

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE WAIKATO DISTRICT COUNCIL**

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

AND

IN THE MATTER of the Proposed Waikato District Plan

BETWEEN **NZTE OPERATIONS LIMITED**

Submitter [No. 823]

AND

WAIKATO DISTRICT COUNCIL

Local Authority

**SUPPLEMENTARY EVIDENCE OF
DAVID FREDERICK SERJEANT FOR NZTE OPERATIONS LIMITED
(PLANNING)**

Dated: 29 April 2021

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INTRODUCTION

1. My name is David Frederick Serjeant. I am an independent planning consultant.
2. I outlined my qualifications, experience, and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence-in-chief dated 15 February 2021 (**EIC**).
3. This statement is supplementary to my evidence-in-reply (**EIR**) dated 8 April 2021 and addresses the proposed Obstacle Limitation Surface (**OLS**) rules and trees and vegetation.
4. I propose two updates to the planning provisions included under my EIR:
 - (a) The insertion of an advice note concerning trees and vegetation located under the Approach and Take-Off Surface and related Transitional Side Surfaces of the OLS; and
 - (b) The removal of the requirement for trees and vegetation to comply with the Inner Horizontal Surface of the OLS.

A. ADVICE NOTE

5. NZTE's synopsis of oral submissions, dated 8 April 2021, proposes at para. [13] to update the s.32 evaluation survey of existing trees affected by the Te Kowhai Aerodrome's OLS, being the Approach and Take-Off Surface and the Transitional Side Surfaces.¹
6. I have discussed the insertion of an advice note with Mr David Park and consider that my proposed advice note (see below) should follow the relevant rule for each of the three zones around the aerodrome affected by the Approach and Take-Off Surface, and Transitional Side Surfaces (i.e., Residential (Rule 16.3.3.3), Rural (Rule 22.3.4.3) and Village (Rule 24.3.3.2)).

¹

7. My proposed advice note applies to existing trees and vegetation as at today's date (7 May 2021). The adoption of this date is to prevent any injudicious planting of trees while the rules become operative. An updated survey will be undertaken by NZTE at the time the rule becomes operative.
8. As I understand the evidence of landowners, who have trees within the Approach and Take-Off Surface and the Transitional Side Surfaces, a key concern is with the ongoing cost of tree compliance. The advice note therefore offers either tree removal or trimming to achieve compliance on a one-off basis. If the landowner chooses the trimming option, then the ongoing obligation for compliance becomes their own.
9. The proposed advice note is:

Advice note:

The Operator of Te Kowhai Aerodrome will undertake an updated survey of "existing trees" as at the date that the OLS rule becomes operative.

Where the owner consents, either:

- (i) removal of existing trees required to comply with the OLS; or*
- (ii) trimming of existing trees required to comply with the OLS on a one-off basis*

will be undertaken at the instruction of and paid for by the Operator of Te Kowhai Aerodrome.

For the avoidance of doubt, the term "existing trees" means any tree or vegetation that existed within the Approach and Take-Off Surface and the Transitional Side Surfaces of the OLS on 7 May 2021.

10. I note that the other three zones affected by the OLS for Te Kowhai Aerodrome (Business (Rule 17.3.1.2), Country Living (Rule 23.3.4.2) and Reserve (Rule 25.3.1.2)) are only affected by the Inner Horizontal Surface. Trees located within these zones are addressed through my second proposed update to the OLS rules.

11. The advice note (and proposed rules) does not address the situation where a land owner wishes retain a tree with an existing right to protrude above an Approach and Take-Off Surface or a Transitional Side Surface. In my view there are these potential scenarios for trees that fall within this type of situation:
 - (a) If the tree were not mature, the landowner would run the risk that the tree will lose its existing use rights as it grows and increases in size/scale;
 - (b) If the tree were mature, the removal of the tree could be addressed through negotiation between NZTE and the landowner, as has occurred in the past; or
 - (c) If the tree were mature, and the landowner did not wish to reach an agreement, the aerodrome could simply wait for the tree to be removed as the result of future development or natural attrition. NZTE is seeking to future proof the implementation of instrument flight rules (IFR) navigation. The proposed OLS rules are necessary to future proof the aerodrome from future protrusions which would obstruct IFR. This does not mean that the aerodrome would need to implement IFR navigation immediately.

B. INNER HORIZONTAL SURFACE OF THE OLS

12. The second proposed update is to remove the requirement for trees and vegetation to comply with the Inner Horizontal Surface of the OLS for the aerodrome.
13. Based on Mr Park's EIR, I am satisfied that it is not necessary for trees and vegetation to comply with this rule because much of the Inner Horizontal Surface is located some distance from the aerodrome and, in many cases, will be well away from aircraft flight paths.
14. Mr Park has advised that trees and vegetation being located under the Inner Horizontal Surface of the OLS surface can be safely managed in the same manner as protruding land features. The removal of this requirement will satisfy the concerns of a number of submitters.

REVISED RULES PACKAGE

15. The revised rules package (attached as **annexure A** to my evidence) makes the above changes to the rules package presented with my EIR.

Dated this 29th day of April 2021

A handwritten signature in blue ink, appearing to read "D Serjeant". The signature is written in a cursive style with a large initial "D" and a long, sweeping tail.

David Serjeant

Annexure A – Recommended Amendments

Recommended amendments in response to submissions shown in ~~red underline/strikeout~~ and amendments in response to evidence shown in ~~blue underline/strike-out~~

NZTE Operation Limited amendments

Shown in green and underlined / strikeout

Chapter 9.2: Te Kowhai Airpark

and

Chapter 27: Te Kowhai Airpark Zone

and

Objectives, Policies and Rules for other zones

Proposed Waikato District

Plan Stage I

(Notified version)

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

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9.2 Te Kowhai Airpark

9.2.1 Objective – Te Kowhai Airpark

- (a) To use and develop Te Kowhai Airpark as a strategically-significant, safe and economically-sustainable airpark that meets the current and future needs of the aviation community.

9.2.1.1 Policy - Development

- (a) Facilitate development of Te Kowhai Airpark by providing for a diversity of residential and commercial opportunities which leverage off existing aerodrome infrastructure.
- (b) Develop Te Kowhai Airpark in accordance with the Te Kowhai Airpark Framework Plan [in Appendix 9](#).
- (c) [Enable educational facilities where they have a functional need to locate within the Te Kowhai Airpark Zone, while managing potential adverse effects of the activities on the environment.](#)

9.2.1.2 Policy - Servicing

- (a) Development is to be adequately serviced with respect to essential services, water supply ([including for firefighting purposes](#)), wastewater treatment and disposal and stormwater treatment and disposal.

9.2.1.3 Policy – Precinct-based development

- (a) Provide a precinct based approach that enables the strategic development and management of Te Kowhai Airpark such that:
- (i) Precinct A - provides for a runway, runway strip and associated aircraft operations;
 - (ii) Precinct B - provides for commercial activity which supports the airpark and the aviation sector ;
 - (iii) Precinct C - provides for medium density residential activities;
 - (iv) Precinct D - provides for low density residential development and a transitional higher density airside overlay; and
 - (v) All precincts - have taxiway connectivity with the runway.

9.2.1.4 Policy – Alignment of activities

- (a) On-site activities must be consistent with the precinct functions [and / or must be consistent with the use of the taxiway network, both as](#) identified in the Te Kowhai Airpark Framework Plan.

9.2.1.5 Policy – Commercial activity

- (a) Provide for commercial activities that support Te Kowhai Airpark and the aviation sector, including hangars, workshops and refuelling facilities.

9.2.1.6 Policy – Existing and future operations

- (b) Te Kowhai Aerodrome's existing and future operational needs are safeguarded through mechanisms such as airspace protection (Obstacle Limitation Surface) and noise control boundaries.
- (a) Buildings, structures, trees and other vegetation do not create a potential hazard to the flight paths of aircraft or any other operations associated with Te Kowhai Aerodrome.

- (b) ~~Sensitive land uses~~ Noise-sensitive activities within the noise control boundaries must achieve appropriate internal noise levels taking into account adverse noise effects on human health and amenity values.

9.2.1.7 Policy – Future connectivity with Te Kowhai Village

- (a) Provide for future connectivity between Te Kowhai Airpark and Te Kowhai village in the Te Kowhai Airpark Framework Plan.

9.2.2 Objective – Amenity outcomes

- (a) The adverse effects of airpark activities are managed to ensure acceptable amenity outcomes.

