

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-000

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 ("**LGATPA**") and the Resource Management Act 1991 ("**RMA**")

A N D

IN THE MATTER of an appeal pursuant to section 157 of the LGATPA against a decision of the Auckland International Airport Limited on a recommendation of the Auckland Council ("**Council**") on the proposed Auckland Unitary Plan ("**Proposed Plan**")

BETWEEN **HOUSING NEW ZEALAND CORPORATION**

Appellant

A N D **AUCKLAND INTERNATIONAL AIRPORT LIMITED**

Respondent

NOTICE OF APPEAL

DATED: 28 November 2016

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Dr C E Kirman / A K Devine

**Level 17 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172 / Fax: 09 358 5215
PO Box 1509
DX CP22003
AUCKLAND**

TO: The Registrar
Environment Court
AUCKLAND

1. **HOUSING NEW ZEALAND CORPORATION** (“**the Appellant**”) appeals against a decision of Auckland International Airport Limited (“**the Airport**”) in respect of Designation 1100 (“**the Decision**”).
2. The Appellant has the right to appeal the Decision under section 157(1) of the LGATPA because the Appellant is an owner of land to which the designation applies and a person who made a submission supporting the Proposed Auckland Unitary Plan (“**the Unitary Plan**”) as notified, including Designation 1100 (“**the Designation**”).
3. The Appellant provides further details of the reasons for its appeal below.
4. The Appellant is not a trade competitor for the purposes of section 308D of the RMA. In any event, the Appellant is directly affected by effects of the subject of the appeal that:
 - (a) adversely affect the environment; and
 - (b) do not relate to trade competition or the effects of trade competition.
5. Notice of the decision was received by the Appellant on or about 17 October 2016.
6. The Decision was made by the Airport.
7. The part of the Decision that is being appealed is the amendment to the Deed of Land Covenant (“**the Covenant**”) including (but not limited to)”
 - (a) The removal of the expiry date for the covenant; and
 - (b) The removal of the exclusion for the Appellant’s tenants.

8. The reasons for this appeal are as follows:

- (a) The Airport when rolling over the Designation did not identify that it wished to amend the Covenant by removing the expiry date for the Covenant and the exclusion for the Appellant's tenants.
- (b) The Appellant lodged original submissions dated 28 February 2014 and further submissions dated 22 July 2014 (collectively "**the Submissions**") which supported the Unitary Plan as notified, subject to particularized amendments, including the Designation as notified.
- (c) The Auckland Unitary Plan Independent Hearings Panel's recommendation (and accordingly the Council's) made the following changes to the Covenant as it was notified.

"Modifying the Deed of Land Covenant attached to the designation as follows:

- *Updating references to Auckland Council.*
- *Extending the protection afforded by the covenant from 2030 to 2040.*
- *Addition of new clauses to allow the parties to agree to amend the covenant when the area of the Airport land protected by the covenant needs to be reduced as a result of the AIAL disposing of some of that land."* (Refer: Recommendation Report to Auckland Council on Hearing Topic 045 Auckland International Airport Designations 1100, 1101, 1102 Attachment 1 Recommended Text dated July 2016 at page 6)

- (d) The relevant passage of recommended Covenant read as follows:

COVENANTS

The Grantor for itself and its successors in title to the Servient Tenement, or any part of it, (excluding any tenants occupying the Servient Tenement pursuant to a lease or tenancy vested in the Housing New Zealand Corporation or any statutory or regulatory successor to the Housing New Zealand Corporation), hereby covenants, acknowledges and agrees with the Grantee as a covenant for the benefit of the Grantee

itself and its lessees, licensees and invitees on the Dominant Tenement from time to time, that the Grantor will observe and perform all the stipulations and restrictions contained in Schedule One of this Annexure Schedule to the end and intent that each of the stipulations and restrictions shall, in the manner and to the extent prescribed, ensure for the benefit of, and be appurtenant to, the whole of the Dominant Tenement until 31 March 2044. (Refer: Appendix 1 to Recommendation Report to Auckland Council on Hearing Topic 045 Auckland International Airport Designations 1100, 1101, 1102 dated July 2016 at pages 19-20)

- (e) The Airport rejected the Council's recommendation in relation to the Covenant and amended the Covenant, including changes to the Covenant, to remove the specific exclusions which provided an expiry date for the Covenant and that the Covenant did not extend to the Appellant's tenants. The changes to the Covenant were not sought in the submissions by the Airport on the Designation, nor were the changes presented in evidence by the Airport during the hearings process. That is, these changes to the Covenant that are now being proposed by the Airport and being done so for the first time as part of its Decision on the Designation.
- (f) The Appellant considers that the Council's recommendation is most appropriate in terms of the RMA, and that the amendments made by the Airport in the Decision on the Designation in respect of the Covenant are outside of the scope of the Designation as notified and the submissions lodged in respect of the Designation.
- (g) The Appellant considers that unless and until the Decision is amended as sought by the appellant, it will not:
 - (i) promote the sustainable management of resources;
 - (ii) otherwise be consistent with Part 2 of the RMA;
 - (iii) be appropriate in terms of section 32 of the RMA; or

- (iv) be consistent with the balance of the provisions of the Proposed Plan.

9. The Appellant seeks the following relief:

- (a) That the Decision subject to this appeal as it relates to the Covenant be disallowed.
- (b) Inclusion of the Council's recommendation.
- (c) Other such orders, relief or other consequential amendments as is considered appropriate and necessary by the Court to address the concerns set out in this appeal, including any necessary declarations regarding the scope for the Airport to suggest amendments not including in the notified requirement or by submitters in their submissions on the Designation.
- (d) Costs of and incidental to the appeal.

10. The Appellant attaches the following documents to this notice of appeal:

- (a) A copy of the Appellant's relevant original submission on the Unitary Plan (**Annexure A**).
- (b) A copy of the Hearing Panel's recommendations version of the Designation (**Annexure B**).
- (c) A copy of the relevant parts of the Decision (**Annexure C**).
- (d) A list of names and addresses of persons to be served with a copy of this notice of appeal (**Annexure D**).

DATED at Auckland this

28th

day of November 2016

**HOUSING NEW ZEALAND
CORPORATION** by its solicitors and
duly authorised agents Ellis Gould

A handwritten signature in blue ink, appearing to read 'C E Kirman / A K Devine', written over a horizontal line.

