

1 June 2023

Our Reference: J16337

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Dear Natasha and Jane,

RE: SUPPLEMENTARY MATTERS - NELSON AIRPORT NOR AND PPC

On 8 March 2023, Nelson Airport Limited (**NAL**) lodged an application to Nelson City Council (**NCC**) for a comprehensive Private Plan Change request (**PPC**) and Notice of Requirement (**NoR**) for alterations to NAL's existing designations in the Nelson Resource Management Plan.

The NoR / PPC is aimed at ensuring an appropriate land use zoning and designation framework to provide for the current and strategic growth needs of Nelson Airport, including a runway extension.

The purpose of this correspondence is to respond to the residual questions raised by Planscapes in their considered review of the application as received by NAL on 4 May 2023.

For ease of reference, questions from Nelson City Council are stated in *blue font italics* followed by the response generated by the relevant expert on behalf of NAL. Associated graphic supplements are included in this correspondence as Attachments, as referenced in the text.

1.0 Overall

1.1 *No assessment of effects on the Golf Course and Golf Club, or recreation effects assessment generally.*

Response

The application is not silent on the potential effects on the Nelson Golf Club (**Golf Club**) and the recreation activities undertaken on the Golf Club's land. As set out in section 12.2 of the application, there has been regular and open engagement between NAL and the Golf Club on the proposed runway extension since mid-2021. NAL has supplied the Golf Club with a range of information to assist it to understand what is proposed and with the Club's future planning. Dialogue with the Golf Club remains active and constructive.

Assessment of relevant planning provisions and documents

The application at section 11 has considered the potential impacts on the recreational activities undertaken by the Golf Club when assessing the NoR/PPC against the relevant planning provisions. In particular:

- Section 11.3 – Nelson Regional Policy Statement: Analysis against Objective NA2.2.1 and associated policies identifies that whilst *‘existing recreational opportunities will need to be adapted to a runway extension, the ‘open space’ of a grassed airfield (RESA area) is likely to provide a similar amenity that is currently available to nearby residents with reduced recreational open space. Based on the above, it is considered the proposal will have an overall low-moderate (adverse) effect on the physical landscape and existing landscape character...’*.
- Section 11.4 – Nelson Resource Management Plan: Analysis against Objective OS1 and Policy OS1.1 including *‘It is acknowledged that the functional attributes of the Nelson Golf Club will be diminished by the runway as facilitated by the NoR, but that the Nelson Golf Club layout should be able to be reconfigured such that the open space attributes and recreational activity itself as undertaken on the balance area is not eliminated’*.

Assessment of alternatives for the NOR

Section 9 summarises the assessment of alternatives undertaken for the NoR and includes consideration of the potential impacts on the Golf Club. In particular, the Multi-Criteria Analysis (MCA) identifies that for the northern extension option (as relates to the NoR and PPC), the proposal would extend over the *‘area currently occupied by a number (1, 9, 10 and 18) of golf holes as a component of the Nelson Golf Links owned and operated by the Golf Club’*. The identification of the existing environment associated with the northern extension includes the open space land currently owned and used by the Golf Club. As is set out at section 9.2.3 of the application, impacts on recreation activities formed part of the MCA criteria against which both the southern and northern extension options were assessed.

The MCA for the southern and northern extension options (Attachment O) identifies a substantial effect on the Nelson Golf Club (-2 score) for Option A – northern option - *‘Encroachment of RESA and runway removes Hole No’s 1, 9, 10 and 18 and severs the Club House from the facility. Likely reconfiguration would not prevent Golf Club but offering would be more limited (9 / 12 hole course)’*.

Impacts on the Golf Club and recreation activities

The application provides an assessment of the likely consequences of the NoR and PPC on recreational values provided in large by the Nelson Golf Club land. The assessment identifies the spatial impacts of the application on the Golf Club, that the proposed runway extension would result in the truncation of facilities (loss of hole numbers 1, 9, 10 and 18 and severs the Golf Club House from the remainder of the facility). The assessment also identifies the need to reconfigure the remaining facilities to facilitate a nine or twelve hole golf course.