9.2.2.1 Policies - Airpark standards

- (a) Manage adverse airpark effects through the application of general and airpark-specific performance standards including:
- (i) Noise;
 - (ii) Hazardous substances;
 - (iii) Building setbacks;
 - (iv) Minimum site areas; and
 - (v) Subdivision allotment size.
- (vi) Hours of operation for aircraft operations;
(vii) Aircraft movements.
- (b) ~~To~~ Ensure that bulk and location standards provide for the unique operational requirements of an airpark whilst at the same time achieving appropriate levels of amenity.
- (c) Limit the establishment and / or operation of a flight training school except where effects on amenity are appropriately managed and it is compatible with surrounding land uses.
- ~~(d) Limit circuit training from being undertaken unless the effects on amenity are appropriately managed and it is compatible with surrounding land uses.~~
- (e) Ensure adverse effects of educational facilities, created by excessive building scale, overshadowing, building bulk, excessive site coverage, loss of privacy, noise, and, including adverse effects on land transport networks, are minimised to maintain amenity and character in the Te Kowhai Airpark Zone and ~~to be~~ are in keeping with the primary use of the precincts.

9.2.3 Objective – Aerodrome reverse sensitivity

- (a) The operational needs of Te Kowhai Airpark are not compromised by noise-sensitive activities with the potential for reverse sensitivity conflict.

9.2.3.1 Policies – Aerodrome reverse sensitivity

Manage reverse sensitivity risk by:

- (a) ensuring that noise-sensitive activities within the Te Kowhai Airpark Noise Control Boundaries are acoustically insulated to appropriate standards; and
- (b) ensuring that Te Kowhai aerodrome operates within the noise limits specified by the Te Kowhai Airpark Noise Control Boundaries.

2.0 Chapter 27: Te Kowhai Airpark Zone

- (1) The rules that apply to activities in the Te Kowhai Airpark Zone are contained in Rule 27.2 Land Use – Effects and, Rule 27.3 Land Use – Building.
- (2) The provision for subdivision in the Te Kowhai Airpark Zone are contained in Rule 27.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Te Kowhai Airpark Zone:
 - 14 Infrastructure and Energy as specified in Rule 27.2;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) 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
- (5) The Te Kowhai Airpark comprises four separate precinct areas:
 - (a) **Precinct A:** Runway and Operations;
 - (b) **Precinct B:** Commercial;
 - (c) **Precinct C:** Medium Density Residential;
 - (d) **Precinct D:** Residential;
- (6) The Te Kowhai Airpark Zone is shown on the planning maps along with the location of the four precinct areas within the zone.
- (7) Rule Table 27.1.1 identifies Permitted activities (P), Controlled Activities (C), Discretionary activities (D) and Non-complying activities (NC) within each precinct.

27.1 Land Use - Activities

- (a) All Permitted and Controlled activities identified in Activity Status Table 27.1.1 must comply with all Land Use - Effects rules in Rule 27.2 and Land Use - Building rules in Rule 27.3.
- (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)

27.1.1 Activity Status Table

Activity	Precinct A Runway & Operations	Precinct B Commercial	Precinct C Medium Density Residential	Precinct D Residential
General aviation	P1	P2	D1	D2
Recreational flying	P3	P4	P5	P6
Commercial Car Parks	P7	P8	D3	D4
Storage	P9	P10	P11	D5
Fuel storage and refuelling infrastructure, including self-automated dispensing facilities for aircraft and vehicles	C1	C2	D6	D7
Water, stormwater and wastewater utility infrastructure to service Te Kowhai Airpark	P12	P13	P14	P15
Commercial maintenance and servicing of aircraft;	P16	P17	D8	D9
Domestic maintenance and servicing of aircraft	P18	P19	P20	P21
Events and promotions, including temporary events	P22	P23	P24	D10
Taxiways	P25	P26	P27	P28
Navigational equipment.	P29	D11	D12	D13
Clubrooms	NC1	P80	D14	D15
Cafes and Restaurants (including licensed premises)	NC2	P31	D16	D17
Retail Commercial Activity (to a maximum 300m² gross floor area in each precinct).	NC3	P32 to a maximum 300m² gross floor area	D18	D19
Teaching & Conference facilities	NC4	P33	D20	D21
Car rentals	NC5	P34	D22	D23
Community facility (to a maximum 300m ² gross floor area in each precinct)	NC6	P35	P36	D24
Playgrounds	NC7	P37	D25	D26
Home occupation	NC8	D27	P38	P39
Residential	NC9	D28	P40	P41
Visitor accommodation	NC10	D29	P42	D50

Hangars ancillary to residential development, providing the hangar is constructed simultaneously with, or subsequent to, its associated dwelling.	NC11	D31	D32	P43
Minor Dwellings	NC12	D33	P44	P45
(1) Activities not specifically listed in Rules Table 27.1.3	D34	D35	D36	D37
<u>Aircraft Operations</u>	<u>P46</u>	<u>P47</u>	<u>P48</u>	<u>P49</u>
<u>Circuit Training</u>	<u>NC13</u>	<u>NC14</u>	<u>NC15</u>	<u>NC16</u>
<u>Flight Training School</u>	<u>NC17</u>	<u>NC18</u>	<u>NC19</u>	<u>NC20</u>
<u>Teaching and Conference facilities</u>	<u>NC21</u>	<u>P50</u>	<u>D38</u>	<u>D39</u>
<u>Educational facility</u>	<u>NC22</u>	<u>RD3P51</u>	<u>RD1</u>	<u>RD2</u>
<u>Noise-sensitive activities to be located within the Te Kowhai aerodrome Airport Air Noise Boundary: 70 dB Ldn contour as shown in Appendix I – Acoustic Insulation Rule 3 Figure 2</u>	<u>NC23</u>	<u>NC24</u>	<u>NC25</u>	<u>NCX</u>

27.1.2 Restricted Discretionary Activities

- (1) The Educational Facility Activities RD1, RD2, and RD3 in 27.1.1 Activity Status Table above and as listed in 27.1.2 below, are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

27.1.2 Matters of Discretion

Activity	Matters of Discretion
<u>RD1</u> <u>RD2</u> & <u>RD3</u>	<u>Educational facility</u>
	(a) <u>The extent to which it is necessary to locate the activity in the Te Kowhai Airpark Zone.</u>
	(b) <u>Reverse sensitivity effects of adjacent activities.</u>
	(c) <u>The extent to which the activity may adversely impact on the transport network.</u>
	(d) <u>The extent to which the activity may adversely impact on the streetscape and the amenity and character of the neighbourhood, with particular regard to the bulk of the buildings.</u>
	(e) <u>The extent to which the activity may adversely impact on the noise environment.</u>
	(f) <u>Effects on amenity</u>
	(g) <u>Effects on character</u>

		(h) Building form, bulk and location (i) Site layout and design (j) Privacy on other sites
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27.2 Land Use – Effects

27.2.1 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).

27.2.2 Access and road performance standards

Any activity must comply with the requirements for new roads in Rule 14.12 of Chapter 14 (Infrastructure and Energy Rules).

27.2.3 On Site parking and loading

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

27.2.4 On site manoeuvring

Any activity must comply with the requirements for on-site manoeuvring and queuing in Rule 14.12 of Chapter 14 (Infrastructure and Energy).

27.2.5 Vehicle movements

Any activity must comply with the requirements for traffic generation in Rule 14.12 of Chapter 14 (Infrastructure and Energy).

27.2.6 Noise – Other than Taxiways Aircraft Operations

Noise generated by activities permitted under Rule P1 are not subject to Rule P2.

<u>P1</u>	<u>Noise generated by emergency sirens.</u>
<u>P1 P2</u>	<p>(a) Noise from any activity in PRECINCT B must not exceed the following noise limits when measured at the notional boundary of a site within the Rural Zone:</p> <p>(i) 55dB_(LAeq), 7am to 10pm every day; and</p> <p>(ii) 40dB_(LAeq) and 70dB_(LAFmax), 10pm to 7am the following day.</p> <p>(a) Noise measured within any site in any zone, other than the Te Kowhai Airpark Zone, must meet the permitted noise levels for that zone.</p> <p>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</p>
<u>P2</u>	<p>(a) Noise from any activity in PRECINCT C OR D must not exceed the following noise limits when measured at the notional boundary of any site in the Rural Zone outside of the Te Kowhai Airpark Zone:</p> <p>(i) 50dB_(LAeq), 7am to 7pm every day; and</p> <p>(ii) 45dB_(LAeq), 7pm to 10pm every day; and</p> <p>(iii) 40dB_(LAeq) and 65dB_(LAFmax) all other times.</p>

P3	(a) In ALL PRECINCTS, Rules P1 and P2 do not apply to: (i) Noise from aircraft movement on the taxiways; or (ii) Construction noise; or (iii) Noise from emergency sirens.
DI	Any activity that does not comply with Rule 27.2.6 P1, P2 <u>or P3</u> .

27.2.7 Noise – Taxiways

P1	(a) In ALL PRECINCTS, noise from aircraft movements on the taxiways must not exceed the following noise limits: (i) When measured at the notional boundary of 202, 212 and 214 Limmer Road: A. 50dB (L_{Aeq}), 7am to 10pm every day; and B. 40dB (L_{Aeq}), and 65dB (L_{AFmax}) at all other times; or (ii) When measured at the notional boundary of any other site in the Rural Zone: A. 50dB (L_{Aeq}), 7am to 7pm every day; and B. 45dB (L_{Aeq}), 7pm to 10pm every day; and C. 40dB (L_{Aeq}), and 65dB (L_{AFmax}) at all other times (b) Rule 27.2 (P1)(a)(ii) does not apply to 98A and 98B Limmer Road
DI	Any activity that does not comply with Rule 27.2.7P1.

