the North Waikato and provide additional employment.</li> </ul>	<ul style="list-style-type: none"> <li>No economic growth costs identified</li> </ul>
Employment	<ul style="list-style-type: none"> <li>Promotes growth of economy and employment opportunities, in terms of increased construction and aviation activity.</li> </ul>	<ul style="list-style-type: none"> <li>No economic employment costs identified</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>No cultural benefits identified.</li> </ul>	<ul style="list-style-type: none"> <li>No cultural costs identified</li> </ul>
Mercer Airport Rezoning Proposal: Alternative option 1 – do nothing (status quo – rely on existing resource consent)		
	Benefits	Costs
General	<ul style="list-style-type: none"> <li>No general benefits identified</li> </ul>	<ul style="list-style-type: none"> <li>The status quo will not provide proactive protection for the approach surfaces and raises the potential for a house, structure or vegetation to protrude into these surfaces and compromise the safe operation of the airport.</li> <li>The status quo will not ensure that existing and future landowners for the land surrounding the airport are alerted of the potential for higher noise levels. This could compromise the operation of the airport over time and lead to constraints on its operation through reverse sensitivity complaints.</li> </ul>

Environmental	<ul style="list-style-type: none"> <li>No environmental benefits identified - maintains status quo in terms of environmental effects consented to occur on the Site.</li> </ul>	<ul style="list-style-type: none"> <li>No environmental costs identified.</li> </ul>
Social	<ul style="list-style-type: none"> <li>Existing environment is retained, which may be preference to some in the wider community.</li> </ul>	<ul style="list-style-type: none"> <li>Existing issue of inflexible consent and lack of protection for airport operations remains.</li> <li>Gradual erosion of operating regime likely due to increased development of houses and reverse sensitivity complaints.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>No economic benefits identified</li> </ul>	<ul style="list-style-type: none"> <li>Loss of opportunity to rezone Mercer Airport while low density of surrounding development is still present.</li> <li>Likely reduction in viability of the airport over time as its operation is unable to make use of new technology such as IFR for more flexible operating conditions.</li> </ul>
Economic Growth	<ul style="list-style-type: none"> <li>No additional economic benefits identified, current situation remains.</li> </ul>	<ul style="list-style-type: none"> <li>Will not provide for future economic growth of the site and the aviation industry in the North Waikato.</li> <li>The ability of Mercer Airport to continue to act as a back up airport for Ardmore likely to be eroded over time due to the lack of certainty over approach path safety.</li> </ul>
Employment	<ul style="list-style-type: none"> <li>No change to status quo, limited employment opportunities associated with existing operations.</li> </ul>	<ul style="list-style-type: none"> <li>Will not provide for potential aviation employment opportunities associated with airport development.</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>No cultural benefits identified</li> </ul>	<ul style="list-style-type: none"> <li>No cultural costs identified</li> </ul>

Attachment 3  
Letter from Waikato Regional Council  
dated 30 March 2021

File No: 25 05 00G  
Document No: 18385317  
Enquiries to: Sarah Lealand



30 March 2021

Private Bag 3038  
Waikato Mail Centre  
Hamilton 3240, NZ

Neale Russell Ltd and Palms on George Ltd  
C/- Bloxam Burnett & Olliver  
Via email: cdawson@bbo.co.nz

waikatoregion.govt.nz  
0800 800 401

Attention: Chris Dawson

Kia ora koutou

I am writing to you in relation to your submission on the Waikato District Plan Review in which you have requested a rezoning of the Mercer airfield to enable extension of the existing airfield activities on the site.

Your submission says that:

- *Mercer Airport does not rely on any Council provided reticulated infrastructure apart from access to a formed public road; and*
- consideration of potential natural hazards and how the related risks will be managed are not applicable.

This is incorrect. The Mercer airfield is located in an area that benefits from both flood and drainage infrastructure provided by the Waikato Regional Council (WRC).

The airfield is located upstream from, and within the catchment of, the Motukaraka pump station, which is required for both drainage and flood protection. I have attached maps taken from WRC's hazard portal showing the area defended by the WRC stopbank along the Maramarua Stream, and the land drainage district in which the airfield sits. WRC's Hazard Portal can be viewed at [Waikato Regional Hazards Portal \(arcgis.com\)](http://waikatoregion.govt.nz/arcgis.com)

Any development on this land, irrespective of its zoning will need to consider:

- the potential risks related to being located within an area defended from a flood hazard to a specified service level and the residual risks, including how these residual risks are exacerbated by increasing the intensity of development in defended areas,
- that land drainage services are to rural service levels only and that there is no current intention to increase these levels; and
- that significant increases in impervious services may increase the volume and speed of run-off, impacting on the ability to maintain current drainage services levels resulting in increased flood hazard risks from ponding.