In terms of additional considerations for the purposes of responding to this question:

Effects on the Golf Club

Nelson Golf Club in its current location was established in 1905, although the Club itself existed as of 1897 but slightly further north of its current location. The course has also undergone substantial changes, including a reconfiguration associated with uses during World War 2 (Application Attachment G1, Archaeology Figure 7-1), which resulted in a nine- hole course being used for a number of years until an 18-hole course was re-established. The new clubhouse was established in 1996, and the more recent removal of some 450 trees established Nelson Golf Course as a links course.

Other Golf Clubs in the wider region include Redstone (nine-holes, Wakefield), Greenacres (18 holes, Richmond), Motueka (18-holes), Waahi-Taakaro (9 holes), Totaradale (nine-holes, Wakefield), Tasman (nine holes, Mapua), Golden Downs (nine-holes, Golden Downs) and Tasman Golf Club (18 holes, nine greens,

east of Moutere Inlet).

The proposed extension of the runway will adversely affect the existing Golf Club's layout and functionality. As noted previously, NAL has discussed these issues with the Club for the last few years. We also note that, Nelson has a distributed network of golf course facilities available in the wider area to cater for golfing activities. We also consider that the course could be reconfigured which, as set out above, has already occurred within its history. To assist with the Golf Club's future planning, NAL has supplied the Golf Club with a range of information relating to the proposed runway extension and continues to seek to engage constructively with the Golf Club in this regard.

The effects on other recreational facilities and activities

Given the location and nature of the NoR and associated proposed Airport Zone change, effects associated with the proposal will not result in material effects on recreational users within or immediately adjoining the Coastal Marine Area, including the Waimea Estuary. For recreational activities along the Tahunanui Beach foreshore (including swimming, paddleboarding sunbathing and walking) the projected 55db L_{dn} contours narrow (reference Application, **Attachment B9**) from the operative Airport Effects Advisory Overlay (55 dB L_{dn}). These activities are not defined as Activities Sensitive to Airport Noise within NZS6805:1992 (Tables 1 or 2), nor are there any planning constraints introduced through the NoR or PPC that would seek to regulate these activities.

NAL currently facilitates existing access to the CMA within its landholdings. It should be noted that the Airport as requiring authority for Designation DAA1 could legitimately choose to close public access any walkways within the Designation at any time (regardless of the current application) where it was considered necessary or appropriate to facilitate Airport activities, including necessary safety restrictions on public access as associated with Airport operations.

The application identifies that should the Airport choose to retain the Airport Perimeter Walk, the Walk would need to be realigned along the northern extent of the designation to enable a 'loop' track and provide recreational access.

The Great Taste Trail is currently being constructed and extends along the proposed eastern designation boundary.

There are opportunities to maintain public access to and along the CMA through the design and construction of the northern runway extension. The associated Airport Zone Plan provisions would provide for the walkway activities on that area of land currently zoned Open Space and Recreation Zone, until such time as the runway extension was commissioned, with any loss or modification to current walkways able to be appropriately considered and evaluated as associated with the s176A Application for the runway works and associated effects. Accordingly, the adverse effects associated with modification of any existing public access facilitated by these walkways is, in my opinion, no more than minor.

Construction effects

There will be some construction effects on recreational activities in the vicinity of the airport (ie users of the golf course and the future Great Taste Trail) while the runway extension is constructed. These effects are likely to be related to noise, dust and road haulage, and are likely to cause some level of disruption to, and may have some impacts on, the amenity of these broader recreational activities. These effects will however be appropriately managed by associated Construction Management Plans through the subsequent Outline Plan of works and regional consent processes. Given this, the effects of construction on recreational values and activities in the vicinity of the airport are considered to be minor.

