



SECTION 42A REPORT AIRPORT SPECIAL PURPOSE ZONE

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Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S335	Fuel Companies	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited
S512	FENZ	Fire and Emergency New Zealand
S510	FNHL	Far North Holdings Ltd
S182	NZAAA	NZ Agricultural Aviation Association
S481	Puketotara Lodge	Puketotara Lodge Ltd
S399	Te Hiku Iwi	Te Hiku Iwi Development Trust
S454	Transpower	Transpower New Zealand Ltd
S336	Z Energy	Z Energy Limited

Table 2: Other Abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
BOI Airport	Kerikeri/Bay of Islands Airport
NPS	National Policy Statement
NPS-HPL	National Policy Statement for Highly Productive Land 2022
ODP	Operative Far North District Plan 2009
PDP	Proposed Far North District Plan 2022
Hearings Panel	Far North Proposed District Plan Hearings Panel
RPS	Regional Policy Statement for Northland 2016
RMA	Resource Management Act 1991
SNZ PAS 4509:2008	SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice



1. Executive summary

1. The Proposed Far North District Plan 2022 (PDP) was publicly notified in July 2022. The Airport Special Purpose Zone (Airport SPZ) chapter is located in Part 3 – 'Area-Specific Matters' and is one of 12 'Special Purpose Zones' chapters in the PDP.
2. Overall, there are a limited number of submissions on the Airport SPZ with most submissions in support of the proposed provisions either in full or in part. In total, there are 17 original submissions and two further submissions on the Airport SPZ. Far North Holdings Ltd (FNHL) is the primary original submitter on the Airport SPZ, with five submission points. The key issues raised in submissions are:
 - a. Support for retaining zoning and associated provisions of the Airport SPZ.
 - b. Requests to clarify the application of AIRPZ-S5 in relation to above ground fuel storage tanks.
 - c. A range of requests relating to APP4 – Airport Protection Surfaces.
 - d. A range of plan wide submissions requesting amendments to provisions, such as provision for emergency service facilities, critical infrastructure and the management of impermeable surfaces/stormwater.
3. This report addresses these key issues and other matters raised in submissions. It has been prepared in accordance with section 42A of the Resource Management Act 1991 (RMA) and is intended to:
 - a. Assist the PDP Hearings Panel (Hearings Panel) in their role as independent commissioners making recommended decisions to Council on submissions on the Airport SPZ; and
 - b. Provide submitters with information on how their submission points have been evaluated and my recommendations on those submissions, prior to the hearing.
4. Overall, I recommend a limited number of minor amendments in response to the issues raised and relief sought in submissions, which reflects the limited scope of relief sought in submissions and general support for the Airport SPZ. Appendix 2 of this report outlines my recommendations on the specific submission points, with the reasoning for these recommendations set out in the body of this report.



2. Introduction

2.1 Author and qualifications

5. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
6. I hold the qualifications of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
7. I have over 20 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
8. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in RMA national direction instruments relating to highly productive land, climate change, renewable electricity generation and transmission, indigenous biodiversity and plantation forestry.
9. I have been working with the Far North District Council (FNDC) on the PDP since 2021. My involvement in the PDP initially involved refining certain chapters in response to submissions on the draft district plan and preparing the associated section 32 evaluation reports. I was then involved in developing and refining others PDP chapters and undertaking a consistency/quality assurance review of the plan prior to notification, working closely with FNDC. Since mid-2023, I have been working with the FNDC analysing submissions and I am the reporting officer for a number of PDP topics.
10. I have not had any involvement in the development of the Airport SPZ prior to notification. It was being managed by an in-house FNDC planner up until April 2024 when this topic was reallocated to me.

2.2 Code of Conduct

11. I confirm that I have read the 'Code of Conduct for Expert Witnesses' in the Environment Court of New Zealand Practice Note 2023. I have complied with it in preparing this report.

12. This 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 that I express.
13. I am authorised to give this evidence to the Hearings Panel on Council's behalf.

3. Scope/Purpose of Report

14. This report has been prepared in accordance with section 42A of the RMA to assist the Hearings Panel in making recommended decisions to Council on submissions and further submissions on the PDP.
15. The scope of this section 42A report relates to submissions on the Airport SPZ chapter in the PDP. There are three sites in the Far North District that are included in Airport SPZ, which are shown in Figure 1 to Figure 3 below.

