

UNDER the Resource Management Act 1991
("RMA")

AND

IN THE MATTER OF an application for resource consent to
subdivide land at 60 Otatara Road and 190
Dunns Road, Otatara, Invercargill
("Application")

**STATEMENT OF EVIDENCE OF KIRSTY O'SULLIVAN
ON BEHALF OF INVERCARGILL AIRPORT LIMITED**

PLANNING

1. INTRODUCTION

Qualifications and Experience

- 1.1 My full name is Kirsty O'Sullivan.
- 1.2 I am an Associate with Mitchell Daysh Limited, which practices as a planning and environmental consultancy firm throughout New Zealand. I have been working for Mitchell Daysh Limited since May 2013 and have held the position of Associate since 2018.
- 1.3 I hold a degree in Physical Geography and Geographic Information Systems from the University of Otago, and a postgraduate (Masters) degree in Planning from the University of Otago.
- 1.4 I have over 13 years' experience in environmental resource planning and management consultancy. My professional experience includes a mix of central government, local authority, and consultancy resource management work. Over the past nine years, I have focused on providing consultancy advice with respect to regional and district plans, plan changes, resource consents, designations, and environment effects assessments. While I have experience providing resource planning and management advice to a broad range of clients, ranging from nationally significant infrastructure projects to

smaller scale, individual residential developments, of particular relevance to this hearing is my experience with respect to the following projects / roles:

- (a) for the past nine years I have been the principal consultant planning advisor for the Queenstown Airport Corporation with respect to resource consenting, designation, plan change, District Plan and Regional Policy Statement matters at Queenstown and Wanaka Airports;
- (b) I co-authored the Wellington International Airport Runway Extension resource consent applications and the recent Wellington International Airport Notice of Requirement for a new aerodrome designation over part of the Miramar Golf Course;
- (c) I am currently assisting Wellington International Airport with various aspects of the upcoming Wellington City Plan review; and
- (d) for the past four years I have been the principal consultant planning advisor for Hawke's Bay Airport Limited regarding the pending Napier City Council District Plan and various resource consenting matters.

Code of conduct

- 1.5 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of evidence

- 1.6 In my evidence I will:
- (a) outline the planning framework applying to Invercargill Airport Limited ("**IAL**");
 - (b) provide an overview of the approach to land use planning around airports and the planning framework applying to 60 Otatara Road and 160 Dunn Road ("**Site**");
 - (c) discuss the key effects of the Application relevant to IAL, and the Council Officer on behalf of Invercargill City Council ("**Council**") and

DLC Properties Limited's ("**Applicant**") position on those matters;
and

(d) assess the relevant planning provisions.

2. SUMMARY

- 2.1 It is my view that any application that draws additional noise sensitive activities into the aircraft noise boundaries at Invercargill Airport ("**Airport**") without adequate controls in place will result in a poor planning outcome. Ideally, these types of activities would not occur in this location at all. I acknowledge however, that the Invercargill District Plan ("**District Plan**") anticipates rural residential development within the Otatara Zone.
- 2.2 With respect to this Application, it is important to recognise that the operative District Plan requires resource consent to be obtained for subdivision (as a discretionary activity in this case). This means each subdivision activity needs to be considered on its merits and the effects on IAL carefully considered.
- 2.3 In my view, the Application as lodged did not adequately assess potential effects on IAL and the associated statutory planning framework. While the Applicant's planning evidence goes some way to addressing these omissions, there are a number of areas where I consider further management responses are required to manage the actual and potential effects of the subdivision and the land use it enables on IAL.
- 2.4 I consider that the Applicant needs to go further to demonstrate that it has properly considered, and demonstrated it can manage, the effects of the Application, including consideration of alternative site configuration to avoid the areas most exposed to aircraft noise. The District Plan clearly anticipates that effects on the Airport need to be managed and a high level of amenity must be achieved in the Otatara zone. I do not consider that the Applicant has satisfactorily demonstrated that those matters can be achieved.
- 2.5 However, if the Commissioner is minded to grant consent, I have included at **Appendix A** a series of recommended consent conditions that would go some way to mitigating the adverse effects on the Airport and residents who will ultimately live on the Site. These conditions are necessary (as a minimum) to ensure the potential effects of the subdivision and the subsequent land use that it enables are mitigated to the extent practicable, given the underlying zoning and competing policy directives of the District Plan.

2.6 In the absence of the additional controls recommended in Appendix A of my statement of evidence, I do not consider the Application is consistent with the objectives and policies of the District Plan or Part 2 of the RMA.

3. PLANNING FRAMEWORK APPLYING TO INVERCARGILL AIRPORT

3.1 IAL is a network utility operator and requiring authority under section 166 of the RMA. The Airport is also considered to be "critical infrastructure", a "strategic facility" and "regionally significant infrastructure" under the Environment Southland Regional Policy Statement. It is also a lifeline utility, as defined by the Civil Defence Emergency Management Act 2002.

3.2 IAL is the requiring authority for three designations in the District Plan:

- (a) **Designation 73 Invercargill Aerodrome:** This designation covers the core activities of the Airport, including runways, terminals and ancillary airport activities. The purpose of this designation is to protect the operational capability of the existing airport and provide for associated airport development for a minimum 20 year planning period from the date the designation is confirmed in the District Plan.
- (b) **Designation 74 Airport Approach and Land Use Controls:** The purpose of this designation is to provide obstacle limitation surfaces ("OLS") around the Airport to ensure the safe operation of aircraft approaching and departing the Airport.
- (c) **Designation 75 Air Noise Boundary:** This designation includes IAL's Air Noise Boundary. The purpose of this designation is to protect and provide for the operational capability of the airport and the health and amenity of surrounding residents by controlling levels of aircraft noise and land use activities.

3.3 In addition to the above, the District Plan identifies via the Planning Maps an Air Noise Boundary ("**ANB**"), Single Event Sound Exposure Boundary ("**SESEB**") and Outer Control Boundary ("**OCB**") for the Airport. These are described in detail by Mr Peakall¹ with respect to the level of aircraft noise exposure received within each.

¹ Section 4, Statement of Evidence of Mr S Peakall, dated 29th April 2022.

- 3.4 From a land use management perspective, the purpose of these noise boundaries is twofold, being to:
- (a) control the level of aircraft noise that is generated from the Airport's operations. As required by Designation 75, aircraft noise cannot exceed 65dB L_{dn} beyond the ANB;² and
 - (b) define areas within which land use controls apply. These controls are described further with respect to the Otatara Zone later in my evidence.
- 3.5 IAL currently owns much of the land immediately surrounding the Airport's existing airport operations. This land is subject to three land use zones:
- (a) the Airport Operations Zone;
 - (b) the Airport Protection Zone; and
 - (c) the Rural Zone.
- 3.6 The Otatara Zone is located beyond these zones, with parts of the Otatara Zone located within the OCB and partially within the SESEB.

