

IN THE MATTER of the Resource Management Act  
1991

AND

IN THE MATTER submissions and further  
Submissions lodged by  
Mercer Airport Limited  
on the Proposed Waikato  
District Plan

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STATEMENT OF EVIDENCE OF CHRISTOPHER JOHN DAWSON ON BEHALF OF  
MERCER AIRPORT LIMITED AS SUBMITTER

SUBMITTER REFERENCE 921

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## **1. INTRODUCTION**

**1.1** My full name is Christopher John Dawson and I hold the position of Planning Project Manager at Bloxam Burnett and Olliver, a firm of consulting engineers, planners and surveyors based in Hamilton. I have held this position since 2001. Prior to that I worked as a Senior Planner at Waikato District Council and I have 25 years of experience in this field.

**1.2** I hold the Qualifications of a Diploma in Parks and Recreation Management with Distinction from Lincoln University (1988), a Bachelor of Social Science with First Class Honours majoring in Geography and Resources and Environmental Planning (1996) and a Post Graduate Diploma in Resources and Environmental Planning (1997), both from Waikato University.

**1.3** I am a full member of the New Zealand Planning Institute and the Resource Management Law Association. I am also an accredited decision maker under the Ministry for the Environment's Making Good Decisions Programme and am an Honorary Lecturer in the Environmental Planning Programme at the University of Waikato. I also sit on the Hamilton City Council Urban Design Panel as one of the representatives of the Waikato Branch of the New Zealand Planning Institute.

**1.4** I have acted as planning consultant for Mercer Airport Limited since early 2018 and oversaw the preparation and lodgement of the submission and further submissions on the Proposed Waikato District Plan on their behalf.

**1.5** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise.

## **2. SCOPE OF EVIDENCE**

**2.1** In this evidence I will address the following:

- (a) Background to Mercer Airport
- (b) Refer to evidence of Dave Park (Astral Consultants) on OLS and compliance with CAA
- (c) Refer to evidence of Rhys Hegley (Hegley Acoustics) on ANB
- (d) Access and transport issues – amend permitted number of vehicles per day
- (e) Description of changes sought to the District Plan, new zone, objectives, policies and rules, OLS and ANB

### **3. BACKGROUND**

**3.1** The Mercer Airport site is located at 585 Koheroa Road approximately 6 kilometres east of the Mercer Village. The Mercer Airport operational base consists of several buildings including the former Mercer Tavern (now refurbished as a backpackers' accommodation hostel), an operational hangar for the repair and maintenance of aircraft and skydiving training and a pilot base. The runway is located across a bridge that spans the Kopuera Stream.

**3.2** The physical address of the site is 590 B – D Koheroa Road, Mercer. It is legally described as Lot 1 DP 485184 (CT 689084), Lot 2 DP 485184 (CT 689085) and Lot 1 DP 384812 (CT 338998). The airport also has a license to occupy Council land between the facilities block and the Kopuera Stream and a long term lease over some of the neighbour's land to the north and east of the airport runway. The plan in Attachment 1 shows the location of Mercer Airport relative to Koheroa Road and the location of the operational base, the runway and the other site buildings.

**3.3** There are several residential dwellings located in the vicinity of the multiple right of way entrance on Koheroa Road and several other dwellings located with access off the right of way or on the adjacent farm owned by the Balle Brothers (Kopuera Land Company). The area is characterised by predominantly rural land use comprising dairy farming and pastoral grazing activities. The relatively low density of surrounding development is one of the key benefits of the Mercer Airport environment and one that the proposed rezoning seeks to capitalise on.

**3.4** The Mercer Airport currently operates under a consent issued in 1996 by the then Franklin District Council which allowed for the operation of the consent holders private airstrip as a commercial airport (Mercer Airport) with skydiving, flight training and light commercial airwork. The consent also included the ability to establish a short-term backpacker's accommodation and

café with liquor license, and develop a packing shed into a hangar for the garaging and maintenance of light aircraft.

- 3.5** Since taking over the property and the aviation activity in 2012, the owners Neale Russell Limited have put a significant amount of time and effort into upgrading the site facilities and improving the operational capability of the site within the bounds of the resource consent. The backpackers' accommodation and café are now operational, and the existing hangars are utilized as a base for the skydiving operation plus light aircraft maintenance activities.
- 3.6** The submitter was granted a variation to the consent in 2014 by Waikato District Council to change three conditions of the original consent issued in 1996. A decision was issued by Council on 25 July 2013 which was subsequently appealed to the Environment Court. The appeal matters were settled by the parties and a consent order issued on 3rd March 2014 confirming the resolution of the appeal. Mercer Airport therefore operates under the original consent from 1996, as amended by the Environment Court consent order of 3<sup>rd</sup> March 2014. A copy of the final 3rd March 2014 consent is included as Attachment 2 to my evidence.
- 3.7** Currently consented activities include the following: skydiving, flight training, light commercial airwork, hangars for the garaging and maintenance of light aircraft, backpackers with accommodation, café and light meals and an engine testing facility for Rocketlab.
- 3.8** The March 2014 consent order imposes a number of operational limits on Mercer Airport, including, amongst others:
- a) Aircraft activity is not to exceed an average of 100 movements per day averaged over a rolling 3-month period;
  - b) Aircraft movements are to be confined to between the hours of 7.00am to 10.00pm;
  - c) The runway length shall not exceed 1360m; and
  - d) The airfield is to operate in a manner which ensures that no aircraft will have to fly over any dwelling at a height of less than 250 metres.
  - e) A requirement for aircraft noise not to exceed the 55dBA Ldn contour as stipulated by Hegley Acoustic Consultants in Figure 3 of report 9387 dated July 2013.
  - f) Traffic numbers limited to 60 vehicles per day (60 movements in and 60 movements out)

#### **4. OPERATIONAL ISSUES TO BE ADDRESSED BY THE REZONING**

- 4.1** The Mercer Airport is recognized by the Civil Aviation Authority (CAA) as a 'non-certificated' aerodrome and is located within a NZ Civil Aviation Authority General Aviation Airspace which is designated for flight training, gliding, and skydiving up to 4,500 feet. This Aviation Airspace spans an area from Pukekawa in the West to Miranda in the East, and from Orton, Whangamarino, Maramarua in the south to Mt William, Paraparata and Moumoukai in the north.
- 4.2** Mercer Airport plays an important role in the aviation industry in the South Auckland/North Waikato area. Currently the airport operates as a backup airport to the Ardmore aerodrome in South Auckland. Aircraft that take off from Ardmore will often utilise the Aviation Airspace above the Mercer Airport for flight training as the Mercer Airport offers a relatively quiet airspace for flight training, sky diving and other general aviation activities.
- 4.3** Mercer Airport site is located in the Rural Zone of the Operative Waikato District Plan (Franklin Section) ("the District Plan") and the surrounding properties are predominantly used for agriculture-based activities. However, Mercer Airport is not currently recognized or protected in the District Plan. This means that the airport is bound to operate within the terms of its consent with little flexibility.
- 4.4** There is currently no Obstacle Limitation Surface (OLS) embedded in the District Plan to protect the approach surfaces for the airport. Once embedded in the District Plan an OLS provides a horizontal protection surface whereby the operational safety approach and take off paths for the airport are set and defined (both horizontally and vertically). Rules are then put in place to ensure that buildings or other structures (such as trees) cannot protrude through the OLS thereby jeopardizing the operational safety of the airport and ensuring that it can comply with Civil Aviation Authority (CAA) rules for airport operations.
- 4.5** Also, future surrounding landowners have no regulatory notice in terms of the anticipated noise levels arising from aircraft activity. This increases the risk of reverse sensitivity complaints in the event that noise sensitive development intensifies over time in the vicinity of the airport.

- 4.6** Currently Mercer Airport does not have sufficient flexibility to undertake additional aviation related activities or to grow without varying their existing resource consent. The need for ongoing variation(s) provides no certainty for the aerodrome operators. If the aerodrome is unable to capitalise on aviation-related opportunities, the facility is unlikely to meet the long-term needs of the aviation community both locally and regionally. Airports require income for infrastructure maintenance and development and that in turn is dependent upon flexibility to meet the needs of the aviation sector. Without that income, the facility risks becoming unsustainable.
- 4.7** Airports are a scarce resource which cannot be easily replicated elsewhere in Waikato District given the rapid growth of lifestyle blocks and other activities in the Rural Zone. It is therefore becoming increasingly important that existing airports benefit from RMA protection to enable their ongoing use and development. As a minimum, protection needs to include appropriate zoning, obstacle limitation provisions and air noise boundaries.
- 4.8** The consent under which the airport currently operates imposes a number of operational constraints which are no longer appropriate for the ongoing use of the site and restrict its ability to expand or adapt to changing operational opportunities.
- 4.9** The current limit on aircraft movements to between the hours of 7.00am and 10.00pm does not recognize advances in aviation technology with respect to IFR capabilities. IFR operations enable use of airports beyond daylight hours, and this is becoming increasingly the norm as IFR technology becomes more affordable.
- 4.10** The condition requiring that all aircraft noise not exceed the 55 dBA Ldn contour<sup>1</sup> does not enable Mercer Airport to grow over time while still maintaining a reasonable rural amenity for the surrounding landowners. This issue is more appropriately addressed through the introduction of an air noise boundary and outer control boundary as discussed in the evidence of Mr Rhys Hegley<sup>2</sup> and below in my evidence.
- 4.11** The Airport also operates under a limitation on vehicle movements which is no longer considered appropriate relative to the aviation-related activities which Neale Russell Limited is

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<sup>1</sup> Condition (p) in the 2014 resource consent for Mercer Airport; **Attachment 2**

<sup>2</sup> Evidence of Rhys Hegley; paragraph 7

seeking to enable on site. Murray Christiansen Road is a private access road which connects the Airport to Koheroa Road. At the time consent conditions were confirmed in 2014, the road was unsealed and serviced only one milking shed in addition to airport traffic. The road now services two milking sheds in addition to airport traffic.

- 4.12** The access to Mercer Airport from Koheroa Road has recently been sealed by the submitter which provides for improved environmental outcomes (e.g. less dust) and a safer environment for motor vehicles. Some minor work is also proposed to the right of way by way of creating some additional passing bays, speed bumps and additional speed limitation signage. Rezoning of the Airport site provides an opportunity to impose more flexible operational standards that better recognise the current access and need for a greater amount of flexibility into the future.

## **5. REASONS**

- 5.1** Mercer Airport has operated from its current location since 1986 under a land use consent and is already an integral part of the local Mercer community. By necessity, however, airfields are required to locate in rural areas because of the space needed for runway operations and the need to avoid environmental impacts on higher density urban areas. However currently, aviation-related activities are constrained by the provisions of the Rural Zone which are generally geared towards primary production, farming activities and the protection of elite soils.
- 5.2** The restrictive nature of the Rural Zone provisions means that small airports within Waikato District lack the commercial and operational flexibility needed to ensure their sustainability and long term growth. It also means that almost any form of aviation-related development typically triggers an RMA consent requirement, which can be costly and litigious for airport operators. The uncertainty associated with that RMA process can be a barrier to industry investment, to the detriment of the wider aviation community and the wider community at large.
- 5.3** The lack of any clear “signalling” in the District Plan by way of zoning provisions, Obstacle Limitation Surfaces or an air noise boundary and outer control boundary means that the surrounding community, particularly those looking to settle in the area are not informed of the existence of the airport or its specific operating constraints on some of the surrounding landholdings (such as increased localised noise levels and height limits). This results in a lack of protection for all parties including both Mercer Airport and the surrounding landowners.

**5.4** Therefore, rezoning arises from the need to make more sustainable use of the Mercer facility and to undertake additional activities in the future that are not currently authorised by the existing resource consent or permitted in the Rural Zone. The benefit of rezoning is that it provides more certainty for the aviation community in terms of activities which can be undertaken by right. At the same time, zone-specific rules will also provide surety for the wider community that aviation activities and aviation-related development can be managed to ensure acceptable levels of amenity.