27.2.7A Noise - Taxiways Aircraft Operations

P1	<p>a) In ALL PRECINCTS, noise from aircraft movements on the taxiways must not exceed the following noise limits:</p> <p>(i) When measured at the notional boundary of 202, 212 and 214 Limmer Road:</p> <p>A. 50dB (L_{Aeq}), 7am to 10pm every day; and B. 40dB (L_{Aeq}), and 65dB (L_{AFmax}) at all other times; or</p> <p>(ii) When measured at the notional boundary of any other site in the Rural Zone:</p> <p>A. 50dB (L_{Aeq}), 7am to 7pm every day; and B. 45dB (L_{Aeq}), 7pm to 10pm every day; and C. 40dB (L_{Aeq}), and 65dB (L_{AFmax}) at all other times</p> <p>(b) Rule 27.2 (P1)(a)(ii) does not apply to 98A and 98B Limmer Road</p> <p><u>(a) Noise from aircraft operations in ALL PRECINCTS except Precincts C and D, including aircraft movements on taxiways, shall not exceed 65dB Ldn outside the Air Noise Boundary and 55dB Ldn outside the Outer Control Boundary as shown in the Planning Maps. For the purpose of this rule aircraft noise shall be assessed in accordance with NZS6805:1992 "Airport Noise Management and Land Use Planning" and logarithmically averaged over a three month period. The following operations are excluded from the calculation of noise for compliance with noise limits:</u></p> <ul style="list-style-type: none"> • <u>Aircraft engine testing and maintenance</u> • <u>Aircraft landing or taking off in an emergency</u> • <u>Emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency</u> • <u>Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002</u> • <u>Aircraft using the aerodrome due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere</u> • <u>Aircraft undertaking firefighting duties</u> • <u>Air Show (for one air show per calendar year)</u>
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	<p><u>(b) Aircraft movements shall be recorded monthly and once the total aircraft movements in the busiest three month period reaches 3,150 4,500 aircraft movements, noise contours for the purpose of assessing compliance with Rule 27.2.7A PI shall be calculated no later than 12 months of the date when the rule becomes legally operative and thereafter once every two years. When the calculated noise level is within 1 decibel of the 65dB Ldn and / or 55dB Ldn limit/s, noise contours for the purpose of assessing compliance with Rule 27.2.7A shall be calculated annually and verified with infield monitoring once every two years.</u></p> <p><u>(c) A report detailing the noise contours and calculations and the in field noise levels in the years that those are monitored, shall be prepared and forwarded to the Council on an annual basis by the Aerodrome Operator.</u></p>
P2	<p><u>(a) Aircraft engine testing and maintenance in all precincts must:</u></p> <p><u>(i) take place only between the hours of 7 8.00am and 10 8.00pm.</u></p> <p><u>(ii) meet the receiving site relevant zone permitted noise levels when measured at the notional boundary of any site outside the Te Kowhai Airpark Zone</u></p> <p><u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</u></p> <p><u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</u></p>
DI	Any activity that does not comply with Rule 27.2.7A PI and P2.

27.2.8 Construction Noise

PI	<p>(a) Construction noise generated from a construction site in ALL PRECINCTS must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise).</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</p>
DI	Any activity that does not comply with Rule 27.2.8 PI.

27.2.9 Glare and Lighting

PI	(a) In ALL PRECINCTS, illumination from glare and artificial light spill must not exceed 10 lux measured vertically at any other site.
RDI	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 27.2.9 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Light spill levels on any other site;</p> <p>(iii) Road safety;</p> <p>(iv) Duration and frequency.</p>

27.2.10 Earthworks

PI	<p>(a) In ALL PRECINCTS, earthworks within a site must meet all of the following conditions:</p> <p>(i) Earthworks must be located more than 1.5m either side of a public sewer, open drain, overland flowpath or other service pipe;</p> <p>(ii) Earthworks must not exceed a volume of more than 1,000m³ in a single calendar year;</p> <p>(iii) Earthworks must not exceed an area of more than 1,000m² in a single calendar year;</p> <p>(iv) The height of the resulting cut or batter face does not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal);</p>
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	<ul style="list-style-type: none"> (v) Areas exposed by the earthworks not covered by buildings or other impervious surfaces are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Earthworks must not divert or change natural water flows or established drainage paths. <u>(viii) Earthworks greater than 200mm depth are to be located a minimum of 1.2m from the centreline of a gas transmission pipeline.</u>
P2	<ul style="list-style-type: none"> (a) In ALL PRECINCTS, the importation of fill material to a site must meet all of the following conditions, in addition to the conditions in Rule 27.2.10 PI (a): <ul style="list-style-type: none"> (i) Earthworks do not exceed a total volume of 20m³ per site and a depth of 1m; (ii) Earthworks must be fit for compaction; (iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Earthworks do not restrict the ability for land to drain; (v) Earthworks are not located within 1.5m of public sewers, utility services or manholes; and (vi) The sediment from fill material is retained on the site.
RDI	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 27.2.10 PI or P2. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability; (ix) Flood risk, including natural water flows and established drainage paths; (x) Land instability, erosion and sedimentation; (xi) Proximity to underground services and service connections. <u>(xii) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u>

27.2.11 Hazardous Substances

PI	<ul style="list-style-type: none"> (a) In ALL PRECINCTS, the use, storage or disposal of any hazardous substance where: <ul style="list-style-type: none"> (i) The aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for Te Kowhai Airpark Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); (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.
CI	<ul style="list-style-type: none"> (a) Fuel storage and refuelling infrastructure, including self-automated dispensing facilities in PRECINCTS A AND B must not exceed: <ul style="list-style-type: none"> (i) An aggregate of 100,000 litres of petrol or aviation fuel in underground storage tanks; and (ii) An aggregate of 50,000 litres of diesel in underground storage tanks; and (iii) An aggregate of 6 tonnes of LPG (single vessel storage). (b) Council reserves its control over the following matters: <ul style="list-style-type: none"> (i) The proposed site design and layout in relation to: <ul style="list-style-type: none"> 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; B. Interaction with natural hazards such as flooding, instability; C. Proposed emergency management planning (spills, fire and other relevant hazards); D. Procedures for monitoring and reporting of incidents.
DI	The use, storage or disposal of any hazardous substance that does not comply with one or more of the conditions in Rule 27.2.11.PI or CI.

27.2.12 Signs

PI	<p>(a) Any sign located in PRECINCT A OR B that is visible from a public place or site in another zone must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign height does not exceed 10m; (ii) Where the sign is attached to a building, it must not: <ul style="list-style-type: none"> A. Extend more than 300mm from the external wall of the building; and B. Exceed the height of the building, (iii) Where the sign is a free-standing sign, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site; and 1 m² for any other free-standing sign on the site; and B. Be set back at least 5m from the boundary of any site in the Village Zone, (iv) Where the sign is illuminated, it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; and B. Not contain moving parts or reflective materials; and C. Be directed to ensure it does not spill light beyond the site.
P2	<p>(a) Any sign located in PRECINCT C OR D that is visible from a public place or site in another zone must:</p> <ul style="list-style-type: none"> (i) Relate to goods or services available on the site; or (ii) Be a property name sign; and (iii) Be the only sign on the site; and (iv) Not be illuminated, flashing or moving; and (v) Not exceed 0.25m²; and (vi) Not exceed 2m in height.
P3	<p>(a) In ALL PRECINCTS, a real estate ‘for sale’ sign <u>must relating to the site on which it is located must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) Relate to the sale of the site on which it is located; and (ii) Be no more than 2 signs per site; and (iii) Be no larger than 1m² in area (per sign). <u>(i) There are no more than 3 signs per site of which:</u> <ul style="list-style-type: none"> <u>(A) There is no more than 1 sign per agency measuring 600mm x 900mm;</u> <u>(B) There is no more than 1 sign measuring 1800mm x 1200mm; and</u> <u>(C) There is no more than 1 real estate header sign measuring 1800mm x 1200mm</u>
P4	<p>(a) In ALL PRECINCTS, a sign advertising a community event or temporary event must:</p> <ul style="list-style-type: none"> (i) Be on display for no more than 3 months prior to the event; and (ii) Be removed no later than 5 days after the event.
RDI	<p>(a) Any sign that does not comply with Rule 27.2.12 P1, P2, P3 or P4.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on amenity values; (ii) Visual impact of the sign; (iii) Nature, scale and location; (iv) Streetscape; (v) Effects on any other site in the locality; (vi) Glare and light spill; (vii) Traffic safety.

