

**REPORT AND RECOMMENDATION OF
HEARINGS COMMISSIONER TO THE
SOUTHLAND DISTRICT COUNCIL**

ON

**PROPOSED PLAN CHANGE No. 3: MANAPOURI
AIRPORT AMENDMENTS**

OPERATIVE SOUTHLAND DISTRICT PLAN 2001

**Prepared by Allan Cubitt
Cubitt Consulting Limited**

May 2005

INTRODUCTION

1. BACKGROUND

I was appointed by the Southland District Council to hear and consider submissions made on Plan Change Number 3 to the Operative Southland District Plan.

This plan change amends and adds to the description of the Manapouri Airport in the relevant sections of the District Plan. In addition the plan change seeks to amend the provisions of “Rules PRA.2 – Rural Activities” and “PRA.3 Residential Activities” by making residential activities a prohibited activity and all other activities non complying in a defined area around the perimeter of the Manapouri Airport designation. This area is shown on the plan contained in Schedule 6.23: Manapouri Airport-Plan of Noise Sensitive Activity Exclusion Sub-Zone attached to the Plan Change.

Associated with the Plan Change Number 3 are two Notices of Requirement issued by the Council to itself in respect to the Manapouri Airport. The first Notice relates to a requirement for a designation for “airport purposes” over land partly owned by Southland District Council and partly owned by Landcorp Farming Limited. The second Notice relates to a requirement for a designation in respect of airspace protection in the vicinity of the Manapouri Airport. This designation is called “Airport approach and land use controls”. It defines the essential airport protection measures: transitional slopes and surfaces; the aircraft take off climb and approach slopes; and airport height and obstacle clearances.

My appointment as Hearings Commissioner was made pursuant to Section 34A of the RMA. That delegation was made to ensure an appropriate separation is maintained between the Councils role as the requiring authority in respect to the airport designations and its role as the relevant consent authority. However unlike a delegation to consider designations, a delegation cannot extend to the approval of the Plan Change but merely to the hearing and recommendation of a decision to the Council. That final decision however, rests with the Council.

In undertaking this task I have had the benefit of a number of background documents prepared by the Southland District Council’s Planning Staff. These include the Manapouri Airport Development Plan and associated technical reports including a report prepared by Marshall Day Acoustics in respect to the airport noise controls. I have also had the benefit of a planner’s report containing recommendations on the various submissions received. Where appropriate I have incorporated parts of these reports into the decision for convenience sake. For the most part this relates to the Summary of Submissions made and the relevant explanatory information.

The Plan Change and the two Notices of Requirements were notified on the 31st July 2004. Submissions closed on the 3rd of September 2004. Further submissions closed on Monday the 18th October 2004. Twenty-four submissions and two further submissions were received by the Council on the proposed changes.

2. THE HEARING

A Hearing was held in Te Anau on 27 April 2005. I was assisted at the hearing by Mr Peter Kloosterman, a senior Resource Management Planner, and Mrs Maria Cavanagh (Minutes Secretary). The following appearances were recorded:

Applicant Representatives

Mr M Foster (Aviation Planning Consultant, Director - Zomac)
Mr D Reid (Officer Te Anau Community Board)

Submitters

Mr M Rodd (Community Relations Officer, Department of Conservation)
Mr L Matheson (The Fiordland Aviation User Group)
Mr H Kraak
Ms C Thomson (Meridian Energy Limited)
Mr J Murrell

I do not propose to set out what was said at the hearing by the various participants. Copies of their written evidence, where presented, and a written summary of the discussion that took place are available from the Council. The salient points of the submissions will be discussed in the reasons for the recommendations recorded below.

I would note however that the Department of Conservation did request that the Hearing be adjourned until such time as they could provide further evidence in relation to a number of legal issues and the outcome of the review of the Milford Sound Airports operation. I declined that request on the basis that the Department had a very lengthy time available to them address these issues prior to the hearing given that the Notices were notified on the 31st July 2004. I determined that I had received enough information on the issues raised by the Department to make a fully informed decision on the provisions in front of me. To hold up the hearing would not have been reasonable in these circumstances.