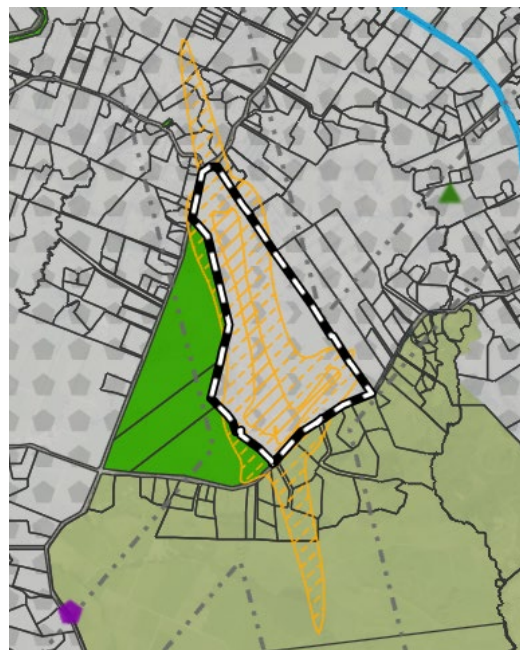


Figure 1: Kerikeri/Bay of Islands Airport (BOI Airport) - 218 Wiroa Road, Kerikeri.



Figure 2: Kaitaia Airport - 274 Quarry Road, Awanui.



Figure 3: Kaikohe Airport – Kaikohe Aerodrome.

16. As noted in the overview of the Airport SPZ, FNDC has responsibilities under the RMA and the RPS to protect regionally significant infrastructure, which includes the Kaitaia and BOI airports¹. Kaikohe Airport is not identified as regionally significant infrastructure within the RPS and PDP. However, it has been included in the Airport SPZ to ensure that it can be flexible, adaptable, and resilient, and support future regional economic development and community wellbeing.
17. The inclusion of the Airport SPZ in the PDP is intended to give effect to the direction in the National Planning Standards that enables the use of special

¹ Based on the RPS and PDP definition of regionally significant infrastructure.



purpose zoning to manage commercial airports and aerodromes. The National Planning Standards describe the Airport SPZ as:

Areas used predominantly for the operation and development of airports and other aerodromes as well as operational areas and facilities, administrative, commercial and industrial activities associated with airports and other aerodromes.

18. The Airport SPZ includes provisions to:
 - a. Enable airport activities, general aviation activities, and airport retail and commercial activities as permitted activities subject to compliance with the Airport SPZ standards.
 - b. Manage the bulk and location of buildings and structures to ensure that the potential effects of built form within the zone do not adversely affect the amenity values and character of the surrounding environment. This includes standards controlling maximum height, height in relation to boundary, boundary setbacks, outdoor storage and coverage.
 - c. Strongly discourage incompatible activities within the Airport SPZ through a non-complying rule for any activity not specifically listed. This would apply to noise sensitive activities such as residential activities, education facilities, health facilities, and visitor accommodation.
 - d. Ensure all buildings and structures comply with the 'APP4 - Airport protection surfaces'. These airport protection surfaces are 'planes' in the airspace around the Kaitaia, Kaikohe and Bay of Islands Airports to ensure buildings, structures and trees do not comprise the safe and efficient operation the airports.
19. Overall, the Airport SPZ provisions seek to protect the operational requirements of the airports, while at the same time recognising that airport activities can have adverse effects beyond the zone boundaries and providing appropriate controls to manage these potential adverse effects.
20. This report does not address the PDP provisions controlling noise within the Airport SPZ. All the controls relating to noise are addressed through the district-wide 'Noise' chapter which is due to be considered in Hearing 6.
21. I also note that Council proposes to notify a variation to the PDP by the end of July 2024 (Variation 1) which is intended to address a number of matters relevant to the Airport SPZ that are outside the scope of this report. Those matters include:
 - a. Amendments to the Rural, Horticulture, General Residential, Māori Purposes – Urban, Light Industrial, Mixed Use, Open Space and Natural Open Space zones to apply provisions associated with the 'Airport



protection surfaces' overlay to these zones, as this overlay is not spatially limited to land within the Airport SPZ.

- b. Amending the zoning of several parcels of land that are part of Kaitaia Airport but have been incorrectly mapped as Rural Production zone. The variation will align the Airport SPZ boundary with the outer boundary of the title areas, removing the Rural Production zoning from Kaitaia Airport land.

3.1 Consequential amendments

22. The PDP will provide consistent, District-Wide setbacks from MHWS in the Coastal Environment chapter, and consistent setbacks from rivers, lakes and wetlands in the Natural Character chapter. All submissions relating to setbacks from MHWS are being considered in the Coastal Environment topic, as discussed and agreed to by the reporting officers. This is not applicable to the Airport SPZ as no MHWS setbacks were included in the notified version of the chapter. However, for consistency with other zone chapters, a consequential amendment is required to Advice Note 2 above the Rules table for integration and consistency with recommendations in the Coastal Environment and Natural Character topics as follows:

"This zone chapter does not contain rules relating to setbacks to waterbodies and MHWS for buildings or structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and the Coastal Environment chapter should be referred to in addition to this zone chapter."

3.2 Clause 16 amendments

23. Separate to the Section 42A report recommendations in response to submissions, Council is making a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including inserting semi colons between each standard, followed by "and" after the second to last standard (where all of the standards must be met to comply) or "or" after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in Appendix 1.1 and 1.2 to this Report (Officer's Recommended Provisions in response to Submissions).