WRC did not make a further submission on submission #921 and is not intending in participating at Hearing 25 specifically on this submission. However, I wish to draw your attention to my evidence for Hearing 25 – Zone extents relating to WRC's flood and drainage infrastructure. I have included the relevant paragraphs (16.4 – 16.7) from my evidence below:

*Flood and drainage infrastructure managed by WRC is included in the definition of 'regionally significant infrastructure' under the WRPS, therefore Policy 6.6 and Implementation Method 6.6.1 apply.*

*Flood infrastructure is designed to manage flood events based on particular land uses. For example, the acceptable level of flood risk for pastoral farming, and the subsequent level of infrastructure investment required for this land use, is quite different to the acceptable level of flood risk for residential development. I believe that that zoning decisions should consider how the change in land use might also change expectations of the level of flooding infrastructure service delivery provided by WRC.*

*A number of the areas proposed for growth are beside or within areas that have land drainage systems that are funded through a targeted rate on benefiting landowners. These drainage areas are managed for pastoral land use. Under these schemes WRC has three days to remove surface flooding from a 10% AEP event. The discharge of semi-urban or urban stormwater in to existing rural designed drainage channels can negatively impact drainage channels which suffer from additional discharge flow volumes over longer duration, conflicting with WRC audited performance requirements. If there are areas that are expected to have significantly increased discharge into drainage networks through urbanisation, it is anticipated that the responsibility of those networks should be taken over by the district council to manage. This will need to be factored into infrastructure calculations going forward and be part of a changed operating, and subsequent rating, landscape for the district council.*

*I consider it is both appropriate and necessary that flooding and drainage infrastructure be considered alongside the other core infrastructure, such as three waters and transport infrastructure, when enabling an increase in land use intensity to accommodate growth.*

I will also provide a copy of this letter to the Hearings Panel for their information.

If you would like more information, or should you wish to discuss the matter further, please contact Sarah Lealand, Manager of the Lower and Central Waikato, Integrated Catchment Management Directorate, on 07 859 2781 or [Sarah.Lealand@waikatoregion.govt.nz](mailto:Sarah.Lealand@waikatoregion.govt.nz)

Kind regards

**Miffy Foley**  
Senior Policy Advisor, Policy Implementation

**cc. The Hearings Panel for the Waikato District Plan Review**



Attachment – Map extracts from WRC’s Hazard Portal

## Waikato Regional Hazards Portal

Visit our regional hazards and emergency management page [f](#) [t](#) [i](#)

Overview River flooding Flood management **Waikato District defended areas** Coastal hazards Coastal inundation Earthquakes and landslides Volcanoes and geothermal Karapiro dam break

### Defended Areas

Defended areas are those that are defended from flooding by structural defences such as stopbanks or floodwalls.

Although these areas are defended by most flood events (depending on their level of protection), they still have the potential to flood. Defended areas may flood due to a larger than design event, e.g. a 1% AEP flood in the Waikato River may overtop a stopbank designed to a 2% AEP level. Defended areas may also flood due to failure of a structural defence - this is unlikely but can still happen.