I can also advise that after the hearing I visited the Manapouri and Te Anau Airports, and viewed a number of the areas affected by the provisions. These included the Kepler Mire, Mr Kraak's property, the Meridian Supply Bay Road Depot, and Meridian's barge landing point.

The points raised by the Submitters are discussed under a series of headings below. These headings and the general format of the report have largely followed the format and sequence adopted by the Planner's Report.

3. LIST OF SUBMITTERS TO PROPOSED PLAN CHANGE 3: SOUTHLAND DISTRICT PLAN - MANAPOURI AIRPORT PROVISIONS (NUMBERED ALPHABETICALLY)

No	Name	Address			Location of Submissions in the Report
	I R and C H Barnes	P O Box 9	Manapouri		1.1
	D R and L Brown	17A Gresham Street	Dunedin		1.1
	Department of Conservation	P O Box 743	Invercargill	Attn: Marie Long, Community Relations Officer	1.1, 2.1,3.1
	The Fiordland Aviation User Group	P O Box 156	Te Anau	Attn Lloyd Matheson	1.1

	Fiordland Travel Ltd	C/- Noel Walker	Kiwi Country	P O Box 64 Te Anau	1.1
	Guardians of Lakes Manapouri, Monowai and Te Anau	C/- Mr Dave Riddell	Hokonui R D 2	Winton	1.1
	J H Kraak	7 Melland Place	Te Anau		1.1
	N D and P J Lamb	P O Box 88	Manapouri		1.1
	Luxmore Hotel	P O Box 46	Te Anau	Attn Linda Matheson for G Thomson	1.1
	Manapouri Development Area Committee	C/- Mr Allan Youldon	P O Box 16	Manapouri	1.1
	Meridian Energy Limited	Planner Natural Resources	P O Box 2454 Christchurch	Attn: Fiona Hill	2.1, 3.1
	M G Molineux	P O Box 31	Manapouri		1.1
	J F Morgan	P O Box 77	Te Anau		1.1
	J Murrell	7 Murrell Avenue	Manapouri		1.1
	Audrey Newsome	183 Crawford Street	Invercargill		1.1
	Brent Myers Newsome	25 Joseph Street	Invercargill		1.1
	Janice Marie Newsome	193 St Andrew Street	Invercargill		1.1
	Lindsay Paul Newsome	66 Ritchie Street	Invercargill		1.1
	Meyers Newsome	193 St Andrew Street	Invercargill		1.1
	Pionair Adventures Ltd	P O Box 333	Christchurch	Attn: Timothy Scott Chief Executive Officer	1.1
	Mr Allan John Remnant	40 Bowen Street	Te Anau		1.1
	R M Rohloff	Tuturau	R D 4	Gore	1.2
	S V and T G Sparrow	36 Mararoa Drive	Manapouri		1.2
	Te Anau Community Board	24 Milford Crescent	Te Anau	Attn Mr D. E. Reid	1.2
	Further Submissions				
	Te Anau Community Board	24 Milford Crescent	Te Anau	Attn Mr D. E. Reid	1.1, 2.1, 3.1
	M, J, B, A, and L Newsome	193 St Andrew St	Invercargill		1.1

2. **RECOMMENDATIONS**

1. **General Submissions – Entire Plan Change**

Submitter Name.	Summary of Submission	Decision Requested	Further Submissions
I R and C H Barnes	Support the Plan Change to provide significant airport facilities	Grant the application	
D R and L Brown	Support, necessary for the future of Manapouri township and tourism	Proceed with the proposed changes	
Department of Conservation	Noise levels inappropriate, should be in the order of 30 dBA to 45 dBA in Fiordland National Park No information on investigation of alternative flight paths. No limit on potential numbers or types of aircraft. No information on the values of the indigenous vegetation to be cleared. Canada Geese and Black backed Gulls in Kepler Mire, potential for bird strike. Inconsistent with Fiordland National Park Plan, fails to protect the natural character of Lake Manapouri. Inconsistent with Part II of the Resource Management Act 1991	Proposed Plan Change 3 be withdrawn. Requirements for designations in Plan Change 3 be withdrawn.	