Provision for recreation activities in the proposed Airport zone provisions

For completeness I note that section 14.6.2 of the application - Airport Zone Framework 'Social'

acknowledges that the Airport Zone Rules would provide for activities on the area of land currently zoned Open Space and Recreation Zone as occupied by Nelson Golf Club. Refer also Airport Zone Rules (Appendix A13) AIRPz.27 Permits 'Recreation Activities' to provide for Golf Course activities until the commissioning and construction of the proposed northern runway extension. Recreation Activities (previously undefined in the NRMP) are defined by the PPC (Chapter 2 amendments) as:

“means the use of land, water bodies and / or Buildings for the purposes of the active or passive enjoyment of sports, recreation or leisure, whether competitive or non-competitive, casual or organised, and whether a charge is made for admission or not”.

2.0 Notice of Requirement

2.1 Why are DAA2 and DAA3 even designations?

With ANB, obligations are on NAL, and not on the few private properties within it. Beyond the ANB, and for the height obstacle surface, the control switches out to rules. The designation does not have a spatial component at that point, and no “approval” is required from the Requiring Authority under sec176 RMA.

Response

Nelson Airport as requiring authority has a number of options available to it under the Resource Management Act 1991 in terms of regulatory mechanisms associated with the Airnoise Boundary ('ANB', with the foundation document being NZS6805:1992, Application Attachment K1, Section 2.2) and the Obstacle Limitation Surfaces ('OLS', foundation document is CAA139-6, Application Attachment M, Appendix A 'Runway Length Availability Analysis, pg 5)).

NAL, as the Airport Operator is best placed to undertake a modelling process for establishing the revised Airnoise contours. As identified in the Application, the contours are related to forecast growth, configuration and operations. Providing for these contours as a designation mechanism provides appropriate certainty to the requiring authority in terms of the spatial extent of the Airnoise Boundary (ANB) once the ANB is adopted into the Nelson Resource Management Plan.

For both the ANB and OLS there was an early decision by experts to NAL to provide discrete amendments within the format of the Operative Plan. This decision was based on the Council's decision to not pursue a comprehensive Plan Review, and the potential for incongruity should a more complete Airport Designation review (DAA1 to DAA3) be undertaken through the NOR process.

DAA2 - ANB

The purpose of the Operative DAA2 is to protect the operational capability of Nelson Airport by defining an ANB 'while at the same time minimising adverse effects from aircraft noise on the community' (DAA2.2(i) and 'where noise sensitive activities are prohibited' (DAA2.2(ii)).

The Operative DAA2 also identified that Noise from aircraft operation will be managed so that noise levels do not exceed 65dB L_{dn} at or outside the ANB.

The proposed revised ANB (plan maps, spatial extent of DAA2) alters the current ANB to provide for the future extension at the northern end of the existing main runway at Nelson Airport. The revised DAA2 Conditions removes references seeking to 'prohibit' noise sensitive activities and associated restrictions (Operative DAA2.4), as well as text associated with 'buy out rights and compensation' (Operative DAA2.5D). These latter provisions were considered to conflate the ability for a landowner to make an application under s185 of the Act with any subsequent obligations on NAL. Accordingly, that element of the Operative Designation is misleading.

The amended Designation DAA2 focuses solely on noise management from Airport Operations. This has been done by establishing the framework for monitoring and compliance (Amended DAA2.3i and DAA2.3.iii), Night Aircraft restrictions (Amended DAA2.3ii) Reporting (Amended DAA2.3iv), Management

(Amended DAA2.3v), responsibilities under the Acoustic Mitigation Programme (Amended DAA2.3vi), and establishment of the Advisory Committee (Amended DAA2.4).

Such an approach provides certainty to adjoining landowners as to the clear responsibilities and conditions imposed on NAL under the Designation. A similar approach is undertaken under the Auckland Unitary Plan for Auckland International Airport (Chapter K, Designation 1100)¹.

Constraints on Activities Sensitive to Airport Noise were removed from DAA2 and instead placed in a cohesive framework for all the Zone Chapters (e.g. Chapter 7 Residential Zones) as associated with a suite of strategic provisions in Chapter 5 as associated with reverse sensitivity effects on Airport operations.