4. Statutory Requirements

4.1 Statutory documents

24. The Airport SPZ section 32 evaluation report outlines the relevant statutory considerations applicable to the Airport SPZ. This includes a summary of the relevant provisions in Part 2 of the RMA, the National Planning Standards, and the RPS. As such, it is not necessary to repeat the detail of that statutory assessment within this report. However, it is important to highlight where relevant higher order documents have changed since notification of the PDP.

4.1.1 Resource Management Act reforms

25. On 19 December 2023 the coalition Government repealed the Natural and Built Environment Act 2023 and Spatial Planning Act 2023. The Government has indicated that the RMA will also be repealed, with work on its replacement legislation to begin in 2024.
26. The Government has indicated that new legislation will be introduced to parliament in the current term of government (i.e. before the next general election in 2026). At the time of writing, details of the new legislation and its timing are unknown. The RMA continues to be in effect until any potential replacement legislation is enacted.

4.1.2 National Policy Statements Gazetted since Notification of the PDP

27. The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022. The NPS-HPL has a single objective "*Highly productive land is protected for use in land-based primary production, both now and for future generations*". The NPS-HPL objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on urban rezoning, rural lifestyle rezoning, subdivision, and inappropriate development on highly productive land.
28. I note that the NPS-HPL will be primarily given effect to through the suite of Rural Zones in the PDP and the Subdivision chapter which are due to be considered in Hearing 9 and 17 respectively. I also note that the BOI and Kaikohe Airports include land classified as LUC 2 and 3 as are therefore potentially 'highly productive land' under the NPS-HPL. However, the Airport SPZ is excluded from the transitional definition of highly productive land under Clause 3.5(7)(b)(ii) of the NPS-HPL as the land was subject to a



notified plan change to rezone this land to urban² when the NPS-HPL came into effect.

4.1.3 National Policy Statements – Announced Future Changes

29. In October 2023, there was a change in government and several announcements have been made regarding future amendments to, or replacement of, seven National Policy Statements (affecting the National Policy Statements for Freshwater Management, Indigenous Biodiversity, Urban Development, Renewable Electricity Generation, Electricity Transmission and Highly Productive Land and Natural Hazards). None of the potential changes to NPS are of particular relevance to the Airport SPZ.
30. The evaluation of submissions and recommendations in this report are based on the current statutory context under the RMA (that is, giving effect to NPS currently in force). I note that the proposed amendments and replacement NPS listed above do not have legal effect until they are adopted by Government and formally gazetted.

4.1.4 National Planning Standards

31. The PDP must give effect to the National Planning Standards. The National Planning Standards enable district plans to use special purpose zoning to provide targeted provisions to manage airports and associated operational activities. The zone framework standard³ outlines eight standard special purpose zones, including an Airport Zone which is described as:

Areas used predominantly for the operation and development of airports and other aerodromes as well as operational areas and facilities, administrative, commercial and industrial activities associated with airports and other aerodromes.

4.1.5 Treaty Settlements

32. Since notification of the PDP, there have been no further Deeds of Settlement signed in the Far North District to settle historic Treaty of Waitangi Claims against the Crown.

4.1.6 Iwi Management Plans – Update

33. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.

² The definition of urban zones in Clause 1.3 of the NPS-HPL includes special purpose zones (excluding Māori Purpose Zone) and therefore capture land proposed to be rezoned to Airport Zone.

³ Zone Framework Standard 8.3.



34. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report⁴. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
- a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
 - b. Ahipara Takiwā Environmental Management Plan

Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan

35. The management plans considered included the Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan, third edition 2018. A revised fourth edition of the Ngāti Hine Environmental Management Plan was in draft form when the PDP was notified in July 2022. The fourth edition was subsequently updated, finalised and lodged with Council later that year after notification of the PDP.
36. The current 2022 Environmental Management Plan recognises Ngāti Hine's role and responsibilities as kaitiaki to achieve positive environmental outcomes and an environment that is healthy and well.
37. While the effects of airports on Ngāti Hine's values is not specifically referred to or addressed in the Environmental Management Plan, the current 2022 version does identify issues and policies relating to population growth (section 3.8), including policy 3 as follows:
- Ngāti Hine supports planning initiatives which will ensure that development of urban centres is in a manner and at a rate which ensures adequate infrastructure is in place before development occurs.*
38. The PDP introduces the new Airport SPZ to allow Kaitaia, BOI and Kaikohe Airports to operate, expand and develop to meet the needs of their communities.

Ahipara Takiwā Environmental Management Plan

39. The management plans considered also included the Ahipara Takiwā Environmental Management Plan. This management plan was revised in 2023, after notification of the PDP.
40. The current 2023 Environmental Management Plan identifies four underpinning values, including Te Ohanga/Social (refer to section 2.5). In

⁴ [section-32-overview.pdf \(fndc.govt.nz\)](#)



particular, “*Social investment is required to improve the outcomes for our people*”.