C E Kirman / A K Devine

ADDRESS FOR SERVICE: Dr Claire Kirman / Alex Devine, The offices of Ellis Gould, Solicitors, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention: C E Kirman / A K Devine, ckirman@ellisgould.co.nz / adevine@ellisgould.co.nz.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

1. You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends. You must also serve a copy of that notice on Auckland Council/Auckland Council and Auckland International Airport Limited and the appellant within the same 15-working-day period, and serve copies on all other parties within 5 working days after that period ends.
2. If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the court may be limited (see section 274(1) and Part 11A of the Resource Management Act 1991).
3. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

How to obtain copies of documents relating to appeal

4. The copy of this notice served on you does not have attached a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

5. If you have any questions about this notice, contact the Environment Court in Auckland.

ANNEXURE A

Copies of the Appellant's original submission on the Unitary Plan

ANNEXURE B

A copy of the Hearing Panel recommendations version of the Designation

ANNEXURE C

Copy of the relevant parts of the Decision

ANNEXURE D

Names and addresses of persons to be served with a copy of this notice:

Name	Address for Service
Auckland Council	unitaryplan@aucklandcouncil.govt.nz
Auckland International Airport Limited	Allison.Arthur-Young@russellmcveagh.com
All submitters to the Unitary Plan on Designation 1100	TBC

UNDER THE Resource Management Act 1991 ("**RMA**") and section 151 of the Local Government (Auckland Transitional Provisions) Act 2010 ("**LGATPA**")

AND

IN THE MATTER of **AUCKLAND INTERNATIONAL AIRPORT LIMITED'S DESIGNATIONS 1100, 1101 AND 1102** that have been rolled over into the Auckland Unitary Plan ("**Unitary Plan**")

**DECISION OF AUCKLAND INTERNATIONAL AIRPORT LIMITED ON
AUCKLAND COUNCIL'S RECOMMENDATION IN RELATION TO ITS
DESIGNATIONS**

Background

1. Auckland International Airport Limited ("**Auckland Airport**") is a requiring authority for the purposes of the RMA and the LGATPA.
2. Auckland Airport has three operative designations in the Auckland Council District Plan: Manukau Section ("**Manukau District Plan**") that were included with some modifications in the Unitary Plan. Auckland Airport's three designations are:
 - (a) **Designation 1100** (previously Designation 231 in the Manukau District Plan) - covers the principal Auckland Airport area and contains conditions and restrictions relating to aircraft operations from the Airport.
 - (b) **Designation 1101** (previously Designation 231A in the Manukau District Plan) - covers a small area in the north-western quadrant of Auckland Airport near Renton Road and is largely restricted to aircraft operations and maintenance activities. It also contains various conditions requiring heritage and landscape protections.
 - (c) **Designation 1102** (previously Designation 232 in the Manukau District Plan) - includes the obstacle limitation surface, runway end protection area and non-aeronautical light restrictions which

ensure aviation safety is maintained in respect of ground based objects and structures (together, "**the Designations**").

3. Auckland Airport made a submission on the Unitary Plan in February 2014 seeking, among other things, minor amendments to the Designations. A number of submissions and further submissions from a range of submitters were also received on the Designations.
4. During the Unitary Plan hearing process for Topic 045 Airports ("**Topic 045**"), Auckland Airport worked collaboratively with Auckland Council ("**Council**") and submitters to narrow or resolve submissions on the Designations. As a result, at the close of the hearing for Topic 045, the only outstanding issues on the Designations related to the Terms of Reference for the Aircraft Noise Community Consultative Group ("**ANCCG**") (contained in Designation 1100, Attachment A).

Independent Hearings Panel Recommendation

5. The Independent Hearings Panel ("**Panel**") made its recommendation on the Unitary Plan to the Council on 22 July 2016 ("**Panel Recommendation**"), which was released to the public on 27 July 2016.
6. The Panel Recommendation on the Designations was included in the Panel's Report of Topic 045 Airports ("**Report**"). In that Report the Panel recommended adopting the modifications to the Designations rolled over in the Unitary Plan, as well as the further modifications made in mediation, subsequent evidence and closing statements of the Council, Auckland Airport and Board of Airline Representatives of New Zealand.

Council Recommendation

7. On 19 August 2016, the Council formally notified Auckland Airport of its decision to accept the Panel Recommendation in relation the Designations. Pursuant to section 151(1) of the LGATPA, this decision is to be treated as if it were a recommendation notified under clause 9(1) of Schedule 1 of the RMA ("**Council Recommendation**").

Auckland Airport's Decision

8. Auckland Airport, as the requiring authority, must notify the Council as to whether it accepts or rejects the Council Recommendation in whole or in

part within 30 working days after the day on which it receives the Council Recommendation.¹

9. Auckland Airport accepts the Council Recommendation in relation to the Designations, subject to a number of modifications. Designations 1100, 1101 and 1102 have been modified to address minor typographical errors and formatting matters that were identified through a review of the Council Recommendation.
10. In addition, Auckland Airport has made the following modifications:
 - (a) to amend the definition of activities sensitive to aircraft noise ("**ASAN**") in Condition 1 of Designation 1100;
 - (b) to the ANCCG terms of reference in Attachment A to Designation 1100 to:
 - (i) include two community representatives in the ANCCG membership (one of whom must live within the Aircraft Noise Areas) and the process for appointing those representatives;
 - (ii) enable the location of the ANCCG meetings to be determined by the chairperson; and
 - (iii) allow a public forum to be held at beginning of each ANCCG meeting;
 - (c) to update the covenant contained in Attachment C to Designation 1100; and
 - (d) to remove the reference to framework plans from Condition 4(a) "Landscape Treatment" (i) of Designation 1101.
11. These modifications are not inconsistent with the Designations as notified.² In accordance with section 151(4) of the LGATPA, the reasons for these modifications are set out below.

ASAN

12. Auckland Airport has modified the definition of ASAN in Condition 1 of Designation 1100 to reflect the Council's Decision version of the

¹ LGATPA, section 151(2).

² LGATPA, section 151(3).

definitions and ensure consistent definitions are used across the Unitary Plan.

ANCCG Terms of Reference

13. Condition 9 of Designation 1100 provides that Auckland Airport shall maintain the existing ANCCG within the Terms of Reference contained in Attachment A to Designation 1100. The purpose of the ANCCG is to consider, and where appropriate make recommendations to Auckland Airport on, aircraft noise issues and concerns that arise from the operation and activities at the Airport.

ANCCG Membership

14. At the hearing for Topic 045, Auckland: The Plane Truth Incorporated ("**Plane Truth**") sought that a Plane Truth representative be included in the ANCCG membership.
15. Auckland Airport considers that it is inappropriate to have a representative from any particular community group on the ANCCG or prefer one community group over another.
16. However, Auckland Airport agrees to enable two community representatives from the general public to join the ANCCG membership, one of whom must live within Auckland Airport's Aircraft Noise Areas. This will provide another avenue to ensure communities' views are fairly represented in the ANCCG. Further, the requirement for one representative to live within the Aircraft Noise Areas will ensure that the purpose of the ANCCG (ie to consider aircraft noise issues) is upheld. If a member appoints a representative to attend one or more meetings on their behalf, the community representative who lives within the Aircraft Noise Areas must appoint a representative who also lives within the Aircraft Noise Areas.
17. The process for selection of those community representatives will be by way of a written application with the final two appointments to be decided by the majority of the Chairperson, the Council representative and one Auckland Airport representative. A call for applications will be made by way of a notice on the internet and by an advertisement in the New Zealand Herald and the Manukau Courier to ensure that the public is aware of the ability to make an application.

18. The tenure of the community representatives will align with the tenure of an elected Local Board member, being three years. Auckland Airport also agrees to take responsibility for any payments that are made to the Community Representatives as it does for the Mana Whenua Representatives.
19. Accordingly, Auckland Airport makes the following modifications to Designation 1100, Attachment A and as shown in **Appendix 1A**.