The purpose of that approach is that it provides:

- a consistent approach to the regulation of Activities Sensitive to Airport Noise (**ASAN**) across all zones;
- removes the Operative Plan split regulation approach that relied on Designation DAA2 to manage sensitive activities in the ANB, and Plan provisions for sensitive activities within the Airport Effects Control Overlay;
- removes the misleading approach in the Operative DAA2 which conflates being within the ANB with any obligation associated with the requiring authority under s185 of the Resource Management Act 1991;
- follows the more orthodox approach in all territorial authorities where Activities Sensitive to Airport Noise are regulated under Zone Rules (for example Christchurch City Plan Rural – Rule 17.5.1.5(NC5), Residential 14.4.1.3(RD34); Proposed Queenstown District Plan Rule 7.4.8, 7.5.4);
- is the more efficient approach given that any breach of these provisions will be more easily established and subsequently administered by the Nelson City Council under its associated functions in issuing building consents and considering resource consent applications; and lastly
- Whilst no ‘approval’ is required from NAL under the Designation, the suite of provisions (including ‘avoidance’ provisions sought to be inserted in Chapter 5) should clearly establish NAL as an affected party for any subsequent breach.

DAA3 - OLS

The amended DAA3 remains consistent with the current approach and mechanism to manage obstacle restriction and removal within the limitation surfaces as expressed within CAA-139-6, and as contained within the Operative District Plan, albeit with the dimensions amended to accommodate the proposed extension to Nelson airport's main runway. As with DAA2, the Airport Operator is best placed to establish the OLS. As a requiring authority, Nelson Airport considers that there is greater certainty to the application and administration of the OLS if designated.

The approach differs somewhat from the approach taken to regulate individual ASAN under District Plan provisions, as there is a distinguishing Health and Safety aspect to any breach of the limitation surfaces with that responsibility being held by the holder of the Aerodrome Operator Certificate (being NAL) under CAA Part 139 Consolidation Aerodromes – Certification, Operation and Use - including that, as pursuant to Subpart B Certification Requirements:

- (a) *An applicant for the grant of an **aerodrome operator certificate must ensure** that the physical characteristics of the aerodrome, **the obstacle limitation surfaces**, the visual aids for navigation and for denoting obstacles and restricted areas, and the equipment and*

¹<https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20K%20Designations/Auckland%20International%20Airport%20Ltd.pdf>

installations for the aerodrome are commensurate with—

(1) the characteristics of the aircraft that the aerodrome is intended to serve; and

(2) the lowest meteorological minima intended for each runway; and

(3) the ambient light conditions intended for the operation of aircraft on each runway. (emphasis added).

Any substantial breach of the obstacle limitation surface could result in NAL having its operating certificate revoked.

Retaining the onus on NAL as a requiring authority to regulate any intrusion into the limitation surfaces is therefore seen as the more appropriate mechanism, hence as controlled by DAA3².

It is noted that Auckland International Airport (Designation 1102)³, Wellington International Airport⁴, and Queenstown Airport (Chapter 37, Designation D.3)⁵ follow this approach. For completeness however it is acknowledged that Christchurch City Council includes limitation surface controls as rule provisions within Part 6 (Part 6.7) of the District Plan⁶.

2.2 DAA3 Height Obstacles

Can cross-sections be provided along main runway flight path (with some key boundaries/sites noted for reference) and perhaps a couple east-west, for comparison between existing and proposed OLS?

Response

These are provided in **Attachment A**.

The datasets utilised to provide the cross sections are specified on Page 1 of **Attachment A**.

The technical specifications for the Proposed Obstacle Limitation Surface (OLS) are listed in the proposed amendments to DAA3.3. These include all relevant geodetic coordinates and elevations, including approach surfaces, inner horizontal surfaces and transitional surfaces. This replaces the Operative Plan Designation DAA3.3 which does not list those specifications.

For the purpose of the cross section graphic representation, the Operative Plan OLS coordinates and elevations were provided by Nelson City Council and converted from Nelson City Datum to NZVD 2016. That conversion is to ensure that both the Operative and Proposed OLS are consistently represented in terms of the New Zealand Vertical Datum 2016 – to ensure a consistent cross section comparison between the Operative and Proposed OLS. A number of ‘spot levels’ on the Operative OLS have also been (re)confirmed to ensure accuracy.