27.2.13 Signs - effects on traffic

PI	<p>(a) In ALL PRECINCTS, any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; and (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; and (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and
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	<ul style="list-style-type: none"> (iv) Contain maximum <u>no more than</u> 40 characters and a maximum of <u>no more than</u> 6 <u>words and / or</u> symbols; and (v) Have lettering that is at least 150mm high; and (vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.
RDI	<ul style="list-style-type: none"> (a) Any sign that does not comply with Rule 27.2.13 P1. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Effects on amenity values, including cumulative effects; (ii) Effects on the safe and efficient operation of the road <u>land transport</u>; (iii) Size and number of characters, <u>words</u> and symbols; (iv) Size of sign and support structure; (v) Visual appearance.

27.2.14 Temporary Events

PI	<ul style="list-style-type: none"> (a) In ALL PRECINCTS, a temporary event must comply with all of the following conditions: <ul style="list-style-type: none"> (i) The event occurs no more than 3 times per consecutive 12 month period <u>calendar year</u>; (ii) It does not involve motorised outdoor recreation (except flying); (iii) It does not involve outdoor musical events or concerts; (iv) It operates within the hours of: <ul style="list-style-type: none"> A. 7.30am to 10pm Monday to Saturday; and B. 7.30am to 6pm Sunday; (v) <u>An air show event occurs only once per consecutive 12 month period calendar year.</u> (b) Temporary structures are: <ul style="list-style-type: none"> (i) Erected no more than 2 days before the event occurs; and (ii) Removed no more than 3 days after the end of the event; (c) The site is returned to its original condition no more than 3 days after the end of the event; (d) <u>There is no direct site access from a national route or regional arterial road.</u>
RDI	<ul style="list-style-type: none"> (a) A temporary activity that does not comply with Rule 27.3.14 P1. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Amenity; (ii) Noise levels; (iii) Timing and duration of the event; (iv) Traffic and road safety effects. <u>Effects on the safe and efficient operation of the land transport network.</u>

27.2.15 Outdoor storage

PI	<ul style="list-style-type: none"> (a) In PRECINCT A AND B, outdoor storage of goods or materials must: <ul style="list-style-type: none"> (i) Be associated with a Permitted Activity operating from the site; (ii) Not exceed a height of 9m; (iii) Not encroach on any required parking and manoeuvring areas; and (iv) Not exceed 30% site coverage.
P2	<ul style="list-style-type: none"> (a) In PRECINCT C AND D, outdoor storage of goods or materials must: <ul style="list-style-type: none"> (i) Be associated with a Permitted Activity operating from the site; and (ii) Not encroach on any required parking and manoeuvring areas.
RDI	<ul style="list-style-type: none"> (a) Outdoor storage of goods or materials that does not comply one or more conditions in Rule 27.2.15 P1 and P2. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Effects on amenity; (ii) Visual impact; (iii) Nature, scale and location of screening; (iv) Proximity and height of stockpiles to road reserve or other sites; (v) Access to sunlight and daylight; (vi) Safety of road users and pedestrians.

27.2.16 – Hours of Operation for Aircraft Operations

<u>PI</u>	<p>(a) In ALL PRECINCTS, Aircraft Operations including take-offs and landings, aircraft performing touch and gos or circuit training:</p> <p>(i) Must be carried out operate between 0700 hours to 2200 hours;</p> <p>(ii) Aircraft departures take-offs are limited between the hours of 2200 hours to 0700 hours to 40 departures over a 3-month period; and</p> <p>(iii) Circuit training on Sunday is limited between the hours of 1000 hours and 2100 hours.</p>
<u>P2</u>	<p>(a) In ALL PRECINCTS, Rule PI does not apply to the following:</p> <p>(i) Aircraft landing or taking off in an emergency; or</p> <p>(ii) Emergency flights required to rescue persons from life threatening situations; or</p> <p>(iii) Emergency flights to transport patients, human vital organs or medical personnel in a medical emergency; or</p> <p>(iv) Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002; or</p> <p>(v) Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere; or</p> <p>(vi) Aircraft being used in the course of firefighting duties; or</p> <p>(vii) Aircraft being used in the course of police duties.</p>
<u>DI</u>	Any activity that does not comply with Rule 27.2.16 PI and P2 or not provided for by NCX.
<u>NCX</u>	Circuit training that does not comply with Rule 27.2.16 PI.

27.2.17 – Aircraft Movements

<u>PI</u>	<p>(a) In Precinct A, the maximum number of aircraft movements per calendar year shall be 15,000. One aircraft landing is one aircraft movement and one aircraft take off is one aircraft movement.</p>
<u>DI</u>	Any activity that does not comply with Rule 27.2.17 PI.

27.3 Land Use – Building

27.3.1 – Height of - Buildings, structures, trees, and other vegetation within an airport obstacle limitation surface

<u>PI</u>	<p>(a) The construction or alteration of any building or structure in PRECINCT A OR B must not exceed a height of 10m, and</p> <p>(a) Any building, structure, tree or other vegetation in PRECINCTS A OR B must not protrude through the Airport Obstacle Limitation Surfaces defined in Appendix 9 (Te Kowhai Airfield and Obstacle Limitation Surface) as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</p>
<u>P2</u>	<p>(a) The construction or alteration of any building or structure in PRECINCT C OR D must not exceed a height of 7.5m, and</p> <p>(a) Any building, structure, tree or other vegetation in PRECINCTS C OR D must not protrude through the Airport Obstacle Limitation Surfaces defined in Appendix 9 (Te Kowhai Airfield and Obstacle Limitation Surface) as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</p>
<u>RDI</u>	(a) Any building, structure, tree or other vegetation that does not comply with Rule 27.3.1. PI or P2.

27.3.1 A Height – Building General

PI	(a) The construction or alteration of any building or structure in PRECINCT A OR B must not exceed a height of 10m, and.
P2	(a) The construction or alteration of any building or structure in PRECINCT C OR D must not exceed a height of 7.5m, and.
RD1	(a) Any building, <u>or</u> structure, tree or other vegetation that does not comply with Rule 27.3.1.P1 or P2. (b) Council's discretion is restricted to the following matters: (i) Form, bulk and location of building, structure, object, mast or tree; (ii) Effect on the safe and efficient operation of Te Kowhai aerodrome and airpark; (iii) Access to daylight and sunlight.
DI	Any building, <u>or</u> structure, tree or other vegetation that does not comply with Rule 27.3.1 RD1.

27.3.2 Daylight Admission

PI	(a) Any building or stockpiling of materials in PRECINCT A OR B must not protrude through a height control plane rising at an angle of: (i) 45 degrees commencing at an elevation of 2.5m above ground level at every point of the Precinct boundary; or (ii) 37 degrees commencing at an elevation of 2.5m above ground level at every point of the Precinct boundary between south-east or south-west of the building or stockpile. (b) Rule 27.3.2 PI (a) does not apply to a Record of Title less than 1000m ² in Precinct A or B.
P2	(a) Construction or alteration of a building in PRECINCT C OR D must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary. (i) Rule 27.3.2 P2 (a) does not apply to any semi-detached development within PRECINCT C. (ii) Rule 27.3.2 P2 (a) does not apply to a Record of Title 1000m ² or less in PRECINCT C.
RD1	(a) Any building or stockpile that does not comply with Rule 27.3.2 PI or P2. (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.

27.3.3 Building coverage and impervious area

PI	(a) Construction or alteration of a building in PRECINCT B must comply with all of the following: (i) Total building coverage does not exceed 70% in each lot; (ii) Impervious area does not exceed 90% in each lot. (b) Rule 27.3.3 PI (a) does not apply to any building in PRECINCT A. (c) Rule 14.1.1.P2 does not apply to PRECINCTS A AND B of the Te Kowhai Airpark Zone.
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P2	<p>(a) Construction or alteration of a building in PRECINCT C OR D must comply with all of the following:</p> <p>(i) For a lot less than 1500m², the total building coverage must not:</p> <p>A. exceed 60% site area, up to a maximum of 600m²; and</p> <p>B. result in more than 90% of the site having an impervious surface, up to a maximum 1200 m² impermeability; or</p> <p>(ii) For a lot between 1500 m² and 2500 m², the total building coverage must not:</p> <p>A. exceed 40% site area, up to a maximum of 750 m²; and</p> <p>B. result in more than 80% of the site having an impervious surface, up to a maximum 1500 m² impermeability; or</p> <p>(iii) For a lot greater than 2500 m², the total building coverage must not exceed:</p> <p>A. 30% site area, up to a maximum of 900m²; and</p> <p>B. result in more than 60% of the site having an impervious surface, up to a maximum 1800 m² impermeability.</p> <p>(b) Rule 14.1.1.1 P2 does not apply to PRECINCTS C AND D of the Te Kowhai Airpark Zone.</p>
RDI	<p>(a) Construction or alteration of a building that does not comply with Rule 27.3.3 P1 and P2.</p> <p>(b) Council's discretion is restricted to the following matters::</p> <p>(i) Effects on amenity values;</p> <p>(ii) Building form, bulk, location, external cladding and colour;</p> <p>(iii) Extent of area of non-compliance;</p> <p>(iv) Effects on adjacent sites;</p> <p>(v) Effects on streetscape;</p> <p>(vi) Stormwater management;</p> <p>(vii) Onsite parking provision;</p> <p>(viii) Landscape planting and other visual mitigation measures</p>