Membership

Local Board Representatives	(x 12)	<ul style="list-style-type: none"> • Mangere-Otahuhu • Otara-Papatoetoe • Manurewa • Howick • Franklin • Maungakiekie - Tamaki • Albert-Eden • Puketepapa • Whau • Orakei • Waitakere Ranges • Papakura
Auckland Council Representative	(x1)	
Industry Representative (freight forwarder or manufacturer etc)	(x1)	
Airways Corporation Representative	(x1)	
Board of Airline Representatives of New Zealand	(x2)	
AIAL Representatives	(x2)	
Mana Whenua Representatives	(x2)	
<u>Community Representatives (one of whom must live within the Aircraft Noise Areas)</u>	<u>(x2)</u>	

General

[...]

4. The selection of the Local Board and Community Representatives will be on the basis of:

(a) one community Representative on behalf of each of the Local Boards namely, Mangere-Otahuhu, Otara-Papatoetoe, Manurewa, Howick, Franklin, Maungakiekie - Tamaki, Albert-Eden, Puketepapa, Whau, Orakei, Waitakere Ranges and Papakura; and

(b) two Community Representatives, one of whom must live within the Aircraft Noise Areas. The appointment will

be made by the majority of the Chairperson, the Council Representative and one AIAL Representative. Applications are to be made in writing and will be called for by way of a notice on the internet and an advertisement in both the New Zealand Herald and the Manukau Courier.

5. The term of office for Local Board appointed Representatives and Community Representatives will be the same as the local body electoral term, that is three years. Council will be responsible for any payments to be made to the Local Board appointed Representatives.
6. AIAL will be responsible for any payments that are to be made to the Mānana Whenua and Community Representatives in return for their services to the Group.

[...]

Meeting procedure

[...]

5. **Members may act by representative:** A member of the Group may appoint a representative to attend one or more meetings of the Group. A Representative appointed on behalf of the Community Representative who lives within the Aircraft Noise Areas, must also live within the Aircraft Noise Areas

Meeting location

20. The Plane Truth has also suggested clarification in relation to the location of meetings of the ANCCG. Auckland Airport has agreed to enable the location of the meetings to be decided by the chairperson of the ANCCG, to ensure flexibility for members. Meetings may be held at the Airport or at an alternative location decided by the Chairperson.
21. Auckland Airport makes the following modifications to Designation 1100, Attachment A and as shown in **Appendix 1A**:

General

[...]

2. Meetings of the Group will be held at ~~the Airport~~ a place decided by the chairperson any time between 2:00pm and 9:00pm.

ANCCG Public Forum

22. At the hearing for Topic 045, the Plane Truth sought that a public forum be made at the start of each ANCCG meeting and that the meetings be made open to the public to observe. Auckland Airport does not consider that it is appropriate to require the entire meeting to be open for observation.

23. There are many avenues to ensure that the public's concerns are taken into account. Notices of meetings are made public and members of the public are able to contact their Local Board representative to highlight their concerns and that representative can then take these matters to the ANCCG. As set out above, two community representatives will also now be able to be included in the ANCCG membership, which provides the wider public the opportunity to sit on the ANCCG.
24. However, Auckland Airport agrees that it is appropriate to hold a public forum at the start of each meeting for one or more members of the public who wish to address the ANCCG directly. Following that public forum, the ANCCG would move into Committee and those members of the public would be excluded from the remainder of the meeting. The allocation of time for the public forum and speaking rights is to be pre-arranged with, and managed by, the Chairperson.
25. Auckland Airport makes the following modifications to Designation 1100, Attachment A and as shown in **Appendix 1A**:

Meeting procedure

[...]

7. **Public Forum**: A brief public forum may be held at the start of each meeting for one or more members of the public to speak in front of the Group. The allocation of time for the public forum and speaking rights are to be pre-arranged with, and managed by, the chairperson.

Covenant

26. Condition 10 of Designation 1100 sets out Auckland Airport's Noise Mitigation Programme. As part of the programme, Auckland Airport shall make offers to owners to acoustically insulate and ventilate certain buildings within the High Aircraft Noise Area and Moderate Aircraft Noise Area. Auckland Airport is not obliged to undertake the work offered unless the owner of the affected site agrees to enter into the covenant with Auckland Airport, in Attachment C of Designation 1100, to not lessen the effectiveness of, or remove, the noise mitigation works.
27. Schedules one and two of the covenant were inadvertently omitted from the Panel Recommendation and the Council Recommendation. Auckland Airport has reinstated those schedules (now schedules 4 and 5) in Attachment C to Designation 1100.

28. Auckland Airport has also recently refreshed its example deed of covenant included in Designation 1100, primarily to better reflect the Land Information New Zealand Form. The modifications and reasons for those modifications are set out below.

Form

29. The easement instrument form has been updated to reflect the current Land Information New Zealand form.

Schedule 2 - Dominant Tenement

30. For clarity, the parcels of land that comprise the Dominant Tenement have been included in Schedule 2 of the Covenant. A consequential amendment has been made to Clause B of Schedule 3 to correctly refer to Schedule 2.

Schedule 3 - Introduction

31. Clauses C - E have been amended to include a description of Auckland Airport and to refer to the activities of the Airport as they are most commonly now described in planning provisions. This consequently means that the initial clause of the covenant in Schedule 4 can be deleted as the acknowledgments of whether the property is in the High Aircraft Noise Area or the Moderate Aircraft Noise Area, and that the landowner has accepted the offer to install works, are now in the Introduction.
32. Clause E in the Council Recommendation version (now Clause G) states that homeowners shall comply with the covenant until 31 March 2044. Auckland Airport has removed this date as the intention is for the covenants to last indefinitely and there is no good reason for there to be an expiry date.

Schedule 3 - Covenant

33. The existing covenant provides that any tenants occupying land pursuant to a Housing New Zealand lease are excluded from having to comply with the covenant. This exclusion is no longer included as the tenants should be subject to the same obligations as other tenants, to ensure that the mitigation installed is not removed or its effectiveness lessened.

34. Additional wording has also been included to reflect that the intent of the covenant should be for the benefit of all land that comprises the Airport, including all land zoned or set aside for airport activity in the Unitary Plan.

Schedule 4

35. As a result of the consequential deletion of clause 1 in Schedule 4 (discussed above) the relevant cross-references in the subsequent clauses have been updated. In addition, the references to "Grantor" and "Grantee" have been replaced with "Covenantor" and "Auckland Airport", respectively, for consistency with the amendments to the Introduction.
36. Clauses 4 and 5 have been modified to include reference to an Authority and Instruction Form to reflect that this is required to authorise Auckland Airport's solicitor to effect registration of the Surrender Instrument on behalf of the Covenantor.
37. Clause 7(a) has been amended to delete references to the District Plan as these will no longer be relevant once the Unitary Plan is made operative and the reference to the Unitary Plan in clause 7(b) has been amended to reflect the Auckland Council's decisions version on the Unitary Plan.

Framework plans

38. The notified version of the Unitary Plan included provisions relating to framework plans within Auckland Airport's Precinct. Through mediation for Topic 045, it was agreed that the provisions relating to framework plans be deleted from the Precinct. Those provisions have been adopted in the Panel Recommendation and the Council Recommendation for Topic 045.
39. Condition 4(a) "Landscape Treatment" (i) of Designation 1101 in the Council Recommendation provided:
- i. Whether existing planting along the Ihumatao Road frontage is to be retained and/or enhanced and, in the area shown as "supplementary landscape planting" on Figure AIAL 1A.1, whether the landscape planting proposed will complement and be consistent with the planting approved under any Framework Plan for Policy Area F of the Auckland Airport Precinct.
40. For consistency, Auckland Airport has modified Condition 4(a) "Landscape Treatment" (i) to remove the reference to any planting approved under any Framework Plan for Policy Area F of the Auckland

Airport Precinct to reflect that those provisions are longer contained within the Precinct.

