



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Decision No. 21**

### **Airport Zones**

#### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

# INDEX

<b>Introduction</b> .....	1
<b>The Hearing</b> .....	1
Section 42A Report .....	1
Submitters Attending the Hearing.....	2
Material Tabled at the Hearing .....	3
<b>Matters Requiring Particular Consideration</b> .....	4
Conference Facilities .....	4
Noise Sensitive Activities .....	5
Airport Operations Zone as a Complete Code .....	6
Objective 2 in the Airport Operations Zone and Airport Protection Zone .....	6
<b>Section 32 Matters</b> .....	7
Requirements.....	7
Assessment .....	8
<b>Appendix 1</b> <b>Decisions on Submissions</b> .....	13
General.....	13
<u>Airport Operations Zone</u>	
Introduction .....	13
2.19.1 Issues .....	15
2.19.1 Objectives.....	15
2.19.3 Policies.....	16
3.21 Rules .....	21
<u>Airport Protection Zone</u>	
2.20.1 Objectives.....	22
2.20.3 Policies.....	23
3.22 Rules .....	27
<u>Definitions</u>	
General.....	29
<b>Appendix 2</b> <b>Amended District Plan Provisions</b> .....	31

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

## **INTRODUCTION**

We have been appointed by the Invercargill City District Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to the Airport Operations Zone and the Airport Protection Zone.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"FS" means Further Submission.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"Hearings Committee" or "the Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"IAL" means Invercargill Airport Limited.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

## **THE HEARING**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Drawing Room of the Civic Theatre on 10 November 2014.

### **Section 42A Report**

The Hearings Committee received a report from William Watt, Planning Consultant. In his report, Mr Watt highlighted that at the same time as the Proposed District Plan was being prepared, Plan Change 10 was being processed by the Invercargill City Council. The plan change was initiated by IAL and was adopted by the Council one week after the Proposed District Plan was notified. As a consequence, the adopted plan change provisions did not fully align with the provisions of the Proposed Plan, resulting in a number of submissions from IAL.

Mr Watt advised the Committee that he generally agreed with the submissions seeking consistency with Plan Change 10, but that with regard to the following matters he did not:

- Conference facilities at the airport.

He considered it inconsistent with the hazard-prone nature of the Invercargill Airport area and all the airport noise considerations for conference facilities of any size to be a permitted activity in the Airport Operations Zone. On the other hand, he considered meetings a normal part of the day-to-day activity of any organisation and recommended these be permitted.

- Status of "Airport Activities" within the Airport Protection Zone

He considered this activity incompatible with the buffer zone character of that zone, recommending that they be a discretionary activity in that zone.

### **Submitters Attending the Hearing**

#### Invercargill Airport Limited

John Kyle of Mitchell Partnerships Limited appeared on behalf of IAL, together with Chloe Surridge, General Manager of IAL.

Mr Kyle gave an overview of the operations of Invercargill Airport and highlighted that the submissions lodged sought to provide for the implementation of the 2010 Master Plan for the airport so that the appropriate and necessary facilities are put in place to provide for future anticipated growth. He also referred to two designations processed at the same time as Plan Change 10 which had been carried over to the Proposed Plan, noting that no submissions had been lodged to these designations.

Mr Kyle referred to the submissions of IAL to the noise related objectives, policies and rules of the Airport Operations and Airport Protection Zones, with IAL seeking to prohibit noise sensitive activities within these zones, rather than discourage them. He noted NZS6805 aims to manage the adverse effects of airport noise by controlling the use of land around airports, and by ensuring that airport and aircraft activity does not exceed limitations set by the Air Noise Boundary (ANB) and an Outer Control Boundary (OCB), which are shown on the District Planning Maps. He said that NZS6805 recommended prohibiting noise sensitive activities within the ANB, which in this case comprises land owned by IAL, and within the OCB, but outside of the ANB, the recommended controls include:

New residential, schools, hospitals or other noise sensitive uses, should be prohibited unless a district plan permits such uses, subject to a requirement to incorporate acoustic insulation to ensure a satisfactory internal noise environment.

Mr Kyle then referred to a report by Marshall Day Acoustics that recommended that within Invercargill Airport's Noise Boundaries prohibited activity status is appropriate where noise sensitive activities have not already been established. A copy of the full report was attached to his evidence.

Mr Kyle also advised the Committee that IAL's Air Noise Boundary designation (Designation 73) sets out the noise limits under which Invercargill Airport operates. Aircraft noise is therefore managed under this designation and not Rule 3.13.13 as stated in the Section 42A Report.

Mr Kyle supported the submission of IAL which sought conference facilities be provided as a permitted activity in the Airport Operations Zone, stating:

Modern airports demand a diverse range of activities to be catered for, including meeting rooms and conference facilities. This demand is largely driven by the time constraints of visitors to the district to attend meetings, seminars and conferences. It is not uncommon within some of the larger airports around New Zealand for passengers to land at the airport, attend their respective meeting/seminar/conference at the airport, and then depart again without leaving the wider airport surrounds. Such functions often require the attendance of the wider community, hence the scope of the conference facility definition.

With regard to the IAL submission that the provisions of the Airport Operation Zone be treated as a complete code, such that other sections of the plan do not apply, Mr Kyle disagreed with the Council Officer recommending rejection of this submission. He advised the Committee that given the discrete zoning of the Airport Operations Zone and the subsequent internalisation of effects, he did not see a need for activities to also comply with the District wide rules. He gave parking as an example, where adopting the District Plan rules would likely result in an oversupply of parking and result in an inefficient use of the land resource.

In relation to height limits, Mr Kyle advised the Committee no submitter sought changes to the height limits within the Airport Operations Zone and that IAL simply sought an explicit addition to this effect. He added that it is beyond the scope of any submission for the Council to include height restrictions or a discretionary activity status for buildings or structures within this zone.

Finally, Mr Kyle reiterated the IAL submission that paragraph (c) in Objective 2 of Airport Operations Zone should be deleted as it is not possible for all airport operations to be undertaken so that no adverse effects arise on the surrounding environment (i.e. noise effects), and that mitigation of effects may need to be achieved by restricting the type of development in the surrounding areas.

Mr Kyle also advised the Committee that if he had not commented on a recommendation in the Section 42A Report then he was satisfied with that recommendation.

In response to questions from the Committee Ms Surridge provided an overview of the upgrade being undertaken at the airport terminal. She indicated that this would include conference facilities, but was unsure of the capacity, and IAL would wish to make these available to the public including for functions such as weddings. She referred to Southern Wings who also have suitable rooms and the permitted activity status would enable wider use of these as well.

With the approval of the Committee given at the hearing, Mr Kyle later submitted further written evidence dated 24 November 2014, providing details on the conference facilities at the Invercargill Airport terminal building. He advised that on completion of these upgrade works, Invercargill Airport will have facilities available to host up to 100 people for meetings, conferences or similar community events and functions. Additional floor areas available within the wider terminal building could accommodate well in excess of this number. Mr Kyle also advised Southern Wings, an independent aviation school located at Invercargill Airport, have also confirmed that their facilities have the capacity to accommodate up to 80 people.

### **Material Tabled at the Hearing**

No material was tabled at the hearing

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### **Conference Facilities**

Submission 103.67 by IAL sought the inclusion of conference facilities as a permitted activity within the Airport Operations Zone.

In the Section 42A Report Mr Watt recommended rejecting this submission on the grounds that the District Plan should not enable land uses which do not have a functional need to locate at the airport and that conference facilities are a noise sensitive activity which is not appropriate within the operational area of the airport or in areas prone to natural hazards.

Mr Kyle on behalf of IAL disagreed, stating that modern airports demand a diverse range of activities to be catered for, including meeting rooms and conference facilities. He noted that it is not uncommon within some of the larger airports around New Zealand for passengers to land at the airport, attend their respective meeting/seminar/conference at the airport, and then depart again without leaving the wider airport surrounds. Nor did Mr Kyle accept that noise was a potential issue, commenting that given IAL is concerned about the establishment of noise sensitive activities, it is highly unlikely that IAL would establish such activities without measures to manage the effects of aircraft noise.

Mr Kyle also referred to IAL's aerodrome designation (Designation 71) which provides for conference facilities. He said including conference facilities as a permitted activity in the Proposed Plan would enable third parties, who cannot rely upon IAL's designation, to establish such facilities within the zone, with the appropriate oversight of IAL as the landowner and requiring authority.

Mr Kyle considered providing for such activities at Invercargill Airport would present an efficient use of an existing resource that would contribute toward the economic well-being of the Airport. He therefore urged the Committee to take into account the capacity of Invercargill Airport and Southern Wings to accommodate conference facilities and associated events. He considered this approach would also be consistent with IAL's Aerodrome Designation and the Plan Change 10 decision.

The Committee was aware of the meeting and conference facilities provided at other airports, and agreed with Mr Kyle that design features could ensure that noise was not an issue for users. It also accepted that natural hazards were not a limiting factor, given that airport buildings were permitted as part of the airport designation and any conference facilities were ancillary to the main use of the airport terminal.

The Committee also noted that Designation 71 Invercargill Aerodrome provided for a number of activities on the site including "ancillary uses of the buildings for recreation, conference and function purposes". The Committee understood this to mean that such activities could be undertaken by IAL where they were related to the arrival and departure of aircraft; that is during the period when the airport was operational. The Committee accepted that persons from the surrounding district would also attend such activities notwithstanding that they were not travelling by air.

