

Recommendation to Council from the Statutory Management Committee

12 December 2014

WANGANUI DISTRICT COUNCIL

Subject: Plan Change 35 – Airport Enterprise and Air Noise Overlay
Decisions on Submissions

Meeting Date: 4th November 2014

1 INTRODUCTION

1.1 The Resource Management Act 1991 (RMA) requires each part of the District Plan to be reviewed not later than 10 years after the Plan becomes operative. The Plan was made operative on 27 February 2004. In accordance with Section 73(3) of the RMA, Council is presently reviewing the District Plan in Phases. This Plan Change is part of a series of changes proposed as part of Phase 5.

1.2 This report records the public notification and hearing process in relation to Plan Change 35. It records the Statutory Management Committee's recommendations and Council's decisions on submissions.

2 PROCEDURAL MATTERS

2.1 The Committee was convened to hear submissions on 4th November 2014. No submitters attended so the Committee reviewed the tabled evidence from submitters and listened to the reporting officer's recommendations before deliberating on submissions.

2.2 The Committee members were: Councillors Hamish McDouall (Chair), Helen Craig, and Independent Commissioners Jill Sheehy, Jenny Tamakehu and Alan Taylor.

2.3 Submitters who tabled information to support or expand their submissions were:

- Air New Zealand Ltd (Tabled letter)

2.4 Plan Change 35 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on Thursday 13 March 2014, with the period for submissions closing on 12 April 2014. A total of 2 submissions, were received at the close of submissions. One additional late submission was received.

2.5 All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. The further submission process closed on Friday 13 June 2014. No further submissions were received.

3 SCOPE OF THE PROPOSED PLAN CHANGE

3.1 The purpose of the Plan change is to better provide for the existing and potential future activities on the land surrounding the Wanganui Airport. In addition PC35 seeks to protect the operation of the airport by managing the establishment of activities in the vicinity which are sensitive to air noise.

3.2 PC35 has two main parts. The first is the identification of a new zone called the Airport Enterprise Zone along with associated issues, objectives, policies, rules and standards which provide for new and expanded compatible land use activities. The second is the identification of two air noise overlays, the Air Noise Boundary (ANB) and the Outer Control Boundary (OCB). These extend beyond the Airport Enterprise Zone and are applied along with land use provisions to avoid new or expanded activities sensitive to air noise. While arising from the policy framework in the Airport Enterprise Zone, the wider air noise provisions are located within Chapter 10 - District Wide Rules of the Plan.

4 RELEVANT STATUTORY CONSIDERATIONS

4.1 RMA PART II CONSIDERATIONS

Sustainable management is defined in the Resource Management Act 1991 as meaning *“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

4.2 Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

4.3 Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- a. The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
- b. The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - i. the avoidance or mitigation of natural hazards*

2. The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.

4.4 The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined in section 5(2) as:

4.5 In this Act, *“sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:*

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
- 4.6 Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the Act.
- 4.7 In accordance with Section 5 of the Resource Management Act, Proposed Plan Change 33 has been developed with a focus on providing for the community's health and safety whilst avoiding or mitigating any adverse effects of activities on the environment, including people and property.
- 4.8 Section 6 of the Resource Management Act 1991 requires all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, to recognise and provide for matters of national importance, including:
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*
 - (e) *The relationship of Maori and their cultural and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- 4.9 There are no matters of national significance raised by this Plan change.
- 4.10 Relevant Section 7 matters are:
- (b) the efficient use and development of natural and physical resource.
 - (c) the maintenance and enhancement of amenity values.
- 4.11 A number of activities ancillary to the airport have, or wish to, establish within the airport perimeter. This has created a small industrial area that isn't currently reflected or supported by the provisions in the Rural zone. PC35 seeks to correct this by establishing the Airport Enterprise Zone to better reflect the existing environment, and provide for continued growth.
- 4.12 This Plan change will assist the economic viability of this regional airport and provide clarity around the potential noise effects that should be anticipated by people living or working in the vicinity. It also places an obligation on the airport operators to implement best practice methods to minimise noise generation.
- 4.13 The Plan change potentially enhances the ability of the airport, as significant regional infrastructure, to operate face the economic challenges of being a small provincial airport, this is consistent with the intent of section 7(b).
- 4.14 Amenity values will be maintained as the activities provided for in PC35 are consistent with the existing amenity at or near the airport. The effects on amenity are no more than minor.
- 4.15 With regards to Section 8, no specific concerns relating to Treaty issues have been raised during consultation or through submissions on the Plan Change.

5 RELEVANT POLICY STATEMENTS AND PLAN PROVISIONS

5.1 National Policy Statements and Environmental Standards

There are no National Policy Statements or National Environmental Standards relevant to this Plan Change.