Minor errors to be corrected

41. In reviewing the Council Recommendation, a number of minor typographical errors were identified and Auckland Airport has modified its designations to correct those errors. In addition to missing punctuation, grammatical corrections and formatting changes for readability, the corrections include:

Designation 1100

- (a) The explanatory note to Condition 4 has been modified to replace the references to the District Plan with references to the Unitary Plan.
- (b) The underlining and italics of Condition 10C has been removed.
- (c) The defined term "National Institute of Water and Atmospheric Research" has been removed from Condition 10(h)(i) bullet one and condition 10(i)(i) bullet one as this term has already been defined in Condition 10(f)(i).
- (d) Condition 10(p)(i), bullet point one has been amended to end in "the package has been developed;" and the subsequent bullet point commences with "Certified".
- (e) Condition 16(aa) has been amended to remove the strikethrough from "scheduled", and the word "identified" has been included before "cultural landscapes" in accordance with Auckland Airport's primary evidence for Topic 045.
- (f) The condition titled "Heritage Resources" has been renumbered from "17" to "19" in order to follow a sequential numbering of the conditions.

Designation 1101

- (g) The reference in Condition 8 to Designation 231 has been updated to refer to Designation 1100 in accordance with the Unitary Plan.

- (h) The table in Condition 9 has been modified to include the time (ie 7am - 6pm) to align with the other columns of that table.

Designation 1102

- (i) Condition 4b "Eastern Approach Slope" has been amended to replace the comma with a full stop to accurately reflect the correct coordinates.

Appendices

42. In accordance with the Council's preferred format for requiring authorities' decisions, Auckland Airport has marked up the recommended version of the Designations and has included the following appendices to this decision:

- (a) **Appendix 1A:** PDF and word versions of Designation 1100 with modifications shown in underline and ~~striketrough~~.
- (b) **Appendix 1B:** Clean PDF version of Designation 1100 with modifications.
- (c) **Appendix 2A:** PDF and word versions of Designation 1101 with modifications shown in underline and ~~striketrough~~.
- (d) **Appendix 2B:** Clean PDF version of Designation 1101 with modifications.
- (e) **Appendix 3A:** PDF and word versions of Designation 1102 with modifications shown in underline and ~~striketrough~~.
- (f) **Appendix 3B:** Clean PDF version of Designation 1102 with modifications.

DATED 30 September 2016



Kellie Roland

Auckland International Airport Limited

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

1100 Auckland International Airport

Designation Number	1100
Requiring Authority	Auckland International Airport Limited
Location	George Bolt Memorial Drive, Mangere
Rollover Designation	Yes
Legacy Reference	Designation 231, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

The land to which this designation applies ("**the designated area**") may be used for activities for the operation of Auckland International Airport ("**the Airport**") subject to the conditions set out below, including but not limited to:

- aircraft operations,
- runways,
- taxiways and other aircraft movement areas,
- aprons,
- terminals,
- rescue facilities,
- navigation and safety aids,
- maintenance and servicing facilities including the testing of aircraft engines (in situ or otherwise),
- catering facilities,
- freight facilities,
- quarantine and incineration facilities,
- fuelling facilities including Joint User Hydrant Installations,
- stormwater facilities,
- roads,
- monitoring activities,
- site investigation activities,
- vehicle parking and storage,
- rental vehicle activities,
- vehicle valet activities,
- public transport facilities,
- landscaping,
- flags,
- signs,
- the relocation of heritage buildings from elsewhere within this Designation and the subsequent restoration and use of those buildings for purposes compatible with their heritage values;
- offices associated with any of the foregoing activities; and

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

- all related construction and earthwork activities.

Conditions

1. For the purposes of this designation, unless the context otherwise requires:

"**Activity Sensitive to Aircraft Noise**" or "**ASAN**" means any dwellings, boarding houses, tertiary education facilities, marae ~~complex~~, integrated residential development, papakainga, retirement village, supported residential care, educational facilities, care centres, hospitals and healthcare facilities with an overnight stay facility.

"**Aircraft Operations**" means:

- the landing and take-off of any aircraft at the Airport;
- the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the Airport to another;
- aircraft flying along any Flight Path (refer definition below).

"**Aircraft Noise Notification Area**" or "**ANNA**" is an area that is outside the HANA and MANA and that will have future noise levels between 55 dB L_{dn} and 60 dB L_{dn} ; and is shown in green on Figure 3 (Aircraft Noise Areas) of this designation.

"**Aircraft Noise Community Consultative Group**" or "**ANCCG**" is that group referred to in Condition 9(a).

"**Airport**" means Auckland International Airport.

"**Air Shows**" for the purpose of Condition 8 means a sequence of unscheduled Aircraft Operations of a maximum of three days duration, occurring at a frequency not exceeding one per year, which is organised to provide a spectacle for members of the public.

"**Annual Aircraft Noise Contour**" or "**AANC**" means an L_{dn} contour published by AIAL annually as a prediction of noise from Aircraft Operations for the following 12 months (excluding noise excepted from the limit in Conditions 5 and 6, by virtue of Condition 8 of this designation). The prediction is based on monitoring undertaken in accordance with Condition 5(d).

"**Auckland International Airport Limited**" or "**AIAL**" is the requiring authority under this designation.

"**Council**" means the Auckland Council or any committee, sub-committee, or person to whom the relevant powers, duties and discretions of the Council have been delegated lawfully.

"**Designated area**" is the area shown as designated area on Figure 1 of this designation.

"**Existing Building**" means any building:

- that existed at 10 December 2001 and was being used for an ASAN at that time; or
- for which a resource consent for an ASAN was granted by 10 December 2001; or
- which was shown on an outline plan that was lodged with the Council under section 176A of the Resource Management Act 1991 ("RMA") and was beyond challenge as at 10 December 2001.

"**Flight Path**" means the actual path of an aircraft in flight, following take-off from or prior to landing at the Airport, for so long as that aircraft is within the area of the Control Zone shown in Figure 2 of this designation.

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

"Future Aircraft Noise Contour" or **"FANC"** means each of the long term predicted noise contours shown on Figure 4 (Future Aircraft Noise Contours) of this designation.

"High Aircraft Noise Area" or **"HANA"** is the area outside the designated area that will have future noise levels greater than 65 dB L_{dn} and is shown in purple on Figure 3 (Aircraft Noise Areas) of this designation.

"INM" means United States of America Federal Aviation Authority Integrated Noise Model.

" L_{dn} Contour" means a line connecting points of equal day/night sound level (dB L_{dn}).

"Moderate Aircraft Noise Area" or **"MANA"** comprises two areas (one being around the HANA) that will have future noise levels between 60 dB L_{dn} and 65 dB L_{dn} . The two areas are shown in orange on Figure 3 (Aircraft Noise Areas) of this designation.

"Noise Management Plan" or **"NMP"** means the noise management plan described in Condition 9.