<p>Further Submission: Te Anau Community Board</p>	<p>DOC manages two areas within the airport noise management area. The Community Board concurs one of the values of the National Park is natural quiet, however it has to be subject to reasonable noise from visitations. No allowance has been made, by defining the noise management area, to accommodate Boeing 737B's or Airbus 320's. Airport and aircraft effects on the National Park will be minor. DOC cannot impose restrictions on activities outside of the National Park. The noise standards proposed are appropriate for a regional airport. Manapouri is an existing certificated aerodrome, currently there are no limits on flight paths, aircraft types, or noise levels. Aircraft noise over Lake Manapouri will be no greater than motorboats on the Lake. Formalising Manapouri as the sub-regional airport will mean Te Anau airport will be closed thereby reducing the spread of noise. The Plan Change does not limit or constrain recreational water activities. The Plan Change does not propose any indigenous vegetation clearance. The Te Anau Community Board does not accept the Manapouri Airport Plan Change is inconsistent with The Fiordland National Park Plan.</p>		<p>Opposes the Department of Conservation Submission</p>
<p>Fiordland Aviation User Group</p>	<p>Support for this development</p>	<p>The Fiordland Aviation User Group is consulted regarding helipad sites/facilities, fuelling facilities, future hanger sites and the approach and departure flight paths</p>	
<p>Fiordland Travel Ltd</p>	<p>Supports the proposal and recognises its benefit to tourism Supports the consultation that has occurred.</p>	<p>Approve</p>	

Guardians of Lakes Manapouri, Monowai and Te Anau	Support	No decision requested	
J H Kraak	Conditional Support, Seeks limitation on the frequency, number and duration of flights. Seeks limitation on the type of aircraft	Seeks compensation for any additional costs on landowners affected by Airport development	
Further Submission: Te Anau Community Board	The form and nature of the proposed designations places an upper limit on the number of flights and type of aircraft. Flight time spans are not controlled by an airport operator. The noise sensitive activity exclusion zone only affects a small area of Mr Kraak's property and no devaluation will occur. Payment of compensation is not justified.		Opposes the submission of J H Kraak
N D and P J Lamb	Support	"Go for it"	
Luxmore Hotel	General Support Airport Development a consideration when appraising future hotel development.	Proceed without unnecessary delays	
Manapouri Development Area Committee	Support	Adoption of the Plan Change	
M G Molineux	Support Tourism growth requires a better airport	Proposed development of Manapouri Airport to continue	
J F Morgan	In favour of the Proposed Plan Change	No decision requested	
J Murrell	Support, the economic benefit from the airport is incalculable. Noise is not a problem	Grant Proposed Plan Change 3 in full	
Audrey Newsome	Support	No decision requested	
Further Submission M, J, B, A, and L Newsome	Support the Proposed Plan in total		Supports the submission of Audrey Newsome
Brent Myers Newsome	Support	No decision requested	

Further Submission M, J, B, A, and L Newsome	Support the Proposed Plan in total		Supports the submission of Brent Myers Newsome
Janice Marie Newsome	Support	No decision requested	
Further Submission M, J, B, A, and L Newsome	Support the Proposed Plan in total		Supports the submission of Janice Marie Newsome
Lindsay Paul Newsome	Support	No decision requested	
Further Submission M, J, B, A, and L Newsome	Support the Proposed Plan in total		Supports the submission of Lindsay Paul Newsome
Meyers Newsome	Fully support Proposed Plan Change 3	No decision requested	
Further Submission M, J, B, A, and L Newsome	Support the Proposed Plan in total		Supports the submission of Meyers Newsome
Pionair Adventures Ltd	Supports the proposed development of Manapouri Airport	No decision requested	
Allan John Remnant	Support Heartening to live in an area where people of vision have the forethought to plan for a regions development. Maintenance, refuelling and aircraft servicing will give the local economy a boost. Modern facilities are needed to cope with the expected demands of the travelling public. No reason why we can't have an Airport all Southland can be proud of.	That all air operators are involved in planning approach and departure flight paths, refuelling facilities placement and future maintenance facilities	
R M Rohloff	Support, a positive development	No decision requested	
S V and T G Sparrow	Support, good forward thinking. Save time and money in the future.	No decision requested	
Te Anau Community Board	Support	Grant the proposed scheme change without amendment	