4. LAND USE PLANNING AROUND AIRPORTS

Best practice aircraft noise management

- 4.1 As set out by Mr Peakall,³ the noise management framework recommended in New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 ("**the Standard**") is generally considered best practice for managing the establishment noise sensitive activities around airports.
- 4.2 In my experience, the Standard generally translates into a district planning framework which:
- (a) Identifies an Air Noise Boundary and Outer Control Boundary on the District Plan maps;
 - (b) Imposes land use controls within the ANB which prohibit the establishment of new residential activities, schools, hospitals or other

² Based on a rolling three-month average 24 hour night weighted sound exposure.

³ Section 3, Statement of Evidence of Mr S Peakall, dated 29th April 2022.

noise sensitive uses. Where existing noise sensitive activities are present:

- (i) any new alterations or additions to activities within this area are generally subject to acoustic treatment requirements;
 - (ii) any existing noise sensitive activities are generally retrofitted with acoustic treatment as modelled aircraft noise reaches 65dB L_{dn}; and
- (c) Imposes land use controls within the OCB which prohibit the establishment of new residential activities, schools, hospitals or other noise sensitive uses unless the District Plan permits such uses. Then such uses are subject to a requirement to incorporate appropriate acoustic treatment to ensure a satisfactory internal noise environment. Where existing noise sensitive activities are present, new alterations or additions to existing residences or other noise sensitive activities are generally subject to acoustic treatment requirements.

4.3 I note that the above is a broad framework, with specific nuances applying to each airport depending on the unique factors applying to each location. For example, some airports such as the Airport, also define a Single Event Noise Exposure Boundary, as discussed by Mr Peakall.⁴

4.4 Despite the above measures generally being considered "best practice", the measures only go so far, and focus on the noise exposure and amenity effects within a building. The measures are not effective at addressing the effects on outdoor amenity. In my experience, residents located within close proximity to an airport can and do find that the utilisation and enjoyment of their property (particularly in the summer months) is affected by aircraft noise. Acoustic treatment cannot mitigate this effect.

4.5 Mr Styles, the Applicant's acoustician, makes some generalised statements about what he considers is common land use planning practice at other airports around New Zealand.⁵ In my experience, district plans are promulgated based on the resource management issues and environmental context applicable to each particular district. The relevance of other district plans to this application is therefore of limited assistance. In my view, this Application needs to be

⁴ Paragraph 4.7 to 4.9, Statement of Evidence of Mr Steve Peakall, dated 26th April 2022.
⁵ Paragraphs 57 to 58 and 69 to 70, Statement of Evidence of Mr J Styles, dated 21 April 2022.

considered based on the context that applies to this Site and not the planning framework applicable in other districts. In this regard, I note that the "principal requirements" identified by Mr Styles are not consistent with the planning framework applicable to the airports that I am most familiar (and work regularly) with.

- 4.6 Mr Styles also offers some views with respect to the planning framework that applies to residential activities within the District Plan more generally.⁶ I wish to clarify that within the District Plan, new residential activity is only permitted within the OCB, in the Residential 1 and Otatara Zones. New residential activity within the remaining zones affected by the OCB is prohibited (ie within the Industrial 2, Business 1, Business 3, Business 6, Rural, Airport Operations and Airport Protection Zones).⁷

Planning framework applying to the Site

- 4.7 The Site is located:
- (a) Within the Otatara Zone.
 - (b) Within the SESEB and OCB.
 - (c) Immediately beneath Designation 74. The OLS within this area is approximately 16m to 31m above mean sea level (defined based on the point of origin).
- 4.8 In relation to subdivision within the Otatara Zone:
- (a) Subdivision is a discretionary activity where it is located within the SESEB or OCB and achieves a minimum allotment size of one hectare.⁸ The District Plan specifies a list of matters that resource consent applications for subdivision "shall address" and "will be among those taken into account by the Council".⁹ This list includes consideration of:
 - (i) integration with and effects on the operation, maintenance, upgrading and development of infrastructure;

⁶ Paragraphs 57 to 58 and 69 to 70, Statement of Evidence of Mr J Styles, dated 21 April 2022.

⁷ Rule RURZ-R4(1), BUS1Z-R4(2), BUS3Z-R4(1), BUS6Z-R4(1) and IND2Z-R4(2), AIROZ-R3(1) and AIRPZ-R4(1), Invercargill City District Plan 2019.

⁸ Rule SUB-R3(2), Invercargill City District Plan 2019.

⁹ Rule SUB-R4, Invercargill City District Plan 2019.

- (ii) potential effects on the environment of land uses enabled by the subdivision;
- (iii) potential effects on the safety and efficiency of the transportation network of land uses enabled by the subdivision;
- (iv) the extent to which the subdivision avoids, or addresses reverse sensitivity issues associated with infrastructure, including the Airport;
- (v) the extent to which the proposed subdivision enables uses permitted in the zone; and
- (vi) in relation to applications within the OCB or SESEB, the extent to which evidence has been provided of a legally binding commitment not to complain about the current or potential effects associated with the operation of the Airport.

(b) Residential density within the OCB is restricted to a maximum of one residence per 10,000m² under contiguous ownership.¹⁰

4.9 While the Application is only for subdivision at this stage, it is clearly intended the sites will be developed for rural residential purposes. In that regard, it is relevant that within the OCB and SESEB any new buildings containing noise sensitive activities¹¹ are required to meet the noise sensitive insulation requirements specified in Appendix 15 of the District Plan. Non-compliance with this requirement means noise sensitive activities are prohibited.¹²

4.10 With respect to the Application, it is important to recognise that the District Plan requires resource consent to be obtained for subdivision (as a discretionary activity in this case). This means each subdivision activity needs to be considered on its merits and the effects on IAL carefully considered. Without comprehensive consideration of effects and measures to avoid or mitigate effects, applications for subdivision consent in the OCB and SESEB can be declined.

¹⁰ Rule OTAZ-R8, Invercargill City District Plan 2019.

¹¹ Means buildings or parts of buildings used for, or able to be used for the residential activity, visitor accommodation, residential care activity, educational activity, hospital activity, healthcare activity, early childhood education and care centres, marae activity and caretake accommodation.

¹² Rule OTAZ-R4, Invercargill City District Plan 2019.

5. EFFECTS OF THE APPLICATION

5.1 The section 42A report provides a high-level overview of the Application.¹³ I adopt this summary for the purposes of my evidence.