"Noise Minimisation Procedures" includes:

- procedures and measures adopted to ensure compliance with noise limits for:
 - Aircraft Operations in Condition 5; and
 - Engine Testing on Aircraft in Condition 13;
- Civil Aviation Authority ("CAA") noise rules applicable to the Airport from time to time;
- voluntary or self imposed procedures or measures for the reduction of aircraft noise.

"Non-Jet Aircraft" means any aircraft that is not a turbo-jet or a turbo-fan powered aircraft. For the avoidance of doubt turbo-prop aircraft are non-jet aircraft.

"Operational Length" is the length of Runway available and suitable for the ground run of an aircraft taking off, in accordance with the Civil Aviation Advisory Circular 139-6 Revision 4 dated 4 July 2011 called the "Take-Off Run Available" or "TORA".

"Principal Living Room" means the room which the owner identifies as the principal living room.

"Runway" means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft.

"Working Days" are those days defined by the RMA.

Runway System

2. The following limitations in this Condition apply to all runways:
 - a. Subject to clause (c) of this Condition, the number of runways shall not exceed two.
 - b. In addition to the existing runway ("Existing Runway"), a second runway ("Northern Runway") may be developed within the area marked "Northern Runway" shown on Figure 1 of this designation.
 - c. Nothing in this Condition shall preclude the use of the taxiway of the Existing Runway for the take-off and landing of aircraft (i.e. as a runway) in substitution for the Existing Runway:
 - where the Existing Runway is under repair; or
 - in an emergency.

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Note:

Use of the taxiway as a runway will be subject to approval under the Civil Aviation Act 1990.

3.
 - a. The provisions in this Condition apply to the Northern Runway:
 - the Operational Length of the runway shall not exceed 2150 metres;
 - the runway shall be entirely located to the west of the alignment of George Bolt Memorial Drive (taking that alignment as it existed at 1 June 2000);
 - b. The provisions of section 176A of the RMA shall apply to the construction, reconstruction, extension or replacement of the Northern Runway.
4. Non-Jet Aircraft using the Northern Runway between the hours of 11.00pm and 6.00am, and jet aircraft using the Northern Runway between the hours of 10.00pm and 6.00am, shall not depart to or arrive from the east except in cases of:
 - a. aircraft landing or taking off in an emergency;
 - b. emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency;
 - c. the operation of unscheduled flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 2002;
 - d. Aircraft Operations resulting from an emergency which necessitates the closure of the Existing Runway;
 - e. Aircraft Operations resulting from the temporary closure of the Existing Runway for essential maintenance which necessitates the unrestricted use of the Northern Runway.

*Explanatory Note for Condition 4 — Northern Runway:
Night-Time Restriction*

- i. Throughout the life of this ~~u~~Unitary ~~p~~Plan it is AIAL's clear intention to maximise the use of the Existing Runway at night and as a result, during the lifetime of this ~~district~~ Unitary ~~p~~Plan, Non-Jet Aircraft using the Northern Runway between the hours of 11.00pm and 6.00am, and jet aircraft using the Northern Runway between the hours of 10.00pm and 6.00am, are not permitted to depart to or arrive from the east except within the limited exceptions provided for in this Condition.
- ii. For the avoidance of doubt, the need or otherwise for a similar night time restriction on use of the Northern Runway in any subsequent district or unitary plan will be assessed at the relevant time, and the presence of this Condition on this designation is not intended as an indication that such a condition will or will not be appropriate in any future designation for the Airport.

Noise from Aircraft Operations

5. Subject to Conditions 6 and 7 below, noise from Aircraft Operations shall not exceed a noise limit of:
 - a. A Day/Night Level of 65 dB L_{dn} anywhere outside the HANA. For the purpose of this control, aircraft noise shall be measured in accordance with NZS 6805:1992 and calculated as a 12 month rolling logarithmic average; and

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- b. A Day/Night Level of 60 dB L_{dn} anywhere outside the HANA and the MANA. For the purpose of this control, aircraft noise shall be calculated as a 12 month rolling logarithmic average using the INM and records of actual Aircraft Operations.
- c. Clauses (a) and (b) of this Condition do not apply within the designated area or within the Coastal Marine Area.
- d. In addition, AIAL shall:
 - i. monitor noise from Aircraft Operations at a minimum of three locations associated with the Existing Runway which are as near as practicable to the boundary of the HANA to obtain an accurate reading so as to demonstrate compliance with (a) above;
 - ii. monitor noise from Aircraft Operations at a minimum of two locations associated with the Northern Runway so as to demonstrate compliance with (b) above. The required monitoring may be undertaken at points in the MANA and then by calculating the corresponding noise level at the MANA boundary;
 - iii. use the INM and noise monitoring data to calculate whether noise from Aircraft Operations complies with (b) above;
 - iv. calculate noise levels at every other location necessary to ensure compliance with this Condition and with Condition 10;

and shall provide a detailed written report to the Council every 12 months describing and interpreting the results of the monitoring and describing and explaining the calculations and findings.

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Interim Noise Control on Northern Runway

- 6.
 - a. For the first five years following the commencement of aircraft operations on the Northern Runway, noise from Aircraft operations associated with the Northern Runway shall not exceed 55 dB L_{dn} at the intersection of the Northern Runway centreline and State Highway 20. For the purpose of this control, compliance may be assessed by measuring aircraft noise at an alternative location (closer to the Airport) and calculating the corresponding noise level at the intersection of the Northern Runway centreline and State Highway 20. In addition, for the purpose of this control, aircraft noise shall be measured in accordance with NZS 6805:1992 and calculated as a 12 month rolling logarithmic average. The measurements and calculations for any such assessment shall be produced by AIAL if requested by the ANCCG and, if required by the ANCCG, shall be subject to independent review and verification.
 - b. Clause (a) of this Condition shall not apply from the date of receipt by the Council of a certificate from a suitably qualified independent person proposed by AIAL and approved by the Council, certifying that, either of the following circumstances apply:
 - i. There is a need to establish new operations, or relocate existing operations, because there are insufficient apron areas or taxiway capacity alongside the Existing Runway, or a new or existing operation requires facilities or services not available at the Existing Runway but which are or can be provided at the Northern Runway.

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- ii. Rehabilitation works on the Existing Runway require use of the Northern Runway to a level which would exceed the 55 dB L_{dn} at SH 20 control location to maintain current and projected demand.
 - c. The suitably qualified independent person referred to in Condition 6(a) above shall include, when supplying any certificate to the Council, a report which contains:
 - A summary of the information provided to the suitably qualified independent person by AIAL; and
 - The suitably qualified independent person's reasons for supplying the certificate.
 - d. The costs of the suitably qualified independent person shall be met by AIAL.
7. Exceedance by up to 1 dB L_{dn} of the noise limits in Conditions 5 and 6 is permitted, provided AIAL demonstrates at the request of, and to the satisfaction of, the Council that any such exceedance is due to atypical weather patterns (including wind speed and direction) during the measurement period, such as produced by the El Nino/La Nina climatic oscillation.
8. Aircraft operations described in clauses (a) to (g) of this Condition, below, are excluded from the calculation of the rolling logarithmic average in Conditions 5, 6 and 7 above:
- a. Aircraft landing or taking off in an emergency;
 - b. Emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency;
 - c. The operation of unscheduled flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 2002;
 - d. Aircraft Operations resulting from an emergency which necessitates the closure of the Existing Runway;
 - e. Aircraft Operations resulting from the temporary closure of the Existing Runway for essential maintenance which necessitates the unrestricted use of the Northern Runway;
 - f. Aircraft using the Airport as a planned alternative to landing at a scheduled airport elsewhere;
 - g. Air shows.