Assessment

The majority of these submissions support the Plan Change and do not seek any amendment. Consequently it is recommended these submissions be accepted in part on the basis that some changes have been recommended to the Plan Change. **Mr Murrell** addressed the Hearing and gave a very useful account of the districts history and the importance the airport will have in its future growth.

The submissions of **Fiordland Aviation User Group** and **Allan John Remnant** support the Plan Change but request that they be consulted regarding site development. Mr Matheson, representing the users group, gave a very useful account at the Hearing on how the aviation industry's code of practice with the Department of Conservation has been successful in the past. He believes this approach would work well at Manapouri also.

As noted in the Planners Report, the Plan Change has been proposed to establish controls on land adjacent to the Airport. It does not address the future development of the airport, which has been provided for under the "Airport Purposes" designation. Consequently the submitters request cannot be addressed within the context of the Plan Change. However it is obviously appropriate and necessary that any development proposed within the designated site be undertaken in consultation with the very group of people who utilise the airport. A recommendation to that effect is made to Council.

The submission of **Mr J H Kraak** conditionally supports the Plan Change but seeks limitation on the frequency, number and duration of flights and compensation for any additional costs on landowners affected by Airport development. The **Te Anau Community Board** opposed this submission. Mr Kraak's main concern related to the potential restrictions that may be imposed on his 20.42-hectare property by the proposed noise sensitive activity exclusion zone. However it was pointed out to Mr Kraak at the hearing that only approximately 1.5 hectares of his property is affected and that area of land could be still utilised as part of any subdivision proposal for his property provided no dwelling was located within it. Consequently I am of the view that the use of Mr Kraak's property will not be unduly constrained by the Plan Change. Accordingly section 85 of the Act does not apply.

Furthermore the request to restrict the frequency and type of flights using the airport cannot be accommodated through the provisions of the plan change. Those issues can only be addressed through the designation for "Airport Purposes". It is worth noting however that it would be extremely difficult even through the designation process to control the frequency of flights to and from an airport. It would rather defeat the purpose of developing the airfield in the first place. With respect to the size of aircraft, this is largely controlled by the dimensions of the runway and, as I understand it, is controlled by the Civil Aviation Authority. They certify aerodromes for aircraft up to a certain size. To limit the number or type of aircraft that may utilize the facility to levels below those set by the Civil Aviation Authority is counterproductive and does not promote the sustainable and efficient use of the resource.

The **Department of Conservation** submission (opposed by the further submission of the *Te Anau Community Board*) is relatively general and opposes both the Plan Change and the Notice of requirement for the "airspace" designation. The Department requests that the Plan Change and the airspace designation be withdrawn. With the respect to the designation the Department opposes the designation of "all runway paths". This request is not relevant to this process.

With respect to the plan change their concerns relate to the airport approach and take off noise sensitive activity exclusion zone; the airport noise contours of aircraft over land managed by the Department of Conservation; and reverse sensitivity issues. I am assuming that the Departments submission relates to Sections 2 and 6 of the plan change. Section 2 introduces the rule making activities other than residential activities non-complying in the Noise Sensitive Activity Sub Zone while Section 6 introduces a plan of that Sub Zone. The amendments that include the new designations and removal of the Te Anau designation are for completeness sake, as upon final confirmation of the Requirements sought, Council must include them in the District Plan without further formality. The two designations sought have been confirmed by myself as Hearings Commissioner, however the appeal period is yet to run its course. With respect to the removal of the Te Anau airport designation, this can also be removed without formality. The provisions of the First Schedule do not apply to the removal of a designation. Consequently any submissions made on these provisions under the Plan Change have no relevance to this decision making process.