The cross sections illustrate that the Operative OLS is at a shallower incline than the corresponding Proposed OLS for both the Transitional Surfaces (1:7 gradient), and Approach Surfaces (1:50 gradient) of the main runway. The Proposed OLS adheres to the guidance provided by CAA Advisory Circular (AC) 139-6 Revision 6 as set out in Attachment M to the application, and therefore is considered to be an acceptable means of compliance (CAA AC139-6, General).

It should also be clearly acknowledged that the OLS does not represent the height trajectory of aircraft

² See also s176(1)(b) RMA

³ <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20K%20Designations/Auckland%20International%20Airport%20Ltd.pdf>

⁴ [Proposed District Plan - Wellington City Proposed District Plan](#) Part 3 – Area Specific Matters / Designations / Wellington International Airport

⁵ <https://www.qldc.govt.nz/media/tipfwsbx/pdp-chapter-37-designations-mar-2023.pdf>

⁶ <https://districtplan.ccc.govt.nz/pages/plan/book.aspx?exhibit=DistrictPlan>

taking off or landing at Nelson Airport. The OLS represents the level above which consideration should be given to the control of new obstacles to facilitate practicable and efficient instrument approach procedures, and together with the conical and inner horizontal surfaces, ensure safe manoeuvring in the vicinity of an Aerodrome.

2.3 DAA2 Acoustic Mitigation Programme

DAA2.3.vi(a) relates the mitigation programme back to AANC prepared annually under DAA2.3.ii to show 55dB, 60dB and 65dB contours, then shown in the ANMR under DAA2.3iv. Can submitters rely on the interactive tool to see if they are or are not part of the AMP if those contours have yet to be determined, and how does this AMP prepared within 12 months of the NoR being confirmed address changes as the runway extension is constructed? A flow chart and description would be useful as to how this is intended to work.

Response

A flow chart / visual diagram as to the process associated with the mitigation package is provided. Refer **Attachment B**.

Any examples across the country where acoustic mitigation sits within the designation as opposed to some other mechanism?

Response

Examples where the mitigation programme sits within a designation held by the requiring authority include:

- Auckland International Airport⁷. Designation 1100 in the Auckland Unitary Plan. Commencing at Section 10.
- Queenstown Airport. Designation D.1⁸ Aerodrome Purposes in the Proposed District Plan. Commencing at Section 14.

For completeness, Christchurch International Airport's responsibilities are contained within the Plan provisions (Appendix 6.11.15 Acoustic Treatment Programme)⁹.

2.4 Assessment of Alternatives (page 48 – 61)

Options A and B runway extensions are the only alternatives assessed. Given the scope of sec171(1)(b) RMA to consider alternative sites of undertaking the works if the Requiring Authority does not have an interest in the land required for the work, is it relevant to consider alternative sites beyond the current airport? Given some of the constraints associated with green aircraft runway standards (Attachment F4 pg 22), is the Requiring Authority confident that the extended runway being sought through the NoR is sufficient?

Response

Alternatives and Methods

As discussed, the statutory context for the consideration of alternatives is found in s171(1) RMA. Section 171(1)(b) requires the territorial authority to consider the effects on the environment of allowing the NoR, having particular regard to whether 'adequate consideration has been given to alternative sites, routes, or methods of undertaking the work'. Section 171(1)(c) also requires consideration of whether 'the work and

⁷ [Auckland International Airport Ltd.pdf \(aucklandcouncil.govt.nz\)](#)

⁸ [Section Title \(qldc.govt.nz\)](#)

⁹ <https://districtplan.ccc.govt.nz/pages/plan/book.aspx?exhibit=DistrictPlan>

designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought’.

NAL's objectives are set out at section 6.4 of the application and states:

- ~ *Extend the operational runway length in order to ensure that over the next 30 years the aeronautical capacity of the airport and runway system can safely and efficiently:*
 - *provide increased operational resilience and reliability; and*
 - *enable forecast demand and accommodate future aircraft types.*
- ~ *Enable an efficient, flexible and sustainable approach to developing Airport infrastructure, facilities and services.*
- ~ *Minimise the effects of aircraft noise impacts on the surrounding community as far as practicable whilst also minimising adverse environmental and cultural effects.*

NAL, prior to commencing the detailed options analysis for extending Nelson airport's existing main runway (an extension to the existing runway only being possible to the north or south), considered there were conceptually two other options available for delivering a longer runway system.