27.3.4 Building setbacks – General

P1	<p>(a) The construction or alteration of a building in PRECINCT A OR B must be set back:</p> <p>(i) 5m from all road boundaries (private or vested roads); and</p> <p>(ii) 5m from precinct boundaries except:</p> <p>A. No setback is required between PRECINCT A AND PRECINCT B boundaries.</p>
P2	<p>(a) The construction or alteration of a building in PRECINCT C OR D must be set back:</p> <p>(i) For a lot over 1500 m², 5m from all boundaries, except a taxiway; or</p> <p>(ii) For a lot between 600 m² and 1500 m², 3m from all boundaries, except a taxiway; or</p> <p>(iii) For a Record of Title under 600m², 3m from front and rear boundaries, and 1.5m from side boundaries.</p> <p>(b) In PRECINCT C OR D, no setback from internal boundaries is required where development is of a semi-detached nature.</p>
RDI	<p>(a) Construction or alteration of a building that does not comply with Rule 27.3.4 P1 or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Effects on adjacent sites.</p>

27.3.5 Building setback from taxiway

P1	In ALL PRECINCTS, construction or alteration of a building must be set back at least 3m from a taxiway.
RDI	<p>(a) Construction or alteration of a building that does not comply with Rule 27.3.5 P1</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Effects on adjacent sites;</p> <p>(iii) Effects on aircraft safety and taxiing.</p>

27.3.6 Building setback from airpark zone boundary

PI	In ALL PRECINCTS, construction or alteration of a building must be set back at least 25m from a Te Kowhai Airpark Zone boundary.
RDI	(a) Construction or alteration of a building that does not comply with Rule 27.3.6 PI. (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.

27.3.7 Building setback from a State highway

PI	In ALL PRECINCTS, construction or alteration of a building must be set back at least 15m from a State Highway.
DI	Construction or alteration of a building that does not comply with Rule 27.3.7 PI.

27.3.8 Living Court

PI	(a) Construction or alteration of a dwelling in PRECINCT C, or within the Airside Overlay of PRECINCT D, must provide an outdoor living court complying with the following conditions: (i) It is for the exclusive use of the occupants of a dwelling, and (ii) It is accessible from a living area of a dwelling, and either: A. On the ground floor of a dwelling, the living court must have a minimum area of 60 m ² capable of containing a circle of 6m diameter, exclusive of parking and manoeuvring areas and buildings; or B. If the dwelling does not have a habitable room on the ground floor, the living court must be above ground-level with a balcony containing at least 15 m ² .
P2	(a) A living court must be provided for each minor dwelling that meets all of the following conditions: (i) It is for the exclusive use of the occupants of the minor dwelling; (ii) It is located between 45 degrees northeast through north to 90 degrees west of the minor dwelling measured from the southernmost part of the minor dwelling; (iii) It is accessible from a living area of the minor dwelling, and either: A. On the ground floor of the minor dwelling, the living court must have a minimum area of 40m ² capable of containing a circle of 6m diameter; or B. Above ground floor of the minor dwelling, the living court must be located on a balcony capable of containing at least 15 m ² and a circle with a diameter of at least 2.4m.
RDI	(a) Any living court that does not comply with Rule 27.3.8 PI or P2. (b) Council's discretion is restricted to the following matters: (i) Amenity

27.3.9 Service Court

PI	(a) Construction or alteration of a dwelling in PRECINCT C must provide (i) service court with a minimum area of 15m ² , exclusive of parking and manoeuvring areas and buildings. (b) Rule 27.3.9 PI (a) does not apply to a dwelling in PRECINCTS A, B OR D.
DI	Construction or alteration of a dwelling that does not comply with Rule 27.3.9 PI.

27.3.10 Wastewater treatment setback

PI	(a) In ALL PRECINCTS, construction or alteration of a dwelling must:
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	<ul style="list-style-type: none"> (i) Be setback at least 30m from a wastewater treatment plant where the treatment process is fully enclosed; and (ii) Be setback at least 15m from the boundary of a site containing a wastewater treatment plant where the treatment process is fully enclosed.
DI	Construction or alteration of a dwelling that does not comply with Rule 27.3.10 PI.

27.3.11 Number of Dwellings

PI	In PRECINCTS C AND D, construction of one dwelling on the land contained in a lot.
DI	Construction or alteration of a dwelling that does not comply with Rule 27.3.11 PI.

27.3.12 Minor Dwelling

PI	<p>(a) Construction or alteration of a minor dwelling must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is located within PRECINCT D; (ii) The site contains a net site area of at least 2500m²; (iii) There is only one other dwelling on the site; (iv) It is within 20m of the other dwelling on the site; (v) It shares a single driveway access with the other dwelling on the site; (vi) There is no more than a single car garage with a maximum gross floor area of 24 m² associated with the minor dwelling; (vii) Maximum of 70m² gfa.
DI	Construction or alteration of a minor dwelling that does not comply with Rule 27.3.12 PI.

27.3.13 Minimum site area for a dwelling

PI	<p>(a) In ALL PRECINCTS, construction or alteration of a dwelling is a permitted activity if:</p> <ul style="list-style-type: none"> (i) The site is connected to the Te Kowhai Airpark reticulated wastewater system, or (ii) The net site area is at least 2500 m².
RDI	<p>(a) Construction or alteration of a dwelling that does not comply with Rule 27.3.13 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on amenity, health and safety, and the environment; (ii) Effects on wastewater treatment system.

27.3.14 Noise-Sensitive Activities

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

27.4. Subdivision

27.4.1 – Subdivision General

NCI	Subdivision within PRECINCT A.
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27.4.2 Subdivision Allotment Size

RDI	<p>(a) Subdivision within PRECINCT B.</p> <ul style="list-style-type: none"> (i) Proposed lots must be connected to a private reticulated wastewater network. (ii) Proposed lots less than 2,500m² net site area must be connected to a private public reticulated potable water supply network that is also sufficient for firefighting purposes. (iii) Proposed Lots 2,500m² net site area or more must have water supply sufficient for firefighting purposes. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The extent to which the allotment can be serviced by the Te Kowhai Airpark private reticulated system wastewater network; (ii) The ability to connect with reticulated services outside of the Te Kowhai Airpark private reticulated wastewater and public water supply networks, as and when these become available; (iii) Consistency with the Te Kowhai Airpark Framework Plan in <u>Appendix 9</u>; (iv) Access, parking and traffic safety considerations; (v) Impacts on aviation and airpark activity; (vi) Site suitability and the extent to which the intended activity can be accommodated on site. (vii) <u>Avoidance or mitigation of natural hazards</u> (viii) <u>Matters referred to within the infrastructure chapter</u> (ix) <u>Impacts on stormwater and wastewater disposal</u> (x) <u>Provision of infrastructure, including potable water supply and water supply for firefighting purposes</u> (xi) <u>Amenity and streetscape</u> (xii) <u>Vehicle and pedestrian networks</u> (xiii) <u>Geotechnical stability for building</u>
RD2	<p>(a) Subdivision within PRECINCT C AND D where:</p> <ul style="list-style-type: none"> (i) It is in accordance with Appendix 9 - the Te Kowhai Airpark Framework Plan; and (ii) Every allotment within PRECINCT C, other than a utility allotment, has a net site area of at least: <ul style="list-style-type: none"> A. 450 m² if connected to the Te Kowhai Airpark private reticulated wastewater network and connected to a private public reticulated potable water supply network that must also be sufficient for firefighting purposes and not bordering the 25m building setback perimeter; or B. 1000 m² if connected to the Te Kowhai Airpark private reticulated wastewater network, and connected to a private public reticulated potable water supply network that must be sufficient for firefighting purposes and borders the 25m building setback perimeter; or C. 2500 m² in the case of any allotment not connected to the Te Kowhai Airpark private reticulated wastewater network private reticulated network that must be and must have a potable water supply sufficient for firefighting purposes; or (iii) Every allotment within the 'Airsides Overlay' of PRECINCT D has a net site area of at least 800m² and is connected to the Te Kowhai Airpark private reticulated wastewater network and connected to a private public reticulated potable water supply network that must be sufficient for firefighting purposes; or (iv) Every allotment within PRECINCT D outside of the 'Airsides Overlay' has a net site area of at least 2,500m², and is connected to a private reticulated water supply network that and must have a potable water supply sufficient for firefighting purposes except: (v) The net site area may be reduced to <u>no less than 1,000m²</u> providing it is connected to a private reticulated wastewater network and connected to a private public reticulated potable water supply network that must be sufficient for firefighting purposes and is not bordering the perimeter 25m building setback. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout;

	<ul style="list-style-type: none"> (ii) Ability of titles to accommodate a practical building platform including geotechnical stability for building; (i) Avoidance or mitigation of natural hazards; (iv) Matters referred to within the infrastructure chapter; (ii) Impacts on stormwater and wastewater disposal; (iii) Amenity and streetscape; (iv) Vehicle and pedestrian networks. (viii) Compatibility <u>Consistency</u> with the Te Kowhai Airpark Framework Plan in Appendix 9. (ix) <u>Provision of infrastructure, including potable water supply and water supply for firefighting purposes.</u>
DI	Subdivision that does not comply with Rules 27.4.2 RD1 or RD2.