Accordingly I can only deal with the Departments submission as it relates to the specific sections of the plan change. From a general perspective I can state however that it is my firm belief that the changes complement the two designations sought for the protection of the airport and in that regard they are both appropriate and necessary. On that basis I recommend that the Departments general submission to withdraw the plan change in its entirety be rejected.

1.1 Recommendation

It is recommended that the Council:

- (i) Reject the submissions by The Department of Conservation (1.23) and accept the further submission in opposition of the Te Anau Community Board
- (ii) Reject the submission of J H Kraak (1.6) as it relates to a limitation on the frequency, number, duration of flights and compensation for any additional costs on landowners affected by Airport development and accept the further submission in opposition of the Te Anau Community Board
- (iii) Accept in part the submissions by I R and C H Barnes (1.1), D R and L Brown (1.2), Fiordland Travel Ltd (1.4), Guardians of Lakes Manapouri, Monowai and Te Anau(1.5), N D and P J Lamb (1.7), Luxmore Hotel (1.8),Manapouri Development Area Committee(1.9), M G Molineux (1.10), J F Morgan (1.11), J Murrell (1.12), Audrey Newsome (1.13)and *Further Submission of M, J, B, A, and L Newsome* in support, Brent Myers Newsome(1.14) and *Further Submission M, J, B, A, and L Newsome* in support Janice Marie Newsome(1.15) and *Further Submission of M, J, B, A, and L Newsome* in support, Lindsay Paul Newsome (1.16) and *Further Submission of M, J, B, A, and L Newsome* in support, Meyers Newsome(1.17) and *Further Submission of M, J, B, A, and L Newsome* in support, and Pionair Adventures Ltd(1.18)
- (iv) Accept in part the submission by the Fiordland Aviation User Group (1.3) and Allan John Remmant (1.19) and recommend that Council consults with the Fiordland Aviation User Group, Mr Remmant and all other users of the airport in respect to any significant development that is to take place within the Airport.

2. Proposed Rule PRA 2 (iv)

Submitter Name	Summary of Submission	Decision Requested	Further Submissions
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Department of Conservation	Concerned that any activity within the Activity Exclusion subzone is non complying, Supply Bay has commercial and recreational usage It is not clear whether a resource consent is required for these activities, which is inappropriate	Proposed Plan Change 3 be withdrawn.	
Meridian Energy Ltd	Oppose Proposed Rule PRA 2 classifies any activity within the Noise Sensitive Activity Zone as a non-complying activity. The rule requires activities, which are not noise sensitive to be subject to consent. It is unreasonable to control activities that are not noise sensitive.	Amend Proposed Rule PRA 2 so it only refers to noise sensitive activities. A new definition should be added which defines activities considered to be noise sensitive. The definition should exclude commercial and industrial activities and any associated offices.	
Further Submission: Te Anau Community Board	Rule PRA.2 does need amendment to clarify it does not apply to commercial / industrial activities associated with the Manapouri Half Life Refurbishment Project.		Opposes the submission of Meridian Energy Ltd but some alteration is warranted. Amend Rule PRA.2 (iv) a to: “Any activity (with the exception of residential activities, which shall be prohibited activities as outlined under Rule PRA.3 (iv)) and commercial/industrial activities at Supply Bay associated with the Manapouri Half Life Refurbishment Project) within an area around ...”

Assessment

The **Department of Conservation’s** (opposed by the further submission of the *Te Anau Community Board*) concern with this rule is that it would appear that any activity within the Exclusion Sub Zone is non-complying. They noted that Supply Bay has commercial and recreational usage and that it is not clear whether resource consent is required for these activities, which they consider to be inappropriate.