5.2 In the following paragraphs, I consider the effects of the Application, the section 42A report and the Applicant's evidence as relevant to IAL.

Reverse sensitivity effects

5.3 Reverse sensitivity is defined in the Environment Southland Regional Policy Statement 2017 as:

[...] the vulnerability of an existing lawfully established activity to the introduction or development of a new activity or land use in the vicinity that may be sensitive to the actual or perceived adverse effects generated by the existing activity.

5.4 In this case, the Airport is an existing lawful activity which generates lawful adverse effects that cannot be internalised within its landholdings. The Application seeks to increase residential activities which are sensitive to aircraft noise within the SESEB and OCB. As a result, the Airport may be required to curtail aircraft operations or expansion plans become stifled because of growing community concern as a result of new sensitive activities coming to the nuisance. If the operation of the Airport is unduly curtailed, there would be adverse effects for the district and wider Southland region.

5.5 In my experience, dealing with resource consenting matters at various airports around New Zealand, it is evident that there is ongoing pressure to allow for the intensification of residential use around airports. While each application needs to be considered on its merits, as a general proposition, it is my view that any decision that exposes additional people to the impacts of aircraft noise within an airport's air noise boundaries promotes a poor outcome and does not appropriately provide for the needs of residents or the operation of that airport.

5.6 Allowing intensification of noise sensitive activities within the air noise boundaries of airports ultimately increases the number of people exposed to the increasing effects of aircraft noise over time. History shows at other airports around New Zealand that such activity will inevitably lead to an increase in reverse sensitivity concerns.

¹³ Section 2, section 42A report dated 11 April 2022 and prepared by Katrina Ellis, Consultant Planner on behalf of Invercargill City Council.

- 5.7 The best form of protection to manage potential reverse sensitivity effects is to avoid the development coming into the effect in the first place.
- 5.8 The Application sets out in section 3.2.1 that reverse sensitivity effects will be managed by adhering to noise insulation requirements and implementation of a no-complaints covenant. I consider that the Applicant is quick to conclude that these measures will address reverse sensitivity effects. The Application has not provided any assessment on the extent of potential effects on the Airport (considering, for example, the scale of the development).
- 5.9 In light of this, I have real concerns about the effectiveness of the proposed measures being offered by the Applicant because:
- (a) There is no mechanism proffered to ensure future land use developers are aware of the mandatory acoustic treatment requirements set out in Appendix 15 in the District Plan.
 - (b) Acoustic treatment does not prevent residents from complaining about the effects of aircraft noise or taking action against IAL which could result in constraints on its operations. As Mr Peakall explains, people can be annoyed by aircraft noise (even with mitigation) and so there is still the very real potential for reverse sensitivity effects to arise.¹⁴
 - (c) While no-complaints covenants have some utility, in my experience, they do not prevent residents from complaining and there is a cost to airport operators to enforce them (if they are comfortable going that far).
 - (d) No-complaints covenants do not avoid or mitigate the effects arising from activities associated with airports, rather it precludes future landowners from opposing or complaining about such effects.
- 5.10 The section 42A report considers that noise sensitive activities are anticipated in the OCB and SESEB and that a level of reverse sensitivity can be reasonably anticipated.¹⁵ The Applicant's planner goes one step further and suggests that the District Plan anticipates a degree of sensitivity, but not reverse sensitivity, as the imposition of a no-complaints covenant ensures reverse sensitivity effects are avoided.¹⁶

¹⁴ Paragraphs 5.22 to 5.23 and section 6, Statement of Evidence of Mr S Peakall, dated 29th April 2022.

¹⁵ Section 6, section 42A report dated 11 April 2022.

¹⁶ Paragraph 4.10, Statement of Evidence of Mr J Brown, dated 21 April 2022.

- 5.11 In my view, this mischaracterises the concept of reverse sensitivity and what the planning provisions enable. That is, the District Plan enables some noise sensitive activities, provided that reverse sensitivity effects can be managed. It does not suggest that reverse sensitivity will be avoided (even with the implementation of a no-complaints covenant).
- 5.12 The section 42A report goes on to consider the extent to which the subdivision avoids or addresses reverse sensitivity effects and whether it would be reasonable to require an alternative subdivision design. The section 42A report concludes that given the density requirements of the District Plan, it would be unreasonable to require a developer to provide a density of less than one dwelling per 10,000m².
- 5.13 While I acknowledge that residential activity is anticipated within the Otatara Zone, a discretionary subdivision provides an opportunity for the full ambit of subdivision effects to be considered. As subdivision is the activity that will ultimately enable the subsequent rural residential use of the site, the potential reverse sensitivity effects arising from such land use activities should be considered as part of this Application.
- 5.14 Based on the Application and evidence received to date, there has been no consideration given by the Applicant to an alternative site configuration that avoids the areas that are most sensitive to aircraft noise, be it through an alternative allotment configuration or positioning of building platforms outside of these areas where it is practical to do so. While the former would provide the best reverse sensitivity outcome, the latter would strike an appropriate balance between the policy directives within the District Plan that seek to protect infrastructure and the policy directives which enable residential development (as outlined later in section 6). I consider it would be appropriate for the covenant (as volunteered by the Applicant) to require all new buildings containing noise sensitive activities on identified lots to avoid the SESEB, and have recommended a condition to this effect in Appendix A.

Health and Amenity effects

- 5.15 Exposure to aircraft noise on a frequent and ongoing basis can give rise to adverse health and amenity effects. The Application focuses on the effects of the subdivision on the amenity of the wider Otatara Zone and compliance with the permitted density rules of the District Plan. Other than the acoustic assessment provided as part of the section 92 report, there was no assessment of the amenity effects for residents locating within the SESEB or

OCB in the original Application (although Mr Styles does expand on this to some degree in his evidence which Mr Peakall has addressed).