27.4.3 Title boundaries

RD1	<ul style="list-style-type: none"> (a) In ALL PRECINCTS, the boundary of every allotment on the subdivision scheme plan must be located so that: <ul style="list-style-type: none"> (i) Existing buildings comply with the Permitted Activity standards in Rules 27.2 and 27.3 relating to building coverage, set-backs, and daylight admissions. (b) Rule 27.4.3 (a) does not apply to any non-compliance that existed lawfully prior to the subdivision. (c) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Effects on amenity values and character; (ii) Reverse sensitivity effects; (iii) Effects on existing buildings.
DI	Subdivision that does not comply with Rule 27.4.3 RD1.

27.4.4 Road frontage

RD1	<ul style="list-style-type: none"> (a) In ALL PRECINCTS, every allotment with a road boundary must have a width along the road boundary of at least 15m. (b) Rule 27.4.4 RD1 (a) does not apply to an access allotment, access leg or utility allotment. (c) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Road efficiency and safety; (ii) Amenity and streetscape.
DI	Subdivision that does not comply with Rule 27.4.4 RD1.

27.4.5 Road access

RD1	<ul style="list-style-type: none"> (a) In ALL PRECINCTS, every allotment must be provided with vehicle access to a public road. The vehicle access may include a private road. (b) The road network (public or private) within the Te Kowhai Airpark Zone must be in general accordance with the Indicative Road Network in the Te Kowhai Airpark Framework Plan in Appendix 9. Roads which are within 30m of the Indicative Road Network are deemed to be in general accordance with the Te Kowhai Airpark Framework Plan in Appendix 9. (c) Airpark roads which are to be vested in Council must comply with the requirements in Tables 14.12.5.14 and 14.12.5.15. (d) Council's discretion is restricted to the following matters:: <ul style="list-style-type: none"> (i) Adequacy of the access for its intended use; (ii) Road efficiency and safety; (iii) Degree of compliance with the Transportation Rules 14.12; and (iv) The extent to which non-compliance creates road efficiency or safety issues.
DI	Subdivision that does not comply with Rule 27.4.5 RD1.

27.4.6 Building Platform

RDI	<p>(a) In ALL PRECINCTS, every allotment must be capable of containing a building platform:</p> <p>(i) Upon which a dwelling could be sited as a permitted activity in accordance with Rule 27.3; and</p> <p>(ii) The building platform is able to accommodate either:</p> <p style="margin-left: 20px;">A. A circle with a diameter of at least 10m exclusive of boundary setbacks; or</p> <p style="margin-left: 20px;">B. A rectangle of at least 100 m², exclusive of boundary setbacks, of which each dimension is at least 8m.</p> <p>(b) Rule 27.4.6 RDI (a) does not apply to a utility allotment or an access allotment.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <p style="margin-left: 20px;">(i) Subdivision layout;</p> <p style="margin-left: 20px;">(ii) Shape of allotments;</p> <p style="margin-left: 20px;">(iii) Ability of allotments to accommodate a practical building platform;</p> <p style="margin-left: 20px;">(iv) Likely location of future buildings and their potential effects on the environment;</p> <p style="margin-left: 20px;">(v) Geotechnical suitability for building.</p>
DI	Subdivision that does not comply with Rule 27.4.6 RDI.

27.4.7 Perimeter shelter-belt planting

RDI	<p>(a) In ALL Precincts, subdivision must provide shelterbelt screen planting in the perimeter locations identified in the Te Kowhai Airpark Framework Plan in Appendix 9.</p> <p>(b) The shelterbelt screen planting required by Condition (a) must be limited to the Precinct(s) within which the newly created allotment(s) are located.</p> <p>(c) At the time of planting, shelterbelts must be a minimum height of 2.0m and must be planted at 2.5m spacings, except that:</p> <p style="margin-left: 20px;">(i) Spacing allowance can be made for aircraft access from adjacent Zones onto the Te Kowhai Airpark perimeter taxiway where agreement has been reached between adjacent landowner(s) and Te Kowhai Airpark.</p> <p>(d) The shelterbelt screen planting required by Condition (1) must be identified on the subdivision scheme plan.</p> <p>(e) The shelterbelt screen planting required by condition (1) must be given effect prior to the issuing of new Records of Title.</p> <p>(f) Council's discretion is restricted to the following matters:</p> <p style="margin-left: 20px;">(i) Consideration of landscape and visual amenity values;</p> <p style="margin-left: 20px;">(ii) The ability of landowners adjoining the airpark to access the perimeter taxiway;</p> <p style="margin-left: 20px;">(iii) Compatibility with aircraft manoeuvring;</p> <p style="margin-left: 20px;">(iv) Legal mechanisms to implement and thereafter protect shelterbelt planting;</p> <p style="margin-left: 20px;">(v) Aircraft safety.</p>
DI	Subdivision that does not comply with a condition of Rule 27.4.7 RDI.

3.0 Definitions

The following additions are recommended to be made to Chapter 13: Definitions of the District Plan:

3.1 Aircraft Operations

<u>Aircraft Operations</u>	<p><u>Includes:</u></p> <ul style="list-style-type: none"> • <u>the landing and take-off of any aircraft at an aerodrome;</u> • <u>the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the aerodrome to another.</u>
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3.2 Circuit Training

<u>Circuit Training</u>	<i>“Training in the pattern used to position the aeroplane for landing.”</i>
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3.3 ~~Flight Training School~~

<u>Flight Training School</u>	<i>“Means land, and / or buildings used for the instruction or training in the control of aircraft in basic and advanced flight manoeuvres, as well as instruction or training in aircraft checks and aircraft maintenance.”</i>
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4.0 District Plan Maps

4.1 Airport Obstacle Limitation Surface (OLS)

- 4.1 That the District Plan maps numbered 25, 26 and 26.2 be amended to show the Airport Obstacle Limitation Surface (OLS) which is consistent with the requirements for the OLS, as per amended PDP Appendix 9 sections 1.0, 2.0 and 3.0 text, as detailed in section 6 of this document.

4.2 Airport Noise Control Boundaries (ANCB's)

- 4.2.1 That the District Plan maps numbered 25, 26 and 26.2 be amended to show Airport Noise Control Boundaries – being the Airport Air Noise Boundary (65 dB L_{dn}) and the Airport Outer Control Boundary (55 dB L_{dn}) locations, associated with the Te Kowhai aerodrome, modelled by Tonkin and Taylor, as shown in Appendix 9C of the s42A report. Noting that the representation of those boundaries will need to be in accordance with any directions from the National Planning Standards.
- 4.2.2 That the Airport Noise Outer Control Boundary associated with the Te Kowhai aerodrome as shown on the District Plan maps numbered 25, 26 and 26.2 as notified, be replaced with the Airport Noise Outer Control Boundary as shown in the Tonkin and Taylor modelling.
- 4.2.3 That the Airpark Noise Buffer (Te Kowhai) associated with the Te Kowhai aerodrome as shown on the District Plan maps numbered 25, 26 and 26.2 as notified, be deleted from the District Plan maps.

5.0 Appendix I Acoustic Insulation

5.1 Section 3 Te Kowhai Airpark

The following amendments / additions are recommended to be made to Appendix I: Acoustic Insulation, Section 3 Te kowhai Airpark, of the Proposed District Plan.

3. Te Kowhai Airpark

The Te Kowhai Airpark ~~Outer~~ Noise Control Boundaryies identify areas that experience high noise levels from aircraft landing and taking off from the Te Kowhai Airpark. ~~The Te Kowhai Airpark Noise Buffer identifies land within the Rural Zone around the Te Kowhai Airfield that experiences high noise levels from aircrafts using the taxiways. Buildings containing Noise Sensitive Activities Dwellings~~ within the Te Kowhai Airpark ~~Outer~~ Noise Control Boundaryies ~~that~~ are required to be acoustically insulated ~~must to~~ achieve the internal noise standards specified in sections 3.1 ~~and 3.2~~ below.

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

...