The Officer's Report on this submission rightly drew my attention to section 4(3) of the Resource Management Act 1991, which states:

Section 9(1) does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act (other than land held for administrative purposes) that—

- (a) Is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act; and*
- (b) Does not have a significant adverse effect beyond the boundary of the area of land.*

The area of land affected by this provision that is located in the Fiordland National Park is subject to the Fiordland National Park Management Plan 1991 and consequently section 4(3) applies. It is also likely that the Kepler Mire is subject to a management plan (or may be in the future) although the Department did not confirm this at the hearing. Consequently the provisions of the District Plan do not apply to these areas. However in my opinion the Department is bound by the requirements of a designation given section 9(2). The exception in section 4(3) only relates to the use of land as provided for in section 9(1) of the Act.

The Department was also concerned at the implications for the activities in and around Supply Bay. The submission of **Meridian Energy Ltd** (opposed by the further submission of the *Te Anau Community Board*) also addressed this issue. Meridian opposes the amendment to Rule PRA.2(iv)(a) and seeks an amendment to exclude commercial/industrial activities from any consent requirement in the Noise Sensitive Activity Sub Zone. Ms Thomson reiterated these concerns at the Hearing. She suggested that *“making these changes would provide for an approach to the management of land use around the airport which is robust, effects based, and provides for an efficient use of land which can be justified under Section 32 of the Act. Inefficient use of land is not a sustainable use of a resource and as such is contrary to Part II of the Act.”* The **Te Anau Community Board**, while opposing the submission of Meridian Energy Ltd does consider that some alteration is warranted. They suggest that Rule PRA.2 (iv) (a) be amended to read as follows:

“Any activity (with the exception of residential activities, which shall be prohibited activities as outlined under Rule PRA.3 (iv)) and commercial/industrial activities at Supply Bay associated with the Manapouri Half Life Refurbishment Project) within an area around ...”

The amendment promoted by the Te Anau Community Board may well satisfy Meridian's and the Departments concern for existing activities, however Meridians submission was a generic one and did not relate solely to their depot on Supply Bay Road. I agree with their concerns as the Notice of Requirement for the land use designation indicated that the noise sensitive activity sub-zone would only control noise sensitive activities. The current restriction prohibits residential activities and makes all other activities non-complying, even those that are not noise sensitive. While these provisions are only an interim measures until the airport warrants the introduction of air noise boundaries pursuant to New Zealand Standard 6805, they should reflect that standard as far as possible.

All parties at the Hearing generally accepted that amendments to the rule were necessary. Both Mr Kloosterman and Mr Foster both offered some alternative wording. It is not appropriate to draft a rule that totally exempts commercial/industrial activities from consent requirements because that is not the situation at present. To reflect the New Zealand Standard and the effects based regime of the RMA, I recommend that Council make all noise sensitive activities (as defined in the explanatory note to the plan change) prohibited within the Sub-zone and the establishment and use of other buildings as a restricted discretionary activity. Requiring an assessment for other buildings is considered prudent as some activities that are not noise sensitive (eg industrial activities) often have a component that is noise sensitive, for example an ancillary office complex. This raft of rules would be over and above any other consent requirements for the area. For example, I understand that part of the area lies within the Te Anau Scenic Resource Area. Buildings in that area require resource consent as controlled activities provided they meet certain standards.

2.1 Recommendation

It is recommended that the Council:

- (i) Accept the submissions by The Department of Conservation (1.23) , Meridian Energy Ltd (2.2) and the further submission of the Te Anau Community Board to both submissions in part by making the following amendments:
 - (a) Delete proposed Rule PRA. 2(iv)Non-complying Activities.
 - (b) Delete proposed Rule PRA.3(iv) Prohibited Activities and substitute with a new rule PRA.3A – Prohibited Activities as follows:

PRA.3A – Prohibited Activities

Noise Sensitive Activities as defined below are prohibited within that area around the perimeter of the Manapouri Airport (being designation No D. 214) identified on Map 68 of the District Plan.

“Noise sensitive activities” for the purpose of this rule are defined as including dwellings, commercial residential activities, office blocks (excluding offices ancillary to activities not prohibited) retail activities, schools, hospitals, places of assembly, and indoor recreation.