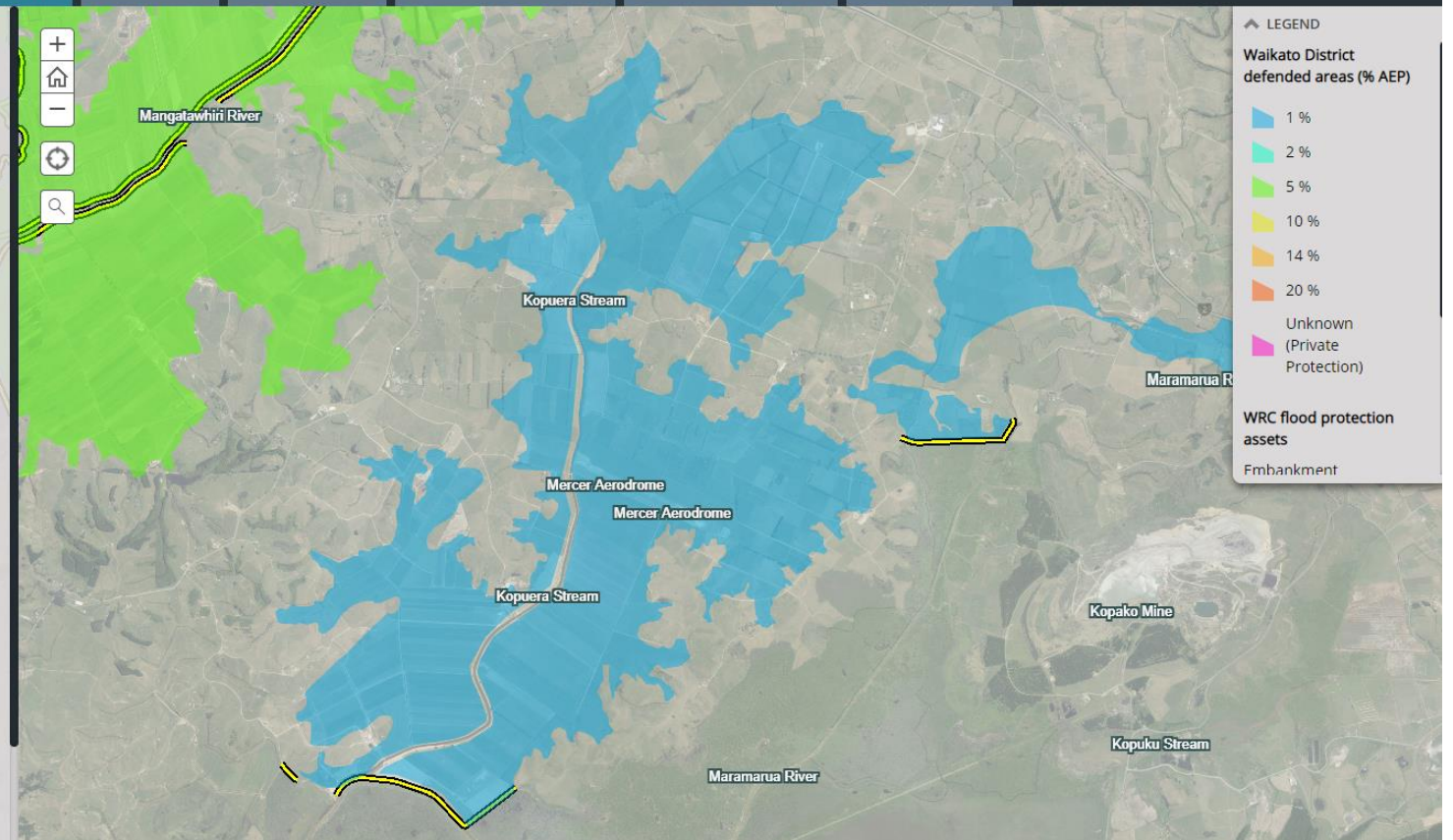
This risk that remains is known as "residual risk". The Waikato Regional Policy Statement includes policies and methods about residual risk, including that residual risk zones shall be identified in District Plans. Currently the portal shows only defended areas for Waikato District and Thames Coromandel District (see River flooding tab), but more will be added as they become available.



Waikato River at Huntly, August 2008

**Key terms:** To Toki Island

AEP = annual exceedance probability, or the chance of an event happening in any one year.  
A 1% AEP is equivalent to a 100 year average return period.





Overview

River flooding

Flood management

Waikato District defended areas

Coastal hazards

Coastal inundation

Earthquakes and landslides

Volcanoes and geothermal

Karapiro dam break

## Land Drainage

Waikato Regional Council also own and maintain land drainage schemes. The level of service for the open drains and culverts of these schemes is generally to drain water from a 10% AEP rainfall event within 3 days. This is intended to remove ponding from rural areas prior to pasture damage occurring, rather than to prevent inundation. Different Drainage Differentials receive different levels of benefit. [This table](#), provides the benefit description for each class type (in pop-up).



Drain

For more information on flood protection and land drainage, visit [Come High Water](#).

To discover the function of each asset type, visit the [Flood protection and land drainage assets map](#).

### Key terms:

AEP = annual exceedance probability, or the chance of an event happening in any one year. A 1% AEP is equivalent to a 100 year average return period.