## **6. AIRPORT DESIGN**

### Obstacle Limitation Surface

**6.1** Mr Dave Park has provided evidence with respect to the operational design of the airport sufficient for it to meet the relevant Civil Aviation Authority (CAA) requirements for a Code2B runway. This includes the various runway parameters (length, width) along with the details of the Obstacle Limitation Surface (OLS) necessary to ensure a safe operating environment for Mercer Airport for the future.

**6.2** The development objectives for the Mercer Airport comprise the following:

- a) Scheduled or charter services for up to Code B aircraft for day non-instrument operations; and
- b) Night/instrument operations for non-air transport operations for aircraft under 5700 kg; and
- c) Catalina/DC3 operations<sup>3</sup>.

**6.3** Mr Park confirms that the design parameters adopted for the Mercer runway as set out in the Mercer Airport submission of October 2018 are appropriate including the requirement for an Obstacle Limitation Surface (OLS) and that these will be sufficient to cater for Code 2B operations. The provision of an OLS is important given the currently undeveloped area surrounding the Mercer Airport and the need to protect existing and future aircraft flight paths from infringement by structures, trees or buildings. This safety mechanism is an important tool

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<sup>3</sup> Evidence of Dave Park, para 6.1

to ensure that Mercer Airport can progress towards its development objectives while providing a safe environment for both aircraft operators and the surrounding landowners. A copy of the proposed Mercer Airport OLS is included as Attachment 3 to my evidence.

#### Air Noise Boundary & Outer Control Boundary

- 6.4** The Mercer Airport submission also seeks to introduce an air noise boundary and outer control boundary (ANB/OCB) which is a tool promoted by New Zealand Standard 6805. NZS 6805 promotes the concept of noise boundaries ('contours') as a mechanism to set noise limits for the management of aircraft noise at airports, and to establish compatible land use planning around airports. Only noise from aircraft operations (landing and take-off) is considered when setting noise boundaries. The technical detail behind the creation of the ANB/OCB is set out in the evidence of Mr Rhys Hegley<sup>4</sup> but I have summarised the key conclusions below in my evidence.
- 6.5** An ANB/OCB are typically used to define areas where aircraft noise effects will be most pronounced, and thus areas where neighbouring landowners will be most affected. NZS 6805 uses a 55dBA  $L_{dn}$  contour to define the OCB and this is deemed to be an appropriate threshold for the protection of amenity values.
- 6.6** NZS 6805 recommends a noise level of greater than 65 dB  $L_{dn}$  to define the inner ANB. Based on this, people living outside of the OCB are considered to experience no adverse effects from aircraft noise whereas people living between the OCB and the ANB are considered to be affected to some degree. In respect of the latter, this typically results in acoustic insulation being required for amenity protection purposes. People within the inner ANB are affected by aircraft noise to the extent that residential activity and other noise sensitive activities are not provided for in that location without obtaining a resource consent to do so.
- 6.7** There are currently no noise control boundaries for Mercer Airport in the Operative District Plan maps. However, consent conditions from March 2014 require Mercer Airport to operate in accordance with the 55dBA  $L_{dn}$  contour prescribed by Hegley Acoustic Consultants in July 2013. However, the modelling undertaken by Hegley Acoustics in 2018 was based on a 1360m

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<sup>4</sup> Evidence of Rhys Hegley: paragraphs 14-21

extended runway scenario and informed the air noise boundary plan included in the Mercer Airport submission. See Attachment 4 to my evidence.

- 6.8** The 2018 results demonstrated that, with the exception of two properties immediately west of the runway, resulting noise levels at all residential properties in the vicinity of the airport would be less than 55dBA  $L_{dn}$ , which is the threshold for 'reasonable' noise in terms of residential amenity under NZS6805. Although two residential properties are located within the 55dBA  $L_{dn}$  contour, the submitter has since purchased one of the properties being Lot 1 DP 365970 of 2.957 hectares located at 590A Koheroa Road. The other property is located adjacent to Koheroa Road being Lot 2 DP 407229 of 96 hectares and is near the very outer edge of the 55 dBA  $L_{dn}$  contour.
- 6.9** The Mercer Airport submission seeks that both the Air Noise Boundary, the Outer Control Boundary and a set of corresponding rules be inserted into the Proposed Waikato District Plan. The rules would require acoustic insulation for any habitable building located within the Outer Control Boundary and outside the Air Noise Boundary to be deemed a permitted activity. Any habitable building inside the 65 dBA  $L_{dn}$  air noise boundary would require resource consent as a Restricted Discretionary Activity. These rules are set out in detail in the Proposed District Plan provisions from the Mercer Airport submission included as Attachment 5.

#### Access

- 6.10** Access to the Mercer Airport is via Koheroa Road, a local transport corridor in the Proposed District Plan that connects Mercer with Maramarua. Access to the airport is then via Murray Christensen Road (a multiple use right of way) for 1.13 km before the access enters a smaller right of way of 575 metres before reaching the Mercer Airport operational base. As at the date of preparing this evidence, the right of way had recently been sealed all the way from Koheroa Road to the airport operational base.
- 6.11** In response to a further information request from the Council, BBO prepared a Traffic Impact Assessment (TIA) in July 2020. The TIA assessed the road safety matters associated with the proposed rezoning and recommends a number of minor safety improvements to be implemented including constructing 6 small passing bays along the narrow part of the right of way along with 2 speed humps and some additional 30 km/hr speed limit signs. Some minor

upgrade to the sealing of Murray Christensen Road at its intersection with Koheroa Road is also recommended<sup>5</sup>.

- 6.12** The key recommendation arising from the TIA as it affects the rezoning proposal is a reduction in the maximum number of vehicles accessing the Mercer Airport Zone on a daily basis under proposed Rule 29.2.11 P1 from 200 vehicles per day to 160 vehicles per day (or 320 vehicle movements per day). This is discussed in more detail in the s32AA section of my evidence in Attachment 6. On the basis of the recommendations being completed, the TIA concluded that there were no traffic safety issues associated with the proposed rezoning.

## **7. STATUTORY POLICY CONTEXT**

### Operative Waikato District Plan provisions

- 7.1** The Waikato District Plan (ODP) was declared fully Operative on 5 April 2013. It sets out the means by which the natural and physical resources of the Waikato District will be sustainably managed through strategic growth management and managing the effects of land use on the environment. Objective 6.8.1 is particularly relevant to the Mercer Airport rezoning proposal with the overarching purpose of the provisions set out as “Benefits to the community generated by strategic nationally and regionally important utilities, and industrial and research sites, can be lost due to constraints imposed by incompatible neighbours”.

- 7.2** Objective 6.8.1 states that: Investments in strategic nationally and regionally important utilities and industrial and research sites are protected, while related Policy 6.8.3 states that (emphasis added):

Subdivision, use and development must not compromise the ongoing and efficient operation of strategic nationally and regionally important infrastructure including power stations, energy corridors electricity transmission lines, gas lines, landfills, air and land transport networks, and facilities integral to the agriculture sector.

- 7.3** This Objective and policy are highly relevant to the proposed rezoning of Mercer Airport and confirm that the ODP treats existing air transport networks (including airports such as Mercer) as regionally significant infrastructure. Given the importance of the Mercer Airport in terms of

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<sup>5</sup>, BBO Traffic Impact Assessment – July 2020, Section 8, pg 24

its role in the north Waikato aviation network, it must be formally recognised in the District Plan to facilitate its growth within acceptable parameters and also protected from surrounding landuses that could compromise its operation. In my view, the proposed rezoning, including the introduction of an Obstacle Limitation Surface (OLS), air noise boundary and outer control boundary will be entirely consistent with Objective 6.8.1 and Policy 6.8.3.

#### Lens 1 – Assessment of Relevant Objectives and Policies in the Proposed Waikato District Plan

**7.4** While the statutory processes associated with the Proposed District Plan (PDP) have not yet been completed and decisions are not expected until late 2021, some weight can be placed on the relevant objectives and policies in the PDP as notified relevant to Mercer Airport. As set out in the Framework s42A report, Lens 1 of the assessment requires an analysis against the relevant objectives and policies of the Proposed Waikato District Plan as notified. An assessment against these objectives and policies is set out below:

No.	Provision wording	Policy Comment
Objective 1.5.2(a)	Growth occurs in defined growth areas	The Mercer Airport Zone is located where the airport has been established since 1986. The zone is recognizing and protecting an existing aviation facility and enabling it to grow and develop.
Objective 1.12.8(b)(i).	Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently.	N/A
Objective 1.12.8(b)(ii).	Promote safe, compact sustainable, good quality urban environments that respond positively to their local context.	N/A
Objective 1.12.8(b)(iii).	Focus urban growth in existing urban communities that have capacity for expansion.	N/A
Objective 1.12.8(b)(iv).	Plan for mixed-use development in suitable locations	N/A
Objective 1.12.8(b)(vi).	Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic and environmental significance.	Mercer Airport has been established on the site since 1986 and is part of the existing environment. There are no outstanding landscapes on or around the site and the airport is already existing.

		There are no sites of historic or environmental significance.
Objective (1.5.1(b); 1.12.3(a); 1.12.3(c); 4.1.2(a); 5.3.8)	Future settlement pattern consolidated in and around existing towns and villages in the district and 'defined growth areas'.	N/A
Objective 4.1.3(a).	Infrastructure can be efficiently and economically provided	Consistent. The site is already provided with formed access to a public road and all services are privately provided including effluent disposal and water supply (roof water). There is no access to other reticulated services. The site is connected to power supply.
Objective 4.1.3(b)	Urban growth areas are consistent with Future Proof Strategy for Growth 2017	N/A
Objective 4.1.6	Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of:  Tuakau; Pokeno; Huntly; and Horotiu	N/A
Objective 4.5.3(a)(i)	Business town centres are maintained as the primary retail, administration, a commercial service and civic centre for each town	N/A
Policy 4.5.5(a)	Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space	N/A
Objective 4.6.3(a)	Maintain sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones	N/A
Objective 4.6.5(a)	Maintain activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages	N/A
Objective 5.1.1 (a)	(a) Subdivision use and development within the rural environment where:  (i) High class soils are protected for productive rural purposes;	Mercer Airport is already established and has been part of the Mercer community since 1986. The location of the airport is critical in that it has to be an area that is flat and with relatively low population. The size of the Mercer Airport Zone is limited to that land necessary for the

	<p>(ii) Productive rural activities are supported, while maintaining or enhancing the rural environment;</p> <p>(iii) Urban subdivision use, productive rural activities are supported and development in the rural environment is avoided</p>	<p>operational base and the runway plus supporting buildings. Productive rural activities continue to operate around the airport site and the rural environment is maintained. The proposal aligns with this objective.</p>
<p>Objective 5.3.1 (a)</p> <p>5.3.4 (a), (b)</p>	<p>Rural character and amenity are maintained</p>	<p>Consistent. The nature of an airport is that there is a level of noise associated with the activity, however, this will be signalled to the surrounding community through the ANB/OCB contours and the relevant District Plan provisions. The nature of the airport is that it is low key and fits well with the surrounding rural environment.</p>
<p>Policy 5.3.8 (a)</p>	<p>Effects on rural character and amenity from rural subdivision</p> <p>(a) Protect productive rural areas by directing urban forms of subdivision use, and development to within the boundaries of towns and villages</p>	<p>N/A –Mercer Airport has to be located in its current location due to the aviation requirements associated with its operation. It was authorized by resource consent in 1986 and is part of the existing environment.</p>
<p>Policy 5.3.8 (b)</p>	<p>Ensure development does not compromise the predominant open space character and amenity of rural areas</p>	<p>The proposal is relatively low key and fits into with the predominantly open space character and amenity of the rural area of Mercer.</p>
<p>Policy 5.3.8 (c)</p>	<p>Ensure subdivision, use and development minimise the effects of ribbon development</p>	<p>N/A</p>
<p>Policy 5.3.8 (e)</p>	<p>Subdivision, use and development opportunities ensure that rural character and amenity values are maintained</p>	<p>The proposal is low key and fits well with the rural environment that it has been a part of since 1986. The rural character and amenity of the Mercer area will be maintained.</p>
<p>Policy 5.3.8 (f)</p>	<p>Subdivision, use and development ensures the effect on public infrastructure are minimised</p>	<p>The proposal will not utilize public infrastructure apart from some additional traffic onto the local road network. All other infrastructure requirements will be provided on site and not via reticulated facilities.</p>
	<p>Meets district wide rules and any relevant overlays.</p>	