41. While the effects of airports on Ahipara Takiwā’s values is not specifically referred to or addressed in the Environmental Management Plan, the current 2023 version identifies issues relating to population growth and movement, including a policy in section 4.2 as follows:

Ngā Hapū o Ahipara supports planning initiatives which will ensure that development of residential areas is in a manner and at a rate which ensures adequate infrastructure is in place before development occurs. Ongoing meaningful discussion and consultation with Ngā Marae o Ahipara from any groups, entities throughout any processed f development is a requirement Ngā Hapū o Ahipara has.

42. The PDP introduces the new Airport SPZ to allow Kaitaia, BOI and Kaikohe Airports to operate, expand and develop to meet the needs of their communities.
43. At the time of writing, Council anticipates that the Patukeha Iwi/Hapu Management Plan will be finalized in June 2024. The Hearings Panel will be required to take this into consideration in their recommendations to council.
44. In summary, of the 14 hapū/iwi management planning documents considered in the drafting of the PDP, only two have been revised since notification of the PDP. None of the updates identified to the Ngāti Hine or Ahipara Takiwā Environmental Management Plans are directly relevant to the consideration of submissions on the Airport SPZ chapter.

4.2 Section 32AA evaluation

45. This report uses key issues to group, consider and provide reasons for the recommendations on submissions. Where material changes to the provisions of the PDP are recommended, these are to be have been evaluated in accordance with section 32AA of the RMA.
46. The section 32AA further evaluation for recommended amendments is required to consider:
 - a. Whether the amendments are more appropriate in achieving the objectives of the PDP and the purpose of the RMA than the notified provisions.
 - b. The reasonably practicable options for achieving those objectives.
 - c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - d. The efficiency and effectiveness of the provisions for achieving the objectives.



- e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
47. The section 32AA further evaluation is also required to contain a level of detail that corresponds to the scale and significance of the anticipated effects of my recommended amendments.

4.3 Procedural matters and conflict of interest declaration

48. Since notification of the PDP, I understand that Council undertook correspondence with two submitters (and associated further submitters) in relation to the Airport SPZ. The outcome of this correspondence is as follows:
- a. Trent Simpkin has withdrawn original submission 283.021 relating to impermeable surface coverage rules in various zones as this submission was not intended to apply in the Airport SPZ. The further submitters on this original submission point did not object to this.
 - b. Clarification with FNHL as to whether they will be providing any updated plans and evidence for the airport protection surfaces (discussed under Key Issue 4 below).
49. I also note that two of the submitters on the Airport SPZ (the Fuel Companies and Z Energy) are represented by SLR Consulting which could give rise to a potential or perceived conflict of interest. This is something we regularly encounter and actively manage at SLR Consulting in RMA plan review processes in consultation with our clients. Our approach to manage this potential or perceived conflict of interest is to ensure that staff working with local authorities on plan review processes (including the PDP) are not involved in any work for the Fuel Companies and Z Energy and there is a clear separation of staff, including being located in different offices. As such, I consider that there is no conflict-of-interest issues in relation to my recommendations on these submission points.

5. Consideration of submissions received

5.1 Overview of submissions received

50. There are 17 individual submission points and two further submissions on the Airport SPZ. The key issues in submissions identified in this report are:
- a. Key Issue 1: General submissions
 - b. Key Issue 2: Clarify scope of airport activities within Airport SPZ and outdoor storage
 - c. Key Issue 3: Airport SPZ objectives and policies
 - d. Key Issue 4: Airport Protection Surfaces.
51. Section 5.2 constitutes the main body of this report and provides an analysis and recommendations on the decisions requested in submissions.



52. I note that the majority of Airport SPZ provisions have not received any submissions and do not require any recommendations. There are also three submission points that support certain Airport SPZ provisions and request that these are retained as notified. Those submissions are:
- a. John Andrew Riddell (S431.195) supports AIRPZ-S3 (height in relation to boundary) and requests it be retained as notified as the submitter supports the approach to vary the standard based on the orientation of the boundary. There are no other submissions on AIRPZ-S3, and I recommend that this submission point is accepted.
 - b. The Fuel Companies (S335.030) and Z Energy (S336.003) support the definition of 'Airport activity' and request that it be retained as notified. There are no other submissions on the definition of airport activity, and I recommend these submissions are accepted.
 - c. Z Energy (S336.032) supports the Airport SPZ applying to the Bay of Islands and Kaitaia airports to ensure the effective operation of the airports are protected from other activities and reverse sensitivity issues. Z Energy requests that the Airport SPZ zoning for Kerikeri airport refueling facility - Wiroa Road, Kerikeri be retained. There are no other submissions on the extent of the Airport SPZ zoning. Accordingly, I recommend that this submission point is accepted.

5.2 Officer Recommendations

53. A copy of my recommended amendments to the Airport SPZ chapter is provided in **Appendix 1.1**. A copy of my recommended amendments to the Interpretation chapter is provided in **Appendix 1.2**.
54. A full list of submissions and further submissions on the Airport SPZ and my recommendation in relation to those submissions is provided in **Appendix 2 – Recommended Decisions on Submissions** to this report.