Reasons

The Council has foreshadowed in “Method NSE.5 – Airport Noise Boundaries” that it will be investigating the development of an airport noise boundary and outer control boundary, for the District’s airfields. It has investigated the need for such boundaries at the Manapouri Airport and determined in the short term (over the next ten years) that such controls are not necessary while this airport is in its early growth stages and it is surrounded by farmland. Accordingly, introducing a prohibition so noise sensitive activities may not be established within an exclusion sub-zone around the airport perimeter will ensure that the effects of aircraft noise on such activities (and reverse sensitivity matters) are avoided. This prohibition will apply until 2013 when it is envisaged that the potential introduction of noise boundaries will be reconsidered.

(c) Make any consequential amendments required to other sections of the plan to draw attention to the new rule PRA.3A. This can be carried out under clause 16 of the First Schedule without undue formality.

(d) Add the following new sub-section to Rule PRA.2 – Rural Activities:

(iv) **Restricted Discretionary Activities**

Any building or structure designed to accommodate people for whatever purpose (with the exception of those noise sensitive activities prohibited under Rule PRA.3A) that are to be located within that area around the perimeter of the Manapouri Airport (being designation No D. 214) identified on Map 68 of the District Plan shall be a restricted discretionary activity provided it complies with all other applicable standards within the District Plan.

Council's discretion shall be restricted to reverse sensitivity matters in relation to the operation of the Manapouri Airport. In particular the Council will consider the following matters:

- The impact of noise from the airport on those utilising the new building
- The impact of the building or activities to occur in association with the new building on the safe and efficient operation of the airport, in particular the emission of smoke, dust, glare or electrical interference or by attracting birds
- The impact of the building or activities to occur in association with the new building on the future growth options of the airport.

Any application under this rule will generally not be publicly notified or served on any potentially affected parties provided the written approval of the airport authority is received.

Reason

Noise sensitive activities have been prohibited within the Noise Sensitive Activity Sub-Zone around the Manapouri Airport to protect and cater for the growth of this airport as the sole aviation facility servicing the Te Anau Basin over the next 20-years. However it is also considered prudent to assess other activities within the area affected by the airports operation. This is because some activities that are not considered noise sensitive in themselves often contain components that are sensitive to noise. For example the offices associated with a light industrial complex. Furthermore these types of activities may contain elements that can impact on the safe and efficient operation of the airport. Consequently restricted discretionary activity status focussing on the impact on the airport is considered the most appropriate resource management option.

3. Proposed Map 68/Noise Sensitive Activity Sub-Zone

Submitter Name	Summary of Submission	Decision Requested	Further Submissions
Meridian Energy Ltd	<p>Oppose</p> <p>The identified noise sensitive exclusion zone does not reflect the noise contour shown in the Marshall Day report.</p> <p>The noise sensitive exclusion zone needs to be based on the actual noise contour as opposed to some expanded derivation of it.</p>	<p>. That the identified Noise Sensitive Activity Sub Zone on Map 68 is redrawn using the 55 dBA noise contour</p>	
<p>Further Submission:</p> <p>Te Anau Community Board</p>	<p>Meridian Energy appears to have misunderstood and misinterpreted the nature and extent of the Noise Sensitive Activity Zone.</p> <p>The Noise Sensitive Activity Zone on Map 68 reflects the Lda55 noise contour and does not need alteration.</p>		<p>Opposes the Meridian Energy Ltd Submission</p>
Department of Conservation	<p>Noise levels inappropriate, should be in the order of 30 dBA to 45 dBA in Fiordland National Park</p> <p>No information on investigation of alternative flight paths.</p> <p>No limit on potential numbers or types of aircraft.</p> <p>No information on the values of the indigenous vegetation to be cleared.</p> <p>Canada Geese and Black backed Gulls in Kepler Mire, potential for bird strike.</p> <p>Inconsistent with Fiordland National Park Plan, fails to protect the natural character of Lake Manapouri.</p> <p>Inconsistent with Part II of the Resource Management Act 1991</p>	<p>Proposed Plan Change 3 be withdrawn.</p> <p>Requirements for designations in Plan Change 3 be withdrawn.</p>	