Additional Objectives:

- 7.5** In my view, Objective 6.1.6 Reverse Sensitivity and Objective 6.1.8 Infrastructure in the community and identified areas are also relevant.
- 7.6** Objective 6.1.6 Reverse Sensitivity (a) states that: “Infrastructure is protected from reverse sensitivity effects, and infrastructure (including the National Grid) is not compromised.” The related Policy 6.1.7 states: “Avoids reverse sensitivity effects on infrastructure from subdivision, use and development as far as reasonably practicable, so that the ongoing and efficient operation of infrastructure is not compromised.”
- 7.7** The proposed rezoning will enable the introduction of an Obstacle Limitation Surface, air noise boundary and outer control boundary provisions to the Proposed District Plan. These statutory techniques will ensure that the development of activities on the land surrounding Mercer Airport will not compromise the operations of the Airport, either through ongoing complaints about noise effects or from structures or buildings impacting on the approach surfaces that must be maintained for the safe operation of the airport.
- 7.8** Objective 6.1.8 Infrastructure and the community requires that: “Infrastructure takes into account the qualities and characteristics of surrounding environments and community well-being.” The related Policy 6.1.9 seeks the following: “Require the development, operation, maintenance, repair, replacement, upgrading and removal of infrastructure and its associated structures to avoid, remedy or mitigate adverse effects on the environment, community health, safety and amenity.”
- 7.9** The introduction of a site specific zone for Mercer Airport will allow the facility to operate efficiently and to grow within specific parameters set out within the zone provisions, whilst protecting the approach paths and ensuring the airport remains consistent with the amenity of the surrounding rural area. Mr Park concludes that the proposed Obstacle Limitation Surface is not an unreasonable imposition on existing neighbours and is not over designed for the situation at Mercer Airport<sup>6</sup>. Mr Hegley concludes that the addition of the air noise boundary and outer control boundary will provide an appropriate mechanism to address noise effects from the

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<sup>6</sup> Evidence of Dave Park; para 10.1 – 10.2

current and future operation of Mercer Airport<sup>7</sup>. I concur with Mr Park and Mr Hegley and rely on their evidence for my opinion that the extent of the OLS, air noise boundary and outer control boundary provisions will be appropriate.

**7.10** The proposed limit on vehicles per day accessing the Mercer Airport zone will also ensure that the traffic volume aligns with the capacity of the access and the surrounding rural amenity is not compromised.

**7.11** In my view, the proposed Mercer Airport Zone and its associated provisions will be entirely consistent with the relevant objectives and policies of the Proposed District Plan as notified.

### ***Lens Two – Consistency with high order policy documents and strategies***

**7.12** The higher order documents relevant to the proposal are considered to be National Policy Statements, Regional Policy Statements, and the overall purpose and principles of the RMA.

#### **Regional Policy Statement**

**7.13** As set out in the s42A Framework Report<sup>8</sup>, the objectives and policies of the PWDP generally seek to achieve the same outcomes as those of the Waikato Regional Policy Statement (WRPS). In general, therefore, an exhaustive consideration of the WRPS objectives and policies is unnecessary.

#### Waikato Regional Policy Statement

**7.14** The Waikato Regional Policy Statement (RPS) became operative in May 2016 and includes strategic policies which seek to provide for the management of the built environment. Policy 6.3 Coordinating growth and infrastructure in the RPS is particularly relevant in that it seeks to ensure a strategic approach to managing the integration of landuse and infrastructure across the Waikato Region.

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<sup>7</sup> Evidence of Rhys Hegley; para 34

<sup>8</sup> S42A Framework Report, para. 97.

**7.15** This Policy states that:

Management of the built environment ensures:

- a) The nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:
  - (i) Optimise the efficient and affordable provision of both the development and the infrastructure;
  - (ii) Maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
  - (iii) Protect investment in existing infrastructure; and .....
- C the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;

**7.16** This policy is further expanded by Implementation Method 6.3.1 which states the following:

Regional and district plans shall include provisions that provide for the long term strategic approach to the integration of land use and infrastructure and that give effect to Policy 6.3, including by ensuring as appropriate that:

- e) development maintains and enhances the safe, efficient and effective use of existing infrastructure and can be integrated with future infrastructure needs where these can be determined.

**7.17** Mercer Airport is a well-established aviation facility that plays an important role in the aviation industry and is located relatively close to the Auckland urban area yet without a significant build-up of surrounding development and houses. The Proposed District Plan process offers an opportunity to zone the site specifically for aviation purposes but also to implement an Obstacle Limitation Surface, air noise boundary and outer control boundary to protect the site.

- 7.18** This will ensure that Mercer Airport continues to operate safely, efficiently and effectively into the future while protecting all necessary approach surfaces and signalling to all surrounding landowners (existing and prospective) to expect higher noise levels in the vicinity.
- 7.19** In my opinion, the rezoning and its associated instruments will assist in protecting Mercer Airport and ensure that the development enabled by the District Plan surrounding the airport takes its operations into account. The proposed Mercer Airport provisions will be entirely consistent with RPS Policy 6.3 and Method 6.3.1.
- 7.20** Section 6 of the WRPS addresses the built environment. Policy 6.1.1 of the WRPS states that “Local authorities shall have regard to the principles in Section 6A when preparing, reviewing or changing regional plans, district plans and development planning mechanisms such as structure plans, town plans and growth strategies”. The principles in Section 6A are set out and discussed in Table 2 below.
- 7.21** In addition, implementation method 6.1.8 of the WRPS requires that district plan zoning for new urban development is supported by information which identifies a range of matters, as appropriate to the scale and potential effects of development. While the Mercer Airport is an existing aviation facility a brief assessment of the relevant matters is set out below:

Table 3 – Implementation method 6.1.8 of the WRPS

<p>a. the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;</p>	<p>The rezoning of Mercer Airport with a specific zone will ensure that this combination of recreational and commercial landuses is recognised in the District Plan, is protected from reverse sensitivity and its critical approach surfaces are protected by way of Obstacle Limitation Surfaces. The rezoning also ensures that the level of activity in terms of bulk and location of buildings, number of vehicles accessing the site per day and extent of activities are set out for the benefit of the Airport owner, the surrounding landowners and the Council.</p>
<p>b. the location, type, scale, funding and staging of infrastructure required to service the area;</p>	<p>N/A – Mercer Airport does not rely on any Council provided reticulated infrastructure apart from access to a formed public road. The site is self sufficient in terms of water supply and effluent disposal.</p>

c. multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;	The rezoning of Mercer Airport in addition to the introduction of an air noise boundary, outer control boundary and Obstacle Limitation Surface will ensure that this existing regionally significant aviation infrastructure will be protected and enabled to grow within prescribed limits.
d. how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;	The Mercer Airport facility is already existing and the rezoning embeds the extent of the facility into the District Plan. The rezoning will ensure that the operational requirements of the airport are secured. The Proposed District Plan Planning Maps does not show any landscape, ecological or heritage features on or in the vicinity of the existing Mercer Airport.
e. potential natural hazards and how the related risks will be managed;	N/A
f. potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;	Proposed rule 29.2.8 sets out the manner in which hazardous substances will be managed. Mercer Airport will be developing an aviation refuelling facility on site in 2021 and the establishment of this facility will be managed by the relevant provisions relating to hazardous substances and any amendments arising from the submissions and hearing process.
g. how stormwater will be managed having regard to a total catchment management approach and low impact design methods;	The facility is existing and surrounded by a large rural catchment. The relatively low level of impervious surfaces associated with the facility means that stormwater can be easily managed using soakage.
h. any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;	N/A
i. how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;	There are no waahi tapu or other taonga on or in the vicinity of the Mercer Airport site.
j. anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;	N/A
k. how the design will achieve the efficient use of water;	N/A
l. how any locations identified as likely renewable energy generation sites will be managed;	N/A
m. the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and	N/A

n. the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the national grid corridor.	N/A
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National Policy Statements

National Policy Statement on Freshwater Management 2020

- 7.22** The National Policy Statement for Freshwater Management (NPS Freshwater) sets out the statutory framework for the management of freshwater across New Zealand. The NPS Freshwater promotes the concept of Te Mana o Te Wai (the integrated and holistic well-being of a freshwater body). The objective of the NPS Freshwater is to ensure that natural and physical resources are managed in a way that places priority on: firstly the health and wellbeing of water bodies and freshwater ecosystems; secondly the health needs of people; and thirdly the ability of people and communities to provide for their social, economic, and cultural well-being.
- 7.23** Included in the policies of the NPS Freshwater are that there is no further loss to the extent of natural inland wetlands, that the loss of river extent is avoided to the extent practicable, and that the value of these freshwater assets are protected and restored.
- 7.24** The only existing freshwater asset on the site is the Koheroa Stream which traverses the site between the operational base and the runway. The Stream is bridged to enable aircraft and maintenance/service vehicles to access the runway from the operational base. There is no proposal to utilise or change the Koheroa Stream and any future land use application for development on the Site will address the manner in which the existing freshwater asset will be protected.
- 7.25** The application of Lens 2 requires an assessment against the Waikato Tainui Environmental Plan (Tai Tumu, Tai Pari Tai Ao). This plan sets out the vision of Waikato Tainui with respect to the environment and is considered a higher order document by virtue of it being referenced in the WRPS. The Mercer Airport is existing, low intensity development limited by the size of the title. The low intensity is reflected in the self-sufficient nature of the infrastructure (on site effluent disposal and roof water supply) and this in term limits the extent of future development.
- 7.26** Any future development will be limited by the size of the zone and the proposed provisions of the Mercer Airport Zone. The proposed provisions will ensure that any landuse development

will appropriately control the erosion and sediment associated with earthworks and hazardous substances such as aviation fuel. The bulk and location of any buildings will be controlled and the volume and frequency of flights limited by the extent of the air noise boundary and outer control boundary. On that basis, the Mercer Airport development is considered to be in alignment with the intent of the Waikato Tainui Environmental Plan.

- 7.27** The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted in May 2010 with the purpose of implementing co-management of the Waikato River. Through this piece of legislation, it is intended to implement the 'Vision and Strategy' for the River / Te Ture Whaimana. The proposed Mercer Airport Zone provisions will ensure that best practice erosion and sediment controls are implemented with any earthworks undertaken on site. The use of any fuels or other hazardous substances will also be controlled by the relevant provisions of the Zone. As a result, the further development of the Mercer Airport is not expected to give rise to any significant adverse effects upon the health and well-being of the Waikato River.
- 7.28** It is considered that the provisions and Waikato 2070 and Future Proof 2017 are not relevant to the consideration of the Mercer Airport Zone in that it does not relate to additional urban development.

#### Lens Three – Best practice planning guidance

- 7.29** The s42A Framework Report identifies guidance on the "best practice" to apply in considering rezoning requests. Those matters, considered of relevance to the proposal, include:
- 7.30** The economic costs and benefits of the proposal are considered. Attachment 6 to my evidence contains an assessment of the proposal against s32AA of the Resource Management Act. Included within that assessment is an analysis of the economic costs and benefits associated with the options of retaining the status quo, rezoning the site to Mercer Airport, imposing an Obstacle Limitation Surface an air noise boundary and outer control boundary.
- 7.31** Consideration of issues debated in recent plan changes. There are no recent plan changes that have relevance to the rezoning of Mercer Airport.