The Committee noted that the submission lodged only sought the inclusion of "conference facilities" as a permitted activity. At the hearing, the evidence from IAL focused on this activity, but reference was also made other functions such as weddings. In the Committee's view this went beyond the scope of the submission lodged. Even if such functions were within the scope of the submission the Committee was not satisfied on the basis of the material submitted at the hearing by IAL that it could adequately assess the effects of such an activity and its implications within the objective and policy framework of the Proposed Plan. In that regard, the Committee noted that providing for other functions would be



contrary to Policy 1 of the Airport Operations Zone and the change sought to it by IAL which sought "to provide for a range of airport related service, business, industrial and, commercial activity that is generally anticipated at an airport and will support or complement the functioning of the Invercargill Airport".

While the Committee considered there to be no difference in effects between conferences undertaken by IAL under the auspices of its designation and conferences under similar circumstances run by other operators located at the airport, it considered there to be a different level of effects associated with other functions. In that regard, the Committee agreed with the comments of Mr Watt in his Section 42A Report that there was no functional need for such activities to be undertaken at the airport.

Finally, the Committee had regard to the definition of "noise sensitive activity" noting that this did not include conference facilities or other functions. As a consequence, to the extent not provided for in the District Plan, a resource consent application could be lodged with the Council for consideration. That would enable the details of any proposal to be specified and assessed in terms of the RMA requirements, and if approved appropriate conditions imposed. The Committee was of the view that, even if providing for functions as a permitted activity was within the scope of the submission, it did not have adequate information or assessment of effects before it to make an informed decision on its appropriateness.

The Committee therefore resolved to provide for conference facilities as a permitted activity within the Airport Operations Zone subject to a limit of 100 persons and time restricted to the periods when the airport was open for regular scheduled services. The Committee was of the view that this would not impact on any existing use rights that operators at the airport held in relation to meetings taking place outside of those times.

### **Noise Sensitive Activities**

IAL in submissions 103.68 and 103.70(b) requested that noise sensitive activities be prohibited within the Airport Operations Zone and Airport Protection Zone. Consequential to that, submissions 103.28 and 103.42 sought a change to Policy 4 in the Airport Operations Zone and Policy 3 in the Airport Protection Zone to the effect that noise sensitive activities are prohibited in these zones.

Mr Watt in his Section 42A Report stated:

Invercargill Airport Ltd has submitted that the Plan should "prohibit" noise sensitive activities within the Airport Operations Zone. As a matter of philosophy, the proposed District Plan has not used the 'prohibited activity' status anywhere because a 'prohibited activity' cannot even be considered. I have recommended a Policy to 'avoid' noise sensitive activities – which is strong wording without ruling out the possibility of an exception. The matter is within the direct control of Invercargill Airport Ltd anyway because it owns the area in question.

At the hearing to consider these submissions, Mr Kyle on behalf of IAL, referred the Committee to NZS6805 which manages the adverse effects of airport noise by controlling the use of land around airports, and by ensuring that airport and aircraft activity does not exceed limitations set by the Air Noise Boundary (ANB) and an Outer Control Boundary (OCB) which are shown on the District Planning Maps. He said that NZS6805 recommended prohibiting noise sensitive activities within both the ANB and the OCB. These areas included the Airport Operations Zone and the Airport Protection Zone. Mr Kyle also provided to a report by Marshall Day Acoustics that reinforced the provisions of NZS6805.

While the Committee understands the philosophical approach adopted by Mr Watt in his Section 42A Report it considers that greater weight in this case needs to be given to the technical evidence, the need to avoid reverse sensitivity effects, and the provision to be

made for the health and well-being of people and the community. In the Committee's view, this is an instance where prohibited activity status is appropriate and a new rule has been included in each of the zones to that effect.

In considering the wording of the associated policies, having regard to the Supreme Court decision *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2013], it is appropriate for the policy to be reworded to refer to "avoid noise sensitive activities" as recommended by Mr Watt. The Committee viewed the inclusion of reference to prohibited activity status as unnecessary, as it is the outcome of the policy, rather than part of the policy itself.

### **Airport Operations Zone as a Complete Code**

IAL, as part of the relief in Submission 103.67, requested that the Airport Operations Zone not be subject to any other zone standards.

Mr Watt in his Section 42A Report opposed this request, giving two examples (parking and height limits) where he considered it was appropriate for the District wide provisions of the Plan to apply.

At the hearing, Mr Kyle advised the Committee as follows:

Given the discrete zoning of the Airport Operations zone and the subsequent internalisation of effects, I do not concur that activities within the Airport Operations Zone should need to also comply with the District Wide Rules. Operational requirements dictate that IAL would manage the provision of, for example car parking (which is subject to the district wide chapters of the Proposed Plan). Provision for parking requirements in and around airports involves a set of unique considerations, in that many of the visitors to the airport utilise public transport, taxis or shuttles to reach the Airport. Applying district wide rules to activities which support the operation of the Airport would therefore likely result in an oversupply of parking and result in an inefficient use of the land resource. I therefore consider that the airport should not be subject to the district wide rules and agree with IAL's submission that the Airport Operations Zone should be a complete code.

The Committee noted that the activities of IAL were managed through the Invercargill Aerodrome designation, including those associated with the construction of buildings, parking and fuel storage, and that the District Plan rules were not applicable to these activities. However, the designation did not apply to the activities of third parties and as a consequence the request from IAL for the Airport Operations Zone to be a complete code is rejected.

Mr Kyle indicated that as IAL owned all of the land within the Airport Operations Zone it was able to manage all activities within the Zone. The Committee however was mindful that it is the Council which has overall statutory responsibility to implement the provisions of the RMA and as such provision is required in the District Plan to manage the effects of activities not being under the umbrella of the Aerodrome designation.

### **Objective 2 in the Airport Operations Zone and Airport Protection Zone**

Objective 2 is worded the same in both the Airport Operations Zone and Airport Protection Zone, stating:

- Objective 2:** The airport is managed so that:
- (A) The changing needs of the aviation industry and of airport users are met.
  - (B) The movement of aircraft into and out of the airport is able to be undertaken safely and efficiently.

- (C) Airport operations do not have any significant adverse effects on the surrounding environment.

Submissions 103.23 and 103.38 by IAL sought the deletion of Clause (C) on the grounds that it is not possible for the airport operations to be undertaken so that no adverse effects arise on the surrounding environment, and that mitigation of effects may need to be achieved by restricting the type of development in the surrounding areas.

Mr Watt in his Section 42A Report advised the Committee it is not unreasonable that as an objective the Airport Operations Zone be managed in such a way that airport operations do not have significant adverse effects on the surrounding environment. He also explained that the implication is that a potentially “significant” effect ought to be either avoided or mitigated to the extent that it is no longer considered “significant”.

Mr Kyle on behalf of IAL stated at the hearing:

While IAL agrees that it is appropriate to seek that potentially significant effects arising from Airport operations are suitably managed, it appears that the Council Officer has not totally understood the point of IAL’s submission. With regard to aircraft noise, it is not always possible to avoid adverse effects. It is for this reason that IAL undertakes modelling to identify and establish air noise boundaries and the appropriate land use management regime within them. It may be for example, that the noise within these boundaries is significant, however those effects are being appropriately managed through land use practices (i.e. by prohibiting noise sensitive activities).

The Committee considered the explanation given by Mr Kyle clarified the intent of IAL and assisted in understanding the effect of clause (C) and how it might be applied. In that context, it agreed that it is not possible to avoid all adverse effects from the operation of Invercargill Airport. The Committee also noted that noise is the most significant adverse effect arising from aircraft operations, but this is managed by way of a designation, not the rule provisions of the District Plan. In the circumstances, the Committee concluded that clause (C) should be deleted.

## **SECTION 32 MATTERS**

### **Requirements**

The Committee was advised by Mr Watt that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding with to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
  - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects

- on employment and economic growth)
- Identifying other reasonably practicable options for achieving the objectives; and
- Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

## Assessment

Arising from the submissions lodged, this decision makes minor alterations to the wording, but not the intent of the provisions considered in this Decision. Mr Watt in his Section 42A Report advised the Committee as follows:

*The “Airport” section of the original Section 32 report (pages 145 - 152) is relevant to this report. The changes proposed are within the scope of the original evaluation findings and do not raise any additional matters for consideration.*

*The changes that are recommended are minor in the sense that they align the provisions of the Proposed District Plan more closely with the provisions of Plan Change 10 to the Operative District Plan. It follows that the environmental, economic, social or cultural effects anticipated to arise as a consequence of the changes are minor. A detailed assessment or quantification of costs and benefits is neither practical nor necessary with respect to the plan provisions pertaining to the Airport.*

For those decisions that reflect the recommendations made by Mr Watt in his Section 42A Report, the Committee agrees with that approach and adopts it.