5.2 Regional Policy Statement

5.2.1.1 In addition, the RMA requires District Plan provisions 'give effect' to the Regional Policy Statement (RPS) (section 75(3)). The Regional Policy Statement (RPS) is the main vehicle for interpreting and applying the sustainable management requirements of the RMA in a local context, and in this regard, guides the development of lower tier plans, including the District Plan.

5.2.1.2 Horizons Regional Council's Regional Policy Statement has largely been replaced by the Operative parts of the One Plan. The One Plan is relevant to PC35 as it includes requirements relating to the protection and growth of significant infrastructure, while managing effects on the environment.

5.2.1.3 An assessment of how the provisions in PC35 compare with the objectives and policies of the One Plan are considered below:

5.2.1.4 The relevant One Plan provisions state:

Objective 3-1: Infrastructure[^] and other physical resources of regional or national importance

To have regard to the benefits of infrastructure[^] and other physical resources of regional or national importance by enabling their establishment, operation, maintenance* and upgrading*.*

Policy 3-1: Benefits of infrastructure[^] and other physical resources of regional or national importance

(a) The Regional Council and Territorial Authorities[^] must recognise the following infrastructure[^] as being physical resources of regional or national importance:

(iv) the Palmerston North and Wanganui airports[^].

Policy 3-2: Adverse effects[^] of other activities on infrastructure[^] and other physical resources of regional or national importance

The Regional Council and Territorial Authorities[^] must ensure that adverse effects[^] on infrastructure[^] and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by using the following mechanisms:

(a) ensuring that current infrastructure[^], infrastructure[^] corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the operation, maintenance* or upgrading* of those activities is avoided as far as reasonably practicable,*

(b) ensuring that any new activities that would adversely affect the operation, maintenance* or upgrading* of infrastructure[^] and other physical resources of regional or national importance are not located near existing such resources or such resources allowed by unimplemented resource consents[^] or other RMA authorisations,*

(ba) ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure[^] and other physical resources of regional or national importance, or such resources allowed by unimplemented resource consents[^] or other RMA authorisations,

(c) notifying the owners or managers of infrastructure[^] and other physical resources of regional or national importance of consent applications that may adversely affect the resources that they own or manage,

Policy 3-3: Adverse effects[^] of infrastructure[^] and other physical resources of regional or national importance on the environment

In managing any adverse environmental effects[^] arising from the establishment, operation, maintenance* and upgrading* of infrastructure[^] or other physical resources of regional or national importance, the Regional Council and Territorial Authorities[^] must:*

(a) allow the operation, maintenance* and upgrading* of all such activities once they have been established, no matter where they are located,*

(b) allow minor adverse effects[^] arising from the establishment of new infrastructure[^] and physical resources of regional or national importance, and

(c) avoid, remedy or mitigate more than minor adverse effects[^] arising from the establishment of new infrastructure[^] and other physical resources of regional or national importance, taking into account:

(i) the need for the infrastructure[^] or other physical resources of regional or national importance,

(ii) any functional, operational or technical constraints that require infrastructure[^] or other physical resources of regional or national importance to be located or designed in the manner proposed,

(iii) whether there are any reasonably practicable alternative locations or designs, and

(iv) whether any more than minor adverse effects[^] that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.

6 EVALUATION

6.1 Objective 6.2.3 is consistent with One Plan Objective 3-1 and Policy 3-1 in that it recognises the airport's importance as regionally significant and seeks to protect the on-going operation of the airport. The Objective is also consistent with Policy 3-2 of the One Plan as it ensures effects of other activities on the Airport are avoided as much as practicable, by avoiding establishment of new activities within the airport vicinity, that may be inconsistent with the operational needs of the airport, and that the expansion of existing sensitive uses are avoided.

6.2 Objective 6.2.4 is also consistent with Objective 3-1 of the One Plan in that the conflicts that can lead to constraints on the operation, maintenance and upgrading of the Wanganui Airport are to be minimised. As such, the Objective is also consistent with Policy 3-1, and 3-2. The Objective will also ensure that the airport minimises the potential adverse effects created by its operations. This will protect the amenity of the surrounding environment.

6.3 Plan Change 33 gives effect to the One Plan objective 10 -1 and the related policies.

7 SUMMARY OF SUBMISSIONS

Refer to Appendix 1 to this report for a summary of each submission.

8 PRINCIPAL ISSUES IN CONTENTION

Submitters identified the following concerns about the Plan change:

Concern about providing for Airport Hangar Dwellings, specifically:

- the reverse sensitivity issues this may create for adjacent gun clubs; and
- the need to retain appropriate security at the airport, to ensure that aircraft and equipment are not tampered with.

9 SUMMARY OF EVIDENCE HEARD

As no submitters attended, the Committee asked the Reporting Officer questions to clarify their understanding of submissions and the Officer's report as detailed below.