- 7.32** That changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints. There are no overlays or constraints identified in the planning maps that would have relevance to the location of the zone boundaries.
- 7.33** Changes to zone boundaries take into account the features of the site. The zone boundaries encompass the physical limitations of the Mercer Airport operations including the extent of the operational base and the runway and associated facilities.
- 7.34** Zone boundary changes recognise the availability of major infrastructure. The site is largely self-sufficient in terms of infrastructure apart from access to a formed public road being Koheroa Road and access to power supply.
- 7.35** There is adequate separation between incompatible land uses. One of the key features of Mercer Airport is its relatively remote rural location which provides adequate separation from any residential dwellings. The surrounding area is all zoned Rural with large scale rural land holdings and scattered rural dwellings. This low level of development and the introduction of an air noise boundary, outer control boundary and Obstacle Limitation Surface means that Mercer Airport is, and will, continue to be separated from incompatible landuses that could be sensitive to elevated noise levels.
- 7.36** Zone boundaries are clearly defensible and follow property boundaries. The boundaries of the Mercer Airport Zone follow the property boundaries (or long term lease boundaries) which define the physical extent of the airport. They are clearly defensible and easy to follow.
- 7.37** Generally no spot zoning. The Mercer Airport zone is a spot zone by virtue of the fact that it is a single aviation facility surrounded by Rural Zone. However, this reflects the fact that the Airport needs to be separated from urban areas and other noise sensitive landuses. In this specific case, a spot zone is appropriate.
- 7.38** Zoning takes into account existing resource consents and existing use rights, but this does not determine zoning. The Mercer Airport Zone is based on the existing Mercer Airport facilities which were authorised by resource consent in 1986 and amended in 2014. As set out above in my evidence, the need to protect the facility while allowing for its growth within acceptable

limits means that the zoning is appropriate. It provides greater certainty for additional growth for both the airport owner, the Council and the surrounding landowners and the community.

- 7.39** The proposal is considered to be generally aligned with the best practice guidance that has been identified.

#### *Summary – s42A Framework*

- 7.40** The proposal to introduce a site specific zone for the Mercer Airport and its operational base is entirely consistent with Lens One; being the relevant objectives and policies of the Proposed Waikato District Plan as set out above. The proposal is also consistent with Lens Two being the relevant provisions of the Waikato Regional Policy Statement and it aligns with the intent of the Waikato Tainui Environmental Plan. The proposal is also consistent with Lens Three in terms of the “best practice” locational and physical characteristics of the proposed zone.

### **8. Part 2 – RMA considerations**

- 8.1** The rezoning request must be in accordance with the provisions of Part 2 of the RMA. The RMA has a singular purpose which is to promote the sustainable management of natural and physical resources (section 5).
- 8.2** Per the Supreme Court 2014 decision *Environmental Defence Society Inc. vs the New Zealand King Salmon Co Ltd*, there is no need to refer to Part 2 in making a decision on a plan change on the basis that the proposal is giving effect to the higher-order statutory documents, and that those higher-order documents have been prepared in accordance with Part 2 of the RMA.
- 8.3** The limited exceptions to this stance include where there is ‘incomplete coverage’ in those higher-order documents. In this case, an element of incomplete coverage exists in those documents that are intended to be given effect to by the PDP, and therefore there may be some need to have recourse to Part 2 of the RMA. That ‘incomplete coverage’ arises from the fact that the NPSUD post-dates the WRPS, such that the WRPS has not given effect to this National Policy Statement and accordingly could be considered incomplete in terms of how it provides for urban development. In addition, Mercer Airport is not recognised in the WRPS other than as regionally significant infrastructure.
- 8.4** The proposal achieves the purpose of the RMA as set out in section 5, through enabling the future growth and protection of an existing aviation facility which is an important component of

the regional aviation infrastructure in the Auckland/Waikato area. In that manner, Mercer Airport is a limited physical resource that provides critical aviation service. As set out in the evidence of Dee Bond<sup>9</sup>, the owners of Mercer Airport have undertaken significant investment in the facilities at the site. The implementation of the Mercer Airport Zone will provide sufficient certainty both for the airport owners and the customers to undertake future investment and expand the range and extent of aviation services provided at the site. This will assist in providing for the aviation needs of current and future generations in a manner that does not compromise the amenity of the locality while protecting the facility from encroachment by incompatible landuses.

**8.5** The proposal is consistent with the matters of national importance set out in section 6 for the following reasons:

- a) The natural character of the river on the Site is proposed to be preserved by the proposal.
- b) The Site is not identified as having any outstanding natural features or landscapes, and is relatively confined in terms of its visibility within the wider environment.
- c) The Site is not known to contain any areas or items of significance to Maori and the existing development has been in place since 1986.

**8.6** The proposal is consistent with the matters of national importance set out in section 6 for the following reasons:

- (a) the efficient use and development of natural and physical resources:
- (b) the maintenance and enhancement of amenity values:
- (c) maintenance and enhancement of the quality of the environment:
- (d) any finite characteristics of natural and physical resources:

**8.7** Mercer Airport is an important piece of regionally significant aviation infrastructure. The implementation of the Mercer Airport Zone will ensure that this important physical resource is efficiently used and enabled to grow within acceptable limits. The ability to develop new

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<sup>9</sup> Evidence of Dee Bond; paragraphs 13-18

airports is limited and the existing facilities at Mercer must be identified and protected so that the site can be used to its fullest extent. In this manner, particular regard is being had to s7 (a) and (d).

**8.8** The proposed air noise boundary and outer control boundary will ensure that surrounding landowners are advised of the presence of elevated noise levels and required to take appropriate steps to mitigate that noise through acoustic insulation in new habitable buildings. Particular regard has been had to s7 (b) and (c).

**8.9** Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi. There are no known records of sites of cultural significance or archaeological sites on the Mercer Airport site and effects of any future development will be controlled in a manner that ensures consistency with the Vision and Strategy for Waikato River / Te Ture Whaimana.

**8.10** Accordingly, the proposal is considered to be consistent with the purpose and principles of the RMA.

**9.** Changes required to PWDP

**9.1** The relief sought by the Submitter is for the rezoning of the existing Mercer Airport site from Rural Zone to Mercer Airport Zone. In addition, an Obstacle Limitation Surface, air noise boundary and outer control boundary provisions are requested to ensure that the approach surfaces are protected from encroachment and potentially incompatible activities are physically separated or acoustically mitigated.

**9.2** Experts in acoustics<sup>10</sup> and aviation facility design<sup>11</sup> have provided evidence on the suitability of the site, the technical details of the runway configuration and the extent of the air noise boundary, outer control boundary and Obstacle Limitation Surface. This will ensure that the development objectives for Mercer Airport can be achieved<sup>12</sup>.

**9.3** In order to enable the proposed rezoning, the applicant has commissioned a draft set of provisions specifically for the Mercer Airport Zone along with a draft Obstacle Limitation Surface plan an air noise boundary and outer control boundary plan. The Mercer Airport Zone could be

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<sup>10</sup> Evidence of Rhys Hegley.

<sup>11</sup> Evidence of Dave Park.

<sup>12</sup> Evidence of Dave Park, paragraph 7.1.

incorporated into the PWDP through adding a new Chapter 9.5 – Mercer Airport Zone to Chapter 9 – Specific zones as set out in the provisions included as Attachment 5 to my evidence.

**9.4** The proposed new Chapter 9.5 contains objectives, policies, rules and other methods to ensure that Mercer Airport is able to operate safely and efficiently and meet the current and future needs of the aviation community while ensuring the adverse effects of airport activities are managed to ensure acceptable amenity outcomes.

**10.** Conclusion

**10.1** Mercer Airport seek that their existing facility at Koheroa Road be rezoned from Rural Zone to Mercer Airport Zone. The proposal is considered to align with the direction of higher-order planning documents that the PWDP is required to give effect to, in particular the Waikato Regional Policy Statement.

**10.2** The Submitter has engaged experts in relevant aviation and acoustic fields to assess the proposal and make recommendations. Taking into account the findings of these specialists, a draft set of Mercer Airport Zone provisions have been developed to demonstrate how the site could operate and the manner in which the proposed Obstacle Limitation Surface and Air Noise Boundary protections would work.

**10.3** Adopting the relief sought by the Submitter is considered to be a positive planning decision that would enable the Council to better recognise and protect the existing aviation resource of Mercer Airport for the future benefit of the wider community now and into the future.

Chris Dawson

17 February 2021

K:\145420 Mercer Airport\Proposed District Plan\PDP hearings\Evidence - Mercer Airport team\Dawson evidence\Final Evidence\Planning evidence front end\Evidence Chris Dawson (17 February Version) Mercer Airport (final) + qualifications.docx

Attachment 1

Plan showing Mercer Airport relative to road,  
operational base and buildings

Attachment 2  
2014 Environment Court  
consent order

Attachment 3  
Mercer Airport  
Obstacle Limitation Surface (OLS)

Attachment 4  
Mercer Airport Air Noise Boundary  
and Outer Control Boundary

Attachment 5  
Proposed Mercer Airport Zone  
Proposed District Plan provisions

Attachment 6  
section 32AA  
assessment

Attachment 1

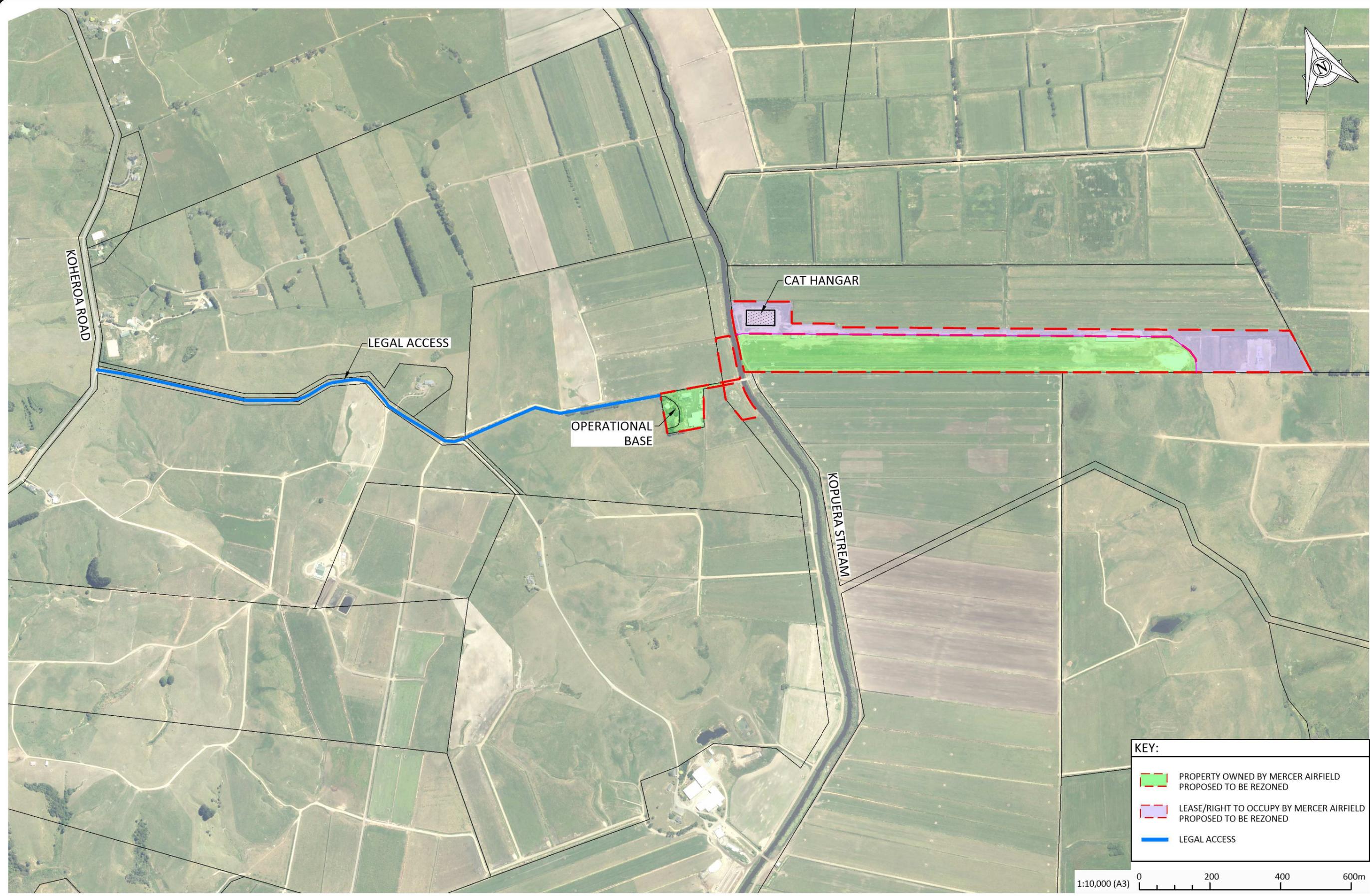
Plan showing Mercer Airport relative to road,  
operational base and buildings