This decision makes a number of amendments to Objectives and Rules that differ from the recommendations in Mr Watt’s Section 42A Report. These amendments are as follows:

- Deletion of 2.19.2 Objective 2(C) and 2.20.2 Objective 2(C)
- Amendments to 2.19.3 Policy 3 Noise limits and 2.20.3 Policy 2 Noise Limits to recognise the Airport’s airnoise designation
- Amendments to Rule 3.21.1 – Permitted activities to provide for Conference Facilities
- Amendments to Rules 3.21.2 and 3.22.3 to change the activity status for Noise sensitive activities to prohibited

### 2.19.2 Objective 2(C) and 2.20.2 Objective 2(C)

The Committee accepted that it is not possible to avoid all adverse effects from the operation of Invercargill Airport. It was also noted that noise is the most significant adverse effect arising from aircraft operations, but this is managed by way of a designation, not the rule provisions of the District Plan. In the circumstances, the Committee concluded that clause (C) should be deleted from both 2.19.2 Objective 2 (which relates to the Airport Operations Zone) and 2.20.2 Objective 2 (which relates to the Airport Protection Zone). Mr Watt in his Section 42A Report had recommended retaining both provisions.

The amendments are considered to be of a minor nature. It is not practical to require the airport to avoid all adverse effects resulting from their operations. The most significant adverse effects, being noise from aircraft operations, are already managed by way of an Airnoise Boundary Designation and it would be inefficient to require compliance with additional District Plan provisions as well. The objective sought by the two clauses to be

deleted is still likely to be achieved by a means other than the rule provisions of the District Plan. Therefore, it is not considered necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

### 2.19.3 Policy 3 and 2.20.3 Policy 2 – Noise Limits

As discussed above, the effects of noise generated by aircraft operations at the airport are managed by way of an Airnoise Boundary Designation by Invercargill Airport Limited. The changes made to the policies that address noise limits in both the Airport Operations and Airport Protection Zones recognise that the District Plan noise rules do not apply where there is a designation in place with provisions in it relating to noise. The amendments are considered to be of a minor nature and it is therefore not considered necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

### Rule 3.21.1 – Conference Facilities as a permitted activity

The Committee resolved to provide for conference facilities as a permitted activity within the Airport Operations Zone, subject to a limit of 100 persons and time restricted to the periods when the airport was operational. This decision recognises that the designation for Invercargill Airport provides for “ancillary uses of the buildings for recreation, conference and function purposes” and that there is no difference in effect between conferences under taken by IAL under the umbrella of the designation, and those undertaken under similar circumstances by other operators located at the airport.

The Objectives of this Zone seek to provide for airport related activities. Ideally conference facilities will be located within the District’s core business centres. Putting a restriction on when conference activities can occur will enable conference activities to occur in conjunction with airport facilities, but may encourage those organising conferences to look at options in the Business Zones where the conference function is likely to extend outside the operational hours.

The addition of conference activities to the list of permitted activities in the Airport Operations Zone is considered to be minor in nature as it will simply enable operators associated with the airport operations to continue to meet their own needs. It is therefore not considered necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

### Rules 3.21.2 and 3.22.3 – Noise Sensitive Activities

Based on the technical evidence presented at the hearing relating to potential reverse sensitivity effects and NZS6805, the Committee considered it appropriate to change the activity status of new noise sensitive activities within the Airport Operations and Airport Protection Zones from non-complying to prohibited. The purpose of the changes is to achieve greater consistency with NZS6805, and provide for the health and well-being of people and the community. The rule framework adopted will mean that no new noise sensitive activities can be established on any land located within the Airport Operations or Airport Protection Zones.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

These amendments are considered to be of a moderate scale and significance for the following reasons:

1. They will prevent the option of using a small area of privately owned land for noise sensitive activities, such as residential activity. There are approximately seven properties that are located partly within the Airport Protection Zone but that are not owned by IAL. Only one hectare of land within the Airport Operations Zone is not owned by IAL.
2. Of those seven properties, six already have existing dwellings, all but two of which are actually located in an adjoining zone where noise sensitive activities are not precluded. Existing use rights will apply for those activities within these areas.
3. The one property that does not contain any existing dwelling includes approximately 6,000 square metres of land located within the Rural Zone, within which noise sensitive activities are not prohibited.

As stated above, the RMA requires an assessment of the Objectives to determine whether they are the most appropriate way to promote the sustainable management of natural and physical resources. The Objectives for the Airport Operations and Airport Protection Zones, as amended by this decision, seek to ensure that the airport is able to operate safely and efficiently to meet the needs of airport users and the wider Southland region, with the Airport Protection Zone providing a buffer between the airport and noise sensitive activities.

The safe and efficient operation of the airport is important for the Invercargill community. The amended Objectives enable people and the community to provide for their social and economic well-being by enabling the safe and efficient functioning of the transportation network, which helps support land use and development in the District.

The efficient use and development of natural and physical resources and the maintenance and enhancement of amenity values are both matters identified in section 7 of the RMA which particular regard should be given to. The amended Objectives are therefore addressing a valid matter in terms of managing the natural and physical resources within the Invercargill City District.

In preparing this evaluation report, the Council is required to examine whether the amended provisions are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options for achieving the objectives. In that regard, three alternatives have been identified for consideration:

Option A – Provide for noise sensitive activities as permitted activities within the Airport Operations and Airport Protection Zones, subject to compliance with minimum standards for acoustic insulation.

Option B – Adopt the approach of the Operative District Plan and require resource consent to undertake any noise sensitive activity within the Airport Operations and Airport Protection Zones, including the requirement to obtain written approval from IAL.

Option C – Prohibiting all new noise sensitive activity within the Airport Operations and Airport Protection Zones.

Section 32(1)(b)(ii) of the RMA requires an assessment of the “efficiency and effectiveness” of provisions in achieving the Objectives of the Proposed District Plan, in a level of detail that corresponds to the scale and significance of the anticipated effects.

In considering the evidence relating to noise sensitive activities provisions of the Proposed Plan the Committee agreed with the technical evidence presented at the hearing that outlined and supported the recommendation within NZS6805 to prohibit noise sensitive activities within areas consistent with the Airport Operations and Airport Protection Zones.

Option C is therefore considered the most effective and efficient means of giving effect to the Objectives of the Plan.

The risk of adopting this approach is that the Plan will be placing greater restrictions on the ability of landowners to use their land as they wish. However, given the presence of existing dwellings on the majority of the sites affected, and given the availability of a reasonable block of rural zoned land on the only undeveloped site, within which a residential dwelling could be built, the cost to private landowners is not likely to be significant.

While Options A and B would offer some mitigation against potential reverse sensitivity effects associated with noise generated by airport operations, providing for the intensification of noise sensitive activity within such a close proximity to the airport is not an effective means of achieving the “buffer” that is referred to in Objective 1 of the Airport Protection Zone provisions. The risk of not acting to restrict noise sensitive activities in the airport zones is that the Council would be failing to meet this Objective, and to protect the safety and efficiency of aircraft operations and the functioning of the airport.

Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]



## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<b>GENERAL</b>	
<p><b>103.75 Invercargill Airport Ltd</b>                      The submitter believes the provision inserted into the operative District Plan by way of Plan Change 10 relating to the Airport should be reinserted in an appropriate format into the Proposed District Plan</p> <p><u>Decision Sought:</u> Insert the provision relating to the Airport inserted into the operative District Plan via Plan Change 10.</p>	<p><b>Decision 21/1</b>                      This submission is noted.</p> <p><b>Amendments to District Plan</b>                      None required.</p> <p><b>Reason</b>                      This is a general submission, with matters of detail contained in other submission points.</p>
<p><b>117.54 Southern District Health Board</b>                      The submitter supports the provisions. The submitter states that references to noise in this section are important for recognising potential for reverse sensitivity problems affecting physical resources of the district's infrastructure which must be sustainably managed. Retain</p> <p><b>FS5.37 Invercargill Airport Ltd</b> support in part Submission 117.54 agreeing reverse sensitivity effects can adversely impact on physical resources, threatening their long term sustainable management.</p> <p>While the further submitter supports the submission in principle, it considers that the proposed drafting of noise related objectives, policies and rules outlined in the further submitters original submission better provide for and recognise the needs of the airport</p> <p>Re-draft noise-related objectives, policies and rules as outlined in the submitter's original submission.</p>	<p><b>Decision 21/2</b>                      This submission is noted.</p> <p><b>Amendments to District Plan</b>                      None required.</p> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1. The original submission supports the plan provisions and does not seek any change to them</li> <li>2. The matters raised by the further submitter go beyond the original submission, but in any case are dealt with by other submissions from Invercargill Airport Limited.</li> </ol>
<b>AIRPORT OPERATIONS ZONE</b>	
<b>2.19 INTRODUCTION</b>	
<p><b>103.20 Invercargill Airport Ltd</b>                      The submitter does not consider the description of the Airport Operations Zone to be accurate. The submitter is concerned that there is no reference to the noise contours, to the economic and social benefits of the airport, or recognition</p>	<p><b>Decision 21/3</b>                      This submission is accepted.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p>of the designations in place. Redraft the introductory text as:</p> <p><i>The Airport Operations Zone is intended to provide for the functions and ancillary activities associated with the Invercargill Airport.</i></p> <p><i>Invercargill Airport's main function is for air travel, as well as for air freight. Invercargill Airport is recognised as a significant asset in light of its contribution to the business and tourism sector within the Southland Region. Invercargill also provided facilities and infrastructure for helicopter flightseeing and general aviation activities.</i></p> <p><i>In addition to the Airport Operations and Protection Zone, Invercargill Airport is provided for in the District Plan with designations applying to:</i></p> <ul style="list-style-type: none"> <li>- <i>The operational area of the airports (Aerodrome Designations)</i></li> <li>- <i>The management of aircraft noise (Air Noise Designation)</i></li> </ul> <p><i>The effects of aircraft noise are also managed through the District Wide zone rules</i></p> <p><i>The designations enable the safe and efficient operation of the airport by providing for the activities undertaken by the respective requiring authorities. These activities include runways, taxiways, aprons, hangars, navigation facilities, refuelling infrastructure, control towers, and passenger terminals, facilities for border control and security, fire fighting services, areas for freight handling, staff facilities, car parking and roading.</i></p> <p><i>However, these designations do not provide for all the essential ancillary activities associated with the airport.</i></p> <p><i>Activities expected at modern airports include commercial and retail activities for passengers, visitors to the airport and staff rental car companies, food premises, postal and banking services, aviation service activities, tourism businesses, offices, conference, meeting and function facilities and other facilities associated with the day to day functioning of the airport.</i></p> <p><i>It is appropriate to recognise and provide for such activities and their use by way of specific zoning, which facilitates the most appropriate use of airport land and ensures that the airport can accommodate all anticipated services and demands.</i></p>	<p><b>Amendments to District Plan</b></p> <p>The introductory text at Section 2.19 is amended as follows:</p> <p>The Airport Operations Zone is intended to provide for the functions and ancillary activities associated with the Invercargill Airport.</p> <p><del>This zone enables the airport to carry out its functions including aircraft flight operations, servicing aircraft, and storage and transfer of large quantities of fuel. The zone also allows for all activities ancillary to the operation of a regional airport.</del></p> <p><u>The main function of the Invercargill Airport is as the principal facility in the Southland region for air travel and air freight. Invercargill Airport is recognised as a significant asset in light of its contribution to the business and tourism sector within the Southland region. Invercargill Airport also provides facilities and infrastructure for helicopter and other general aviation activities.</u></p> <p><u>In addition to the Airport Operations and Airport Protection Zones, Invercargill Airport is provided for in the District Plan with designations applying to:</u></p> <ul style="list-style-type: none"> <li>- <u>The operational area of the airport (Aerodrome Designation)</u></li> <li>- <u>The management of aircraft noise (Air Noise Designation)</u></li> </ul> <p>This zone provides for the ability to generate higher levels of noise associated with airport operations, in particular the arrival, departure and manoeuvring of aircraft.</p> <p><u>The designations enable the safe and efficient operation of the airport by providing for the activities undertaken by the respective requiring authorities. These activities include runways, taxiways, aprons, hangars, navigation facilities, refuelling infrastructure, control towers, passenger terminals, facilities for border control and security, fire fighting services, areas for freight handling, staff facilities, car parking and roading.</u></p> <p><u>However, these designations do not provide for all the essential ancillary activities associated with the airport.</u></p> <p><u>Activities expected at modern airports include commercial and retail activities for passengers, visitors to the airport and staff. Such facilities include rental car companies, cafes, bars, postal and banking services, aviation service activities, tourism businesses, offices, and meeting rooms and other facilities associated with the day to day functioning of the airport.</u></p> <p><u>It is appropriate to recognise and provide for such activities and their use by way of specific zoning, which facilitates the most appropriate use of airport land and ensures that the airport can accommodate all anticipated services and demands.</u></p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
	<p>The <u>Airport Operations Zone zone</u> is located in an area subject to multiple natural hazards. but <del>a</del> Airport activities have a functional need of this location for historical and infrastructure reasons.</p> <p><b>Reason</b> The changes provide a more accurate description of the airport and its operations and planning framework.</p>
<b>2.19.1 ISSUES</b>	
<p><b>103.21 Invercargill Airport Ltd</b> Oppose 2.19.1 in part. The submitter considers that the issue statement should also recognise the benefits arising from the airport.</p> <p><u>Decision Sought:</u> Amend issue statement to also include reference to the benefits associated with the Airport</p>	<p><b>Decision 21/4</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The issues stated in the Plan are the significant resource management matters that need to be addressed by provisions in the Plan. In this instance “<i>protection of the operational requirements of the airport</i>”. Any benefits are a result of addressing the issue, not part of the issue itself.</p>
<b>2.19.2 OBJECTIVES</b>	
<p><b>103.22 Invercargill Airport Ltd</b> Oppose 2.19.2 Objective 1 in part. The submitter considers that the objective should be expanded to recognise the benefits arising from the airport. Amend Objective 1 as follows: <u>“Invercargill Airport is recognised as a generator of nationally and regionally significant economic, social and cultural benefits.”</u></p> <p><b>65.45 ICC Environmental and Planning Services</b> Support 2.19.2 Objective 1 subject to amendment. The submitter notes that the Objective refers to “airport commercial activities” – the definition is for Airport Service and Commercial Activity.</p> <p><u>Decision Sought:</u> Insert the words “service and” into the objective to be consistent with the definitions.</p>	<p><b>Decision 21/5</b> (i) Submission 103.22 is accepted in part. (ii) Submission 65.45 is accepted.</p> <p><b>Amendments to District Plan</b> Objective 1 is replaced with the following: <u>Invercargill Airport meets the varied needs of the Southland region for airport facilities and services and is enabled to carry out its functions, operations, and ancillary activities. These include Airport Activities and Airport Service and Commercial Activities.</u></p> <p><b>Reason</b> The changes recognise the role of the Airport more explicitly and correct a minor wording error.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p><b>103.23 Invercargill Airport Ltd</b> Oppose 2.19.2 Objective 2 in part. The submitter considers that it is not possible for the airport operations to be undertaken so that no adverse effects arise on the surrounding environment and that mitigation of effects may need to be achieved by restricting the type of development in the surrounding areas.</p> <p><u>Decision Sought:</u> Delete clause (C)</p>	<p><b>Decision 21/6</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Section 2.19.2 Objective 2(C) is deleted.</p> <p><b>Reason</b> As discussed on page 6 of this Decision, given the nature of adverse effects generated from the airport operations, and the designations applying, Clause (C) is not required.</p>
