

Opening Statement

Hearing 17: Te Kowhai Airpark

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I Introduction

1. Good morning Chair, Commissioners, and Submitters. My name is Emma Ensor and I am the writer of the original s42A report for Hearing 17: Te Kowhai Airpark. I am also the author of the rebuttal evidence concerning the Te Kowhai Airpark. Referencing to provision numbering in this opening statement are to the provisions as recommended in Appendix 2 of my rebuttal evidence.
2. The Te Kowhai Airpark Zone has received submissions that cover a range of planning issues. As such, I will focus on what I see as being the key themes and matters where submitters hold differing views.

2 Background

3. The Te Kowhai aerodrome is situated in the Rural Zone of the Operative District Plan.
4. The Te Kowhai aerodrome site is located on the southern edge of Te Kowhai Village, at 172 Limmer Road. The site is approximately 44 hectares in area. The site has vehicle access off Limmer Road, otherwise known as State Highway 39.
5. The aerodrome has been operating for more than 20 years. The aerodrome consists of a grass runway strip 983 metres long, aircraft hangars, refuelling facility, clubrooms, office, workshop, coffee cart, car parking area and grass paddocks.
6. I am advised that flights currently operate on a non-instrument VFR (visual flight rules) basis only (flying in “good weather conditions”).
7. Land in the surrounding area consists of a mixture of uses - residential activities on small lots, a school, some commercial activities, a retirement village, public recreation reserve, rural-residential activities, and land used for rural purposes (with some associated residential activities). There is also a mixture of indigenous and exotic trees and other vegetation within this locality.

3 Purpose and function of the Te Kowhai Airpark Zone

8. The 2018 Notified PDP included a new special zone called the Te Kowhai Airpark Zone, which was shown on the planning maps over the Te Kowhai aerodrome and some surrounding land. The Te Kowhai Airpark Zone represents a fundamental change from the Operative District Plan. It is intended to provide for new residential development associated with the aerodrome by way of an airpark, as well as providing for the continued use of the aerodrome.
9. Central to the airpark concept is the opportunity for aircraft operators to live or work at the aerodrome, with the ability to taxi aircraft from residential and commercial areas onto the existing runway.
10. The airpark comprises four precincts that provide for aviation, commercial and residential activity, as follows:
 - Precinct A – Runway and Operations Precinct (provides for a runway, runway strip and associated aircraft operations)
 - Precinct B – Commercial Precinct (provides for commercial activity which supports the airpark and the aviation sector)
 - Precinct C – Medium Density Residential Precinct (provides for medium density residential activities) and
 - Precinct D – Residential Precinct (provides for low density residential development and a transitional higher density airside overlay).

11. Submitters on the proposed plan included the aerodrome operator (NZTE Operations Limited), asking for changes to the notified provisions; local residents concerned about the external effects of the airpark; and some with special interests.
12. The proposed Te Kowhai Airpark Zone rules (as notified) also change the extent of the current Obstacle Limitation Surface, to provide for flights operating on an Instrument Flight Rules (IFR) basis (flights operating in “poor weather conditions”).

4 Variation I to PDP – Te Kowhai Airport Obstacle Limitation Surface

13. Variation I to the Proposed Waikato District Plan Stage I was notified at the end of June 2020, to correct differences in the way the Te Kowhai Airport Obstacle Limitation Surface (OLS) was described, in the Appendix 9 text and the Planning Maps. Several issues were identified. Most importantly, the text described the OLS as extending 2,500m from the runway, whereas the maps showed it extending only 2,000m from the runway.
14. There were 25 primary submissions and 6 further submissions received by Council on Variation I.