100mm

SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY

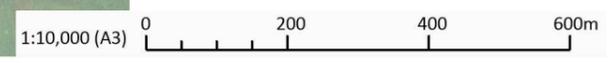
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**KEY:**

	PROPERTY OWNED BY MERCER AIRFIELD PROPOSED TO BE REZONED
	LEASE/RIGHT TO OCCUPY BY MERCER AIRFIELD PROPOSED TO BE REZONED
	LEGAL ACCESS



DESIGNED	CHECKED			
JD				
DRAWN	APPROVED			
JD				
A	15.02.2021	ISSUE FOR INFORMATION	HW	CD
DATE		ISSUE/REVISION DETAIL	BY	CHK
			APPR	

DESIGNED	CHECKED
JD	
DRAWN	APPROVED
JD	



CLIENT  
**NEALE RUSSELL LIMITED**

PROJECT  
**MERCER AIRPORT**

DRAWING  
**OBSTACLE LIMITATION SURFACE (OLS)  
OWNED AND LEASED AREAS  
OVERALL LAYOUT**

STATUS <b>FOR INFORMATION</b>	
DATE 15.02.2021	SCALE (ORIGINAL SIZE A3) 1:10,000
DRAWING NUMBER 145420_00_0106	REVISION A

Attachment 2  
2014 Environment Court  
consent order

Your Ref

In reply please quote  
LUC0063/12

If calling, please ask for  
AnaMaria d'Aubert

26 March 2014

D Lawrie  
Madsen Lawrie Consultants Ltd  
PO Box 177  
Pukekohe 2340

**Ngaruawahia Office**  
(Head Office)  
15 Galileo Street, Ngaruawahia, 3720  
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Raglan Ph: 07 825 81 29  
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**Postal Address**  
Private Bag 544, Ngaruawahia, 3742  
New Zealand

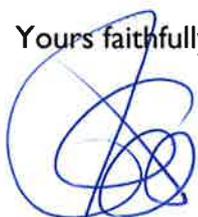
**0800 492 452**  
[www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)

Dear Sir/Madam

**CONDITIONS OF CONSENT FOR MERCER AIRPORT IN RELATION TO  
AIRCRAFT MOVEMENTS AND TO INCREASE THE LENGTH OF THE  
RUNWAY AT KOHEROA ROAD, MERCER**

Please find enclosed the updated conditions for the above resource consent subject to the  
Consent Order dated 3 March 2014

Yours faithfully



Joanne Smith  
**CONSENTS ADMINISTRATION TEAM LEADER**

Cc: Neale Russell Limited  
PO Box 742  
Pukekohe 2340

# Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

## DECISION ON APPLICATION LUC0063/12

Pursuant to sections 104, 104B, 108 and 127 of the Resource Management Act 1991 and by Consent Order of the Environment Court dated 3 March 2014, resource consent is granted for the discretionary activity land use application to change conditions (g), (h) and (i) of land use consent L830802 (Franklin District) granted on 9 May 1996

Activity:	Change conditions of consent to establish and operate an airfield and short term accommodation on a rural property
Application Number	LUC0063/12
Resource Consent Number	L830802 (Franklin District)
Consent Holder:	Neale Russell Limited
Location Address:	Koheroa Road, Mercer
Legal Description:	Lot 1 DP 91316, Lot 2 DP 152740 comprised in Computer Freehold Register

This consent is subject to the conditions detailed in the attached Schedule 1 and updated as per the Consent Order dated 3 March 2014

The reasons for this decision are found in the Hearings Commissioner report dated 22 July 2013 and the sealed Consent Order dated 3 March 2014

For and on behalf of Waikato District Council

A handwritten signature in blue ink, appearing to read "AnaMaria d'Aubert", written over a horizontal line.

**AnaMaria d'Aubert**  
**CONSENTS MANAGER**

**Dated:** 3<sup>rd</sup> day of March 2014

## **Conditions of Consent**

### **Resource Consent No: LUC0063/12**

- (a) That the proposal be developed generally in accordance with the plans and details submitted with the application.
- (b) That a building consent be obtained for the Backpackers accommodation and aircraft hangar
- (c) That vegetation be cleared and stumps poisoned along the generally western side of Koheroa Road commencing from opposite the driveway and extending 100 metres towards Mercer. All work to be to the satisfaction of the Manager, Engineering and Works prior to either the backpacker on the skydiving operation commencing.
- (d) That two coats of seal be laid on the section of the driveway from the road edge to the Koheroa Road boundary. The seal is to extend 20 metres adjacent to the road seal edge tapering back to the width of the driveway at the boundary. All work to be to the satisfaction of the Manager, Engineering and Works prior to either the backpacker on the skydiving operation commencing.
- (e) That either a Resource Consent be obtained from Waikato Regional Council for effluent disposal prior to the operation of short term accommodation on site or a letter stating that no resource consent be required.
- (f) That the Backpackers accommodation may cater for a maximum of 30 people at any one time.
- (g) Aircraft activity is not to exceed an average of 100 movements per day averaged over a rolling 3-month period. A log book is to be kept of aircraft movements and made available to Council upon request
- (h) Aircraft movements are to be confined to between the hours of 7.00 am and 10.00 pm.  
Advisory Note: for the purpose of conditions (g) and (h) an aircraft/aeroplane movement is either one take off or one landing as defined under Part I of the Civil Aviation Rules per section 32(1) of the Civil Aviation Act 1990.
- (i) The runway shall not exceed 1360 metres in length.
- (j) That the airfield is to operate in a manner which ensures that no aircraft will have to fly over any dwelling at a height of less than 250 metres.
- (k) That no aircraft movements are to be made while the mechanical digger maintaining the canal is in the vicinity of the aircraft approach fan.
- (l) That the proposed activities be operated in a manner that ensures that any noise, or other adverse effects on the environment are kept to acceptable levels in accordance with Sections 16 and 17 of the Resource Management Act 1991. These sections place a duty on the applicant to avoid, remedy or mitigate any adverse effects.

- (m) That in accordance with section 128 of the resource management Act 1991 the Council may on each anniversary of this consent after the giving of not less than one month's notice in writing, serve notice on the consent holder of its intention to review any of the conditions of this consent for the following purpose of dealing with any adverse effect of noise as a result of the airfield operation, including for the purpose of reviewing and setting a maximum daily number of permitted aircraft movements.
- (n) That in accordance with Sections 35 and 36 of the Resource Management Act 1991, compliance monitoring of the consent and conditions may be undertaken by Council at any time. The actual and reasonable costs of compliance monitoring shall be met by the applicant within one month of receiving an invoice.
- (o) Pay the outstanding administration fee of \$421 (incl GST) within one month of an invoice being received.
- (p) The consent holder shall ensure that all activities under this consent shall be conducted to ensure that aircraft noise does not exceed the 55dBA  $L_{dn}$  contour as shown on Figure 3 of the Hegley Acoustic Consultants report 9387 dated July 2013 and attached to this consent.
- Noise shall be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 *Airport Noise Management and Land Use Planning*.
- (q) Once 20,000 aircraft movements have occurred within any 12 month period, the consent holder shall notify the Waikato District Council Monitoring Team Leader within one month of the conclusion of this 12 month period that this number of movements has occurred. The consent holder shall then undertake operational noise modelling to confirm compliance with the predicted aircraft mix and volumes contained in Table 1 of the Hegley Acoustic Consultants report 9387 and the noise contours for the 1360m long runway in Figure 3 of Mr Hegley's July 2013 supplementary statement of evidence. The modelling shall be undertaken by a suitably qualified acoustic consultant and the results provided to the Waikato District Council Monitoring Team Leader no more than one month following their undertaking. Should the modelling report identify areas of non-compliance, the acoustic consultant shall recommend measures to address that non-compliance.
- (r) In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately, and iwi and the Waikato District Council shall be notified within 48 hours. Works may recommence with the written approval of the Waikato District Council. Such approval shall be given after the Waikato District Council has considered:
- (a) Tangata Whenua interests and values,
  - (b) the consent holder's interests,
  - (c) any archaeological or scientific evidence.
- (s) Prior to commencing any engineering design or construction works, the consent holder shall appoint a suitably qualified and competent **Developer's Representative**, acceptable to Waikato District Council, whose qualifications/duties shall be as described in the Franklin District Council Code of Practice for Subdivision and Development Edition 5 October 2010, for the duration of the works.

**Advice Note:**

The Franklin District Council Code of Practice for Subdivision and Development Edition 5 October 2010 can be found under the following link: <http://www.waikatodistrict.govt.nz/Documents/Franklin-Engineering-Code-of-practice.aspx> It is recommended that you read and understand the Code of Practice prior to commencement of engineering design or physical works.

- (t) The Consent Holder shall put erosion and sediment control measures in place in accordance with the requirements of the Waikato District Plan-Franklin Section: Part 15.5, the Franklin District Council Code of Practice for Subdivision and Development Edition 5 October 2010: Part 2, and the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009, prior to undertaking the consented activity.

Erosion and sediment controls shall be maintained and remain in place until the Waikato District Council's Team Leader-Monitoring is satisfied that the risk from erosion and instability has been reduced to a less than minor risk and has provided approval in writing.

- (u) The consent holder must ensure that any debris tracking/ spillage onto any public roads as a result of the exercise of this consent shall be removed as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Waikato District Council's Rooding Area Engineer, to the satisfaction of the Waikato District Council's Team Leader-Monitoring.

The consent holder, upon becoming aware of the need to clean up the roadway, shall advise Waikato District Council's Rooding Area Engineer of the need for the road to be cleaned up, and what actions are being taken to do so.

The cost of the cleanup of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the consent holder.

- (v) The consent holder shall notify Waikato District Council's Team Leader-Monitoring, in writing, of its intention to begin works, a minimum of fourteen (14) days prior to commencing works. Such notification shall include the following details:

- (a) Name and telephone number of the **Developer's Representative** appointed under Condition (s).
- (b) Site address/consent number.
- (c) Works intended to be undertaken.
- (d) Expected duration of works.

- (w) After completion of the earthworks necessary for the extension to the runway, and prior to use of the extension as a runway, the consent holder is to provide certification from a **Geo-professional** (as defined in NZS4404:2010), who carries appropriate professional indemnity insurance for the works being supervised/certified, to certify that the site is fit for purpose, to the satisfaction of Waikato District Council's Team Leader-Monitoring.

- (x) Prior to upgrading of the existing taxi strip, the consent holder is to provide a design, undertaken by a Chartered Professional Engineer, to Waikato District Council's Team Leader-Monitoring for assessment and approval. No works on this upgrading may begin until approval from Waikato District Council's Team Leader-Monitoring is received in writing.