- 5.16 The acoustic assessment provided by the Applicant draws parallels between this site and existing residential properties on Korimako and Marama Avenues as rationale for why the outdoor amenity effects associated with the Application are acceptable. It is my understanding that these residences were established under a different planning regime,¹⁷ or were established prior to the District Plan being made operative. Residential activity established in other parts of the zone is also not a justification for granting development of this nature and scale at the Site. This comparative exercise is therefore of limited assistance when considering the effects of aircraft noise on outdoor amenity.
- 5.17 The Applicant relies heavily on the acoustic insulation requirements in the District Plan to say that adverse health effects will be able to be managed. Mr Brown, the Applicant's planner, goes so far as to say that such effects will be "adequately avoided" with acoustic insulation.¹⁸ I do not agree. While acoustic insulation mitigates effects to some degree, as previously noted in paragraph 4.4, acoustic treatment does not mitigate against the effects on outdoor amenity, the enjoyment of which is a significant part of the New Zealand lifestyle and a key feature of the Otatara Zone.¹⁹
- 5.18 The section 42A report agrees that neither noise insulation, nor a no-complaints covenant will reduce the noise experienced from outdoor areas. Beyond this, however, the section 42A report contains limited assessment or acknowledgement of the health and amenity effects that people will experience in this location.
- 5.19 Mr Brown, draws conclusions with respect to the external noise environment based on the departure of three aircraft over a 30 minute interval. As discussed by Mr Peakall, an isolated site visit is not sufficient to understand the wider amenity effects and aircraft noise exposure for this site.²⁰
- 5.20 In my view, it is difficult to see how this development will achieve the outdoor amenity outcomes for the Otatara Zone, particularly as the area is experiences increasing exposure to aircraft noise over time. As described by Mr Peakall,

¹⁷ Based on the commentary contained within the Notification Recommendation prepared by Gareth Clarke (dated August 2021) and specifically, that the existing residence were established in the 1970s or 80s.

¹⁸ Paragraph 4.15, Statement of Evidence of Mr J Brown, dated 21 April 2022.

¹⁹ As set out in Objective OTAZ-O1, OTAZ-O3 and Policy OTAZ-P2 of the Invercargill City District Plan 2019.

²⁰ Paragraph 7.17, Statement of Evidence of Mr S Peakall, dated 29th April 2022.

aircraft noise exposure at this site is approximately 5 decibels less than what is permitted by the aircraft noise contours.²¹ Future residents of these allotments could therefore experience a substantially greater level of aircraft noise over time when compared to the annual flight numbers described by Mr Finnerty because the aircraft noise boundaries provide for substantially greater volume of aircraft movements.²²

- 5.21 Notwithstanding this, I consider that if the Application is approved, the requirement to acoustically insulate noise sensitive activities should be included as a consent notice to alert future landowners to this requirement. While I acknowledge this is a requirement of the District Plan regardless, I consider that this is appropriate for clarity and to ensure future landowners are well aware of what they are buying into. I also consider that compliance with this should be demonstrated by confirmation from a suitably qualified person and provided to IAL for feedback prior to being submitted to the Council. I have recommended a condition to this effect at Appendix A.

Safety effects

Built development and vegetation

- 5.22 The end of the Airport's main runway is located less than a kilometre to the north east of the proposed subdivision. The Site is located directly beneath the western approach and take-off surface of this runway. The Site is located such that aircraft would be well advanced in a landing manoeuvre or shortly after commencing take-off over the proposed subdivision. Aircraft will therefore generally be low flying at this point.
- 5.23 In terms of controls relating to the approach and take-off paths, Designation 74 applies. Designation 74 states that:
- No building, structure, mast, pole, tree or other object, shall penetrate any of the approach surfaces, horizontal surfaces and the surrounding conical surfaces or the Transition surfaces shown on the Maps accompanying the District Plan, except without the prior approval of the Invercargill Airport Ltd in the first instance.
- 5.24 As noted in paragraph 4.7(c), the OLS is at an elevation of approximately 16 to 31m above the Site. To manage the potential for vegetation to extend into the OLS, the Applicant originally proposed that a covenant is registered on the

²¹ Paragraph 6.3, Statement of Evidence of Mr S Peakall, dated 29th April 2022.

²² Paragraph 4.1, Statement of Evidence of Mr N Finnerty, dated 29th April 2022.

property titles to restrict the height of trees within the subdivision to approximately 2m below the OLS. The Council Officer considers further amendments to this covenant are required to ensure the plant species used on site are not capable of reaching within 2m of the OLS.

- 5.25 I agree with this recommendation and consider it would go some way to addressing Mr Finnerty's concerns that monitoring vegetation growth beneath the OLS is both a time-consuming and expensive process. I also agree that these requirements should be imposed by way of covenant on every new allotment. A list of acceptable species with input from IAL and a suitably qualified ornithologist should also be included as part of this process and only those species being used as part of the development. Recommended conditions to this effect have been included as Appendix A.
- 5.26 Mr Brown, in his evidence, now proposes that a covenant requiring trees to be limited to a maximum height of 8m to manage the potential effects on the OLS.²³ He goes on to note that the maximum height of any structure within the Otatara Zone is 10m, and any breach to this requirement triggers resource consent as a restricted discretionary activity.²⁴
- 5.27 The Site lies approximately 8m to 11m above mean sea level.²⁵ A maximum growth height of 8m would potentially allow trees at the eastern end of the site to penetrate the OLS by up to 2m,²⁶ and a permitted 10m high building by up to 4m. Designation 74 clearly states no building or trees shall penetrate the OLS. To do so would require IAL's approval under section 176(1)(b) of the RMA. In such an important operational area, there is no guarantee that this would be provided, and given the real safety risk seems unlikely. If the Commissioner is of a mind to grant consent, I consider it is appropriate that an enduring mechanism is imposed on the record of titles that draws future landowners attention to the limitations imposed on the Site by Designation 74.
- 5.28 For buildings, I consider this is appropriately achieved by a consent notice. By including this as a consent notice, the obligation then falls to the Council to enforce such a condition which is particularly important for permitted activities where IAL would not otherwise be involved. A recommended condition to this effect has been included as Appendix A to this statement of evidence. For vegetation, I consider that this is appropriately included as a covenant. My

²³ Paragraph 4.11, Statement of Evidence of M J Brown, dated 21 April 2022.

²⁴ Paragraph 4.11, Statement of Evidence of M J Brown, dated 21 April 2022.

²⁵ Based on paragraph 4.11, Statement of Evidence of Mr J Brown, dated 21 April 2022.

²⁶ Noting that the height of the OLS is with relative to the airport reference height of 1m above mean sea level.

recommended condition applies a consistent 6m height constraint based on the lowest level of the OLS on site, as a specified height is easier for landowners to understand and for it to be enforced.