5 Obstacle Limitation Surface (OLS)

15. An obstacle limitation surface (OLS) is a surface about and above an aerodrome, which in the interests of safe flight, should not be penetrated by obstacles.¹
16. The Variation I (VI) District Plan maps show an Airport Obstacle Limitation Surface (OLS) layer, extending from the Te Kowhai aerodrome over the surrounding area. Details of the Variation OLS are provided in the PDP Appendix 9 Sections 1, 2 and 3.
17. Rules in most zones control the height of buildings, structures, trees, and vegetation relative to the Te Kowhai Airport OLS. However, Chapter 14: Infrastructure and Energy, Section 14.1, is clear that the OLS and associated rules do not apply to infrastructure and energy activities.
18. Submitters have raised the following issues about the Variation OLS:
 - it would be restrictive for development, trees, and vegetation on some sites,
 - the costs of compliance would fall on landowners and would create an unfair financial burden on landowners,
 - there is uncertainty whether trees and vegetation within the Variation OLS would retain existing use rights, and
 - there are potential impacts on amenity values and biodiversity, and ecological impacts from tree and vegetation removal.
19. With these issues in mind, I am recommending that the Variation OLS should be removed from the Proposed District Plan and that it be replaced instead with the OLS as detailed in the Operative Waikato District Plan. Several submitters requested this.
20. However, if the Panel were of a mind to proceed with the Variation OLS, then my rebuttal evidence includes an alternative position that the Panel might like to consider.

¹ Taken from a quote by the New Zealand Civil Aviation Authority from the PDP Variation I Appendix 9: Te Kowhai Airfield

6 Noise

21. The notified planning maps showed only a small airport noise boundary, located largely over the runway area. NZTE requested that it be replaced with a larger noise boundary and an additional noise boundary, based in part on 19,645 annual aircraft movements.
22. Instead, I favour two airport noise boundaries as modelled by Tonkin and Taylor, based on 15,000 annual aircraft movements. I consider 15,000 aircraft movements is appropriate, in response to a submitters request for a rule about maximum aircraft movements.
23. Originally NZTE sought that the aircraft operations noise limits do not apply to aircraft operations within the whole of the Airpark Zone. However, NZTE has since requested that the noise limits do not apply to aircraft operations in the runway and commercial Precincts A and B only, which they consider to be non-noise sensitive areas.
24. However, noise-sensitive activities (including activities other than residential activities) could also establish in Precinct B. I am persuaded to change my s42A recommendation in relation to noise - aircraft operations, so the noise limits need to be met in all precincts, with the exception of runway Precinct A.
25. NZTE also seek that noise-sensitive activities in the Air Noise Boundary are a non-complying activity, with the exception of those inside the Airpark Zone. I am not clear what activity status NZTE seek for noise-sensitive activities inside the Air Noise Boundary in the Airpark Zone. NZTE say the basis for this differentiation is that residents within the Air Noise Boundary in the Airpark Zone, are likely to be less sensitive to aircraft noise, compared with non-aviation individuals outside of the Airpark boundary.
26. My s 42A recommendation was to amend the Airpark Zone Activity Status Table rule to make noise-sensitive activities within the air noise boundary non-complying activities, in all precincts inside the Airpark Zone. "Noise-sensitive activities" include a range of land uses that people other than Airpark Zone residents may participate in. The interests of those people (non-residents) are addressed in the recommended rule.
27. I am recommending that noise from aircraft operations be monitored by NZTE. At present levels of operation, aircraft noise is below the airport noise boundary levels. I have amended my s42A recommendation, so that noise modelling only needs to start, when aircraft movements reach 3,150 in a three-month period.

7 Hours of operation

28. The Notified District Plan did not contain any rule specifying hours of operation for aircraft operations. The hours of operation for aircraft operation rule as recommended in my s42A report, was as a result of this issue being raised in a limited number of submissions.
29. My recommended rule provided for aircraft operations in all precincts as a permitted activity between the hours of 7.00am and 10.00pm.
30. I consider that aircraft noise between 10.00pm and 07.00am may result in sleep disturbance, but may also result in other adverse amenity effects for people.
31. Rather than a rule specifically providing for aircraft operations between 10.00pm and 7.00am, I consider that it is appropriate for the community to provide input into this, by way of a resource consent process.