- (y) After completion of the works necessary for the upgrading of the taxi strip, and prior to use, the consent holder is to provide certification from the **Certifying Engineer** that the work is fit for purpose, to the satisfaction of Waikato District Council's Team Leader-Monitoring.
- (z) Traffic numbers shall be limited to 60 vehicles per day (being 60 vehicle movements in and 60 vehicle movements out).

### **Advisory Notes**

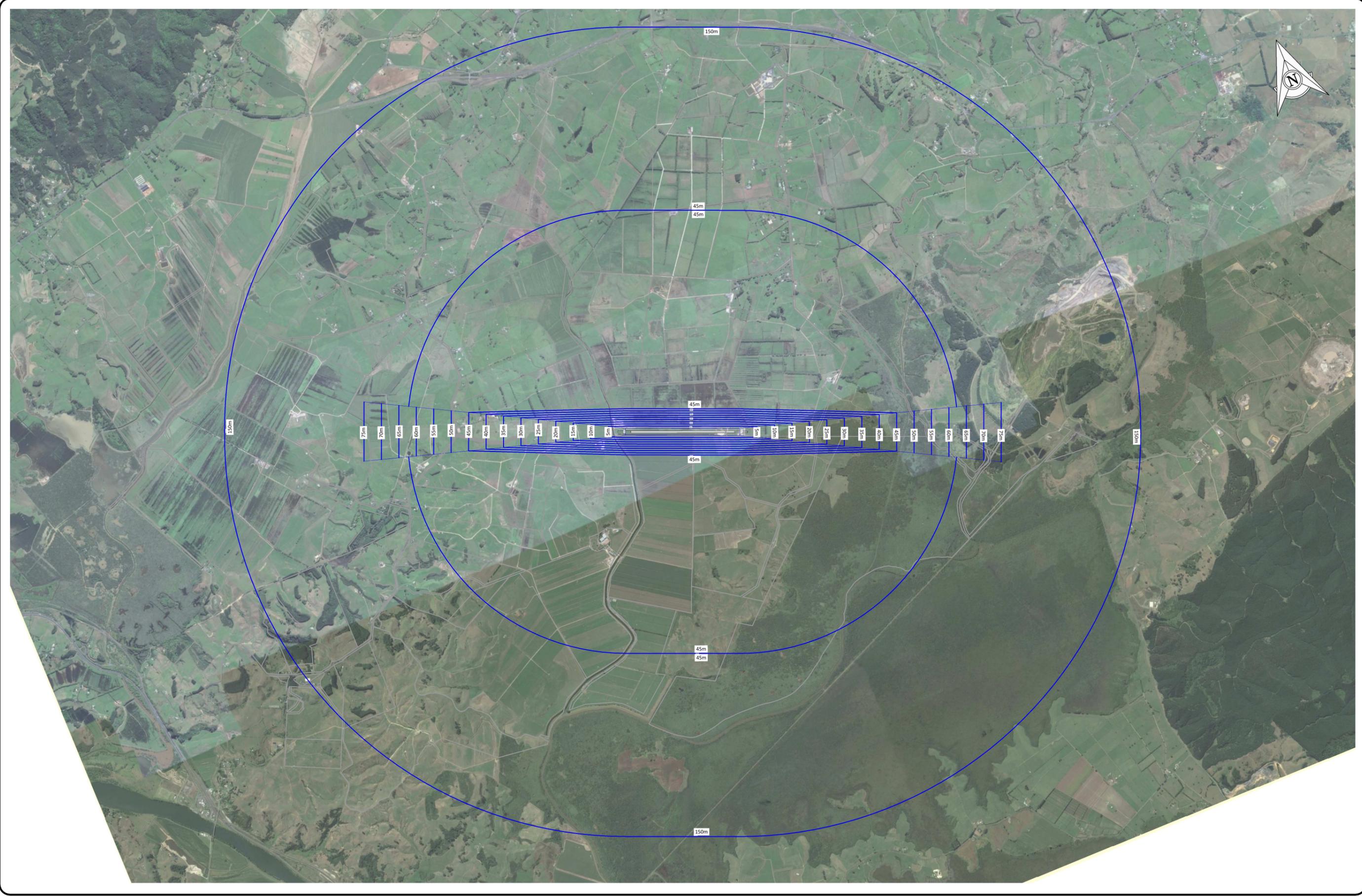
1. As part of establishing and operating short term accommodation on site a Resource Consent may be required from Waikato Regional Council to establish a suitable water supply.
2. If the applicant wishes to increase the numbers of persons staying on site, number of aircraft movements, the hours of operation and/or the length or change the surface of the runway, the a new Resource Consent is required
3. Please note that all archaeological sites are protected under the Historic Places Act whether or not they may have been registered. If evidence of any historic site is found on the property, the Act requires that the Historic Places Trust be advised of the situation.
4. Pursuant to Section 357 of the Resource Management Act 1991, the applicant/s may, within 15 working days of receiving this decision, object in writing to Council in respect of this decision. A deposit is payable towards the administration costs of considering the objection. In some circumstances this payment may be refunded.  
Having assessed such an objection, Council may dismiss the objection or uphold it wholly or in part.

Attachment 3  
Mercer Airport  
Obstacle Limitation Surface (OLS)

100mm  
SCALE FOR VALIDATING SIZE OF A3 PLOT ONLY

0

K:\145420 Mercer Airport\Drawings\145420\_00\_0100.dwg 9/10/2018 9:08 a.m. jlabrey



DESIGNED	CD	CD	CD
JD	CD	CD	CD
DRAWN	APPROVED	CD	CD
JD	CD	CD	CD
DATE	ISSUE/REVISION DETAIL	BY	CHK
A 08.10.2018	INITIAL ISSUE	JD	CD
		BY	CHK
		CD	CD
		APPR	APPR

mx model version:



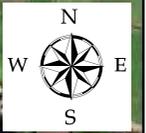
CLIENT  
**Neale Russell Ltd**

PROJECT  
**Mercer Airport**

DRAWING  
**Obstacle Limitation Surface (OLS)  
Extents**

STATUS <b>PRELIMINARY</b>	
DATE 08.10.2018	SCALE (ORIGINAL SIZE A3) 1:40000
DRAWING NUMBER 145420_00_0100	REVISION A

Attachment 4  
Mercer Airport Air Noise Boundary  
and Outer Control Boundary



65dBA Ldn - Air Noise Boundary

55dBA Ldn - Outer Control Boundary

1740 m

**Suggested Airnoise Contours for Mercer Airfield, Updated 2018**

Attachment 5  
Proposed Mercer Airport Zone  
Proposed District Plan provisions

Mercer Airport Proposed Objectives and Policies: Hearing version

Amendments for hearing:

~~Strikethrough~~

Additional text inserted

Amend Chapter 9 – Specific Zones to add new Chapter 9.5 – Mercer Airport Zone with the objectives and policies set out below:

Objective 1: Mercer Airport is able to operate safely and efficiently and is developed to meet the current and future needs of the aviation community.

Policy 1a: To enable the continued operation and development of Mercer Airport by providing for a diversity of aviation and other activities which support the aviation sector.

Policy 1b: To protect the operational and safety requirements of Mercer Airport by controlling development surrounding the Airport that may restrict or infringe those requirements.

Policy 1c: To ensure that the bulk and location of buildings and structures at the Airport provide for the unique operational requirements of an airport whilst achieving appropriate levels of amenity at the Airport and surrounding properties.

Policy 1d: To enable a range of aviation opportunities at the Airport and any associated infrastructure and business including, fixed wing aircraft, helicopters, and rockets by recognizing their operational and safety requirements.

Objective 2: The adverse effects of airport activities are managed to ensure acceptable amenity outcomes.

Policy 2a: Mitigate adverse airport effects by managing:

- a) The scale and intensity of on-site activities;
- b) Noise;
- c) Lighting; and
- d) Hazardous substances.

Policy 2b: To ensure that bulk and location standards provide for the unique operational requirements of an airport whilst at the same time achieving appropriate levels of amenity.

A) Rules and Provisions:

C1 Amend Section C – Rules by inserting new Chapter 29 – Mercer Airport Zone after Chapter 28 – Rangitahi Peninsula Zone as set out below:

## Chapter 29 – Mercer Airport Zone

- (1) The rules that apply to activities in the Mercer Airport Zone are contained in [Rule 29.2](#) Land Use – Effects and, [Rule 29.3](#) Land Use – Building.
- (2) The activity status tables and standards in the following chapters also apply to activities in the Mercer Airport Zone:
  - 14 Infrastructure and Energy as specified in [Rule 29.2](#);
  - 15 Natural Hazards and Climate Change (Placeholder).
- (3) The following symbols are used in the tables:
  - (a)P Permitted activity
  - (b)C Controlled activity
  - (c)RD Restricted discretionary activity
  - (d)D Discretionary activity
  - (e)NC Non-complying activity
- (4) The Mercer Airport Zone is shown on the planning maps.
- (5) Rule Table [29.1.1](#) identifies Permitted activities (P), Controlled Activities (C), Discretionary activities (D) and Non-complying activities (NC) within the zone.

### 29.1 Land Use – Activities

- (a) All Permitted and Controlled activities identified in Activity Status Table [29.1.1](#) must comply with all Land Use - Effects rules in [Rule 29.2](#) and Land Use - Building rules in [Rule 29.3](#).
- (b) With respect to controlled activities, Council reserves control over the following matters:
  - (i)the proposed site design and layout in relation to:
    - A. the sensitivity of the surrounding natural, human and physical environment,
    - B. potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities, and
    - C. interaction with natural hazards (flooding, instability), as applicable,
  - (ii)proposed emergency management planning (spills, fire and other relevant hazards), and
  - (iii)proposed procedures for monitoring and reporting of incidents.
- (c) To reference the activity status, use the following format:
  - (i)Rule
  - (ii)Activity status and number
  - (iii)Activity
  - (iv)Precinct(for example, 21.7 D11 Navigation Equipment Precinct B Commercial)

### 29.1.1 Activity Status Table

Activity	Mercer Airport Zone
General Aviation including helicopters and light jet aircraft	P
Recreational flying	P
Jet flights	P
Commercial aviation	P
Commercial maintenance and servicing	P
Aviation related light industry	P
Aviation related offices	P
Storage & Warehousing	P
Temporary Events for Aviation	P
Non-aviation temporary events	P
Navigational equipment	P
Mercer Airport runway and taxiways	P
Clubrooms	P
Café	P
Fuel storage and refuelling	C
Water, stormwater and wastewater infrastructure	C
Accommodation above hangars	C

### 29.2 Land Use – Effects

#### 29.2.1 On Site Services

Any activity must comply with the requirements for service connections in Rules 14.2 and 14.11 of Chapter 14 (Infrastructure and Energy).

#### 29.2.2 On-site parking and loading

Any activity must comply with the requirements for on-site parking and loading in Rules 14.12 of Chapter 14 (Infrastructure and Energy).

#### 29.2.3 On-site manoeuvring

Any activity must comply with the requirements for on-site manoeuvring and queuing in Rules 14.2 of Chapter 14 (Infrastructure and Energy).

#### 29.2.4 Noise

P1	(a) Noise from any non-aviation related activity in the Mercer Airport Zone must not exceed the following noise limits when measured at the notional boundary of a site within the Rural Zone: (i) 55 dB (L <sub>Aeq</sub> ), 7 am to 10 pm every day; and (ii) 40 dB (L <sub>Aeq</sub> ) and 70 dB (L <sub>Afmax</sub> ), 10 pm to 7 am the following day
P2	(a) Rule P1 does not apply to: (i) Construction noise; or (ii) Noise from emergency sirens.

	(iii) Noise from rocket testing on site.
D1	Any activity that does not comply with rule 29.2.4 P1 or P2.

#### 29.2.5 Construction Noise

P1	(a) Construction noise generated from a construction site in the Mercer Airport Zone must meet the limits in NZS 6803:1999 Acoustics – Construction Noise.
D1	Any activity that does not comply with rule 29.2.5 P1.