Noise Management Plan
Consultative Group

- 9.
- a. AIAL shall maintain at its cost, the existing Aircraft Noise Community Consultative Group ("ANCCG") within the Terms of Reference which are contained in Attachment A (Aircraft Noise Community Consultative Group Terms of Reference) of this designation, or such other terms or amended terms of reference that are approved by the Council pursuant to Part 8 of the RMA.

Noise Management Plan

- b. Without in any way limiting its obligations to fully comply with the conditions attaching to this designation, AIAL has completed and will maintain and where

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necessary update a Noise Management Plan ("NMP") which describes in detail how AIAL proposes to manage the Airport in order to comply with those conditions.

The NMP describes, in detail, the following matters:

- i. procedures for the ongoing maintenance and operation of the ANCCG;
- ii. the mechanisms for giving effect to a Noise Monitoring Programme to assess compliance with Conditions 5, 6 and 13. In particular, the following issues shall be addressed:
 - Location of any noise monitors;
 - Monitoring, recording and calculation of engine testing noise levels under Condition 13;
 - Management of the programme by a suitably qualified person; and
 - Presentation of information.
- iii. The relationship between the Trust which is to be established under Condition 11 and the ANCCG, including reporting procedures.
- iv. The ongoing investigations, methods, processes and resources that AIAL has put in place to provide for:
 - The reduction of noise levels from all aspects of Aircraft Operations and engine testing; and
 - Alternative methods of noise management to achieve the reduction of these noise levels.
- v. The Noise Minimisation Procedures.
- vi. The procedures for modifying and enhancing the Noise Minimisation Procedures to take into account:
 - Any findings made pursuant to any investigation undertaken in accord with (iv) above;
 - The need to ensure compliance with all of the requirements of this designation.
- vii. The procedures for reporting to the ANCCG any Aircraft Operations and engine testing activities which:
 - Contravene a condition of this designation;
 - Are at variance with AIAL's intentions recorded in the Explanatory Note to Condition 4 relating to the use of the Northern Runway.
- viii. The procedure for the annual preparation and publication of the 60 dB L_{dn} AANC and the 65 dB L_{dn} AANC by AIAL, as required by Condition 10B;
- ix. The procedure for the recording, responding and reporting of complaints received in respect of noise from Aircraft Operations, engine testing activities and any other activities generating noise at the Airport; and
- x. The dispute resolution procedures, to resolve disputes between AIAL and ANCCG about the contents and implementation of the NMP.

Specific Matters in NMP Subject to Council Approval

- c. The dispute resolution procedures referred to in Condition 9(b)(x) shall be to the Council's satisfaction and any subsequent alteration to these procedures shall be subject to the Council's written approval.

Changes to NMP

- d. If AIAL makes any changes to the procedures or other matters recorded in the NMP, it shall forthwith forward an amended copy of the NMP to the Council and the ANCCG.

Reporting of Exceptions

9A. AIAL shall maintain a register (electronic and hard copy) which is available for public inspection of all exceptions to the Noise Minimisation Procedures. The register shall list:

- The date and time of the exception:

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- An explanation for the exception:
 - Any actions undertaken to prevent a recurrence of the exception.
- For the avoidance of doubt an exception includes:
- A breach of noise limits in Conditions 5, 6 and 13:
 - A breach of the CAA noise rules applicable to the Airport which has been the subject of an investigation by AIAL into a related complaint:
 - Any lapse in AIAL's voluntary or self-imposed procedures for the reduction of aircraft noise.

Noise Mitigation Programme

10. The development or use of any runway is subject to compliance with clauses (a) to (r) of this Condition (called in this designation, the "Noise Mitigation Programme"):

- a. For the purpose of determining compliance with clauses (b) to (r) of this condition, AIAL has supplied to the Council:
- i. A list identifying all sites wholly or partly within the HANA and the MANA ("affected sites");
 - ii. A list of the legal descriptions and street addresses of all the affected sites; and
 - iii. Details of any Existing Building located on the affected sites.

Proviso:

Where a site lies within a mixture of HANA and MANA, or is partly located within one of those noise areas, then for the purposes of clauses (b) to (r) of this Condition:

- If any Existing Building is located wholly or partly within the HANA, that Existing Building shall be deemed to be in the HANA;
- If any Existing Building is located wholly outside the HANA, but wholly or partly within the MANA, that Existing Building shall be deemed to be in the MANA.

Further proviso:

For the avoidance of doubt, nothing in clauses (b) to (r) of this Condition shall be treated as requiring AIAL to fund acoustic treatment and ventilation measures in Existing Buildings that are located wholly outside the HANA and the MANA.

Existing Buildings Located within the HANA Being Subject to 65 dB L_{dn}

b. Before any part of an affected site falls within the 65 dB L_{dn} AANC, AIAL shall, in respect of any Existing Building in the HANA on that site (other than any building used as educational facilities or as a registered pre-school) make an offer to the owner(s) to install, at AIAL's sole cost (and if the offer is accepted, install), acoustic treatment and related ventilation measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in the existing habitable rooms of the building(s) (with all external doors of the building and all windows of the habitable rooms closed), of 45 dB L_{dn}, together with related ventilation requirements. These measures shall include but not be limited to:

- A mechanical ventilation system or mechanical ventilation systems capable of:
 - Providing at least 15 air changes of outdoor air per hour in the principal living room of each building and 5 air changes of outdoor air per hour in the other habitable rooms of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non habitable rooms that need to be ajar to provide air relief paths;
 - Enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable rooms;
 - Limiting internal air pressure to not more than 30 pascals above the ambient air pressure;
 - Being individually switched on and off by the building occupants, in the case of each system; and

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- Creating no more than 40 dBL_{Aeq} in the principal living room, no more than 30 dBL_{Aeq} in the other habitable rooms, and no more than 40 dBL_{Aeq} in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and
- A mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

The above mentioned offer shall be made on the following basis:

- i. any structural or other changes required under the Building Act 2004 ("Building Act") or otherwise to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; and
- ii. the owner(s) accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition.

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Proviso:

If requested by the owner, AIAL may, at its discretion, install or contribute to the cost of the installation of alternative ventilation measures to those described in clauses (b) and (c) of this Condition, subject to the owner being granted any necessary building or resource consents, the Council waiving AIAL's obligations in respect of the required ventilation measures in clauses (b) and (c) of this Condition, and the provisions of clauses (b), (c), and (n) to (r) applying with the necessary modifications.

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- c. At the same time, AIAL shall offer to install, (and if the offer is accepted, install), enhancements in addition to the above acoustic treatment and related ventilation measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in the existing habitable rooms of the building(s) (with all external doors of the building and all windows of the habitable rooms closed), of 40 dB L_{dn} together with related ventilation requirements. This offer shall be made on the following basis:
 - i. AIAL shall contribute 75% of the cost;
 - ii. The owner agreeing to contribute the balance of the cost; and
 - iii. The enhancements are to be installed at the same time as the acoustic treatment and related ventilation measures referred to in clause (b) of this Condition, above.
- d. Where an owner or previous owner has earlier accepted the offer set out in clause (e) of this Condition below, AIAL need only offer to install works or enhancements not already installed pursuant to clause (e) of this Condition.

