

**SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE UNDER CLAUSE 6 OF THE FIRST  
SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

**TO:** Wanganui District Council (WDC).

**SUBMISSION ON:** Proposed Plan Change 35 to the Wanganui District Plan ("**Plan Change**"); Airport Enterprise Zone and Air Noise Overlays.

**Name:** Air New Zealand Limited ("**ANZL**").

**Address:** Air New Zealand Limited at the address for service specified below.

1. ANZL could not gain an advantage in trade competition through this submission.

**Scope of submission**

2. This submission relates to the whole of the Plan Change, the Airport Enterprise Zone and Air Noise Overlays.
3. ANZL operates scheduled passenger services to and from the Wanganui Airport ("**Airport**"). As a substantial user of Wanganui Airport ANZL is an affected party. ANZL is concerned to ensure that the Wanganui District Plan includes appropriate protections for the existing and future operational requirements of Wanganui Airport, particularly to enable an appropriate level of commercial air services into the future.
4. ANZL acknowledges and supports WDC's efforts to provide for future Airport development and projected increases in operational requirements. The Proposed Plan Change raises important local issues as well as wider policy level issues, and ANZL is concerned to ensure that those issues are addressed in the most appropriate and efficient way, having regard to the costs, benefits, and wider social, and economic wellbeing.

**Nature of submission**

5. This submission is made:
  - (a) in support of the Proposed Plan Change, subject to consideration and amendment addressing ANZL's concerns with respect to the Airport Enterprise Zone provision for Hangar Based Dwellings;
  - (b) in support of the land use planning provisions with respect to appropriate air noise contours; and
  - (c) in support of the proposed definition of Activities Sensitive to Aircraft Noise (ASAN).

**General reasons for submission**

6. Provided that its concerns, as expressed below relating to Airport Enterprise Zone, are appropriately addressed, ANZL supports the Plan Change as it will then:

- (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("**Act**");
- (b) meet the reasonably foreseeable needs of future generations;
- (c) enable social, economic and cultural well being;
- (d) avoid, remedy or mitigate the adverse effects of the activity enabled by the Plan Change;
- (e) represent the most appropriate means of exercising the Council's functions having regard to the efficiency and effectiveness of other means available in terms of section 32, section 171 and other provisions of the Act as relevant.

**Specific reasons for submission on the Air Noise Overlay provisions of the Plan Change and relief sought**

- 7. ANZL supports the intent of the Plan Change to implement appropriate noise controls and land use planning objectives to ensure Wanganui Airport operations may continue to grow into the future, and the potential for reverse sensitivity effects through inappropriate land uses for activities sensitive to aircraft noise in close proximity to Wanganui Airport is avoided.
- 8. ANZL supports the intent of the Plan Change to introduce noise contours into the Operative District Plan at the 65dBA Ldn (Air Noise Boundary) contour and 55 dBA Ldn (Outer Control Boundary) contour in accordance with the guidance in NZS6805:1992 "*Airport Noise Management and Land Use Planning*" and NZS6807:1994 "*Airport Noise Management and Land Use Planning for Helicopter Landing Areas*"
- 9. ANZL supports the intent of the following Plan Change rules with respect to activities within the Air Noise Overlays;

***Air Noise Overlays***

***10.14.1*** *The following are permitted activities within the Air Noise Boundary (ANB) and Outer Control Boundary (OCB), unless otherwise stated:*

- a. All activities, other than Activities Sensitive to Aircraft Noise*

***10.14.2*** *The following activities are non-complying activities: Activities Sensitive to Aircraft Noise in the OCB, not provided for as permitted, discretionary (refer to Rule 6.2.3(a)) or prohibited activities*

***10.14.3*** *The following activities are prohibited activities for which no consent may be sought:*

- a. Activities Sensitive to Aircraft Noise within the ANB.*
- b. Activities Sensitive to Air Noise in the OCB that do not comply with the performance standard for internal noise in 6.7.2*

- 10. ANZL supports the intent of the proposed policy for airport operating requirements;

***6.3.9 Airport operating requirements***

*Require airport flight operations generated by Wanganui Airport to be conducted to achieve air noise of no more than 65dB Ldn at the Air Noise Boundary (ANB) AND 55 dB Ldn at the Outer Control Boundary (OCB).*