Bird Strike

- 5.29 As discussed by Mr Finnerty,²⁷ bird strike poses a threat to the safe operation of the Airport. The Civil Aviation Authority Good Aviation Practice Note on Bird Hazards recommends that airports work with local authorities to mitigate the effects of bird feeding sites near to an aerodrome.²⁸ As the subdivision is located directly under the OLS and within the flight path of main runway, it is imperative that the Application, particularly stormwater management, landscaping and refuse management, do not pose an increased risk of bird strike.
- 5.30 The Application proposes some measures to address the potential effects of bird strike by promoting property management measures such as maintaining the height of grass, avoiding the establishment of broad leaf weeds, removing dead vegetation and maintaining drainage ditches on site. While these measures were originally proposed to be implemented by way of an advice note, the Applicant is now proposing to impose these controls via an "Airport Protection Covenant" to ensure "that any risk of aircraft bird strike risk is minimised as far as possible".²⁹ I consider that a covenant is more appropriate, rather than an unenforceable advice note. While this is an improvement on what was set out in the original Application, there is still an obvious gap, being controls on the species or types of vegetation established on site. The type of vegetation is important, in my view, to manage bird strike risk and potential breaches of the OLS.
- 5.31 In my view, the Airport Protection Covenant should be expanded to include a requirement for all vegetation planting on site to be in accordance with a list of acceptable species appended to the covenant. This list should be informed by input from (and ideally agreed by) IAL, the Council and an appropriately qualified ornithologist. Attached as Appendix A are further amendments to the conditions to reflect this recommendation.

²⁷ Paragraph 6.11, Statement of Evidence of Mr N Finnerty, dated 29 April 2022.

²⁸ https://www.aviation.govt.nz/assets/publications/gaps/Bird_Hazards.pdf

²⁹ Paragraph 4.12, Statement of Evidence of Mr J Brown, dated 22nd April 2022.

5.32 I also consider there should be an obligation on the landowner to monitor the height of the planting (at their cost) by way of an annual survey and to provide evidence to the Council and IAL that this has been achieved. Where compliance is not achieved, it will be the owner's responsibility to undertake maintenance or remove the tree to achieve compliance. This is an important measure to proactively manage potential risks to IAL operations from breaches of the OLS (which can pose a significant risk to the safety of aircraft) and minimise the time and cost to the Airport of having to resolve these issues when they arise, which Mr Finnerty explains in his evidence.³⁰

Other Matters

5.33 The Council Officer also recommends that any earthworks associated with the subdivision be subject to an earthworks management plan (which should be prepared by a suitably qualified person as with all plans under this consent). I support the use of such a management response and consider that the earthworks management plan and associated conditions of consent should also require that:

- (a) exposed earthwork surfaces are stabilised on the completion of works and if grass is used to stabilise the site, a bird resistant seed is used; and
- (b) earthworks will be managed to ensure that no more than 10m² of standing water shall arise as a result of the earthworks.

5.34 To ensure these conditions are enduring, I have recommended their inclusion in the Airport Protection Covenant offered by the Applicant.

5.35 These measures will ensure the site establishment works both associated with the subdivision and future rural residential activity it enables, will minimise the adverse effects on IAL.

6. RELEVANT PLANNING PROVISIONS

6.1 In my view, the Application contains a very light evaluation of the objectives and policies relevant to this Application. The statutory evaluation has omitted key objectives and policies and where it has considered these provisions, the evaluation has been limited in most instances to one or two sentences.

³⁰ Paragraph 6.8 to 6.9, Statement of Evidence of Mr N Finnerty, dated 29 April 2022.

- 6.2 While a more comprehensive evaluation is provided by the Council Officer, the evaluation in the section 42A Report focuses primarily on aircraft noise and the associated reverse sensitivity related provisions of the District Plan, when there are a range of other relevant matters that I consider need to be assessed. Mr Brown has now provided some further evaluation both in his evidence and as an appendix to his evidence, however I do not concur with some of the conclusions reached.
- 6.3 Accordingly, in the following paragraphs, I provide a further evaluation of the Application against the key relevant provisions of the District Plan and the Southland Regional Policy Statement 2017, insofar as they relate to IAL's interests.

The District Plan

- 6.4 The objectives and policies of relevance can generally be categorised into the following themes, being provisions that:
- (a) seek to protect existing infrastructure from incompatible subdivision, use and development;³¹
 - (b) seek to integrate subdivision, land use and development while minimising the potential for reverse sensitivity effects;³²
 - (c) seek to maintain and enhance the amenity of Otatara Zone, including a feeling of remoteness away from urban environs;³³
 - (d) seek to avoid, remedy or mitigate adverse effects on infrastructure;³⁴
 - (e) allow for low density residential activity, while recognising that subdivision is a major determinant of how land is used;³⁵
 - (f) seek to address the effects of glare and lightspill;³⁶ and
 - (g) seek to avoid increasing the adverse impacts of any natural wind effects from land use activities, buildings and other structures.³⁷

³¹ Objective INF-O3 and Policies INF-P3 and TRA-P1, Invercargill City District Plan 2019.
³² Objective TRA-O1 and SUB-O1 and Policy TRA-P5, TRA-P9, SUB-P9 and OTAZ-P4, Invercargill City District Plan 2019.
³³ Objective SUB-O2 OTAZ-O1 and OTAZ-O2 and Policy OTAZ-P2, Invercargill City District Plan 2019.
³⁴ Objective SUB-O5 and Policy SUB-P1, Invercargill City District Plan.
³⁵ Objective SUB-O8 and Policies SUB-P2 and OTAZ-P1, Invercargill City District Plan 2019.
³⁶ Policy OTAZ-P6 and P8, Invercargill City District Plan 2019.
³⁷ Policy OTAZ-P9, Invercargill City District Plan 2019.

6.5 I will address each of these themes in turn.

Protecting existing infrastructure from incompatible subdivision, use and development and recognise the importance of infrastructure

6.6 In broad terms, Objective INF-O3 and Policies INF-P3 and TRA-P1 seek to protect existing infrastructure (such as the Airport) from incompatible subdivision, use and development. Objective INF-O6 recognises the importance of infrastructure, such as the Airport, in supporting the social and economic wellbeing of the city, region and nation.

6.7 The Council Officer evaluates these provisions with respect to aircraft noise only. Mr Brown evaluates these provisions and concludes that the Airport infrastructure will be protected, and the Application will not affect Airport operations. I do not agree.

6.8 Based on my assessment of the Application in section 5, there are a number of potential effects arising as a result of this subdivision, including reverse sensitivity, amenity effects, bird strike and effects on operational safety associated with the OLS. Without appropriate controls imposed to manage these effects, such as those that I have recommended in Appendix A, the subdivision will not protect the Airport from incompatible activities, as sought by the aforementioned provisions.

Integrating subdivision, land use and development while minimising the potential for reverse sensitivity effects

6.9 Objectives TRA-O1 and SUB-O1 and Policy TRA-P5, TRA-P9, SUB-P9 and OTAZ-P4 all broadly seek to integrate subdivision and land use with existing infrastructure, while avoiding, remedying and mitigating effects such that the potential for reverse sensitivity is minimised.