Existing Buildings Located Within the HANA or the MANA Being Subject to 60 dB L_{dn}

- e. Before any part of an affected site falls within the 60 dB L_{dn}, AANC, AIAL shall, in respect of any Existing Building in the HANA or MANA on that site (other than any building used as educational facilities or as a registered pre-school) make an offer to the owner(s) to install (and if the offer is accepted, install):
 - i. A mechanical ventilation system or mechanical ventilation systems capable of:
 - Providing at least 15 air changes of outdoor air per hour in the principal living room of each building and 5 air changes of outdoor air per hour in the other habitable rooms of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable rooms that need to be ajar to provide air relief paths;
 - Enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable rooms;

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- Limiting internal air pressure to not more than 30 pascals above the ambient air pressure;
 - Being individually switched on and off by the building occupants, in the case of each system; and
 - Creating no more than 40 dB L_{Aeq} in the principal living room, no more than 30 dB L_{Aeq} in the other habitable rooms, and no more than 40 dB L_{Aeq} in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- ii. Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and
 - iii. A mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

The abovementioned offer shall be made on the following basis:

- i. Any structural or other changes required under the Building Act or otherwise, to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part was constructed;
- ii. The owner(s) accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition;
- iii. AIAL shall contribute 75% of the cost of the above works; and
- iv. The owner agrees to contribute the balance of the cost.
- v. Clauses (iii) and (iv) shall not apply to Pukaki Marae. AIAL shall contribute 100% of the cost of the above works for Pukaki Marae.

Proviso:

If requested by the owner, AIAL may, at its discretion, install or contribute to the cost of the installation of alternative ventilation measures to those described in this clause, subject to the owner being granted any necessary building or resource consents, the Council waiving AIAL's obligations in respect of the required ventilation measures in this clause, and the provisions of this clause and clauses (n) to (r) applying with the necessary modifications.

Existing Registered Pre-schools Located Within the HANA Being Subject to 65 dB L_{dn}

- f. Before any part of an affected site falls within the 65 dB L_{dn} AANC, AIAL shall, in respect of any Existing Building in the HANA on that site used as a registered pre-school, make an offer to the owner(s) to install at AIAL's sole cost (and if the offer is accepted, install), in all learning areas:
 - i. Acoustic treatment measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in each learning area (with all external doors and windows of the learning area closed) of 40 dB L_{dn} ; and
 - Mechanical ventilation system or mechanical ventilation systems for each learning area:

Designed to achieve indoor air temperatures not less than 16 degrees celsius in winter at 5% ambient design conditions as published by the National Institute of Water & Atmospheric Research ("NIWA") (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000);

- Capable of providing (when all external doors and windows of the learning area are closed) outdoor air ventilation at the rate of 15 litres of air per second per square metre for the first 50 square metres and 7.5 litres of air per second per square metre of remaining area;

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- Capable of enabling the rate of air flow to be controlled across the range, from the maximum air flow capacity down to 8 litres of air per second per person for the maximum number of people able to be accommodated in the learning area at one time;
- Otherwise complying with the New Zealand Standard NZS 4303:1990 *Ventilation for Acceptable Indoor Air Quality*;
- Each ventilation system shall be capable of being individually switched on and off by the building occupants; and
- Capable of creating no more than 35 dB L_{Aeq} in each learning area, and no more than 40 dB L_{Aeq} in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.

The abovementioned offer shall be made on the following basis:

- i. any structural or other changes required under the Building Act or otherwise required to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; and
 - ii. the owner accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition.
- g. Where an owner or previous owner has earlier accepted the offer set out in clause (h) of this Condition below, AIAL need only offer the works not already installed pursuant to clause (h) of this Condition.

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Existing Registered Pre-schools Located Within the HANA or the MANA being Subject to 60 dB L_{dn}

- h. Before any part of an affected site falls within the 60 dB L_{dn} AANC, AIAL shall in respect of any Existing Building in the HANA or the MANA on that site used as a registered pre-school, make an offer to the owner(s) to install (and if the offer is accepted, install) at AIAL's sole cost:
- i. A mechanical ventilation system or mechanical ventilation systems for each learning area:
 - Designed to achieve indoor air temperatures not less than 16 degrees Celsius in winter at 5% ambient design conditions as published by [the National Institute of Water & Atmospheric Research \("NIWA"\)](#) (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000);
 - Capable of providing (when all external doors and windows of the learning area are closed) outdoor air ventilation at the rate of 15 litres of air per second per square metre for the first 50 square metres and 7.5 litres of air per second per square metre of remaining area;
 - Capable of enabling the rate of air flow to be controlled across the range, from the maximum air flow capacity down to 8 litres of air per second per person for the maximum number of people able to be accommodated in the learning area at one time;
 - Otherwise complying with the New Zealand Standard NZS 4303:1990 *Ventilation for Acceptable Indoor Air Quality*;
 - Each ventilation system shall be capable of being individually switched on and off by the building occupants; and
 - Capable of creating no more than 35 dB L_{Aeq} in each learning area, and no more than 40 dB L_{Aeq} in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
 - Thermal grade (minimum R1.8) ceiling insulation in all learning areas where equivalent ceiling insulation is not already in place.

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Proviso:

If the owner wishes to install a ventilation system at greater cost, (e.g. an air conditioning system), then AIAL shall contribute the equivalent cost of the ventilation system(s) prescribed in clause (h) of this Condition.

The abovementioned offer shall be made on the following basis:

- i. any structural or other changes required under the Building Act or otherwise required to enable the installation of the acoustic treatment and ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; and
- ii. the owner(s) accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition.

Existing Educational Facilities Within the HANA or the MANA Being Subject to 60 dB

L_{dn}

i. Before any part of an affected site falls within the 60 dB L_{dn} AANC, AIAL shall, in respect of any Existing Building in the HANA or MANA on that site used as an educational facility or facilities, make an offer to the owner(s) to install (and if the offer is accepted, install) acoustic treatment and related ventilation measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in all existing classrooms, libraries and halls (with all external doors and windows of the classrooms, libraries and halls closed) of 40 dB L_{dn} , together with related ventilation requirements. These measures shall include but not be limited to:

i. In the case of classrooms and libraries, air conditioning and/or a mechanical ventilation system or mechanical ventilation systems for each classroom and library, that are:

- Designed to achieve indoor air temperatures not less than 16 degrees Celsius in winter and not greater than 27 degrees Celsius in summer at 5% ambient design conditions as published by ~~the National Institute of Water & Atmospheric Research~~ ("NIWA") (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000);
- Capable of providing outdoor air ventilation at the rate of 8 litres of air per second per person for the maximum number of people able to be accommodated in any such room at one time ("**the required airflow**");
- Capable of enabling, (in the case of classrooms or libraries in which only mechanical ventilation systems are used to satisfy the above temperature and outdoor air requirements), the outdoor airflow to be controlled across the range, from the maximum airflow capacity down to the required airflow when all external doors and windows of the classroom or library are closed;
- Otherwise complying with the New Zealand Standard NZS 4303:1990 Ventilation for Acceptable Indoor Air; and
- Capable of creating no more than 35 dB L_{Aeq} in each classroom, no more than 40 dB L_{Aeq} in each library, and no more than 40 dB L_{Aeq} in any hallway or corridor.
- Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.

ii. in the case of halls, a mechanical ventilation system or mechanical ventilation systems for each hall capable of:

- Providing at least 12 litres of outdoor air per second per square metre with all external doors and windows of the hall closed;
- Enabling the outdoor airflow to be controlled across the range, from the maximum airflow down to the rate of 8 litres of outdoor air per second per person for the maximum number of occupants able to be accommodated in the hall at one time;
- Otherwise complying with the New Zealand Standard NZS 4303:1990 Ventilation for Acceptable Indoor Air Quality; and

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- Creating no more than 35 dB L_{Aeq} in each hall, and no more than 40 dB L_{Aeq} in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- Thermal grade (minimum R1.8) ceiling insulation shall be provided in the case of school halls where equivalent ceiling insulation is not already in place.