11. ANZL supports the proposed implementation of specific definitions for Activities Sensitive to Aircraft Noise (ASAN) and Airport Operations Activities;

***Activities Sensitive to Aircraft Noise (ASAN)*** – *Means any residential activity, visitor accommodation, retirement villages, day care facility, buildings used for overnight patient medical care or educational facility (including all outdoor spaces associated with such educational facility).*

***Airport Operations Activities*** - *Activities that are related to the operation of the airport, including, but not limited to flight terminals, and associated operations including reception and ticketing services, car parking facilities, vehicle rental facilities, food for airport patrons, flight schools, aeronautical fuel and mechanical services, hangars, fixed and rotary wing aviation services aero clubs.*

#### **Decision sought on the Air Noise Provisions of the Plan Change**

The proposed air noise overlays with accompanying rules 10.14.1, 10.14.2 and 10.14.3 and definitions of ASAN and Airport Operations Activities be approved.

#### **Specific reasons for submission on the Airport Enterprise Zone**

12. As a matter of principle ANZL is not opposed to the concept of an Airport Enterprise Zone and understands, (after discussion with the WDC) the objectives of the Wanganui Airport in seeking to make provision for the zoning. However ANZL is also concerned that certain elements of the proposed zone provisions have the potential to compromise the safe and secure operation of Wanganui Airport. It is ANZL's view that should the Airport Enterprise zoning be established that additional controls are necessary to mitigate any potential issues.
13. The provision of residential accommodation on airport with airfield access has the potential to raise substantially the level of risk to safety and security of operations from persons accessing the airfield in an uncontrolled manner.
14. In terms of the Civil Aviation Act, Wanganui Airport is not (currently) a security designated airport. Consequently security elements such as prescribed access requirements and secure patrolled perimeter boundaries are not required as for airports where international or jet operations occur. Notwithstanding the lack of security designation Wanganui Airport does have a range of practices designed to provide a measure of oversight for current operations.
15. In general terms the Wanganui Airport may construct perimeter fencing and use controlled gates for vehicular access to the airfield. Despite that effort a major weakness in the airfield perimeter remains whereby access to the airfield, runway, and parked aircraft may be gained from hangar based residential accommodation by individuals entering the airfield regardless of their intent. This could occur at any time, night or day. I.e. Notwithstanding the construction of physical controls, the opportunity is still available for unauthorized individuals to access, enter, or tamper with parked aircraft in an uncontrolled manner.
16. The potential for a breach of operational safety or security is therefore high without adequate and positive control of all persons wishing to enter the airfield. ANZL anticipates that in the main, and at least initially, any residents of hangar based dwellings are likely to

be aviation “minded” and responsible. It is unclear how the control of non-residents using Hangar Based dwellings will be exercised.

17. WDC proposes that hangar based residential accommodation is a (full) discretionary activity. The requirement that such dwellings be ancillary to aircraft storage is clearly intended to ensure, at least at time of approval, that there is a linkage between accommodation and hangar. ANZL is of the view that the linkage between aircraft storage and residential use should be extended through successive owners/operators of such Hangar Based Dwellings and controlled by Wanganui Airport. That could be through a specific condition of any consent granted.
18. While WDC’s discretion on a (full) discretionary activity is unlimited, the proposed Plan Change provides only one standard for consideration, limited to ensuring that acoustic insulation be installed to achieve an internal noise level of Ldn 40 dBA in habitable rooms. If the standard is not met, then the hangar based residential accommodation would become prohibited. That highlights the importance of at least one of the potential effects issues arising from the prospect of hangar based residential accommodation (i.e. exposure to inappropriate noise levels and the potential for reverse sensitivity effects). However, that is not the only potential effect and, without limiting the Council's discretion, other matters should be made mandatory considerations in the Plan Change, to focus the decision maker's mind when receiving an application.
19. Accordingly, while it may be a matter between the Wanganui Airport and its tenants as to appropriate access controls, ANZL is of the view that should provision for Aircraft Hangar Dwellings be approved in the plan that WDC include some specific matters for consideration/discretion to ensure safety of operation and security as follows;
  - (a) Whether the proponent of the consent is offering up a condition of consent requiring any resident to enter into a contractual arrangement with Wanganui Airport to ensure adequate security controls limiting airfield access by unauthorized persons from the Hangar Based Dwellings. This could include penalties (e.g. fines, compensation, or termination) for any breaches of access control.
  - (b) The extent to which the Wanganui Airport is able to demonstrate how it will ensure that new and successive residents occupying Hangar Based Dwellings are ancillary to the hangar activity and storage of aircraft.
  - (c) A size limitation that inhibits subsequent subdivision or a clear prohibition that subsequent subdivision is prohibited (such as through a consent notice that will attach to the relevant certificate of title).