<p><b>103.24 Invercargill Airport Ltd</b> Support 2.19.2 Objective 3 in part. The submitter considers that the objective needs to be redrafted so that it is clear in its intent and application as the submitter believes that it is unclear whether the objective is seeking the retention of existing amenity values, or the improvement and how this may be achieved.</p> <p><u>Decision Sought:</u> Amend Objective 3 as follows:</p> <p><u>Provision for the requirements of Invercargill Airport and its operation is balanced with achieving an acceptable level of amenity for those using the airports and for those residing on neighbouring land.</u></p>	<p><b>Decision 21/7</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> 2.19.2 Objective 3 and 2.20.2 Objective 3 are amended to read:</p> <p><u>The amenity values of the Airport Operations Zone are maintained and managed, or enhanced, achieving an acceptable level of amenity for those using the airport and for neighbouring land uses.</u></p> <p><b>Reason</b> The amendment clarifies the intent of the objective.</p> <p>For consistency the same wording is appropriate in section 2.20.2 Objective 3.</p>
<b>2.19.3 POLICIES</b>	
<p><b>65.46 ICC Environmental and Planning Services</b> Support 2.19.3 Policy 1 Airport Operations Zone subject to amendment. The submitter notes that the policy refers to “airport commercial activities” – the definition is for Airport Service and Commercial Activity</p> <p><u>Decision Sought:</u> Insert the words “service and” into the policy to be consistent with the definitions.</p> <p><b>103.25 Invercargill Airport Ltd</b> Support 2.19.3 Policy 1 Airport Operations Zone in part. The submitter supports the policy but believes it should be expanded to refer to activities that are</p>	<p><b>Decision 21/8</b> These submissions are accepted.</p> <p><b>Amendments to District Plan</b> Policy 1 is replaced with the following:</p> <p><u>To provide at Invercargill Airport:</u></p> <p><u>(A) for those airport activities necessary to enable the Invercargill Airport to operate in a safe and effective manner; and</u></p> <p><u>(B) for the range of defined Airport Service and Commercial Activities which support or</u></p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p>complementary to the functioning of the Airport.</p> <p><u>Decision Sought:</u> Amend Policy 1 as follows:</p> <p><u>To provide for those aviation activities necessary to enable the Invercargill Airport to operate in a safe and effective manner.</u></p> <p><u>To provide for a range of airport related service, business, industrial and commercial activity that is generally anticipated at an airport and will support or complement the functioning of the Invercargill Airport</u></p>	<p style="text-align: center;"><u>complement the functioning of the Invercargill Airport</u></p> <p><b>Explanation:</b> <i>The Airport Operations Zone defines the area where aviation activities and services will occur. This zone also allows for all activities ancillary to the operation of a regional airport, and aviation related services that have a functional need to location in the immediate vicinity of the airport,—including airport commercial activities.</i></p> <p><b>Reason</b> The change better describes the intent of the policy.</p>
<p><b>103.26 Invercargill Airport Ltd</b></p> <p>Support 2.19.3 Policy 2 Scale of Development. The submitter considers it appropriate to enable development that is of a consistent an anticipated scale and character associated with a functioning airport. Retain Policy 2</p>	<p><b>Decision 21/9</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the provision and seeks no change to it.</p>
<p><b>103.27 Invercargill Airport Ltd</b></p> <p>Oppose 2.19.3 Policy 3 Noise Limits. The submitter considers it inappropriate to infer that the Airport Operations Zone is the driver of the noise limits established via the noise contours for the Airport. A Designation sets noise contours and limits and details how these are to be achieved and maintained. The submitter considers it would be more appropriate for provisions relating to noise sensitive activities in specific zones.</p> <p><u>Decision Sought:</u> Delete Policy 3.</p>	<p><b>Decision 21/10</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> To amend 2.19.3 Policy 3 as follows:</p> <p>To <del>set appropriate noise limits in order to</del> manage the effects of aircraft noise on the surrounding environment <u>by way of a designation by Invercargill Airport Limited.</u></p> <p><u>Explanation: As set out in Section 5 Appendix IV, designations for Invercargill Aerodrome and Airspace and Land Use Controls manage the noise effects of activities associated with Invercargill Airport, and apply restrictions on land uses within the designated area.</u></p> <p><b>Reason</b> The amendment recognises that the District Plan noise rules do not apply where there is a designation in place with provisions in it relating to noise.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p><b>103.28 Invercargill Airport Ltd</b>  Oppose 2.19.3 Policy 4 Noise Sensitive Activities. The submitter considers that it is more appropriate to prohibit noise sensitive activities within the Airport Operations Zone, rather than merely discourage.</p> <p><u>Decision Sought:</u> Reword Policy 4 as follows</p> <p>To avoid the establishment of noise sensitive activities and other incompatible activities within the Airport Operations Zone by prohibiting such uses.</p>	<p><b>Decision 21/11</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  Policy 4 is amended to read:</p> <p>To <del>discourage</del> <u>avoid</u> the establishment of noise sensitive activities and other incompatible activities within the Airport Operations Zone.</p> <p><i>Explanation: Activities occurring within the Airport Operations Zone require the opportunity to generate high levels of noise. As a consequence, noise sensitive activities and other incompatible activities need to be excluded from that Zone. <del>Appropriate noise limits need to be set to protect the ability to undertake airport operations whilst also managing the effects of aircraft noise on areas within the Airport Protection Zone.</del></i></p> <p><b>Reasons</b>  As discussed on pages 4 and 5 of this Decision:</p> <ol style="list-style-type: none"> <li>1. The use of the word "avoid" is appropriate at a policy level where a rule prohibits noise sensitive activities in the Airport Operations Zone, as provided for by Decision 21/21.</li> <li>2. The words "by prohibiting such uses" are the method to achieve the policy, not part of the policy itself.</li> </ol>
<p><b>103.29 Invercargill Airport Ltd</b>  Support 2.19.3 Policy 5 Aircraft Operations in part. The submitter considers that, while there is no need to duplicate references to the Designation through the Plan, this policy would be more relevant in the other Zones affected by the obstacle free surfaces designation.</p> <p><u>Decision Sought:</u> Insert Policy 5 throughout the relevant zones of the District Plan, or alternatively in the Transportation section (2.17) or Infrastructure section (2.9) of the District Wide part of the Plan</p>	<p><b>Decision 21/12</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The height of buildings within flight paths is controlled by a designation, and within the Business 3 Zone, where new building is most likely to be affected by the airport designations, the Explanation to Policy 15 highlights this. This is considered sufficient.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p><b>103.30 Invercargill Airport Ltd</b> Support 2.19.3 Policy 6 Hazardous Substances. The submitter considers it appropriate to recognise that aviation activities require the storage and use of large quantities of hazardous substances.</p> <p><u>Decision Sought:</u> Retain Policy 6</p>	<p><b>Decision 21/13</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the policy and seeks no change to it.</p>
<p><b>103.31 Invercargill Airport Ltd</b> Support 2.19.3 Policy 7 Glare. The submitter considers this policy appropriate but believes it may be best appearing as either a District Wide policy, rather than specific to the Airport Operations Zone.</p> <p><u>Decision Sought:</u> Insert similar policy in the Transportation section (2.17) or Infrastructure section (2.9) of the District Wide part of the Plan</p>	<p><b>Decision 21/14</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the Policy.</li> <li>2. Other zones have “Glare” policies that seek to avoid the adverse effect of glare on transportation networks and it is not considered necessary to repeat this policy in other zones as suggested by the submitter.</li> </ol>
<p><b>65.47 ICC Environmental and Planning Services</b> Support 2.19.3 Policy 10 Wind subject to amendment of drafting error.</p> <p><u>Decision Sought:</u> Amend Policy 10 as follows: “To avoid increasing natural wind effects <u>caused by</u> land use activities”</p>	<p><b>Decision 21/15</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Policy 10 is amended to read: To avoid <u>where practical</u> increasing <u>the adverse effects of any natural</u> wind effects <u>from</u>by land uses <u>activities</u><del>and/or buildings</del> and associated structures.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Altering the wording makes the policy clearer.</li> <li>2. The wording adopted is consistent with that arising from Decision 35/13.</li> </ol>
<p><b>103.34 Invercargill Airport Ltd</b> Support 2.19.3 Policy 10 Wind. The submitter considers this policy appropriate but believes it may be best appearing as either a District Wide policy, rather than specific to the Airport Operations Zone.</p>	<p><b>Decision 21/16</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p><u>Decision Sought:</u> Insert similar policy in the Transportation Section (2.17) or Infrastructure section (2.9) of the District Wide part of the Plan.</p>	<p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the Policy.</li> <li>2. The policy relates to the potential for wind shear effects, which is relevant at low altitudes when aircraft are taking off and landing. This only necessitates a policy in the Airport Operation Zone and the Protection Zone, not in other zones as sought.</li> </ol>
<p><b>65.48 ICC Environmental and Planning Services</b> Support 2.19.3 Policy 11 Dilapidated structures and ill-maintained lands subject to amendment of drafting error</p> <p><u>Decision Sought:</u> Amend Policy 11 as follows:</p> <p>“To require that buildings in the Airport Operations Zone <del>shall be</del> <u>are</u> sound, well-maintained and tidy in appearance”</p>	<p><b>Decision 21/17</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Policy 11 is amended to read:</p> <p>To require that buildings in the Airport Operations Zone <del>shall be</del> <u>are</u> sound, well-maintained and tidy in appearance.</p> <p><b>Reason</b> The amendment corrects a drafting error.</p>
<p><b>103.35 Invercargill Airport Ltd</b> Support 2.19.3 Policy 11 Dilapidated structures and ill-maintained lands. The submitter considers this policy appropriate given the importance the Airport and immediate surrounds as a gateway into the City. Retain Policy 11</p> <p><b>103.36 Invercargill Airport Ltd</b> Support 2.19.3 Policy 12 Demolition or removal activities. The submitter considers this policy appropriate given the importance the Airport and immediate surrounds as a gateway into the City. Retain Policy 12.</p>	<p><b>Decision 21/18</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the provisions and seeks no changes to them.</p>



## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p><b>103.9 Invercargill Airport Ltd</b>                      The submitter recommends the insertion of a district-wide policy dealing specifically with bird strike and its potential impact on aircraft safety.</p> <p><u>Decision Sought:</u> Insert a District Wide Policy (in either 2.9 Infrastructure or 2.17 Transportation) as follows:</p> <p><u>To discourage activities that encourage the congregation of birds within aircraft flight paths</u></p>	<p><b>Decision 21/19</b>                      This submission is noted.</p> <p><b>Amendments to District Plan</b>                      None required.</p> <p><b>Reason</b>                      The issue raised by the submitter is considered in Decision 20/31 Transportation where an addition has been made to the Explanation to Section 2.17 Policy 5.</p>
<b>3.21 RULES</b>	
<p><b>103.67 Invercargill Airport Ltd</b>                      Support 3.21.1 in part. The submitter would like the list of permitted activities extended. The submitter would also like it made clear that no height rules apply for buildings within the Airport Operations Zone.</p> <p><u>Decision Sought:</u> Add to the list of permitted activities:</p> <ul style="list-style-type: none"> <li>– Tourist demonstration and education facilities provided for persons working in the Airport Operations Zone, and passengers and visitors using the airport, or facilities associated with the aviation activities at the Airport;</li> <li>– Conference facilities</li> </ul> <p>Include as a note:                      The Airport Operations Zone is not subject to any other zone standards.</p>	<p><b>Decision 21/20</b>                      This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Add to Rule 3.21.1 Permitted Activities:</p> <p style="margin-left: 20px;">(E) Conference Facilities, subject to:</p> <p style="margin-left: 40px;">(a) Use of any single facility to a maximum of 100 persons at any time</p> <p style="margin-left: 40px;">(b) Hours of use being restricted to periods of regular scheduled services.</p> <p>(ii) Include a new definition in the Proposed Plan</p> <p style="margin-left: 20px;">Conference Facilities: Means in relation to the Airport Operations Zone, the gathering of people for meetings, presentations, training and promotions but excludes standalone social events such as weddings and parties.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. As discussed on pages 3 - 4 of this Decision, the Committee accepted that, subject to limiting size and hours, provision should be made for various meeting activities within the Airport Operations Zone, but not those of a purely social nature.</li> <li>2. As tourist destination and education facilities fall within the definitions Airport Activities and Airport Service and Commercial Activities their specific inclusion as a permitted activity is not required.</li> <li>3. As discussed on page 5 of this Decision, activities in the Airport</li> </ol>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
	Operations Zone not provided for by way of designation are subject to the rules of the District Plan.
<p><b>103.68 Invercargill Airport Ltd</b>            3.21.2 Oppose on the grounds that the submitter considers Noise Sensitive Activities should be prohibited</p> <p><u>Decision Sought:</u> Revise the activity status to prohibit noise sensitive activities within the Airport Operations Zone and within the ANB.</p>	<p><b>Decision 21/21</b>            This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>1. A new rule is added as follows:</p> <p style="padding-left: 40px;"><u>3.21.3 Prohibited Activity: The following are prohibited activities in the Airport Operations Zone.</u></p> <p style="padding-left: 40px;"><u>(A) Noise Sensitive Activities not in existence as at 29 October 2016.</u></p> <p>2. Rule 3.21.2 is amended to read:</p> <p style="padding-left: 40px;">Any activity not listed as permitted <u>or prohibited.</u></p> <p><b>Reason</b>            As set out on pages 4 - 5 of this Decision, providing for noise sensitive activities to be prohibited within the Airport Operations Zone is consistent with NZS6805 and supported by the technical evidence of the IAL's noise expert.</p>
<b>AIRPORT PROTECTION ZONE</b>	
<b>2.20.2 OBJECTIVES</b>	
<p><b>103.37 Invercargill Airport Ltd</b>            Support 2.20.2 Objective 1. The submitter considers this policy outlines the intention of the Zone. Retain Objective 1</p>	<p><b>Decision 21/22</b>            This submission is noted.</p> <p><b>Amendments to District Plan</b>            None required.</p> <p><b>Reason</b>            The submitter supports the Objective and seeks no change to it.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p><b>103.38 Invercargill Airport Ltd</b>  Oppose 2.20.2 Objective 2 in part. The submitter considers that it is not possible for the airport operations to be undertaken so that no adverse effects arise on the surrounding environment and that mitigation of effects may need to be achieved by restricting the type of development in the surrounding areas.</p> <p><u>Decision Sought:</u> Delete clause (C)</p>	<p><b>Decision 21/23</b>  This submission is accepted.</p> <p><b>Amendments to District Plan</b>  Section 2.20.2 Objective 2(C) is deleted.</p> <p><b>Reason</b>  As discussed on page 6 of this Decision, given the nature of adverse effects generated from the airport operations, and the designations applying, Clause (C) is not required.</p>
<p><b>103.39 Invercargill Airport Ltd</b>  Oppose 2.20.2 Objective 3. The submitter believes the objective should be more specific in detailing the purpose of the zone and the outcomes sought</p> <p><u>Decision Sought:</u> Amend Objective 3 as follows:  “The Airport Protection Zone shall be maintained to provide for operations associated or compatible with the Airport and to ensure that other development is limited to avoid or mitigate reverse sensitivity effects arising.”</p>	<p><b>Decision 21/24</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required</p> <p><b>Reason</b>  It is appropriate for the objective to refer to amenity values rather than promoting uses in the Airport Protection Zone that are dealt with in other provisions.</p>
<b>2.20.3 POLICIES</b>	
<p><b>103.40 Invercargill Airport Ltd</b>  Support 2.20.3 Policy 1 Airport Protection Zone. The submitter considers that this policy reflects the intention of the Zone. Retain Policy 1</p>	<p><b>Decision 21/25</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The submitter supports the policy and seeks no change to it.</p>
<p><b>103.41 Invercargill Airport Ltd</b>  Oppose 2.20.3 Policy 2 Noise Limits. The submitter considers it inappropriate to infer that the Airport Protection Zone is the driver of the noise limits established via the noise contours for the Airport. A Designation sets noise contours and limits and details how these are to be achieved and maintained.</p>	<p><b>Decision 21/26</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  To amend 2.20.3 Policy 2 as follows:</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p>The submitter considers it would be more appropriate for provisions relating to noise sensitive activities in specific zones</p> <p><u>Decision Sought:</u> Delete Policy 2</p>	<p>To <del>set appropriate noise limits in order to</del> manage the effects of aircraft noise on the surrounding environment <u>by way of a designation by Invercargill Airport Limited.</u></p> <p><i>Explanation: As set out in Section 5 Appendix IV, designations for Invercargill Aerodrome and Airspace and Land Use Controls manage the effects of activities associated with Invercargill Airport, and apply restrictions on land uses within the designated area.</i></p> <p><b>Reason</b> The amendment recognises that the District Plan noise rules do not apply where there is a designation in place with provisions in it relating to noise.</p>
<p><b>103.42 Invercargill Airport Ltd</b> Oppose 2.20.3 Policy 3 Noise Sensitive Activities. The submitter considers that it is more appropriate to prohibit noise sensitive activities within the Airport Protection Zone, rather than merely discourage.</p> <p><u>Decision Sought:</u> Amend Policy 3 as follows: "To avoid the establishment of noise sensitive activities and other incompatible activities within the Airport Protection Zone by prohibiting such uses."</p>	<p><b>Decision 21/27</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Policy 3 is amended to read:</p> <p><b>Policy 3 Noise Sensitive Activities:</b> To <del>discourage</del> avoid the establishment of noise sensitive activities and other incompatible activities within the Airport Protection Zone.</p> <p><i>Explanation: The Airport Protection Zone is subject to high levels of noise from low flying aircraft. As a consequence, it is appropriate to avoid the establishment of noise sensitive activities in that area. Appropriate noise limits need to be set to protect airport operations whilst also managing the effects of aircraft noise on areas within the Airport Protection Zone.</i></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The use of the word "avoid" is appropriate at a policy level where a rule prohibits noise sensitive activities in the Airport Protection Zone, as provided for by Decision 21/37.</li> <li>2. The words "by prohibiting such uses" are the method to achieve the policy, not part of the policy itself.</li> </ol>
<p><b>103.43 Invercargill Airport Ltd</b> Support 2.20.3 Policy 4 Aircraft Operations in part. The submitter considers that, while there is no need to duplicate references to the Designation through the Plan, this policy would be more relevant in the other Zones affected by the obstacle free surfaces designation.</p>	<p><b>Decision 21/28</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<p><u>Decision Sought:</u> Insert Policy 4 throughout the relevant zones of the District Plan, or alternatively in the Transportation section (2.17) Infrastructure section (2.9) of the District Wide part of the Plan.</p>	<p><b>Reason</b> The height of buildings within flight paths is controlled by a designation, and within the Business 3 Zone, where new building is most likely to be affected by the airport designations, the Explanation to Policy 15 highlights this. This is considered sufficient.</p>
<p><b>103.44 Invercargill Airport Ltd</b> Support 2.20.3 Policy 5 Low Density Development. The submitter considers that this policy appropriately ensures development is compatible with airport operations. Retain Policy 5.</p> <p><b>103.45 Invercargill Airport Ltd</b> Support 2.20.3 Policy 6 Odour. The submitter considers that this policy appropriately ensures odour does not adversely affect airport operations. Retain Policy 6</p>	<p><b>Decision 21/29</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the policies and seeks no change to them.</p>
<p><b>103.46 Invercargill Airport Ltd</b> Support 2.20.3 Policy 7 Glare. The submitter supports this policy, however believes it may be better as a District Wide rule as the issue arises throughout the District.</p> <p><u>Decision Sought:</u> Insert similar policy in the Transportation section (2.17) Infrastructure section (2.9) of the District Wide part of the Plan</p>	<p><b>Decision 21/30</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the Policy.</li> <li>2. Other zones have “Glare” policies that seek to avoid the adverse effect of glare on transportation networks and it is not considered necessary to repeat this policy in other zones as suggested by the submitter.</li> </ol>
<p><b>65.49 ICC Environmental and Planning Services</b> Support 2.20.3 Policy 10 Wind subject to amendment of drafting error.</p> <p><u>Decision Sought:</u> Amend Policy 10 as follows: “To avoid increasing natural wind effects <u>caused</u> by land use activities”</p>	<p><b>Decision 21/31</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Policy 10 is amended to read:</p> <p>To avoid <u>where practical</u> increasing <u>the adverse effects of any natural</u> wind effects <u>from</u> <del>by</del> land uses <u>activities and/or buildings associated structures.</u></p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
	<p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Altering the wording makes the policy clearer.</li> <li>2. The wording adopted is consistent with that arising from Decision 35/13.</li> </ol>
<p><b>103.49 Invercargill Airport Ltd</b> Policy 10 Wind. The submitter supports this policy, however believes it may be better as a District Wide rule as the issue arises throughout the District.</p> <p><u>Decision Sought:</u> Insert similar policy in the Transportation section (2.17) Infrastructure section (2.9) of the District Wide part of the Plan</p>	<p><b>Decision 21/32</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the Policy.</li> <li>2. The policy relates to the potential for wind shear effects, which is relevant at low altitudes when aircraft are taking off and landing. This only necessitates a policy in the Airport Operation Zone and the Protection Zone, not in other zones as sought.</li> </ol>
<p><b>103.51 Invercargill Airport Ltd</b> Support 2.20.3 Policy 12 Dilapidated structures and ill-maintained lands. The submitter considers this policy appropriate given the importance the Airport and immediate surrounds as a gateway into the City</p> <p><u>Decision Sought:</u> Retain Policy 12</p> <p><b>65.50 ICC Environmental and Planning Services</b> Support 2.20.3 Policy 12 Dilapidated structures and ill-maintained lands subject to amendment of drafting error</p> <p><u>Decision Sought:</u> Amend Policy 12 as follows: "To require that buildings in the Airport Operations Zone <del>shall be</del> <u>are</u> sound, well-maintained and tidy in appearance"</p>	<p><b>Decision 21/33</b></p> <ol style="list-style-type: none"> <li>1. Submission 103.51 Invercargill Airport Ltd is noted.</li> <li>2. Submission 65.50 ICC Environmental and Planning Services is accepted.</li> </ol> <p><b>Amendments to District Plan</b> Policy 12 is amended as follows: To require that buildings and sections in the Airport Protection Zone <u>are</u> <del>shall be</del> sound, well-maintained and tidy in appearance</p>
<p><b>103.52 Invercargill Airport Ltd</b> Support 2.20.3 Policy 13 Demolition or removal activities The submitter considers this policy appropriate given the importance the Airport and immediate surrounds as a gateway into the City. Retain Policy 13.</p>	<p><b>Decision 21/34</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
	<p><b>Reason</b> The submitter supports the policy and seeks no change to it.</p>
<b>3.22 RULES</b>	
<p><b>103.70(a) Invercargill Airport Ltd</b> Support 3.22.2 Discretionary Activities. Retain 3.22.2</p> <p><b>117.43 Southern District Health Board</b> Support 3.22.2 Discretionary Activities: The submitter supports the provisions on the grounds that the provisions are important for allowing the use of land for activities while sustainably managing the airport as a physical resource for the district</p> <p><b>103.69 Invercargill Airport Ltd</b> Oppose 3.22.1 Permitted Activities. The submitter is concerned that Airport Activities are not permitted in this zone</p> <p><u>Decision Sought:</u> Amend Rule 3.22.1 to include airport activities as Permitted Activities.</p>	<p><b>Decision 21/35</b></p> <ol style="list-style-type: none"> <li>1. Submissions 103.70(a) Invercargill Airport Ltd and 117.43 Southern District Health Board are noted.</li> <li>2. Submission 103.69 Invercargill Airport Ltd is accepted in part.</li> </ol> <p><b>Amendments to District Plan</b> Rule 3.22.2 is amended as follows:</p> <p><i>3.22.2 Discretionary Activities: The following are discretionary activities in the Airport Protection Zone:</i></p> <p>(A) <u>Airport Activities</u></p> <p>(B) <u>Alterations or additions to existing buildings or parts of buildings used or able to be used for noise sensitive activities, provided that the work complies with the insulation requirements of Appendix VI</u></p> <p><del>(C)</del> <u>Home occupations within existing residences</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Two submitters support the principle of the rule.</li> <li>2. The purpose of the Airport Protection Zone is to provide a buffer (principally in relation to noise) between the rest of the Invercargill City District and the Airport. Airport Activities as defined in the Plan may not always be compatible with the purpose of this Zone.</li> </ol>
<p><b>103.70(b) Invercargill Airport Ltd</b> Oppose 3.22.3 Non-complying activities in part. The submitter generally agrees with the provision, but considers that noise sensitive activities should be prohibited</p> <p><u>Decision Sought:</u> Either amend 3.22.3 to apply prohibited status for any new noise sensitive activity; OR Create a new rule with like effect</p>	<p><b>Decision 21/36</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>1. A new rule is added with consequential renumbering as follows: <u>3.22.4 Prohibited Activity: The following are prohibited activities in the Airport Protection Zone.</u></li> </ol>

## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
	<p>(A) <u>Noise Sensitive Activities not in existence as at 29 October 2016.</u></p> <p>2. Rule 3.22.3 is amended to read:</p> <p style="padding-left: 40px;">Any activity not listed as permitted, <del>or discretionary</del> <u>or prohibited.</u></p> <p><b>Reason</b> As set out on pages 4 - 5 of this Decision, providing for noise sensitive activities to be prohibited within the Airport Protection Zone is consistent with NZS6805 and supported by the technical evidence of the IAL's noise expert.</p>
<p><b>103.70 Invercargill Airport Ltd</b> Support 3.22.4 Height of structures. The submitter supports the proposed maximum building height. Retain Rule 3.22.4</p>	<p><b>Decision 21/37</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the provision and seeks no change to it.</p>



## APPENDIX 1 - DECISIONS ON SUBMISSIONS

Submission	Decision
<b>SECTION FOUR - DEFINITIONS</b>	
<p><b>65.117 ICC Environmental and Planning Services</b> Aircraft Operations: Support subject to amendment of drafting error. The definition refers to an incorrect Rule number. Amend definition to refer to 3.13.13, not 3.13.14</p> <p><b>FS5.48 Invercargill Airport Ltd</b> Support Submission 65.117. The further submitter agrees that this rule is incorrectly referenced and should refer to 3.13.13</p>	<p><b>Decision 21/38</b> These submissions are accepted.</p> <p><b>Amendments to District Plan</b> The definition of Airport Operations is amended as follows:</p> <p><b>Aircraft Operations:</b> For the purpose of establishing the Airnoise, Outer Control and Single Event Sound Exposure Boundaries in terms of Rule <del>3.13.14</del> <u>3.13.17</u> means aircraft, other than those used for emergency purposes and military purposes, being operated immediately before, during or after take-off or landing.</p> <p><b>Reason</b> The change corrects an error.</p>
<p><b>23.1 Airways Corporation of NZ</b> Airport Activities: The submitter considers that the definition does not provide for all of the activities they undertake within the proposed Airport Operations Zone.</p> <p><u>Decision Sought:</u> To amend the proposed definition to include all of Airways' activities undertaken in the proposed Airport Operations Zone as follows:</p> <p><i>"Airport Activities: Means the landing, departure, movement or servicing of aircraft at an airport, together with passenger and freight facilities, <u>air traffic control facilities, flight information services, navigation aids, vehicle parking, vehicle hire and recreational activities.</u> In the case of the Invercargill Airport this also includes meeting facilities to accommodate up to 20 people, and border control activities"</i></p> <p><b>FS5.49 Invercargill Airport Ltd</b> supports Submission 23.1 and the inclusion of additional activities</p>	<p><b>Decision 21/39</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> The definition of Airport Activities is amended as follows:</p> <p><b>Airport Activities:</b> Means the landing, departure, movement or servicing of aircraft at an airport, together with passenger and freight facilities, <u>air traffic control facilities, flight information services, navigation aids,</u> vehicle parking, vehicle hire and recreational activities. In the case of the Invercargill Airport this also includes meeting facilities to accommodate up to 20 people, and border control activities"</p> <p><b>Reason</b> It is appropriate to provide for all of Airways activities in the Zone.</p>

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

#### 2.19 Airport Operations Zone<sup>1</sup>

The Airport Operations Zone is intended to provide for the functions and ancillary activities associated with the Invercargill Airport.

~~This zone enables the airport to carry out its functions including aircraft flight operations, servicing aircraft, and storage and transfer of large quantities of fuel. The zone also allows for all activities ancillary to the operation of a regional airport.~~

The main function of the Invercargill Airport is as the principal facility in the Southland region for air travel and air freight. Invercargill Airport is recognised as a significant asset in light of its contribution to the business and tourism sector within the Southland region. Invercargill Airport also provides facilities and infrastructure for helicopter and other general aviation activities.

In addition to the Airport Operations and Airport Protection Zones, Invercargill Airport is provided for in the District Plan with designations applying to:

- The operational area of the airport (Aerodrome Designation)
- The management of aircraft noise (Air Noise Designation)

The zone provides for the ability to generate higher levels of noise associated with airport operations, in particular the arrival, departure and manoeuvring of aircraft.

The designations enable the safe and efficient operation of the airport by providing for the activities undertaken by the respective requiring authorities. These activities include runways, taxiways, aprons, hangars, navigation facilities, refuelling infrastructure, control towers, passenger terminals, facilities for border control and security, fire fighting services, areas for freight handling, staff facilities, car parking and roading.

However, these designations do not provide for all the essential ancillary activities associated with the airport.

Activities expected at modern airports include commercial and retail activities for passengers, visitors to the airport and staff. Such facilities include rental car companies, cafes, bars, postal and banking services, aviation service activities, tourism businesses, offices, and meeting rooms and other facilities associated with the day to day functioning of the airport.

It is appropriate to recognise and provide for such activities and their use by way of specific zoning, which facilitates the most appropriate use of airport land and ensures that the airport can accommodate all anticipated services and demands.

The Airport Operations Zone ~~zone~~ is located in an area subject to multiple natural hazards, ~~but a~~ Airport activities have a functional need of this location for historical and infrastructure reasons.

---

<sup>1</sup> Decision 21/3 amends the entire introduction.