6.10 The Application primarily focuses its evaluation of these provisions on what is permitted within the Otatara Zone. It also does not evaluate Policy TRA-P9 or SUB-P9, which seek to ensure land use and transport infrastructure planning is integrated and that reverse sensitivity effects associated with the Airport are managed. With the exception of Policy TRA-P9, the Council Officer has provided a detailed evaluation of these provisions. Mr Brown has now sought to rectify this and has evaluated most of these provisions, but again I do not agree with his conclusions.

6.11 As set out in paragraph 5.7, the best form of protection available to avoid potential reverse sensitivity effects is to avoid the development coming to the

effect in the first place. However, in this circumstance, the policy framework enables some degree of residential development within the Site, subject to appropriate controls. I therefore consider further controls are necessary, as set out in Appendix A of my evidence, in order to ensure that the subdivision and the subsequent land use that it enables effectively integrates (to the extent practicable given the policy framework) with the Airport.

- 6.12 I note that Policy OTAZ-P4 (which is not noted in the Application) recognises that some parts of the Otatara Zone are subject to higher levels of noise generated by the transportation network (including the Airport) and that reverse sensitivity effects associated with those activities should be avoided or mitigated. As described in paragraph 5.14, little consideration has been given by the Applicant to an alternative site configuration that "avoids" the areas that are most sensitive to aircraft noise.

Maintaining and enhancing the amenity of Otatara Zone, including a feeling of remoteness away from urban environs

- 6.13 Objectives SUB-O2 and OTAZ-O2 and Policy OTAZ-P2 seek to maintain the amenity of the Otatara Zone. Notably, Objective SUB-O2 seeks to ensure that a "feeling of remoteness" is achieved, while Policy OTAZ-P2 requires the provision of practical outdoor private open space as an important dimension of amenity.³⁸ The explanation to this policy sets out that private open space is desirable on residential lots to enable ventilation of indoor space on to a sheltered outdoor space, outdoor living and household activities.

- 6.14 Given the lack of mitigation or evaluation provided by the Applicant with respect to amenity effects, it is not clear how the Application will reconcile the adverse effects of aircraft noise with the amenity outcomes sought by the aforementioned provisions. This is particularly the case with respect to the "feeling of remoteness" identified in Objective SUB-O2. Mr Brown's evidence does not address this matter and for the most part, considers amenity with respect to the permitted density requirements of the District Plan.

- 6.15 In my view, the Application is inconsistent with the aforementioned provisions.

Allowing for low density residential activity, while recognising that subdivision is a major determinant of how land is used

- 6.16 Objective SUB-O8 and OTAZ-O1 and Policies SUB-P2 and OTAZ-P1 collectively provide for low density residential activity, while recognising that

³⁸ Policy OTAZ-P2, Invercargill City District Plan 2019.

subdivision is a major determinant of how land use used and developed in the future.

- 6.17 In my experience, subdivision is the activity that practically provides for the subsequent residential development of land. This is recognised in Objective SUB-O8 which states:

...because subdivision sets the long term pattern of development, subdivision is a major determinant of how land is used and therefore of the environmental effects of land use."

- 6.18 In my view, while the District Plan anticipates residential activity within the Otatara Zone, this is subject first to the Applicant obtaining subdivision consent which requires the Applicant to assess the effects and demonstrate that those effects can be appropriately managed. As previously discussed in section 5, there are still a number of residual effects arising from the Application that have not been adequately assessed, addressed or managed given the context of this site and the various effects it will experience as a result of its proximity to the Airport.

Avoid, remedy or mitigate adverse effects on infrastructure

- 6.19 Objective SUB-O5 and Policy SUB-P1 seek to avoid, remedy or mitigate adverse effects on infrastructure. For the reasons set out in the preceding sections, a number of additional management responses are required before the Application can be considered to avoid, remedy or mitigate the effects on the Airport, as sought by these provisions.

The Southland Regional Policy Statement

- 6.20 Objective INF-1 of the Southland Regional Policy Statement ("**RPS**") seeks to ensure that the region's significant and critical infrastructure is secure, operates efficiently and is appropriately integrated with land use activities and the environment. Associated policies seek to protect such infrastructure, particularly from new incompatible land uses,³⁹ and to ensure that subdivision, land use and development does not result in adverse effects on the efficiency and upgrading of infrastructure.⁴⁰ Objective TRAN-1 and associated Policies Policy TRAN-3 and TRAN-4 have similar themes to those above.
- 6.21 As previously identified, there are a number of potential effects arising as a result of this subdivision that have not been adequately addressed by the

³⁹ Policy INF.3 of the Southland Regional Policy Statement 2017.

⁴⁰ Policy INF.5(a) and (c) of the Southland Regional Policy Statement 2017.

Applicant. For the reasons set out in section 5, it is premature to conclude that the Application is consistent with the aforementioned provisions.

Summary

- 6.22 As set out above, there are a number of directives within the objectives and policies of the District Plan (and the RPS) that require the effects of the Application to appropriately manage its effects on the Airport. Based on the resource consent application and the Applicant's evidence, it is not clear how the Application is consistent with or not contrary to the outcomes sought the objectives and policies of the District Plan.
- 6.23 Notwithstanding, I also acknowledge that residential activity is anticipated within areas of the Otatara Zone that are subject to the SESEB and OCB, provided those effects are appropriately managed. As set out in my evaluation above, many of the effects raised by Mr Finnerty and discussed in Section 5 can be mitigated to some degree through management measures imposed on the subdivision and subsequent land use activities that will achieve greater alignment outcomes sought by the objectives and policies of the District Plan.

Part 2

- 6.24 I agree with Mr Brown that the key relevant section 7 matters for this application include sections (b), (c), (f) and (g). In my view, however:
- (a) additional controls are required, as set out in **Appendix A**, in order to ensure that the subsequent rural residential use of the Site (which is enabled by the subdivision) protects the efficient use and development of the Airport;
 - (b) while acoustic treatment can ensure noise exposure and thus amenity within buildings is maintained at a specified level, there are no mitigation measures for addressing outdoor amenity effects; and
 - (c) the Airport is a finite physical resource that has been operating from its current location since approximately 1944. It is not easily replicated or replaced elsewhere. Activities that pose a risk to its ongoing operation and use therefore need to be avoided or mitigated to the extent practicable to ensure this finite resource is protected. With respect to Section 5, I acknowledge that there is tension between the protection of the Airport and enabling residential activity within the Otatara Zone. Despite the Application not being entirely consistent with the matters set out in section 7 of the RMA, with the

additional controls set out in **Appendix A**, the Application will achieve greater alignment with overall sustainable management purpose of the RMA.