8 Aircraft movements

32. NZTE oppose a rule specifying a maximum number of aircraft movements as a permitted activity. Instead, they seek to rely on compliance with the aircraft operations noise rule, as a means to limit annual aircraft movements.
33. Aircraft movements at Te Kowhai aerodrome increased from 6,000 in the 1980's to mid 1990's, to 32,000 movements in 2007, and then declined to approximately 2,000 in 2015. Aircraft movements increased from 6,323 in 2017 to 9,925 in 2019.
34. The NZTE Acoustic evidence clarifies that their noise contours were based on 19,645 annual movements. This would be almost twice the number of aircraft movements experienced in 2019. NZTE advise that this number of annual movements is projected to occur with the Airpark partially developed, in approximately year 2039.
35. My s42A report recommended that the maximum number of aircraft movements per calendar year be 15,000.
36. An annual maximum aircraft movements permitted activity rule, provides some certainty for the community. Aircraft movements would be able to go beyond that currently experienced (as a permitted activity), with resulting changes in and effects on, amenity and amenity values. However, aircraft movements would only impact on amenity values to a level which is 1.5 times that which was recently experienced. This would also allow for some growth in aircraft movements anticipated by the airpark concept.

9 Circuit training

37. Circuit training is training in the pattern used to position the aeroplane for landing and take-off. As circuit training involves take-offs and landings (where aircraft will touch the ground), then Council can regulate circuit training under the District Plan.
38. The Notified District Plan did not contain any rule about circuit training associated with Te Kowhai aerodrome. The s42A recommended amendments to Rule 27.1.1 to provide for circuit training as a non-complying activity in all precincts, was as a result of this issue being raised in a limited number of submissions.
39. NZTE instead seeks a new rule so that circuit training requires resource consent between certain night and early morning hours. Accordingly, control of circuit training should not just be left up to compliance with relevant noise rules.
40. In reliance on Tonkin and Taylor, there are amenity and character effects from circuit training during "day hours" that should also be managed.
41. To ensure that any hours associated with circuit training are appropriate, I consider that the community should be able to provide their input via a consenting process.
42. However, if the Panel were of a mind that resource consent should not be necessary for all circuit training, my rebuttal evidence includes an alternative position that the Panel might like to consider.

10 Airpark Management Plan

43. Lloyd Davis, Marshall and Kristine Stead, and Greig Metcalf, through legal submissions, seek a rule requiring an airpark management plan.
44. In accordance with my s42A report, I consider that a condition of a permitted activity rule, requiring an airpark management plan based on "Fly Neighbourly" principles, would not provide sufficient certainty about content or effectiveness, and as such would be inappropriate.

11 Servicing of airpark development

45. NZTE seek that all lots within the Airpark Zone provide potable water supply and water supply for firefighting purposes on-site.
46. My s42A recommendations sought that potable water supply and firefighting water supply were largely provided by a private reticulated water supply network.
47. I now recommend that lots under 2,500m² net site area must be connected to a public reticulated water supply network, which is sufficient for firefighting purposes (as a restricted discretionary activity). This would be consistent with relevant Residential Zone and Business Zone rules, as well as consistent with recommended Village Zone rules for lots being a minimum of 800m².
48. Having public reticulation for water supply would also allow for water supply for firefighting purposes to be provided.
49. I now recommend lots with a minimum net site area of 2,500m² or more, provide potable water supplies on-site, but they must also have water supply that is sufficient for firefighting purposes. This approach would be consistent with an Infrastructure Rule for Rural, Country Living and Village zones.
50. I note that the above approach is consistent with the approach in the Hearing 25 Framework report².

12 Conclusion

51. The Te Kowhai Airpark Zone is intended to provide for the continued use of the privately-owned runway and associated aerodrome infrastructure. It is also to provide for a residential airpark.
52. The zone framework needs to be clear on the outcomes sought for this area, whilst taking into account the locality. The rules need to effectively implement those outcomes. The rules need to strike an appropriate balance between enabling the desired outcomes and effectively controlling the activities and outcomes that are not wanted.
53. Thank you.

Emma Ensor

5 March 2021

² Hearing 25 Framework Report, dated 19 January 2021, on page 6, paragraph v. and on page 61, paragraphs 296 and 297