These were constructing a brand-new runway on the existing airport site (e.g. not using the existing runway), or constructing a brand new longer runway on a new site (i.e. not at Nelson airport). It should be noted that neither of those options would achieve or be encapsulated within the NoR's objective for the works, which seeks to 'extend the runway', and enabling 'an efficient, flexible and sustainable approach to developing Airport infrastructure, facilities and services'.

The options of relocating the airport or building a completely new runway on the current airport site were disregarded and considered unrealistic and essentially fanciful, by the Airport as requiring authority because:

1. New site: It would be prohibitively costly and inefficient to acquire substantial land to provide for a 1,510m runway, RESA and buffer areas to build a new airport (including terminal and supporting infrastructure) proximate (20km to 25km) to Nelson that replicates the high-quality infrastructure already in place. In addition, such land would need to be proximate to good highway access, be able to be efficiently serviced with supporting infrastructure, and on sufficiently flat and open land.
2. New runway on current site: Constructing a completely new runway on the existing site and replicating the runway network (including OLS and Airnoise contours) already in place would effectively require a complete reconfiguration of the entire airfield infrastructure to continue to provide efficient access to and from the passenger terminal as well as a grass runway for separated general aviation operations. In addition, because of the shape of the airport site, there is no other position where there would be sufficient land (length) to build a new equivalent runway, let alone a longer runway. Any alternative location for a new runway would also necessitate a major reclamation of land from the Waimea Estuary, and associated statutory and policy constraints.

These options were considered conceptually but were appropriately found by NAL to not fulfil the objectives of the works. Accordingly, NAL determined to proceed with considering two options for extending the existing main runway (being to the north and to the south).

In terms of alternative methods, the Application identifies (Section 10.2) that 'NAL has made the decision to exclude jets from consideration in terms of servicing these passenger forecasts as associated with the NoR. Jets would increase the noise levels experienced by the adjoining community'. Also as identified in Attachment K1 (Marshall Day Acoustics, Section 4.2) 'NAL considered whether to allow for narrow body jet passenger services but has decided to proceed on the basis that demand could also be met through the turbo-prop only forecast for FY50. Given this, jets have not been modelled as part of the fleet mix for the noise contours'.

Accordingly, the Application and associated assessments have made sufficient investigations of alternatives and methods. The requirements of s171(1)(b) are to give adequate consideration to alternative sites and

methods but does not require NAL to consider every alternative. As identified above, the alternative of a new site would not achieve the NAL's objectives for the work.

Confidence that the extension will provide for Sustainable Green Aircraft

Based on the expert material provided to date, NAL is confident that its current main runway configuration and length would preclude options for sustainable green aircraft to operate at Nelson airport in the future. The report submitted with the NoR application prepared by ZeAero (Attachment F4, pg 22) notes *“that the current runway length at Nelson Airport will not be sufficient to operate most of the ‘purpose-designed’ zero emissions aircraft to match the mainline airline services the airport has today”*.

Accordingly, the lodged NoR seeks to remove a number of the forecasted constraints associated with operating restrictions that would otherwise limit the viability of green aircraft operating at Nelson airport in the future.

The extent of the proposed runway extension is predicated on being viable for predicted and forecasted operations of green aircraft associated with the role and function of Nelson airport. As identified in the AirBiz Report (Application, Attachment M):

Significant effort is being expended globally in the development of sustainably powered aircraft – expected to be powered by batteries, hydrogen, and or sustainable aviation fuels. There are still many challenges to overcome including aircraft performance and incorporating new technology into larger aircraft. The current focus in aircraft development is on fuel efficiency and sustainable alternatives to fossil fuels rather than optimising aircraft performance for short runways, such as at Nelson Airport. An extended runway is the best way for Nelson Airport to prepare for next generation aircraft.