~~Replace Appendix I – Acoustic Insulation Rule 3 Figure 2 with new figure showing noise contours for acoustic insulation in 2db increments based on the ANCB’s prepared by Marshall Day Acoustic in Appendix 9BC of the s42A report.~~

~~3.1(3) Where a building is partly or wholly contained within the Te Kowhai Airpark outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 – Ventilation.~~

~~(4) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 8 – Noise limits for ventilation systems.~~

Table 8: Noise limits for ventilation systems

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

3.1(3) Mechanical ventilation

~~Buildings that are required to have acoustic insulation must be designed, constructed, have installed and be maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:~~

~~(i) For habitable rooms for a residential activity:~~

~~A. Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;~~

~~B. Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour;~~

~~C. Provide relief for equivalent volumes of spill air;~~

~~D. In principle living rooms Provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degree Celsius and 25 degree Celsius;~~

~~E. Generate less than 35 dB LAeq(30s) in bedrooms and 40 dB LAeq(30s) in living rooms when measured 1m away from any grille or diffuser.~~

~~(ii) For other spaces, a specification as determined by a suitably qualified and experienced person.~~

~~2. A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in X.1.~~

~~3.2 Conditions for Permitted Activities the Te Kowhai Airpark Noise Buffer~~

- ~~1. New dwellings inside of the Te Kowhai Airpark Noise Buffer shown on the planning maps shall be designed to achieve an internal noise level of 35dB LAeq in all habitable rooms, based on noise from Te Kowhai Airpark being equivalent to a level of 50dB LAeq at 55m.~~
- ~~2. The following adjustments to the dBA level shall be made to establish an un-weighted external source spectrum for aircraft noise outlined in the Table 9 below.~~

Table 9: External aircraft noise octave band adjustments for sound insulation design

63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
11	5	-3	-5	-3	-9	-13

- ~~1. Where a building is partly or wholly contained within the airport outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 – Ventilation.~~
- ~~2. The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 10 – Noise limits for ventilation systems.~~
- ~~3. Compliance with rules (3) and (4) above shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist, stating that the design proposed is capable of meeting the activity standards.~~

Table 10 – Noise limits for ventilation systems

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

6.0 Appendix 9: Te Kowhai Airfield Aerodrome

6.1 Title of Appendix 9

6.1.1 That the title on the first page of Appendix 9 be amended to read as follows:

Appendix 9: Te Kowhai Airfield Aerodrome

6.2 Sections 1, 2 and 3 Airport Obstacle Limitation Surface (OLS)

6.2.2 That the text in Sections 1, 2 and 3 of Appendix 9 be amended as follows:

1 Introduction

This appendix is referred to in the Residential, Business, Industrial, and Rural, Country Living, Village, Reserve and Te Kowhai Airpark, zone building rules. The safe operation of aircraft using the Te Kowhai Aerodrome requires that each runway should be provided with take-off climb and approach, and transitional and inner horizontal surfaces such that aeroplanes taking off or landing have a clear obstacle free surface in which to carry out the initial part of the climb or final part of the approach take-off, land and circle for approach. The Civil Aviation Authority of New Zealand has

adopted specifications defining these surfaces about and above an Aerodrome which, in the interests of safe flight, should not be penetrated by there must be no obstacles. These surfaces are known as obstacle limitation surfaces and are defined in terms of distances from the runway and heights relative to the runways for protection of aircraft in the vicinity of the aerodrome. The Te Kowhai Airport Obstacle Limitation Surface and associated rules do not apply to infrastructure and energy activities, as noted in Chapter 14: Infrastructure and Energy, Section 14.1, Introduction (1).

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

2 Runway and Associated Runway Strip

The runway and associated runway strip is defined as follows:

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

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

3 Obstacle Limitation Surfaces

The obstacle limitation surfaces (OLS) associated with this runway strip are defined as follows.

3.1 Approach and Take-off Surfaces

There is an combined approach and take-off surface at both each ends of the runway strip. Each approach and take-off surface is a truncated fan originating from a 60 45 metres wide base centred ~~37.48m inwards from the western~~ at the end of the runway strip and ~~39.6m inwards from the eastern end of the runway strip~~. The approach surfaces extend either side of the extended centre line of the runway strip for a horizontal distance of 2500 metres (2.5 kilometres) ~~1200 metres (1.2 kilometres)~~. Each approach surface rises upwards and outwards at a gradient of 1 vertical to 40 20 horizontal (1:40 20) along the surface centreline from its base; the sides of the approach surfaces splay outwards from their bases outwards at a rate of 1 vertical-lateral to 10 20 horizontal (1:10 20). The base of the western approach surface commences at a height of 25.2 metres above Moturiki Datum and the base of the eastern approach surface commences at a height of 26.6 metres above Moturiki Datum.

3.2 Transitional Side Surfaces

The transitional side surfaces rise upwards and sideways outwards from the sides of the runway strip and each approach/take-off surface at a gradient of 1 vertical to 5-4 horizontal-5 lateral (1:5 5-4) to a height of 36.6 28.5 metres above Moturiki Datum. The surfaces then rises vertically from 36.6 metres to 71.6 metres above Moturiki Datum. The height contours of the transitional surface bend inwards from the planes of the approach and take-off OLS bases to meet the corresponding height contours of the approach and take-off OLS. This 'inner horizontal' surface at 71.6 metres is 45 metres above aerodrome level and extends from the runway centre line and end of the runway strip out to a distance of 2500m.

3.3 Inner Horizontal Surfaces

The 'inner horizontal' surface extends outwards from the runway centre line and ends of the runway strip out to a distance of 2500m at a height of 71.6 metres above the Moturiki Datum.

~~(Note that the Aerodrome Operator NZTE Operations Limited has been requested in the report to provide evidence on the appropriate distances to replace both of the references above to "X metres").~~

6.3 Appendix 9 zoning plan

6.3.1 The text on the zoning plan in Chapter 29 - Appendix 9 be amended to read as follows:

~~Special Activity Zone~~ Te Kowhai Airpark Zone

7.0 Objectives and Policies – Other Zones

Changes recommended to objectives and policies associated with other zones (not the TKAZ) are provided below.

7.1 Chapter 4 – Urban Environment

- **4.4 Residential and Village Zones – Noise, lighting, outdoor storage, signs and odour**

- **4.4.2 Policy - Noise**

- (a) The adverse effects of noise on residential amenity are minimised by:

- (v) Requiring acoustic insulation where sensitive land uses activities and noise-sensitive activities are located within high noise environments to mitigate adverse noise effects on human health and amenity values.

- **4.4A Residential and Village Zones – Aerodrome Operations**

- **4.4A.1 Objective – Aerodrome operations**

- (a) To enable the ongoing operation and development of aerodromes within the District.

- **4.4A.2 Policy – Aerodrome operations**

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

- **4.4B.1 Objective – Aerodrome reverse sensitivity**

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

- **4.4.B.2 Policy – Aerodrome reverse sensitivity**

- Manage reverse sensitivity risk by

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

- (b) ensuring that aerodromes operate within the noise limits specified by Airport Noise Control Boundaries.

- **4.5 Business and Town Centre Zones**

- **4.5.43 Objective - Business and Business Tamahere Zones – Aerodrome Operations**

- (a) To enable the ongoing operation and development of aerodromes within the District.

- **4.5.44 Policy – Aerodrome operations**

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

- **4.6 Industrial and Heavy Industrial Zones**

- **4.6.18 Objective - Industrial Zone – Aerodrome Operations**

- (a) To enable the ongoing operation and development of aerodromes within the District.

4.6.19 Policy – Aerodrome operations

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

7.2 Chapter 5 – Rural Environment

- **5.3 Rural Character and Amenity**

5.3.15 Policy Noise and vibration

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

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

- **5.3A Aerodrome Operations**

5.3A.1 Objective – Aerodrome operations

- (a) To enable the ongoing operation and development of aerodromes within the District.

5.3A.2 Policy – Aerodrome operations

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

5.3A.3 Objective – Aerodrome reverse sensitivity

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

5.3A4 Policy – Aerodrome reverse sensitivity

Manage reverse sensitivity risk by

- (a) ensuring that noise-sensitive activities within Airport Noise Control Boundaries are acoustically insulated to appropriate standards.
- (b) ensuring that aerodromes operate within the noise limits specified by Airport Noise Control Boundaries.

- **5.6 Country Living Zone**

5.6.20 Objective – Aerodrome operations

- (a) To enable the ongoing operation and development of aerodromes within the District.

5.6.21 Policy – Aerodrome operations

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

7.3 Chapter 8 – Reserves

- **8.7 Aerodrome Operations**

8.7.1 Objective – Aerodrome Operations

- (a) To enable the ongoing operation and development of aerodromes within the District.

8.7.2 Policy – Aerodrome Operations

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

8.0 Rules – Other Zones

Changes recommended to rules associated with other zones (not the TKAZ) are provided below.