Kirsty O'Sullivan

29 April 2022

Appendix A – Proposed Conditions

Council Officer's proposed conditions shown in black text.
Applicant's proposed amendments (as set out J Brown's evidence) shown in ~~blue~~ underline
Invercargill Airport Limited's proposed amendments (as set out K O'Sullivan evidence) shown in ~~green~~ underline

General:

1. The proposed activity is to be undertaken in accordance with the plans and supporting information submitted with the application RMA/2020/82 received by the Council on 18 May 2020, and any further information provided, including on 10 June 2021, except where modified by conditions of consent.
2. All necessary easements and right of ways, including those shown in the memorandum of easements and schedule of easements provided with the application, must be duly reserved and granted.
3. The easements providing access from Lots 1-30 to Otatara Scenic Reserve must be ~~vested~~ duly reserved and granted as part of Stage 1.
4. Prior to any physical works commencing, the detailed design and specifications of any assets to vest in Council, including the crossing (bridge) from Lot 30, must be submitted to, and approved by, the Council. These assets must be constructed in accordance with the approved plans and specifications.

Stormwater:

5. Prior to any physical works commencing, a stormwater management plan must be ~~prepared by a suitably qualified person and~~ submitted to, and approved by, the Council's Manager – Engineering Services. The design details must include (but are not limited to):
 - a) Stormwater management via on-site soakage; and,
 - b) All design details and specifications in accordance with Council standards; and,
 - c) Identification and protection of existing overland flow paths; and,
 - d) Demonstration that the proposed soakage system will result in no more stormwater leaving the site than currently occurs, i.e. post-development stormwater flows are to be no greater than pre-development stormwater flows.
 - e) A statement prepared by a suitably qualified ornithologist confirming that the proposed stormwater management plan (and associated stormwater management systems) will not create bird strike risk for aircraft using Invercargill Airport.

Access:

6. Prior to physical works commencing, detailed design plans and specifications for the vehicle crossing off Otatara Road and Korimako Avenue must be submitted to, and approved by, the Council's Manager – Engineering Services. The Otatara Road vehicle crossing must include details of seal widening, flag lighting, and give way controls that meet Council requirements. The plans must also show the naming of the rights of way, the allocation of street numbering and location of mail boxes, as agreed with New Zealand Post.

Please Note: Given the number of lots gaining access off the proposed crossings, a site specific design is likely required. It is likely that the Rights of Way will need to be named.

7. The existing vehicle access to Lot 11 must be removed and reinstated to the satisfaction of the Council's Manager – Engineering Services
8. Prior to physical works commencing, detailed design of all vehicular Rights of Way must be submitted to, and approved by, Council's Manager – Engineering Services. The Rights of Way must be designed to meet Council standards, and Right of Ways A-C, H and K-M must be sealed.
9. All vehicle crossings, rights of way, and mailbox bays, must be constructed in accordance with the plans approved by Council's Manager – Engineering Services.

Electricity and Telecommunications:

10. Underground reticulated electricity and telecommunication must be provided to the boundary of each allotment.

Landscaping:

11. Prior to any physical works commencing, a plant and tree species list shall be prepared by a suitably qualified landscape expert for the site which only includes species that will not be a natural attractant for bird life. The list shall be:
 - a) reviewed, and a statement prepared, by a suitably qualified ornithologist confirming that the plant and tree species on the list will not be a natural attraction to bird life and will not create bird strike risk to aircraft using Invercargill Airport; and
 - b) provided to Invercargill Airport and Invercargill City Council (along with the statement in condition 11(a)) for feedback at least 20 working days prior to physical works commencing. If feedback is not provided within 15 working days of receiving the information, this condition shall be deemed satisfied.
12. Prior to construction of Rights of Way D-G, I, J, N, O, and R-X, a landscaping plan must be prepared by a suitably qualified landscape expert and submitted to, and approved by, the Council. The landscaping plan must:
 - a) identify the location, types, and grade of species to be established in this right of way on site; and
 - b) Identify the maximum growth height of any trees proposed to be planted on site;
 - c) Only utilise tree species that, on mature growth, will not exceed the obstacle limitation surfaces, as described in Designation 74;
 - d) Only utilise plant and tree species identified on the plant list identified in Condition 11; and
 - e) include an appropriate legal mechanism to protect and maintain these features in perpetuity.

Earthworks:

13. Prior to physical works commencing, an earthworks management plan must be prepared by a suitably qualified person and submitted to, and approved by, the Council that ensures earthworks are undertaken in a manner that prevents dust, silt and sediment running off the property or into any drain on site. The earthworks management plan must be implemented for the duration of the earthworks.
14. All exposed areas of earthworks shall be vegetated and/or sealed within one month of earthworks being completed, and in the event that any areas are vegetated with grass, bird resistant grass seed shall be used.
15. Earthwork activities shall not result in standing pools of water greater than 10m².
16. Hours of operation for earthworks, must be limited to:
 - Monday to Friday (inclusive): 7.00am to 7.00pm.
 - Saturday 8.00am to 6.00pm
 - Sundays and Public Holidays: No Activity

In addition, heavy machinery may only operation between 7.30am to 6.00pm Monday to Friday, and 8.00am to 5.00pm on Saturdays.

Staging:

17. This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be complied with only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:
 - Stage 1: Lots 1 to 29
 - Stage 2: Lots 30 and 31

The staging must occur in numerical order, or occur together.

Covenants:

18. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the “no complaints covenant” in appendix E of the application report, in accordance with Section 108 of the Resource Management Act, shall be issued and registered in favour of Invercargill Airport Limited against the Records of Title ~~for Lots 1-30~~ 394978 (Lots 1 – 29) and part SL8C/109 (Lot 30) Lots 1—30.
19. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, an “Airport Protection” covenant, in accordance with Section 108 of the Resource Management Act, shall be approved by the Council and issued and registered in favour of Invercargill Airport Limited against the Records of Title ~~for 394978 (Lots 1 – 29) and part SL8C/109 (Lot 30) Lots 1–30~~ to record that:

[NB: Terms of the covenant to be agreed with IAL]

Obstacle Limitation Surface

- a) Each owner of a lot shall be responsible for ensuring that the height of any tree on their lot does not exceed shall be no higher than 68m above existing ground level; [NB: this height may need to be further reduced to maintain a 2m clearance of the OLS if the applicant confirms the height of the land at the eastern end of the site is 11m amsl.]