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 2.19.2 Objectives

**Objective 1:** ~~The Airport Operations Zone enables the airport to carry out its functions as a regional airport including aircraft operations and servicing, storage of large quantities of fuel and activities ancillary to the operation of a regional airport, including airport commercial activities.~~

Invercargill Airport meets the varied needs of the Southland region for airport facilities and services and is enabled to carry out its functions, operations, and ancillary activities. These include Airport Activities and Airport Service and Commercial Activities.<sup>2</sup>

**Objective 2:** The airport is managed so that:

- (A) The changing needs of the aviation industry and of airport users are met.
- (B) The movement of aircraft into and out of the airport is able to be undertaken safely and efficiently.
- ~~(C) Airport operations do not have any significant adverse effects on the surrounding environment.~~<sup>3</sup>

**Objective 3:** The amenity values of the Airport Operations Zone are ~~maintained and managed or enhanced, achieving an acceptable level of amenity for those using the airport and for neighbouring land uses.~~<sup>4</sup>

### 2.19.3 Policies

**Policy 1 Airport Operations Zone:** ~~To provide for activities at Invercargill Airport directly related to airport operations and aviation related services, air travel, the freighting of goods and those activities which are ancillary to the Airport Operations Zone.~~

To provide at Invercargill Airport

(A) for those airport activities necessary to enable the Invercargill Airport to operate in a safe and effective manner; and

(B) for the range of defined Airport Service and Commercial Activities which support or complement the functioning of the Invercargill Airport<sup>5</sup>

**Explanation:** *The Airport Operations Zone defines the area where aviation activities and services will occur. This zone also allows for all activities ancillary to the operation of a regional airport, and aviation related services that have a functional need to locate in the immediate vicinity of the airport, including airport commercial activities.*<sup>6</sup>

---

<sup>2</sup> Decision 21/5

<sup>3</sup> Decision 21/6

<sup>4</sup> Decision 21/7

<sup>5</sup> Decision 21/8

<sup>6</sup> Decision 21/8

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

**Policy 3 Noise Limits:** To ~~set appropriate noise limits in order to manage the effects of aircraft noise on the surrounding environment~~ by way of a designation by Invercargill Airport Limited.<sup>7</sup>

***Explanation:*** As set out in Section 5 Appendix IV, designations for Invercargill Aerodrome and Airspace and Land Use Controls manage the noise effects of activities associated with Invercargill Airport, and apply restrictions on land uses within the designated area.<sup>8</sup>

**Policy 4 Noise Sensitive Activities:** To ~~discourage~~ avoid<sup>9</sup> the establishment of noise sensitive activities and other incompatible activities within the Airport Operations Zone.

***Explanation:*** Activities occurring within the Airport Operations Zone require the opportunity to generate high levels of noise. As a consequence, noise sensitive activities and other incompatible activities need to be excluded from that Zone. Appropriate noise limits need to be set to protect the ability to undertake airport operations whilst also managing the effects of aircraft noise on areas within the Airport Protection Zone.<sup>10</sup>

**Policy 10 Wind:** To avoid where practical increasing the adverse effects of any natural wind effects from ~~by~~ land uses activities and/or buildings and associated structures.<sup>11</sup>

***Explanation:*** At times Invercargill is subject to very strong winds for extended periods, particularly from the westerly quarter. Any development which exacerbates wind effects has potential to have a significant adverse effect on the operation of the airport.

**Policy 11 Dilapidated structures and ill-maintained lands:** To require that buildings in the Airport Operations Zone ~~shall be~~ are sound, well-maintained and tidy in appearance.<sup>12</sup>

***Explanation:*** Derelict buildings will significantly detract from the amenities of the Airport Operations Zone and the Council needs the authority to be able to take enforcement action when necessary.

## 2.20 Airport Protection Zone

### 2.20.2 Objectives

**Objective 2:** The airport is managed so that:

- (A) The changing needs of the aviation industry and of airport users are met.

---

<sup>7</sup> Decision 21/10

<sup>8</sup> Decision 21/10

<sup>9</sup> Decision 21/11

<sup>10</sup> Decision 21/11

<sup>11</sup> Decision 21/15

<sup>12</sup> Decision 21/17

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

- (B) The movement of aircraft into and out of the airport is able to be undertaken safely and efficiently.
- (C) ~~Airport operations do not have any significant adverse effects on the surrounding environment.~~<sup>13</sup>

**Objective 3:** The amenity values of the Airport Protection Zone are ~~maintained and managed or enhanced~~ achieving an acceptable level of amenity for those using the airport and for neighbouring land uses.<sup>14</sup>

### 2.20.3 Policies

**Policy 2 Noise Limits:** ~~To set appropriate noise limits in order to manage the effects of aircraft noise on the surrounding environment~~ by way of a designation by Invercargill Airport Limited.<sup>15</sup>

*Explanation: As set out in Section 5 Appendix IV, designations for Invercargill Aerodrome and Airspace and Land Use Controls manage the effects of activities associated with Invercargill Airport, and apply restrictions on land uses within the designated area.*<sup>16</sup>

**Policy 3 Noise Sensitive Activities:** ~~To discourage~~ avoid the establishment of noise sensitive activities and other incompatible activities within the Airport Protection Zone.<sup>17</sup>

*Explanation: The Airport Protection Zone is subject to high levels of noise from low flying aircraft. As a consequence, it is appropriate to avoid the establishment of noise sensitive activities in that area. Appropriate noise limits need to be set to protect airport operations whilst also managing the effects of aircraft noise on areas within the Airport Protection Zone.*<sup>18</sup>

**Policy 10 Wind:** : To avoid where practical increasing the adverse effects of any natural wind effects from ~~by~~ land uses activities and/or buildings associated structures.<sup>19</sup>

*Explanation: At times Invercargill is subject to very strong winds for extended periods, particularly from the westerly quarter. Any development which exacerbates wind effects has potential to have a significant adverse effect on the amenities and operations of the adjoining airport.*

**Policy 12 Dilapidated structures and ill-maintained lands:** To require that buildings and sections in the Airport Protection Zone are ~~shall be~~ sound, well-maintained and tidy in appearance.<sup>20</sup>

---

<sup>13</sup> Decision 21/23

<sup>14</sup> Decision 21/7

<sup>15</sup> Decision 21/26

<sup>16</sup> Decision 21/26

<sup>17</sup> Decision 21/27

<sup>18</sup> Decision 21/27

<sup>19</sup> Decision 21/31

<sup>20</sup> Decisions 21/33

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

***Explanation:** Derelict properties and poorly maintained sections significantly detract from the amenities of neighbouring properties and the Council needs the authority to be able to take enforcement action when necessary.*

### SECTION THREE RULES

#### 3.21 Airport Operations Zone

**3.21.1 Permitted Activities:** The following are permitted activities in the Airport Operations Zone:

- (A) Airport Activities.
- (B) Airport Service and Commercial Activity.
- (C) Land transport facility.
- (D) Meteorological facilities.
- (E) Conference Facilities, subject to:
  - (a) Use of any single facility to a maximum of 100 persons at any time
  - (b) Hours of use being restricted to periods of regular scheduled services.<sup>21</sup>

**3.21.2 Non-complying Activities:** The following are non-complying activities in the Airport Operations Zone:

- (A) Any activity not listed as permitted or prohibited<sup>22</sup>.

**3.21.3 Prohibited Activity:** The following are prohibited activities in the Airport Operations Zone.

- (A) Noise Sensitive Activities not in existence as at 29 October 2016.<sup>23</sup>

#### 3.22 Airport Protection Zone

**3.22.1 Permitted Activities:** The following are permitted activities in the Airport Protection Zone:

- (A) Agriculture other than forestry and shelter planting.
- (B) Buildings for the purpose of agriculture.

<sup>21</sup> Decision 21/20

<sup>22</sup> Decision 21/21

<sup>23</sup> Decision 21/21

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

**Note:** Parts of the Airport Protection Zone are also subject to height restrictions under the Airport Approach and Land Use Controls Designation. Please refer to Designation ~~7374~~ in Appendix IV.

**3.22.2 Discretionary Activities:** The following are discretionary activities in the Airport Protection Zone:

(A) Airport Activities<sup>24</sup>

(B) Alterations or additions to existing buildings or parts of buildings used or able to be used for noise sensitive activities, provided that the work complies with the insulation requirements of Appendix VI.

(~~B~~C) Home occupations within existing residences.

**3.22.3 Non-complying Activities:** The following are non-complying activities in the Airport Protection Zone:

(A) Any activity not listed as permitted, ~~or discretionary~~ or prohibited.<sup>25</sup>

**3.22.4 Prohibited Activity:** The following are prohibited activities in the Airport Protection Zone.

(A) Noise Sensitive Activities not in existence as at 29 October 2016.<sup>26</sup>

## DEFINITIONS

**Airport Activities:** *Means the landing, departure, movement or servicing of aircraft at an airport, together with passenger and freight facilities, air traffic control facilities, flight information services, navigation aids,<sup>27</sup> vehicle parking, vehicle hire and recreational activities. In the case of the Invercargill Airport this also includes meeting facilities to accommodate up to 20 people, and border control activities”*

**Aircraft Operations:** *For the purpose of establishing the Airnoise, Outer Control and Single Event Sound Exposure Boundaries in terms of Rule ~~3.13.14~~ 3.13.17<sup>28</sup> means aircraft, other than those used for emergency purposes and military purposes, being operated immediately before, during or after take-off or landing.*

**Airport Service and Commercial Activity:** *Means activities providing goods and services to passengers and visitors using the airport; or activities which benefit from an Airport location; or facilities associated with the aviation activities at the Airport including food and beverage services, airline services, banking, retail activities, post or courier services, cleaning services and offices.*

**Conference Facilities:** *Means in relation to the Airport Operations Zone, the gathering of people for meetings, presentations, training and promotions but excludes standalone social events such as weddings and parties.<sup>29</sup>*

<sup>24</sup> Decision 21/35

<sup>25</sup> Decision 21/36

<sup>26</sup> Decision 21/36

<sup>27</sup> Decision 21/39

<sup>28</sup> Decision 21/38

<sup>29</sup> Decision 21/20

Note: Underline indicates additions, strikethrough indicates deletions.



## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

Note: Underline indicates additions, strikethrough indicates deletions.