On this basis, NAL is acting on the best information that it has to date from Aircraft and Aerodrome experts that the proposed extended runway length and RESA will remove a number of foreseeable constraints that would otherwise limit the facilitation of Green Aircraft from Nelson airport in the future.

2.5 Attachment D, Gazette Notice

“(b) for the project comprising the existing and future development of Nelson Airport as described in the designation in the Nelson City Council district plan operative at the date of commencement of this notice.”

Can the Requiring Authority provide appropriate commentary as to sufficiency of the Gazette notice to encompass a section 181 amendment to the existing designation?

Response

NAL is confident that it has scope within its requiring authority powers to seek alterations to its existing designations in the way it has.

The RMA provides that a requiring authority responsible for a designation may at any time give notice to the territorial authority of its requirement to alter a designation (s181(1)). The process to alter a designation largely replicates the process for requiring a new designation. NAL's ability to designate land must therefore be within the parameters of the *Gazette* notice for which it is approved as a requiring authority.

NAL's *Gazette* notice dated 13 September 1999 (included at Attachment D to the application) provides:

3. Approval as requiring authority – Nelson Airport Limited is hereby approved as a requiring authority, under section 167 of the Resource Management Act 1991:

(a) for its operation, maintenance, expansion and development of the airport known as Nelson Airport; and

(b) for the project comprising the existing and future development of Nelson Airport as described in the designation in the Nelson City Council district plan operative at the date of commencement of this notice.

Qualified by the "and" separating clauses 3(a) and 3(b), and pursuant to the requirements of s167 of the RMA, NAL was approved as a requiring authority for both of those prescribed purposes.

NAL's *Gazette* notice reflects the two limbs of the purposes for becoming a requiring authority as set out under the RMA¹⁰. Clauses 3(a) and 3(b) provide two purposes (a general and a specific) for NAL's requiring authority status. Clause 3(a) provides general approval to NAL as a network utility operation (eg an airport) and enables the undertaking of the operation, maintenance, expansion and development, of the Airport. Clause 3(b) also (eg in addition) provides NAL approval in respect of a specific project (the project described in the Plan as at 1999).

The use of the word "and" at the end of clause 3(a) must be read as providing that the power in clause 3(b) is in addition to the power in clause 3(a). Otherwise, the power to "expand and develop" Nelson Airport under clause 3(a) would be limited to the designation boundaries in the plan operative at the time of the *Gazette* notice, which would artificially and unreasonably constrain the purpose of clause 3(a).

The use of the term "airport" in NAL's *Gazette* notice is also tied to the definition of "Airport" in the Airport Authorities Act 1966, which is broad and not limited by designated boundaries in a relevant district plan¹¹. This reinforces that the scope of clause 3(a) must be read as providing a general requiring authority power to operate, maintain, expand and develop the airport, without being limited by clause 3(b).

2.6 *Attachment I1, 3.8*

What are the two HAIL sites affected by RESA? Whilst it is acknowledged that any Resource Consent sits outside designation it would be useful to have further understanding of these HAIL classifications.

Response

Nelson City Council has provided the available information on HAIL Sites 10087 and 10894 (Refer **Attachment C**). Any earthworks or disturbance associated with these sites will potentially trigger resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011. If NAL wishes to carry out earthworks or disturbance in these areas in the future, it will obtain the necessary resource consents prior to works commencing.

3.0 Private Plan Change

3.1 *Airport Coastal Precinct*

Boundary of coastal precinct vs MHW springs. Location of precinct in CMA in the southern extent of the Airport zone? Documentation however refers to this precinct adjoining the CMA (page 40 and 130 of the application report). Functional need for this precinct over the CMA as per NZCPS?

Response

A replacement Figure A16 is attached (**Attachment D**). That Plan supersedes Figure A16 as contained in the

¹⁰ See section 167(3)(a) and (b) RMA, "The Minister may, by notice in the *Gazette*, approve an applicant under subsection (1) as a requiring authority for the purposes of-

- (a) a particular project or work; or
- (b) a particular network utility operation".