<p>Further Submission: Te Anau Community Board</p>	<p>DOC manages two areas within the airport noise management area. The Community Board concurs one of the values of the National Park is natural quiet, however it has to be subject to reasonable noise from visitations. No allowance has been made, by defining the noise management area, to accommodate Boeing 737B's or Airbus 320's Airport and aircraft effects on the National Park will be minor. DOC cannot impose restrictions on activities outside of the National Park. The noise standards proposed are appropriate for a regional airport. Manapouri is an existing certificated aerodrome, currently there are no limits on flight paths, aircraft types, or noise levels. Aircraft noise over Lake Manapouri will be no greater than motorboats on the Lake. Formalising Manapouri as the sub-regional airport will mean Te Anau airport will be closed thereby reducing the spread of noise. The Plan Change does not limit or constrain recreational water activities. The Plan Change does not propose any indigenous vegetation clearance. The Te Anau Community Board does not accept the Manapouri Airport Plan Change is inconsistent with The Fiordland National Park Plan.</p>		<p>Opposes the Department of Conservation Submission</p>
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Assessment

The **Department of Conservation's** submission considers that the noise standards used (i.e. the 65 dBA contour at the air noise boundary and the Ldn 55 dBA) are not relevant to natural areas such as Fiordland National Park. They suggested that an air noise boundary of 30 to 45 dBA is more appropriate for a national park. The issue, however, was not raised by Mr Rodd at the Hearing.

I note that this zone affects only a very small part of the national park. The identification of the zone is to address the reverse sensitivity issue that is faced by airports around the country. Because the airport already exists and operates, the surrounding environment is already influenced by the noise it generates. The levels set in the zone reflect that. They do not vary in accordance with an increase in flight numbers. Whether the airport accommodates one flight a day or one hundred flights a day, the levels set in the zone stay the same. Reducing the levels to those suggested by the Department would not promote the sustainable management of the resource. Accordingly their submission should be rejected.

The submission of **Meridian Energy Ltd** opposes the extent of the noise sensitive exclusion zone as defined on Map 68. They have requested that it be redrawn to follow the 55-dBA noise contour as defined in the Marshall Day Report. The **Te Anau Community Board** opposes this submission.

The Officer's report made the following comments in relation to this submission:

'The noise sensitive exclusion zone defined on Map 68 is a modification of the original outer noise contour prepared by the consultants Marshall Day Acoustics Ltd. The Consultants were commissioned to prepare airport noise contours for the area around Manapouri Airport in order to provide the basis for the implementation of New Zealand Standard NZS 6805. The submitter's position in relation to the definition of the outer noise contour line or bubble has validity. The Marshall Day Acoustics Ltd. outer noise contour is legally defensible and is based upon their assessment of the land subject to aircraft generated noise effects of up to and over 55 dBA. Plan Change 3, as proposed, expanded the Marshall Day Acoustics Ltd. outer noise contour for the purpose of administrative efficacy. Logically the outer noise contour line, upon which land use controls are based, must follow the line defined by Marshall Day Acoustics Ltd'

I agree with the Officer's comments in this regard. I also note that Mr Foster also supported the Officer's recommendation on this submission. Consequently the submission should be accepted accordingly.

One point of clarification needs to be made here. The reference in the Plan Change as notified refers to schedule 6.23 when reference should have been made to Map 68 of the Southland District Plan. This can be rectified through clause 16 of the First Schedule to the Act and all recommendations have included reference to map 68 rather than the schedule.

3.1 Recommendation

It is recommended that the Council:

- (iii) Reject the submissions by The Department of Conservation (1.23) and accept the further submission in opposition of the Te Anau Community Board
- (iv) Accept the submission of Meridian Energy Ltd (3.1) by amending the extent of the noise sensitive activity exclusion sub-zone as defined on Map 68 as shown on the attached map and reject the further submission in opposition of the Te Anau Community Board