### ***Discretionary Activities***

***6.6.3*** *The following activities are discretionary activities in the Airport Enterprise Zone:*

*a. Aircraft Hanger Dwellings ancillary to the use of a building for storage of aircraft, excluding sites within the ANB.*

### ***6.7.2 Residential Units Internal Noise***

*New Aircraft Hanger Dwellings on sites also within the OCB shall:*

*i. be fitted with acoustic insulation to ensure that noise does not*

*exceed Ldn 40 dBA in any habitable room with all doors and windows shut.*

*ii. require an Acoustic Design report from a suitably qualified Acoustic Engineer confirming that any dwelling is designed to meet the (i) above.*

20. The proposed plan change rules for the Airport Enterprise Zone provide for restricted discretionary activities. ANZL is particularly concerned with the note appended to clause 6.6.2(b) which states;

***Note: Subdivision applications subject to this rule shall be considered without service, public notification or written approvals from affected persons.***

21. ANZL's concerns stem from the proposal to allow hangar based dwellings that by their very nature will provide access to the airfield operational area. Due to the potential operational safety and security risks airport tenants and users should be made aware of proposals that provide for residential accommodation with airfield access. Security practices require awareness and collaboration between all airfield users. Visibility of new or increased risks is essential for good practices to be maintained.
22. ANZL believes that due to the increased level of risk associated with this type of accommodation it is essential that tenants and airfield users be notified of new hangar based dwelling plans.

#### **Decision sought on the Airport Enterprise Zone**

23. That the Airport Enterprise Zone matters for discretion include the following additional items which must be specifically considered by the decision maker;
- (a) The extent to which safety and security of operations at Wanganui Airport are sustained;
  - (b) Whether any consent condition has been offered up requiring that Hangar Based Dwelling residents enter into a contractual agreement with Wanganui Airport ensuring the provision of adequate security controls to inhibit access to the airfield from hangar based dwellings by unauthorized persons. This could include penalties (e.g. fines, compensation, or termination) for any breaches of access control;
  - (c) The extent to which any consent condition is offered up or contractual agreement provided demonstrating how it will be ensured that all residents, new and successive, are ancillary to the operation of the applicable hangar;
  - (d) The extent to which subdivision of hangar based dwellings once constructed is assured to be avoided, either by design or other mechanism, such as through a consent notice attached to the relevant certificate of title prohibiting further subdivision.

#### **Summary of decisions sought**

24. ANZL seeks that:
- (a) the Plan Change with respect to Air Noise Overlays and definitions for ASAN and Airport Operations be approved.

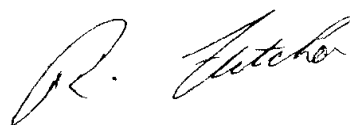
- (b) The Plan Change with respect to the Airport Enterprise Zone be approved, provided that the specific issues raised in this submission are appropriately addressed;
25. ANZL also seeks such further or consequential amendments necessary to give effect to this submission.

**It is desired to be heard in support of this submission.**

**If others make a similar submission consideration would be given to presenting a joint case with them at any hearing**

**Signature:**

**AIR NEW ZEALAND LTD**



Bob Fletcher

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Head of Operations Support

**Date:**

10 April 2014

**Address for Service:**

Attention: Eric Morgan

Ground Floor, Zone 4  
Air New Zealand Ltd  
Private Bag 92007  
**AUCKLAND 1142**

**Telephone:** (09) 336 2812