#### 29.2.6 Glare and Lighting

P1	(a) Illumination from glare and artificial light spill (excluding runway lighting) must not exceed 10 lux measured vertically at any other site.
RD1	(a) Illumination from glare and artificial light spill that does not comply with Rule 29.2.6 P1. (b) Councils discretion is restricted to the following matters: (i) Effects on amenity values; (ii) Light spill levels on any other site; (iii) Duration and frequency

#### 29.2.7 Earthworks

P1	(a) Earthworks within the Mercer Airport Zone must meet all of the following conditions: (i) Earthworks must not exceed a volume of more than 2,000 m <sup>3</sup> in a single calendar year; (ii) Earthworks must not exceed an area of more than 1,000 m <sup>2</sup> in a single calendar year; (iii) The height of the resulting cut or batter face does not exceed 1.5 m with a maximum slope of 1:2 (1 metre vertical to 2 m horizontal). (iv) Areas exposed by the earthworks not covered by buildings or other impervious surfaces are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (v) Sediment is retained on site through implementation and maintenance of erosion and sediment controls; (vi) Earthworks must not divert or change natural water flows or established drainage paths.
P2	(a) The importation of fill material to the site must meet all of the following conditions, in addition to the conditions in rule 29.2.7 P1 (a) (i) Earthworks do not exceed a total volume of 500 m <sup>3</sup> per site and a depth of 1 metre; (ii) Earthworks must be fit for compaction; (iii) The height of the resulting batter face in stable ground must not exceed 1.5 metres with a maximum slope of 1:2 (1 m vertical to 2 m horizontal) (iv) Earthworks do not restrict the ability of the land to drain; (v) The sediment from fill material is retained on the site.
RD1	(a) Earthworks that do not comply with Rule 29.2.7 P1 or P2 (b) Councils discretion is limited to the following matters: (i) Amenity values and landscape effects (ii) Volume, extent and depth of earthworks (iii) Nature of fill material

	<ul style="list-style-type: none"> <li>(iv) Contamination of fill material</li> <li>(v) Location of earthworks relative to waterways</li> <li>(vi) Compaction of fill material</li> <li>(vii) Volume and depth of fill material</li> <li>(viii) Geotechnical stability of fill material</li> <li>(ix) Flood risk</li> <li>(x) Land instability, erosion and sedimentation</li> </ul>
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#### 29.2.8 Hazardous Substances

P1	<p>(a) The use, storage or disposal of any hazardous substance where:</p> <ul style="list-style-type: none"> <li>(i) The aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for Mercer Airport Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances);</li> <li>(ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</li> </ul>
C1	<p>a) Fuel storage and refuelling infrastructure, including self-automated dispensing facilities must not exceed:</p> <ul style="list-style-type: none"> <li>(i) An aggregate of 100,000 litres of petrol or aviation fuel in underground storage tanks; and</li> <li>(ii) An aggregate of 50,000 litres of diesel in underground storage tanks; and</li> <li>(iii) An aggregate of 6 tonnes of LPG (single vessel storage).</li> </ul> <p>(b) Council reserves its control over the following matters:</p> <ul style="list-style-type: none"> <li>(i) The proposed site design and layout in relation to: <ul style="list-style-type: none"> <li>A. The sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</li> <li>B. Interaction with natural hazards such as flooding, instability;</li> <li>C. Proposed emergency management planning (spills, fire and other relevant hazards);</li> <li>D. Procedures for monitoring and reporting of incidents.</li> </ul> </li> </ul>

#### 29.2.9 Outdoor Storage

P1	<p>(a) Outdoor storage of goods or materials must:</p> <ul style="list-style-type: none"> <li>(i) Be associated with a Permitted Activity operating from the site; and</li> <li>(ii) Not encroach on any required parking and manoeuvring areas.</li> </ul>
RD1	<p>(a) Outdoor storage of goods or materials that does not comply one or more conditions in Rule 27.2.10 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity;</li> <li>(ii) Visual impact;</li> <li>(iii) Nature, scale and location of screening;</li> <li>(iv) Proximity and height of stockpiles to road reserve or other sites;</li> <li>(v) Access to sunlight and daylight;</li> </ul> <p>(c) Safety of road users and pedestrians.</p>

## 29.2.10 Non-Aviation Temporary Events

P1	<p>(a) A non-aviation temporary event must comply with all of the following conditions:</p> <p>(i) The event occurs no more than 3 times per consecutive 12-month period;</p> <p>(ii) It operates within the hours of:  A. 7.00am to 10pm Monday to Saturday; and  B. 7.00am to 6pm Sunday;</p> <p>(b) Temporary structures are:</p> <p>(i) Erected no more than 7 days before the event occurs; and</p> <p>(ii) Removed no more than 7 days after the end of the event;</p> <p>(c) The site is returned to its original condition no more than 7 days after the end of the event;</p>
RD1	<p>(a) A non-aviation temporary activity that does not comply with Rule 29.2.9 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Amenity;</p> <p>(ii) Noise levels;</p> <p>(iii) Timing and duration of the event;</p> <p>(iv) Traffic and road safety effects</p>

## 29.2.11 Access and vehicles

P1	<p>(a) The use of Mercer Airport for any permitted activity set out in Rule 29.1.1 (apart from a Non-aviation temporary event) provided that:</p> <p>(i) The number of vehicles accessing the Mercer Airport zone shall not exceed <del>200</del> <b>160</b> vehicles (<b>320 vehicle movements</b>) per day.</p>
RD1	<p>(a) The use of Mercer Airport for a use that does not comply with Rule 29.2.11 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Safety of access users;</p> <p>(ii) Intersection safety with a public road;</p> <p>(iii) Formation, width, drainage</p>

## 29.2.12 Jet Flights

P1	<p>(a) The use of Mercer Airport for no more than forty (40) jet movements (20 flights) per 12-month period.</p>
RD1	<p>(a) Jet flights that do not comply with Rule 29.2.12 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Frequency and duration of flights;</p> <p>(ii) Noise levels</p> <p>(iii) Amenity</p>

## 29.3 Land Use – Building

### 29.3.1 Height of buildings, structures, trees and other vegetation

P1	<p>(a)The construction or alteration of any building or structure must not exceed a height of 10 m, and</p> <p>(b)Any building, structure, tree or other vegetation must not protrude through the Obstacle Limitation Surfaces defined in Appendix 13 (Mercer Airport Zone and Obstacle Limitation Surface).</p>
RD1	<p>(a)Any building, structure, tree or other vegetation that does not comply with Rule 29.3.1. P1.</p> <p>(b)Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i)Form, bulk and location of building, structure, object, mast or tree;</li> <li>(ii)Effect on the safe and efficient operation of Mercer Airport;</li> <li>(iii)Access to daylight and sunlight.</li> </ul>
D1	Any building, structure, tree or other vegetation that does not comply with Rule 29.3.1 RD1.

### 29.3.2 Daylight Admission

P1	<p>(a)Any building or stockpiling of materials must not protrude through a height control plane rising at an angle of:</p> <ul style="list-style-type: none"> <li>(i) 37 degrees commencing at an elevation of 2.5m above ground level at every point of the Zone boundary.</li> </ul>
RD1	<p>(a)Any building or stockpile that does not comply with Rule 29.3.2 P1.</p> <p>(b)Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i)Effects on amenity values;</li> <li>(ii)Admission of daylight and sunlight to the site and other sites;</li> <li>(iii)Extent of areas of non-compliance.</li> </ul>

### 29.3.3 Building Coverage and Impervious Area

P1	<p>(a)Construction or alteration of a <a href="#">building</a> must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(i) The total <a href="#">building coverage</a> must not exceed: <ul style="list-style-type: none"> <li>A. 30% of the <a href="#">site</a> area, up to a maximum of 900 m<sup>2</sup>; and</li> <li>B. result in more than 60% of the <a href="#">site</a> having an <a href="#">impervious surface</a>, up to a maximum 1800 m<sup>2</sup> impermeability.</li> </ul> </li> </ul>
RD1	<p>(a)Construction or alteration of a <a href="#">building</a> that does not comply with Rule 29.3.3 P1.</p> <p>(b)Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i)Effects on amenity values;</li> </ul>

	<ul style="list-style-type: none"> <li>(ii) <a href="#">Building</a> form, bulk, location, external cladding and colour;</li> <li>(iii) Extent of area of non-compliance;</li> <li>(iv) Effects on adjacent sites;</li> <li>(vi) Stormwater management;</li> <li>(vii) Onsite parking provision;</li> <li>(viii) Landscape planting and other visual mitigation measures</li> </ul>
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#### 29.3.4 Building Setbacks from Zone boundary

P1	(a) Construction or alteration of a building must be set back at least 6 m from a Mercer Airport Zone boundary.
RD1	<p>(a) Construction or alteration of a building that does not comply with Rule 29.3.4 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Effects on adjacent sites;</li> <li>(iii) Effects on aircraft safety and taxiing.</li> </ul>

#### 29.3.5 Habitable buildings inside the 65 dBA Ldn air noise boundary contour on the planning maps

RD1	<p>(a) Any habitable building inside the 65 dBA Ldn contour as shown on the planning maps.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Acoustic insulation and achievement of internal noise levels;</li> <li>(ii) Design and orientation of habitable building;</li> </ul> <p>(c) Mercer Airport shall be considered an affected party for any application under Rule 29.3.5.</p>
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C2 Amend Section D – Appendices and Schedules by adding a new Section 7 – Mercer Airport Zone immediately after Appendix 6 – Acoustic insulation for other areas.

#### Appendix 7. Mercer Airport

1. Add new item B1 Mercer Airport to 1. (a) (i) buildings for noise sensitive activities in the noise control boundaries and buffers for:
2. Add new section 7. Mercer Airport Zone

##### 7. Mercer Airport Zone

The Mercer Airport Outer Control Boundary (OCB) identifies an area that experiences high noise levels from aircraft landing and taking off from the Mercer Airport. Habitable buildings within the Mercer Airport Outer Control boundary are required to be acoustically insulated to achieve the internal noise standards specified in sections 7.1 and 7.2 below.

7.1 Conditions for permitted activities inside the Mercer Airport Outer Control Boundary.

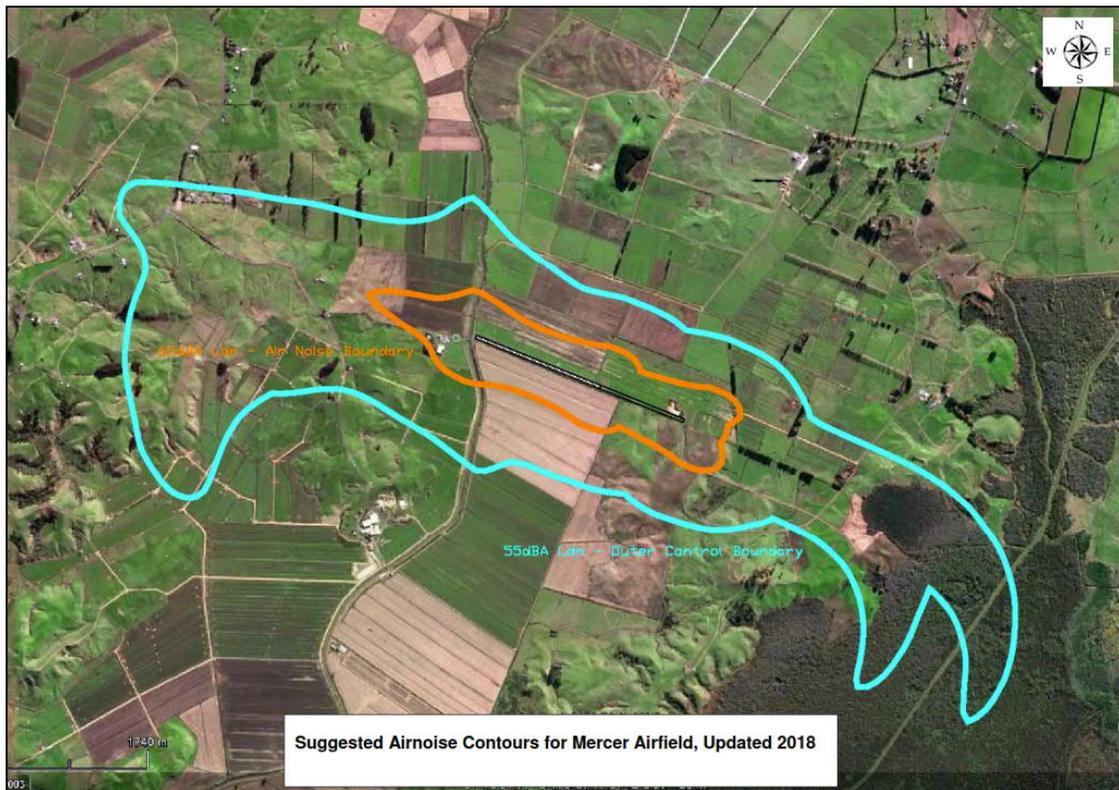
- (1) Prior to the issue of a building consent for any building to which this rule applies, compliance with the requirements of the rule shall be demonstrated through the production of a design certificate from an appropriately qualified and experienced acoustic specialist certifying that an internal noise level will not exceed the level shown in Table 15 below:

Table 15: Internal noise levels

Area	Internal Noise level
Habitable rooms	Ldn 40 dBA

- (2) The internal noise level shall be achieved based on the predicted external level at the subject site shown on Figure 3 below and in accordance with the adjustments to the dBA level to establish an un-weighted external source spectrum for aircraft noise outlined in Table 16 below.

