

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2022-AKL-000029

**I MUA I TE KŌTI TAI AO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

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

AND

IN THE MATTER an appeal under Clause 14(1) of the First
Schedule of the Act

BETWEEN **GREIG METCALFE**
Appellant

AND **WAIKATO DISTRICT COUNCIL**
Respondent

**NOTICE OF NZTE OPERATIONS LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated: 21 March 2021

Solicitors on Record

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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

Name of Person who wishes to be Party

1. NZTE Operations Limited (**NZTE**) wishes to be a party to the following proceedings:
 - a. ENV-2022-AKL-000029 - An appeal by Greig Metcalfe (**Metcalfe**), 69 Harrowfield Drive, Harrowfield, Hamilton 3210 in relation to land for which Metcalfe and his family have an ownership interest at 702 and 703A Horotiu Road, Te Kowhai 3288 (**the land**) against decisions of the Waikato District Council (**WDC**) on the Proposed Waikato District Plan (**PWDP**), including the:
 - i. Future Urban Zone – Decision Report 24 (**FUZ decision**);
 - ii. Te Kowhai Airpark Zone – Decision Report 26 (**TKAZ decision**);
and
 - iii. Zoning (Te Kowhai) – Decision Report 28J (**Zoning decision**).
2. NZTE:
 - a. Is a person with an interest in the proceedings greater than the general public, being the owner and operator of the Te Kowhai Aerodrome (**Aerodrome**) and the Te Kowhai Airpark Zone (**TKAZ**) land affected by the appeal.
 - b. Made submissions and further submissions on the TKAZ and related PWDP provisions affected by the appeal.

3. NZTE participated in the District Plan hearing of the TKAZ (Hearing 17). The TKAZ decision made provision for Airport Noise Boundaries (**ANB**) and Noise Controls within the TKAZ and surrounding zones, including: (a) limiting flying activity to daytime hours during summer and winter; and (b) providing for circuit training and flight training school activities by way of resource consent as discretionary activities. The decision did not limit overall flight numbers.

Trade competition

4. NZTE is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

The Proceeding

5. NZTE is interested in all of the proceedings.

Particular Issues

6. NZTE is particularly interested in the following issues:
 - a. The appropriateness of zoning of the Metcalfe's land as Future Urban Zone, as opposed to a Village Zone;
 - b. The provision for circuit training and flight training activities at the Aerodrome by way of resource consent as discretionary activities;
 - c. The hours of operation for the Aerodrome; and
 - d. The Metcalfe relief that seeks that a rule is included in the TKAZ provisions setting a maximum number of annual aircraft movements for the Aerodrome.

Relief sought

7. NZTE opposes the relief sought by Metcalfe at paragraph 14 (Annexure 1) and paragraph 15 of the Notice of Appeal and seeks that the relief sought by Metcalfe is declined.

Reasons for relief sought

8. NZTE's reasons for the relief sought include:

General

- a. The outcome sought by Metcalfe:
 - i. Is inconsistent with the sustainable management purpose of the Act; and
 - ii. Would have an adverse effect on an existing physical resource (i.e., the Aerodrome).

FUZ

- b. The inclusion of a FUZ within the PWDP is consistent with the National Policy Statement on Urban Development, Waikato Regional Policy Statement, Future Proof Sub-regional Growth Strategy, and the Waikato 2070 Growth and Economic Development Policy (**Waikato 2070**). Waikato 2070, for example, indicates that the Metcalfe land will not be suitable for residential development for more than 10 years.
- c. The application of the FUZ to the Metcalfe land recognises that the land is suitable (in principle) for development for urban purposes, but that structure plans and servicing are not currently available. Further, any future urban zoning of the FUZ will need to protect the Aerodrome from reserve sensitivity effects (e.g., noise and safety).

Aircraft Noise Rules

- d. The TKAZ includes a comprehensive package of provisions including rules that provide for the development of the Aerodrome and the Airpark, while acknowledging the potential for adverse aircraft noise effects on activities located on land surrounding the zone. This package appropriately includes provision for ANBs, controls on specific noise generating activities, such as circuit training and flight training schools, and the limitation of flying to identified daytime flying hours for the summer and winter periods.

- e. The TKAZ decision provides for circuit training and flight training schools as discretionary activities. This is an appropriate activity status for activities that have a functional need to be undertaken at an Aerodrome, but which require consideration by way of resource consent to ensure that they are appropriately scaled to the Aerodrome's operational needs.
- f. The ANBs are based on predicted aircraft numbers. ANBs serve to manage noise at properties near the boundary of the Aerodrome and manage reverse sensitivity effects on the Aerodrome. There is no need to include a restriction on annual aircraft movements.
- g. TKAZ-S3 (Hours of Operation for Aircraft Operations) provides appropriate certainty as to flight operation times without the need to refer to variable sunset times.

Dispute resolution

- 9. NZTE agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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M J Doesburg

Solicitor for NZTE Operations Limited

Date: 21 March 2022

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