- Ms O'Shaughnessy said from a preliminary scan of what happened elsewhere, such as with the Defence Force, a 1,500 buffer zone would need to be created to provide the existing Gun Club with protection from noise sensitivity complaints from future development in the vicinity.. The buffer idea was abandoned due to considerable logistical issues to protect what was an occasional recreational activity. It was not normal to restrict the use of land based on a more passive voluntary activity such as the gun clubs, unless it was within a very confined area. She said logically there was so much other noise at an airport that the occasional gunshot or series of gunshots in a small block of time was probably at the lower end of the worry spectrum for anyone who chose to live at an airport.
- In reply to Ms Tamakehu's query, Ms O'Shaughnessy said the gun clubs generally operated outside in daylight hours, next door to the Wastewater Plant. Mr Barrett noted that occasionally a competition would run over a three-day period from 9am to 5pm.
- In response to Cr Craig's comment that the incompatible activity was living on the site, Ms O'Shaughnessy said the proposed housing was very restrictive, not visitor level accommodation. The owner would be the person living in the dwelling. The reason for constraint was really to minimise any security risks to the Airport.
- Ms O'Shaughnessy further explained that Air New Zealand Ltd's (ANZL) submission dealt with that issue and a series of meetings had been held with ANZL about this following preparation of the draft response. Airport management would have complete control over who could lease and occupy land and effects would be anticipated and dealt with.
- ANZL pointed out however, in their submission, that they did not have that control over who leased land at the airport. They have security concerns for planes and equipment on the tarmac and risks created by establishing hanger based dwellings with potential for visitors including children wandering from a dwelling to the runway, potentially tampering with equipment or being in the wrong place at the wrong time. Due to operational safety and security risks there was a need to ensure some type of gating between the housing and the runway proper.
 - Cr McDouall said independent of this Plan change, the Airport governance could restrict who built at the airport. The Committee had to be satisfied that any

adverse effects, which included safety and wellbeing, were addressed. It could be assumed Airport management would ensure all safeguards were in place. .

- Cr McDouall said this Plan change enabled housing accommodation to be built but resource consent to do so would be required. It was not a permitted activity and communication with the Council was required.
- In response to Ms Sheehy's query, Ms O'Shaughnessy said the proposed dwellings would be located adjacent to a hanger or inside a hanger at the airport. People did not have to live permanently in these dwellings but they could do so. It would be a discretionary consent which meant any matter that was thought to be relevant could be considered. Whilst it was unusual to have dwellings within an airport as opposed to on the periphery, this did happen and there were people who chose to live at an airport.

10 MAIN FINDINGS ON PRINCIPAL ISSUES

- 10.1 The Committee considered each submission and confirmed a decision for each. Refer to Appendix 1 for the decisions on submissions.
- 10.2 The Committee confirmed that a practical, and as far as possible, enabling approach to provision of compatible activities in the Airport Enterprise zone, that does not compromise airport security or operation, may facilitate the long term survival of the regional airport being an important consideration in terms of the wider sustainability of the District's community.
- 10.3 The Committee noted that Air New Zealand Ltd's main concern was security but supported the Plan change in principle. They supported the strengthening of 6.3.8 (Activities sensitive to aircraft noise) and 6.3.9 (Airport Hangar Dwellings) proposed to address the Air New Zealand submission. The Committee considered this was a third protection being put in place, the other two being the Airport management decision and contact with the Council that must occur prior to any consent being obtained.
- 10.4 The Committee confirmed as essential, that residential activities shall only be secondary to the use of the hangar. The Committee noted that residential occupants would include an owner's immediate family.
- 10.5 In relation to potential risk of reverse sensitivity issues created for the Gun Club, the Committee accepted the report officer's assessment that the existing environment was such that noise generated by the airport operation was more likely to cause noise effects and act to discourage significant residential development either within the Airport or its immediate vicinity.

11 SECTION 32 REPORT EVALUATION

The S.32 report has been updated to include an evaluation of the amendments to the Plan resulting from Council's Decision on Submissions. These changes are recorded in the report attached as Appendix 4.

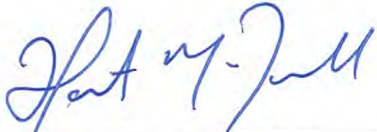
12 STATEMENT OF DECISIONS AND REASONS

Refer to Appendix 1 to this report for the Council's decision and reasons relating to each submission. Refer to Appendices 2 and 3 for the complete version of the Plan change text and maps.

13 Appendices:

- 1: Decisions on Submissions and Reasons for Decisions
- 2: Marked- Up Version of Plan Change 35 following Decisions on Submissions
- 3: Relevant Planning Maps
- 4: Section 32 and 32AA Evaluations

Signature of Chairman



Councillor Hamish McDouall

Dated 15 January 2015