¹¹ See section 2 Airport Authorities Act 1966, "airport" means any defined any of land or water intended or designed to be used either wholly or partly for the landing, departure, movement, or servicing of aircraft; and includes any other area declared by the Minister to be part of the airport; and also includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the airport or its administration.

lodged bundle provided to the Nelson City Council on 8 March 2023. The replacement Figure A16 aligns the proposed Coastal Precinct with the MHWS boundary as consistent with the documentation that references that the Coastal Precinct is located landward of the Coastal Marine Area.

4.0 Interactive Tools and Clarification

4.1 *These show noise contours as part of the NRMP and DAA2, but can they also show height restrictions under DAA3? Part of NRMP as an e-plan?*

Response

Cross sections are provided in terms of a response to Query 2.2 above (refer **Attachment A**).

It is considered that these will be sufficient for affected landowners and parties to discern the extent by which the amended OLS may potentially impact on airspace associated with such properties, without the need to provide an interactive tool.

The cross sections in **Attachment A** also illustrate the operative and proposed OLS within the context of the permitted height limit of 7.5m in the Residential and Open Space and Recreation Zone, and 12m in the adjoining Industrial Zone illustrating substantial differences between the two, especially where properties are located at even a modest distance to the ends of the runway strips. NAL is happy to discuss this matter further after the cross sections have been received by NCC.

4.2 *Some of the colour coding differs for the same matters in the application and reports, for example Fig E2 and Fig D1 in the MD reports for the noise contours. It would be useful to get one set of plans/maps that we can all work off as planners i.e PPC and NOR, NRMP, NAL Titles, MHWS.*

Response

Nelson Airport Limited has been asked to provide the following. These can be found within **Attachment E**, except as identified in italics as below:

- Proposed DAA1 and existing extent overlaid on an aerial map. **Refer Attachment E – Figure E1.**
- Proposed DAA1 overlaid on the proposed zoning (so that both layers can be seen). **Refer Attachment E – Figure E2.**
- Proposed DAA2 and existing extent overlaid on an aerial map. **Refer Attachment E – Figure E3.**
- Proposed DAA2 overlaid on the proposed zoning (so that both layers can be seen). **Refer Attachment E – Figure E4.**
- Proposed DAA3 and existing extent overlaid on an aerial map. ***The application included Attachment B4 which provided DAA3 (the Proposed OLS) overlaying the respective zones. A comparison of the Operative and Proposed OLS is also provided within Attachments B10 and B11 to the application as produced by Airbiz (Attachment M to the Application). It is considered that it is more appropriate for Airbiz to rely on, and reference their generated plans as the respective experts for this matter. The cross sections provided within Attachment A should also assist.***
- Proposed DAA3 overlaid on the proposed zoning (so that both layers can be seen). ***It is considered that this is already provided by Attachment B4 to the application. No additional plan is considered necessary.***
- Current and proposed noise overlays/contours overlaid on an aerial map (the Marshall Day map), with an amendment made to the colour/style of the contours for easier reference. Specifically, it is possible to have the “proposed” contours in the same colour as the relative “current” contour, but in a different style i.e hashed or dotted line. For example, the proposed and current 65 dB L_{dn} contours (ANB) are shown both in red, but in different styles. This will allow for easy identification of the change between each contour/overlay. ***It is considered that it is more appropriate for Marshall Day to***

rely on, and reference their generated plans (in this instance Attachment B9 to the application) as the respective experts for this matter. No additional plan is provided.

- Airport Zone extent and Precincts overlaid on an existing zone map with MHW shown. *Refer Attachment D – Replacement Figure A16. This figure supersedes Figure A16 as lodged with the application.*
- Set of amended NRMP maps (map 17, 21 and 22 left-hand and right-hand maps). *Refer Attachment F.*

4.2 *Is it possible to have a table showing a comparison between the relevant NRMP rules and the proposed rules to easily highlight where/how change is occurring?*

Response

These are provided in **Attachment G**.

Please let me know if there are any questions or comments with regard to the above.

Yours faithfully
PLANZ CONSULTANTS LTD



Matt Bonis
PARTNER