5.2.1 Key Issue 1: General submissions

Overview

Provision(s)	Officer Recommendation(s)
Rules, AIRPZ-R1, AIRPZ-R2	Retain as notified

Analysis of Submissions on Key Issue 1

55. There are a number of general submission points seeking common relief across multiple chapters in the PDP which are being considered as relevant for each PDP topic. The general submissions received on the Airport SPZ relate to emergency service facilities, critical infrastructure and the rules and



matters of discretion relating to impermeable surface coverage/stormwater management.

Emergency service facilities

56. FENZ (S512.060) support the PDP listing emergency service facilities as an activity in some zones but request that emergency service facilities/activities be treated as permitted activities across all zones, with such activity also being exempt from standards relating to setback distances and vehicle crossings. FENZ note that fire stations are currently located in a range of zones in the Far North District and that the PDP only includes rules for emergency service facilities in some zones with different activity status. FENZ considers that emergency service facilities should be enabled as a permitted activity across all zones in the PDP to ensure new fire stations can be efficiently developed as appropriate. This is a plan-wide request from FENZ with multiple submission points from FENZ on the PDP zone chapters seeking the same relief.
57. FENZ (S512.107) also seek a new standard and/or matter of discretion across zones on infrastructure servicing, including emergency response transport/access and adequate water supply for firefighting. FENZ acknowledge that some PDP zones include provisions relating to providing appropriate infrastructure servicing and that NH-R5 in the Natural Hazard chapter requires adequate firefighting water supply for 'vulnerable activities'. However, FENZ consider that an additional standard on infrastructure servicing for emergency response/firefighting water supply within all individual zone chapters may be beneficial.
58. FENZ (S512.083) have requested an advice note to the setback standard (AIRPZ-S4) to recognise that there is further control of building setbacks and firefighting access through the New Zealand Building Code (NZBC). The requested advice note from FENZ is as follows:

Building setback requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.

Critical infrastructure

59. Transpower (S454.130) request that the provisions in the Airport SPZ are amended to ensure that critical infrastructure, such as transmission facilities, is provided for in the Airport SPZ. This submission point from Transpower states that transmission lines may need to traverse any zone in the Far North District due to their linear nature and requirement to connect to new electricity generation and therefore this infrastructure should be provided for in each zone.



Impermeable surface coverage and stormwater management

60. Puketotara Lodge (S481.011) seeks to ensure that the PDP adequately controls effects from stormwater discharge, particularly between sites and adjacent sites. To achieve this relief, Puketotara Lodge requests that three additional matters of discretion relating to stormwater management are added to the relevant impermeable surface rule in all zones (in addition to those proposed for the Rural Production Zone). Puketotara Lodge note that there is no specific "stormwater management" rule in the PDP like there is in the Operative District Plan. To address this perceived gap, Puketotara Lodge requests additional matters of discretion for impermeable surface coverage rules in all zones.
61. The requested additional matters of discretion from Puketotara Lodge are:
- i. Avoiding nuisance or damage to adjacent or downstream properties;*
 - ii. The extent to which the diversion and discharge maintains pre-development stormwater run-off flows and volumes;*
 - iii. The extent to which the diversion and discharge mimics natural run-off patterns.*

Analysis

Emergency service facilities

62. In terms of the submission from FENZ seeking a permitted activity rule for emergency service facilities in the Airport zone, I note that 'Airport activity' is a permitted activity within the Airport SPZ and that definition includes "emergency services". The PDP definition "emergency services" is "*means ambulances, Civil Defence, Coastguard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, and Surf Life Saving New Zealand*".
63. Accordingly, the Airport SPZ provisions already provide for the relief sought by FENZ as these enable an emergency service facility to be established as a permitted activity subject to compliance with the relevant standards. However, I do not consider that an emergency service facility be exempt from the setback standards. Rather, I consider that emergency services should be subject to the same standards applying to any 'airport activity' within the Airport SPZ. Accordingly, I recommend that this submission point from FENZ is accepted in part.
64. In terms of FENZ's request to insert new standard and/or matter of discretion across zones on infrastructure servicing for emergency response transport/access and water supply for firefighting, I consider that this relief is already adequately, and most efficiently, addressed through the following district-wide provisions in the PDP:



- a. Rules NH-R5 (Wild fire - Buildings used for a vulnerable activity (excluding accessory buildings)) and NH-R6 (Wild fire - extensions and alterations to buildings used for a vulnerable activity (excluding accessory buildings) that increase the GFA)) in the Natural Hazard chapter which include specific requirements for new buildings and alternations to existing buildings used for a vulnerable activity to have water supply for firefighting purposes that complies with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.
 - b. Rule TRAN-R2 (Vehicle crossing and access, including private accessways) in the Transport chapter which includes a permitted activity standard for vehicle crossing and access for fire appliances to comply with SNZ PAS 4509:2008.
65. Accordingly, I recommend no amendments to the Airport SPZ chapter in response to this submission point from FENZ as I consider the relief sought is adequately addressed by these district-wide provisions.
66. While I acknowledge the submission point from FENZ that there may be further setbacks required through the Building Code and other legislation, I do not consider that it is necessary or appropriate to add the requested advice note to the setback standard in the Airport SPZ. This is because there is a range of other legislation and controls that sit outside the District Plan and referring to all these additional requirements through advice notes in the District Plan would be inefficient, confusing and cumbersome.
67. For this reason, the PDP deliberately sought to limit the use of advice notes to the 2-3 advice notes that were notified in the PDP above the rule tables. These advice notes are included to direct plan users to other parts of the PDP or occasionally direct plan users to NES rules, so they perform an important navigation function for RMA related provisions (as opposed to controls and requirements in other legislation). Accordingly, I recommend that this submission point from FENZ is rejected.

Critical infrastructure

68. Since making their submission, Transpower has contacted Council to advise that it no longer intends to pursue its submission points requesting amendments to zone chapters to recognise critical infrastructure such as transmission lines, including submission point 454.130. Transpower understands that the Infrastructure chapter in the PDP provides the provisions for infrastructure on a District-Wide basis and is therefore seeking to pursue its primary relief through specific provisions for the National Grid in the Infrastructure chapter. As such, no amendments to the Airport SPZ provisions are necessary to provide for the original relief sought by Transpower and I recommend that this submission point is rejected.



Impermeable surface coverage and stormwater management

- 69. AIRPZ-6 is the impermeable surface coverage standard that applies to airport activities, general aviation activities, and airport retail and commercial activities (all permitted under AIRPZ-R1 to R3). This requires that the maximum combined building, structure and impermeable surface coverage of the site area is no more than 15%, otherwise resource consent is required as a discretionary activity. This discretionary activity status applies when any of the Airport SPZ standards are not complied with under AIRPZ-R1 to R3.
- 70. I note that the approach of the PDP is generally to apply a restricted discretionary activity status when the relevant impermeable surface rule/standard rule is not complied with (e.g. General Residential Zone, Mixed-Use Zone, Rural Lifestyle Zone). This restricted discretionary activity status is appropriate in my view as the key adverse effects to be managed are generally well understood and can be addressed through targeted matters of discretion.
- 71. However, the relief sought by Puketotara Lodge does not seek to change the activity status when AIRPZ-S6 is not complied with. Rather, it is a plan-wide submission seeking to add additional matters of discretion to impermeable surface rules to ensure the adverse effects of stormwater on adjacent and downstream sites can be effectively managed. While arguably less efficient, I consider that a discretionary activity status when AIRPZ-S6 is not complied with provides for the relief sought by Puketotara Lodge as it enables the full range of relevant matters to be considered. Therefore, I do not recommend any amendments in response to the Puketotara Lodge submission and recommend that this is accepted in part.

Recommendation

- 72. For the above reasons, I recommend that the general submissions outlined above are accepted, accepted in part or rejected.

Section 32AA evaluation

- 73. No change to the provisions is recommended and, on this basis, no further evaluation is required under section 32AA of the RMA.

5.2.2 Key Issue 2: Clarify general aviation activity and outdoor storage within the Airport SPZ

Overview

Provision(s)	Officer Recommendation(s)
General aviation activity definition	Amend to exclude agricultural aviation



Provision(s)	Officer Recommendation(s)
Rule AIRPZ-R1/AIRPZ-S5	Insert advice note on AIRPZ-S5 in relation to above ground storage tanks

Analysis of Submissions on Key Issue 2

74. NZAAA (S182.005) request that 'Agricultural aviation' be deleted from the broader definition of 'General aviation activity' on the basis that NZAAA are requesting a separate definition of 'agricultural aviation' for the reasons outlined in their submission. This separate submission point from NZAAA requesting a new definition for 'Agricultural aviation'⁵ (S182.001) is scheduled to be heard in Hearing 18 (integration and mapping).
75. Z Energy (S336.033) supports AIRPZ-R1 as it provides for an airport activity to be undertaken as a permitted activity within the Airport SPZ, subject to compliance with standards. However, Z Energy requests clarification, through a new definition or note, as to what is intended by the term 'outdoor storage', which is a standard referenced in AIRPZ-R1. Z Energy wants to ensure that above ground tanks are not considered 'outdoor storage' for the purposes of the rule.

Analysis

Definition of general aviation activity

76. 'General aviation activity' is a term that is only used in the Airport zone and is defined in the PDP as follows (**emphasis added**):

means the range of activities both commercial and non-commercial that are compatible to Airport activities and passenger services, and ancillary to the activities within the Airside or Landside Facilities and Operation Areas.