Figure 3: Mercer Airport, Ldn contours



- (3) Where a building is partly or wholly contained within the Mercer Airport OCB, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed

and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 - Ventilation.

- (4) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in **Table 16** – Noise limits for ventilation systems.
- (5) Compliance with rules (4) and (5) above shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably-qualified acoustics specialist, stating the design proposed is capable of meeting the activity standards.

Table 16: Noise limits for ventilation systems

Room Type	Noise level measured at least 1 m from the diffuser (Leq dBA)	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35

7.2 Conditions for permitted activities inside the 65-dBA Ldn Air Noise boundary contour

- (1) New habitable building inside the 65 dBA Ldn air noise boundary shall be a Restricted Discretionary Activity as set out in Rule 29.3.5.

C3 Amend Section D – Appendices and Schedules, Chapter 29 – Appendices by inserting a new Appendix 13 – Mercer Airport Zone as set out below:

Appendix 13 – Mercer Airport

1 Introduction

This appendix is referred to in the Rural Zone building rules. The safe operation of aircraft using the Mercer Airport requires that each runway should be provided with a take-off climb and approach surfaces such that aircraft taking off or landing have a clear obstacle free surface on which to carry out the initial part of the climb or the final part of the approach. The Civil Aviation Authority of New Zealand has adopted specifications defining the surfaces about and above an Aerodrome which there must be no obstacles. These surfaces are known as obstacle limitation surfaces and are defined in terms of distances from the runway and heights relative to the runways for protection of aircraft in the vicinity of the aerodrome.

The runway is on the following land: Lot 1 DP 384812 and Lot 2 DP 384812.

## 2 Runway and Associated Runway Strip

The runway and associated runway strip is defined as follows:

- (a) Runway – the runway is 1190 metres long and 23 metres wide.
- (b) Runway strip – the runway is contained within the runway strip. The strip is 1310 metres long and 80 metres wide.
- (c) The coordinates and elevations of the four corners of the strip in terms of Mount Eden Circuit New Zealand Geodetic Datum 2000 and Moturiki Datum are as follows:

mN	mE	Elevation
757880.434	431169.034	XXX
757806.489	431138.502	XXX
757380.478	432379.878	XXX
757306.533	432349.346	XXX

## 3 Obstacle Limitation Surface

The obstacle limitation surfaces associated with this runway strip are defined as follows:

### 3.1 Approach surfaces

There is an approach surface at both ends of the runway strip. Each approach surface is a truncated fan originating from an 80 metres wide base centred at the end of the runway strip. The approach surfaces extend either side of the extended centre line of the runway strip for a horizontal distance of 3000 metres (3.5 kilometres). Each approach surface rises upwards and outwards at a gradient of 1 vertical to 40 horizontal (1:40). The base of the western approach surface commences at a height of XX metres above Moturiki Datum and the base of the eastern approach surface commences at a height of XX metres above Moturiki Datum. The sides of the approach surfaces splay outwards at a rate of 1 vertical to 10 horizontal (1:10).

### 3.2 Transitional side surfaces

The transitional side surfaces rise upwards and outwards from the sides of each approach surface at a gradient of 1 vertical to 5 horizontal (1:5) to a height of XX metres above Moturiki Datum.

Attachment 6  
section 32AA  
assessment

Table 1: Rezoning Proposal

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
The rezoning proposal	Neale Russell Limited (Mercer Airport) seek the rezoning of their landholdings located at Koheroa Road from Rural Zone to Mercer Airport Zone.
Relevant objectives of the PDP	<ul style="list-style-type: none"> <li>• Growth occurs in defined growth areas (1.5.2(a))</li> <li>• Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic and environmental significance (1.12.8(b)(vi))</li> <li>• Infrastructure can be efficiently and economically provided (4.1.3(a))</li> <li>• In the rural environment, high class soils are protected for productive rural activities, productive rural activities are supported and urban development in the rural environment is avoided (5.1.1(a))</li> <li>• Rural character and amenity are maintained (5.3.1 (a)), 5.3.4 (a), (b)</li> <li>• Development does not compromise the predominant open space character and amenity of rural areas (5.3.8 (b))</li> <li>• Subdivision, use and development ensures the effect on public infrastructure are minimised. (5.3.8 (f))</li> <li>• Infrastructure is protected from reverse sensitivity effects so that its ongoing operation is not compromised. (6.1.6 (a))</li> </ul>
Scale and significance of the rezoning proposal	<p>The scale and significance of the proposal is limited due to the following factors:</p> <ul style="list-style-type: none"> <li>• The proposal relates to the zoning of particular landholding in a particular part of the District (Mercer)</li> <li>• The proposed rezoning aligns with the strategic direction of higher order documents (WRPS, NPS-UD) and growth strategies (Future Proof; Waikato 2070)</li> <li>• The proposed airport development is able to be accommodated on the site, having regard to the assessments prepared by expert consultants. It has been operating on the site under resource consent since 1986 and now needs to be recognised in the District Plan to provide protection for the airport and signal its presence to surrounding landowners. The expert consultants have confirmed that the extent of the Obstacle Limitation Surface and air noise boundary are appropriate.</li> </ul>
Other reasonably practicable options to achieve the objectives (alternative options)	The following alternative options to the proposal have been identified:
	<ul style="list-style-type: none"> <li>a) Do nothing / status quo</li> <li>b) Seek resource consent for every specific growth proposal under the Rural Zone provisions and the existing 1986 resource consent.</li> </ul>

Table 2: Benefits and Costs Analysis of the Airport Rezoning Proposal

Rezoning Proposal: Rezone Mercer Airport from Rural to Mercer Airport Zone including introduction of Obstacle Limitation Surface and Air noise boundary – i.e. Relief Sought		
	Benefits	Costs
General	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• No general costs identified</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• More comprehensive environmental controls in place through a site specific Mercer Airport Zone. Site specific controls are more appropriate versus standard Rural Zone provisions applied to an aviation facility.</li> <li>• The inclusion of an OLS will ensure that the required safety zones surrounding the airport as prescribed by the Civil Aviation Authority are inserted into the District Plan and protected through a set of specific District Plan rules. This will ensure aviation safety standards are met.</li> <li>• The inclusion of an Air Noise Boundary</li> <li>• will ensure that appropriate acoustic insulation is included for any future habitable building located within the 65 dBA ANB.</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental impacts typically associated with development.</li> <li>• Increased demand on reticulated infrastructure such as electricity. Mercer Airport is self-contained for water and wastewater services.</li> <li>• There would be some minor additional costs associated with acoustic insulation for any surrounding future houses built within the 65 dbA Air Noise Boundary.</li> </ul>
Social	<ul style="list-style-type: none"> <li>• Rezoning provides clear information to existing and future neighbouring landowners over the nature, scale and scope of activities on the Mercer Airport site. They will also understand the acoustic implications arising from activities at Mercer Airport. This will enable neighbouring landowners to plan around these constraints.</li> </ul>	<ul style="list-style-type: none"> <li>• No social costs identified</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• There will be additional economic benefits associated with enabling the Mercer Airport to expand the nature and range of activities undertaken on site.</li> </ul>	<ul style="list-style-type: none"> <li>• No economic costs identified other than the financial cost of involvement in the Proposed District Plan process.</li> </ul>

	<ul style="list-style-type: none"> <li>• This will in turn potentially result in additional employment and economic flow on effects for the local economy of the North Waikato.</li> <li>• There will be economic benefits associated with introducing an OLS to protect the Mercer Airport. This will enable the airport to meet the relevant CAA standards and provide certainty for all airport users that they are utilising a facility that is up to the required standard.</li> </ul>	<ul style="list-style-type: none"> <li>• Some additional costs for neighbouring landowners seeking to build a house within the outer control boundary.</li> </ul>
Economic Growth	<ul style="list-style-type: none"> <li>• Having a site specific zone will provide the airport operators with sufficient certainty to invest in the future development of the facility.</li> </ul>	<ul style="list-style-type: none"> <li>• No economic growth costs identified</li> </ul>
Employment	<ul style="list-style-type: none"> <li>• Promotes growth of economy and employment opportunities, in terms of increased construction and aviation activity.</li> </ul>	<ul style="list-style-type: none"> <li>• No economic employment costs identified</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>• No cultural benefits identified.</li> </ul>	<ul style="list-style-type: none"> <li>• No cultural costs identified</li> </ul>
Mercer Airport Rezoning Proposal: Alternative option 1 – do nothing (status quo – rely on existing resource consent)		
	Benefits	Costs
General	<ul style="list-style-type: none"> <li>• No general benefits identified</li> </ul>	<ul style="list-style-type: none"> <li>• The status quo will not provide proactive protection for the approach surfaces and raises the potential for a house, structure or vegetation to protrude into these surfaces and compromise the safe operation of the airport.</li> <li>• The status quo will not ensure that existing and future landowners for the land surrounding the airport are alerted of the potential for higher noise levels. This could compromise the operation of the airport over time and lead to constraints on its operation.</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• No environmental benefits identified - maintains status quo in terms of environmental effects consented to occur on the Site.</li> </ul>	<ul style="list-style-type: none"> <li>• No environmental costs identified.</li> </ul>

Social	<ul style="list-style-type: none"> <li>Existing environment is retained, which may be preference to some in the wider community.</li> </ul>	<ul style="list-style-type: none"> <li>Existing issue of inflexible consent and lack of protection for airport operations remains.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>No economic benefits identified</li> </ul>	<ul style="list-style-type: none"> <li>Loss of opportunity to rezone Mercer Airport while low density of surrounding development is still present.</li> </ul>
Economic Growth	<ul style="list-style-type: none"> <li>No additional economic benefits identified, current situation remains.</li> </ul>	<ul style="list-style-type: none"> <li>Will not provide for future economic growth of the site and the aviation industry in the North Waikato.</li> </ul>
Employment	<ul style="list-style-type: none"> <li>No change to status quo, limited employment opportunities associated with existing operations.</li> </ul>	<ul style="list-style-type: none"> <li>Will not provide for potential aviation employment opportunities associated with airport development.</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>No cultural benefits identified</li> </ul>	<ul style="list-style-type: none"> <li>No cultural costs identified</li> </ul>

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