8.1 Chapter 16: Residential Zone

Rule 16.3.3.3 Height - Buildings, structures, ~~trees~~, and ~~objects~~ vegetation within an airport obstacle limitation surface

PI	Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.
P2	Any building, structure, tree or other vegetation must not protrude through the Approach and Take-Off Surface and related Transitional Side Surfaces of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.
P3	Any building or structure must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.
DI	Any building, structure, tree or other vegetation that does not comply with Rules 16.3.3.3 PI, P2 or P3.

Advice note:

The Operator of Te Kowhai Aerodrome will undertake an updated survey of “existing trees” as at the date that the OLS rule becomes operative.

Where the owner consents, either:

(i) removal of existing trees required to comply with the OLS; or

(ii) trimming of existing trees required to comply with the OLS on a one-off basis

will be undertaken at the instruction of and paid for by the Operator of Te Kowhai Aerodrome.

For the avoidance of doubt, the term “existing trees” means any tree or vegetation that existed within the Approach and Take-Off Surface and the Transitional Side Surfaces of the OLS on 7 May 2021.

Rule 16.3.12 Noise-Sensitive Activities

PI	(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must comply be insulated in compliance with Appendix I (Acoustic Insulation) within: <ul style="list-style-type: none"> (i) The Airport Noise Outer Control Boundary <u>An airport air noise boundary or outer control boundary.</u>
RDI	(a) <u>Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 16.3.12. PI.</u> (b) <u>Council's discretion is restricted to the following matters:</u>

	(i) <u>internal design sound levels;</u> (ii) <u>on-site amenity values; and</u> (iv) <u>potential for reverse sensitivity effects.</u>
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8.2 Chapter 17: Business Zone

Rule 17.3.1.2 Height - Buildings, structures, **trees**, and **objects** vegetation within an airport obstacle limitation surface

PI	<u>Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</u>
P2	<u>Any building or structure must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.</u>
DI	<u>Any building, structure, tree or other vegetation that does not comply with Rule 17.3.1.2 P1 or P2.</u>

8.3 Chapter 19: Business Zone Tamahere

Rule 19.3.2 Height - Buildings, structures, **trees**, and **objects** vegetation within an airport obstacle limitation surface

PI	<u>Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</u>
DI	<u>Any building, structure, tree or other vegetation that does not comply with Rule 19.3.2 P1.</u>

8.4 Chapter 20: Industrial Zone

Rule 20.3.3 Height - Buildings, structures, **trees**, and **objects** vegetation within an airport obstacle limitation surface

PI	<u>Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</u>
NC1	<u>Any building, structure, tree or other vegetation that does not comply with Rule 20.3.3 P1.</u>

8.5 Chapter 22: Rural Zone

Rule 22.1.5 Non-Complying Activities

NC5	<u>Noise-sensitive activities to be located within the Te Kowhai aerodrome Airport Air Noise Boundary (65dB Ldn).</u>
NC5 NC6	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.

Rule 22.3.7 Building setbacks

(a) Rules 22.3.7.1 to 22.3.7.4 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.

(b) Rule 22.3.7.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Rural Zone. Different setback distances are applied based on the type of building and the site area.

(c) Rule 22.3.7.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.

(d) Rule 22.3.7.4 Noise Sensitive Activities provides setbacks for Noise Sensitive Activities.

(d e) Rule 22.3.7.3 Building setback – water bodies provides permitted setback distances from lakes, wetlands, rivers and the coast.

(e f) Rule 22.3.7.4 Building setback - Environmental Protection Area provide specific setback distances from specified environmental features.

Rule 22.3.4.3 Height - Buildings, structures, **trees**, and **objects** vegetation within an airport obstacle limitation surface

PI	Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.
P2	Any building, structure, tree or other vegetation must not protrude through the Approach and Take-Off Surface and related Transitional Side Surfaces of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.
P3	Any building or structure must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.
NCI	Any building, structure, tree or other vegetation that does not comply with Rule 22.3.4.3 P1, P2 or P3.

Advice note:

The Operator of Te Kowhai Aerodrome will undertake an updated survey of “existing trees” as at the date that the OLS rule becomes operative.

Where the owner consents, either:

(i) removal of existing trees required to comply with the OLS; or

(ii) trimming of existing trees required to comply with the OLS on a one-off basis

will be undertaken at the instruction of and paid for by the Operator of Te Kowhai Aerodrome.

For the avoidance of doubt, the term “existing trees” means any tree or vegetation that existed within the Approach and Take-Off Surface and the Transitional Side Surfaces of the OLS on 7 May 2021.

~~22.3.7.3 Building Te Kowhai Noise Buffer~~

P1	Construction of, or addition, or alteration to, a dwelling within the Te Kowhai Noise Buffer that is designed and constructed to achieve the internal design sound levels specified in Section 3.2 of Appendix I (Acoustic Insulation).
RD1	(a) Construction of, or addition, or alteration to, a dwelling that does not comply with Rule 22.3.7.3 P1 (b) Council's discretion shall be restricted to the following matters: (i) on-site amenity values;

	<p>(ii) noise levels received at the notional boundary of the dwelling;</p> <p>(iii) timing and duration of noise received at the notional boundary of the dwelling;</p> <p>(iv) potential for reverse sensitivity effects.</p>
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Rule 22.3.7.4 ~~Building~~ – Noise-Sensitive Activities

PI	<p>(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must comply <u>be insulated in compliance</u> with Appendix I (Acoustic Insulation) within:</p> <p>(i) The Airport Noise Outer Control Boundary <u>An airport noise boundary or outer control boundary;</u></p> <p>(ii) 350m of the Huntly Power Station site boundary;</p> <p>(iii) The Waikato Gun Club Noise Control Boundary.</p>
RD1	<p>(a) Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 22.3.7.4 .PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) internal design sound levels;</p> <p>(ii) on-site amenity values; and</p> <p>(iii) potential for reverse sensitivity effects.</p>

8.6 Chapter 23: Country Living Zone

Rule 23.3.4.2 Height - Buildings, structures, ~~trees~~, and ~~objects~~ vegetation within an airport obstacle limitation surface

PI	Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.
P2	<u>Any building or structure must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.</u>
NC1	Any building, structure, tree or other vegetation that does not comply with Rule 23.3.4.2 P1 or P2.

8.7 Chapter 24: Village Zone

Rule 24.1.3 Non-Complying Activities

NC1	Noise-sensitive activities to be located within the Te Kowhai aerodrome Airport Air Noise Boundary (65dB Ldn).
NC1 NC2	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.

Rule 24.3.3.2 Height - Buildings, structures, ~~trees~~, and ~~objects~~ vegetation within an airport obstacle limitation surface

PI	Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.
P2	<u>Any building, structure, tree or other vegetation must not protrude through the Approach and Take-Off Surface and related Transitional Side Surfaces of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.</u>

P3	<u>Any building or structure must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.</u>
DI	<u>Any building, structure, tree or other vegetation that does not comply with Rule 24.3.3.2 P1, P2 or P3.</u>

Advice note:

The Operator of Te Kowhai Aerodrome will undertake an updated survey of “existing trees” as at the date that the OLS rule becomes operative.

Where the owner consents, either:

(i) removal of existing trees required to comply with the OLS; or

(ii) trimming of existing trees required to comply with the OLS on a one-off basis

will be undertaken at the instruction of and paid for by the Operator of Te Kowhai Aerodrome.

For the avoidance of doubt, the term “existing trees” means any tree or vegetation that existed within the Approach and Take-Off Surface and the Transitional Side Surfaces of the OLS on 7 May 2021.

Rule 24.3.7 Building– Airport Noise Outer Control Boundary Noise-Sensitive Activities

PI	(a) Construction of, or addition, or alteration to, a building containing a noise-sensitive activity must comply be insulated in compliance with Appendix I (Acoustic Insulation) within: (i) The Airport Noise Outer Control Boundary <u>An airport noise boundary or outer control boundary;</u> must achieve the internal design sound levels specified in Appendix I—Acoustic Insulation, Section 3 Table 6 comply with Appendix I—Acoustic Insulation, Section 3.
RDI	(a) Construction of, or addition, to or alteration to, a <u>dwelling building</u> that does not comply with a condition in Rule 24.3.7 P1. (b) Council’s discretion is restricted to the following matters: (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the <u>building dwelling;</u> (iii) Timing and duration of noise received at the notional boundary of the <u>dwelling building; and</u> (iv) Potential for reverse sensitivity effects.

8.8 Chapter 25: Reserve Zone

Rule 25.3.1.2 Height - Buildings, structures, trees, and objects vegetation within an airport obstacle limitation surface

P1	<u>Any building, structure, tree or other vegetation must not protrude through the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9—Te Kowhai Aerodrome and defined in Section E Designation N – Waikato Regional Airport.</u>
P2	<u>Any building or structure must not protrude through the Inner Horizontal Surface of the Airport Obstacle Limitation Surface as identified on the relevant planning maps and defined in Appendix 9 – Te Kowhai Aerodrome.</u>

NCI	<u>Any</u> building, structure, <u>tree</u> or <u>other</u> vegetation that does not comply with Rule <u>25.3.1.2</u> P1 or P2.
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