These include, but are not limited to:

- *Flying clubs*
- *Flight training*
- **Agricultural aviation**
- *Light aircraft manufacturing*
- *Aircraft maintenance*

⁵ The requested definition of agricultural aviation activities from NZAAA is "Agricultural aviation activities means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities, and; conservation activities for biosecurity, or biodiversity purposes; including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV's).



77. If agricultural aviation is deleted from the definition of 'General aviation activity' as requested by NZAAA, then the activity would no longer be explicitly permitted under Rule AIRPZ-R2. However, it could be argued that agricultural aviation activities that are compatible with airport activities are still captured within this definition as it is relatively broad and it includes a non-exhaustive list of aviation activities (i.e. 'including, but not limited to').
78. It appears that the general relief sought by NZAAA through its submission on the PDP is a more enabling framework for agricultural aviation activities within the rural environment and a more specific definition to make it clear agricultural aviation activities are for the purposes of primary production and biosecurity. Given agricultural aviation activities are unlikely to take place in the Airport SPZ (based on the requested definition from NZAAA), then I do not envisage any issues with removing the specific reference to agricultural aviation from the PDP definition of general aviation activity. I therefore recommend that this submission point from NZAAA is accepted and that 'agricultural aviation' is deleted from the broader definition of 'general aviation activity'.

New definition for outdoor storage

79. Z Energy requests that AIRPZ-R1 is retained but seeks a new definition or note to clarify that outdoor storage does not include above ground tanks. This submission point is more directly related to AIRPZ-S5 which is a standard that an airport activity must comply with under AIRPZ-R1 to be a permitted activity. AIRPS-S5 states:

Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by:

- i. a solid fence or wall of a minimum height of 1.8m, or*
- ii. vegetation of a minimum height of 1.8m, or*
- iii. a combination of above*

so that it is not visible from adjoining sites and roads.

80. I agree that this standard should not apply to above ground storage tanks (i.e. fuel) within the Airport SPZ as these facilities are anticipated within the zone and should not need screening. While I do not consider above ground storage tanks to be an 'outdoor storage area' for the purposes of AIRPZ-S5, I acknowledge that this could be interpreted differently, particularly as the PDP provides no definition of 'outdoor storage area' or 'outdoor storage'. I therefore agree with the relief sought by Z Energy as above ground storage tanks are particularly important within the Airport SPZ for fuel storage and should not incur any unnecessary consent requirements.
81. Z Energy does not provide any specific wording for a definition or advisory note for outdoor storage. In my opinion, the most efficient way to provide



for the relief sought by Z Energy is through a simple advice note in AIRPZ-R5 stating “*this standard does not apply to above ground storage tanks*”. This will ensure that the amendment is specific to above ground storage tanks within the Airport SPZ rather than how outdoor storage is interpreted more broadly. I therefore recommend that this submission point from Z Energy is accepted to the extent that this recommendation addresses the relief sought.

Recommendation

82. For the above reasons, I recommend that the submission points from NZAAA and Z Energy are accepted.

Section 32AA evaluation

83. The recommended amendments to the definition of general aviation activity and the addition of an advice note for AIRPZ-S5 primarily clarify their intent and do not materially change the effect of the relevant provisions. On this basis, in my view, no evaluation for these recommended amendments is required under section 32AA of the RMA.

5.2.3 Key Issue 3: Policy AIRPZ-P3

Overview

Provision(s)	Officer Recommendation(s)
Policy AIRPZ-P3	Retain with minor amendments

Analysis of Submissions on Key Issue 3

84. Te Hiku Iwi (399.079) request that AIRPZ-P3 be amended to recognise that future expansion of the BOI Airport could have an adverse impact upon an adjacent wetland, which is one of the few known habitats of the nationally vulnerable Northland mudfish. Te Hiku Iwi acknowledge that mudfish will be protected by indigenous vegetation rules and NES-F rules relating to natural inland wetlands. However, Te Iku Iwi consider that it is still important to recognise the potential impacts on this nationally vulnerable species, while at the same time providing a pathway (via biodiversity offsetting) to enable the development of regionally significant infrastructure.
85. To provide for this relief, Te Iku Iwi request that AIRPZ-P3 be amended as follows:

“Provide for the expansion of airport activity in the Airport zone where it does not compromise the amenity of the surrounding area and any effects, including effects on indigenous biodiversity, can be avoided, remedied, or mitigated, or offset.”



Analysis

86. The notified wording of AIRPZ-P3 is as follows:

"Provide for the expansion of airport activity in the Airport zone where it does not compromise the amenity of the surrounding area and any effects can be avoided, remedied or mitigated".

87. In my opinion, the notified wording of this policy is too focused on the adverse effects of airport activities on the amenity of the surrounding areas whereas the potential adverse effects of airport activities are much broader than this. I note that the notified wording of AIRPZ-P3 contrasts to the broader wording of AIRPZ-O3, which states:

"The Kaitaia, Bay of Islands and Kaikohe Airports special operational and functional needs are protected and provided for, while ensuring adverse effects of the airports are avoided, remedied or mitigated".