Bird Strike Risk

- b) Each owner shall undertake an annual survey of the trees planted on site to confirm the trees remain below the height limits described in Condition 19(a).
- c) Written confirmation shall be provided to Invercargill City Council and Invercargill Airport Limited within two weeks of the survey described in Condition 19(b) being completed confirming:
- (i) That compliance with Condition 19(a) is achieved (with evidence to demonstrate compliance); or,
 - (ii) That trimming or removal of the tree will be completed within no more than four weeks of the survey to ensure ongoing compliance with Condition 19(a).
- d) The costs associated with Conditions 19(b) and (c) shall be entirely born by the owner.
- e) Each owner of a lot shall be responsible for ensuring that any risk of aircraft bird strike is minimised as far as possible by:
- (i) Managing pasture grass height to no greater than 150mm;
 - (ii) Requiring that any on-site stormwater soakage areas are designed to avoid standing water areas;
 - (iii) Avoiding ornamental ponds or other landscaping involving standing water that is likely to attract bird life;
 - (iv) Avoiding growth of any broad-leaf weed species; ~~and~~
 - (v) Removing, or in the case of compost areas covering any dead vegetation so that it is not accessible by birds;
 - (vi) All rubbish and recycling storage areas on site must be covered so that they are not accessible by birds; and
 - (vii) All planting on site shall be in accordance with the planting list attached as Appendix A to this covenant.

Noise

- f) All new buildings containing noise sensitive activities and/or additions to existing buildings containing noise sensitive activities located within Lots 2, 3, 4, 5, 10, 12, 19, 20, 22 and 24 shown on "Scheme Plan Subdivision of Lot 4 DP 398984, Section 31 Block XXI Invercargill Hundred & Lot 2 DP 1553", prepared by True South Survey Limited, Project 5838, and dated 13 May 2020" shall be located outside of the Single Event Sound Exposure Boundary for Invercargill Airport, as shown in the District Planning Maps.

Earthworks

- g) Any earthwork activities on site shall not result in temporary or permanent standing pools of water greater than 10m².

Consent Notice:

20. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, a consent notice, in accordance with Section 221 of the Resource Management Act, shall be issued and registered against the Records of Title for Lots 1-30 to record that:

- a) Light spill and/or glare shall be mitigated by the following measures:
- (i) All exterior lighting shall be restricted to down lighting only for the purpose of lighting private areas only.
 - (ii) Lighting should not create any light spill onto adjoining properties and be designed to avoid upward light spill into the night sky.
 - (iii) All exterior lighting not fixed to a building shall be no more than 1 metre in height and be designed to avoid light spill into the night sky.
 - (iv) Light sources are to be LED, incandescent, halogen, or other "white light". Sodium vapour or other coloured light is not permitted.
- b) No building shall be constructed in the overland flow paths, identified in condition 5 of resource consent RMA/2020/82.
- c) No building or structure shall be constructed within 10m of any ~~drain or other~~ waterway.
- d) No building or structure and no construction equipment or plant used to construct the building or structure shall penetrate the obstacle limitation surfaces described in Designation 74 of the Invercargill City District Plan.
- e) Prior to the construction of any building or structure on site, certification shall be provided to Invercargill City Council and Invercargill Airport Limited that confirms the proposed building or structure will not penetrate the obstacle limitation surface described in Designation 74 of the Invercargill City District Plan.
- f) All new buildings containing noise sensitive activities and/or additions to existing buildings containing noise sensitive activities within the Single Event Sound Exposure Boundary or Outer Control Boundary as shown on the District Planning Maps, shall be acoustically treated in accordance with the requirements set out in Appendix 15 – Noise Sensitive Insulation Requirements of the Invercargill City District Plan 2019, and attached as Appendix A to this consent.
- g) Compliance with Condition (f) above shall be demonstrated by submitting a certificate to the Invercargill City Council Planning Manager and Invercargill Airport Limited from a person suitably qualified in acoustics (with respect to (i) and mechanical ventilation (with respect to (i) and (ii)) stating that either:
- (i) Within the SESEB (Lots 1, 14, 16, 18, 21, 23 and 26 shown on "Scheme Plan Subdivision of Lot 4 DP 398984, Section 31 Block XXI Invercargill Hundred & Lot 2 DP 1553", prepared by True South Survey Limited, Project 5838, and dated 13 May 2020"):

- the proposed design will meet the sound insulation requirements in Table 1 and the mechanical ventilation requirements in Table 2 of Appendix 15 – Noise Sensitive Insulation Requirements; or
- the proposed construction will achieve an internal noise environment of 65dB L_{AE} within bedrooms and 40dB L_{dn} within all habitable rooms.

(ii) Between the OCB and SESEB (Lots 2-13, 15, 17, 19, 20, 22, 24 -25, 27-30 shown on “Scheme Plan Subdivision of Lot 4 DP 398984, Section 31 Block XXI Invercargill Hundred & Lot 2 DP 1553”, prepared by True South Survey Limited, Project 5838, and dated 13 May 2020”):

- the proposed design will meet mechanical ventilation requirements in Table 2 of Appendix 15 – Noise Sensitive Insulation Requirements; or,
- The proposed construction will achieve an internal noise environment of 40dB L_{dn} within all habitable rooms.

h) Prior to submitting a certificate to the Invercargill City Council in accordance with condition (g), a copy of the certificate shall be provided to Invercargill Airport Limited for review and feedback. If feedback is not provided within 15 working days of the certificate being provided, this condition shall be deemed satisfied.

⇨ i) Lot 1, 10 and 11 must only use their Right of Way access and must not create any new vehicle access directly to Otatara Road.

21. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, a consent notice, in accordance with Section 221 of the Resource Management Act, shall be issued and registered against the Records of Title for any lots that have landscaping showing on the landscape plan required under Condition 4112, to record that:

a) Planting approved under condition 4112 of resource consent RMA/2020/82 must be maintained in perpetuity. Should any plant become diseased or die, it must be replaced within the following planting season.

Advice notes:

1. Under section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
2. It is the consent holder's responsibility to comply with all conditions imposed on this resource consent prior to and during the exercise of it.
3. Where any documentation is provided to Council for approval under the conditions above, the Council will either approve, or refuse to approve, the documentation within 10 working days of receipt. Should the Council refuse to approve, then they shall provide a letter outlining why
4. Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken. For further information, contact the Building Consents staff who are located on the ground floor, Civic Administration Building or phone 211 1777.
5. Please refer to the relevant Council Road Naming Policy or guidance for the process involved in allocating names to the proposed Rights of Way. Contact Council's

Property Database Officer (ph: 211 1777) to arrange for purchase and payment of the RAPID signs that have been issued.

6. Please note that a corridor access permit is required before any work is carried out on the road reserve. Please contact the Council's Roading Department to arrange this and to ascertain the standards for the vehicle crossing. When applying for the permit you should point out that you also need to satisfy a subdivision consent condition.
7. As the lots are currently vacant, the Council expects that a dwelling complying with the District Plan will be designed for the site.