88. I acknowledge and agree with Te Hiku Iwi that the potential adverse effects of the BOI airport on the adjacent wetland as a habitat for nationally vulnerable species needs to be carefully managed, and this may involve aquatic or biodiversity offsetting for any unavoidable adverse effects. However, as noted in the Te Hiku Iwi submission, there are provisions in the NPS-FM and NES-F to manage adverse effects on natural inland wetlands, including application of an effects management hierarchy and aquatic offsetting. The Ecosystems and Indigenous Biodiversity chapter in the PDP also includes specific provisions to protect significant indigenous biodiversity, including direction on when biodiversity offsetting may be appropriate, which will be considered further in Hearing 4. In my opinion, specific direction relating to managing effects on indigenous biodiversity and offsetting is more appropriately located in this chapter rather than repeated in each zone chapter.

89. However, in terms of the requested amendment AIRPZ-P3, I consider that this is too focused on the amenity of the surrounding environment and that natural environment values are equally (if not more) important. I therefore recommend that the submission point from Te Hiku Iwi is accepted in part and AIRPZ-P3 is amended as follows:

"Provide for the expansion of airport activity in the Airport zone where it does not compromise the amenity and natural environment values of the surrounding area and any adverse effects are can-be avoided, remedied or mitigated."

Recommendation

90. For the above reasons, I recommend that the submission point from Te Hiku Iwi on AIRPZ-P3 is accepted in part.



Section 32AA evaluation

91. I recommend a minor amendment to AIRPZ-P3 to clarify its application, which is consistent with the policy intent and better aligns with AIRPZ-O3. On this basis, no further evaluation under section 32AA of the RMA is required in my opinion.

5.2.4 Key Issue 4: Airport Protection Surfaces

Overview

Provision(s)	Officer Recommendation(s)
Airport Protection Surfaces	Retain as notified

Matters raised in submissions

92. FNHL has made various submission points (S510.001 – S510.005) relating to the airport protection surfaces in Appendix 4 (APP4) of the PDP. Compliance with the airport protection surfaces planes and descriptions is required under AIRPZ-S2 – Airport protection surfaces, which is referenced as a permitted activity standard in AIRPZ-R1, AIRPZ-R2, AIRPZ-R3, and AIRPZ-R5.
93. The submission points from FNHL on AIRPZ-R1 to AIRPZ-R3 (S510.001 to 510.003) request that the accuracy of airport protection surfaces referenced in the rules are reviewed and amended if required as a result of that review. The submission points from FNHL on APP4 (S510.004 and S510.005) state that the airport protection surfaces need to be amended so that the description reflects the updated plan on pg.3 in APP4 and to amend the plans to include modern methods and measures of recession plans in relation to airport runways.

Analysis

94. Council has subsequently undertaken correspondence with FNHL to clarify the relief sought in the above submissions and whether FNHL is intended to prepare updated plans for the airport protection surfaces.
95. FNHL⁶ has since advised that:
- A functional airport protection surfaces (recession planes) is important for the airport activities and the ongoing safety of onsite operations.

⁶ Email correspondence with FNHL dated 25 January 2024.



- b. There is no proposal to extend the airport protection surfaces (recession planes) beyond that currently described in the PDP.
 - c. They intent to engage a relevant expert to ensure that the description of the airport protection surfaces accurately matches the plans in the PDP. If there is a mismatch, this evidence will be provided by FNHL through hearings for clarification purposes.
96. Based upon the advice of FNHL and in the absence of any technical evidence from FNHL at this point of time, I do not recommend any changes to the Airport protection surfaces plans or descriptions in APP4. However, this recommendation may change as a result of appropriate technical advice provided by FNHL through evidence or at the hearing.

Recommendation

97. For the above reasons, I recommend that submission points S510.001 to S510.005 from FNHL are rejected.

Section 32AA evaluation

98. No change to the provisions is recommended and therefore no further evaluation is required under section 32AA of the RMA.

6. Conclusion

99. This report has provided an assessment of submissions received in relation to the Airport SPZ chapter. The amendments that I have recommended in response to submissions are limited in scope and nature and primarily relate to:
- a. Removing the term 'agricultural aviation' from the definition of 'general aviation activity'.
 - b. Minor amendments to AIRPZ-P3 to reflect that adverse effects on natural environment values should also be avoided, remedied or mitigated when airport activities are expanding.
 - c. Adding an advice note to AIRPZ-S5 to clarify that the outdoor storage standard does not apply to above ground storage tanks.
100. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Airport zone chapter should be accepted, accepted in part or rejected, as set out in my recommendations of this report.
101. I recommend that the provisions for the Airport SPZ be amended as set out in Appendix 1.1 to this report for the reasons set out in this report.



102. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents, for the reasons set out above.

Recommended by: Jerome Wyeth – Technical Director, SLR Consulting.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 16 May 2024