The abovementioned offer shall be made on the basis that any structural or other changes required under the Building Act or otherwise to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed.

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- j. AIAL's obligations under clause (i) of this Condition for acoustic treatment and related ventilation measures shall be "capped" at the maximum costs set out in Attachment B of this designation. For the avoidance of doubt, the costs in Attachment B are expressed as the maximum costs for which AIAL shall be responsible, and, in addition, AIAL shall not be required to expend the maximum costs where the acoustic treatment and related ventilation measures can be installed by AIAL more cost effectively to achieve the internal acoustic environment and related ventilation standards specified in this Condition (Condition 10). Any new windows installed as part of the acoustic treatment and related ventilation measures shall be made able to be opened or shall be fixed at the discretion of the owner(s) of the educational facilities at the time the work is undertaken.

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For existing educational facilities, the maximum figures referred to in Attachment B are exclusive of GST and are in year 2012 dollars and they will therefore be adjusted to compensate for inflation and increased annually from the date of the inclusion of this designation in the Unitary Plan by the percentage increase in the Consumer Price Index (All Groups) or any substitute national measure of inflation adopted in lieu of the Consumer Price Index (All Groups).

New Buildings at Existing Educational Facilities Within the MANA

- k. Where, in the case of educational facilities established within the MANA before 10 December 2001:

- i. A new classroom, library, or hall is to be established; or
- ii. An addition or alteration is to be made to any existing classroom, library or hall, and the new classroom, library or hall, or the addition or alteration, is not by definition, an Existing Building, then AIAL upon receiving advice of the proposed works, shall make an offer to the owner(s) of the relevant educational facilities to provide funding (and if the offer is accepted, provide funding) for acoustic treatment and related ventilation measures to achieve an internal acoustic environment (with all external doors and windows of the classrooms, libraries or halls closed) of 40 dB L_{dn} for all such new facilities along with ventilation to a standard consistent with clause (i) of this Condition, above, provided that this offer shall be conditional on:

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- The owner agreeing to contribute 25% of the costs of the acoustic treatment and ventilation measures;
- Construction of the new or additional facilities otherwise complying with the relevant requirements of the Building Act and any relevant legislation,
- and further provided that AIAL's obligations under clause (k) of this Condition shall only extend, in the case of additional classrooms, libraries or halls, to those which the Regional Network Manager — Auckland of the Ministry of Education or successor of that office certifies are required as a result of roll growth caused by underlying increases in population in the catchment in the immediate vicinity of the educational facility.

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- l. The offer referred to in clause (k) of this Condition may be made on the basis that if the new or additional facilities are removed from the affected site before the 60 dB L_{dn} AANC reaches

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the affected site, any cost incurred by AIAL in respect of that building shall be returned to AIAL.

New Public Schools or Pre-schools Within the MANA

- m. AIAL shall offer the owner(s) of any new public (i.e. non-private or integrated) school or preschool to be established on affected sites located within the MANA, funding (and if the offer is accepted, provide funding) for acoustic treatment and related ventilation measures to meet the requirements in, and to a standard consistent with, clause (k) of this Condition, above, provided that this offer shall be conditional on:
- The owner agreeing to contribute 50% of the costs of the acoustic treatment and ventilation measures;
 - The Regional Network Manager — Auckland of the Ministry of Education or successor of that office certifying, following consultation on the issue of location with AIAL, that the proposed new school or preschool could not reasonably be located outside the MANA, such consultation having been undertaken as soon as reasonably practicable before selecting a potential new school or pre-school site.

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Building Act 2004

- n. All work undertaken pursuant to the terms of this Condition (Condition 10) shall be in accordance with the Building Act and any other relevant legislation.
- o. Nothing in this Condition (Condition 10) shall require AIAL to fund any measures required to bring a building up to the standard of the building regulations that applied when the building was constructed or the relevant part thereof was last modified.

Certified Standard Packages and Individual Packages

- p. Where this Condition (Condition 10) requires AIAL to offer to provide acoustic treatment and ventilation measures, AIAL:
- i. Has developed standard acoustic and ventilation treatment packages for as many types of building for each FANC, shown on Figure 4 (Future Aircraft Noise Contours) of this designation, as is practicable ("standard packages"). These standard packages may be updated or further developed at any time. Each standard package shall be:
- Sufficient to achieve the internal acoustic environment and ventilation requirements specified in this Condition (Condition 10) for the type of building within the FANC for which the package has been developed;
 - ~~developed~~-Certified to that effect by a suitably qualified independent person (or persons) nominated by AIAL and approved by the Council ("an approved person") ("certified standard package"); and
 - Developed in consultation with the Building Research Association of New Zealand.

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For the avoidance of doubt the standard packages are intended to mitigate against aircraft noise, not against other sources which may have different characteristics and hence require different attenuation in respect to the treatment measures on offer;

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- ii. Shall offer to install (and if the offer is accepted, install) the relevant certified standard package, which has been certified by an approved person as being suitable to fulfil the requirements of this Condition (Condition 10) for the building and FANC within which the building is located; and in all other cases, shall offer a package certified by an approved person as suitable, at the time of the offer, to achieve the internal acoustic environment and ventilation requirements specified in this Condition (Condition 10) for the FANC within which the building is located ("certified individual package") and if that offer is accepted, shall install the certified individual package.

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- q. Where AIAL installs any acoustic treatment and or ventilation or air conditioning measures, AIAL:

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- i. Shall provide the Council with a certificate from a suitably qualified independent person (or persons) nominated by AIAL and approved by the Council, that the installation of any relevant certified standard package, or relevant certified individual package, has been properly undertaken in accordance with sound practice; and
- ii. Shall not be in breach of this condition where the internal noise standards and related ventilation requirements are not met in each instance provided the relevant certificate required in sub-clause (q)(i) of this Condition, above, has been provided to the Council.

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Covenants

- r. AIAL shall not be obliged to undertake any work pursuant to clauses (b) to (h) of this Condition (Condition 10) unless the owner of the particular affected site agrees to enter into a covenant with AIAL (which shall be registered on the site's title) in the terms set out in Attachment C of this designation with such necessary changes, approved by the Council. The cost of preparation and registration of the covenant on the site's title shall be met by AIAL. AIAL shall meet the reasonable legal costs incurred by the owner for the perusal and approval of the covenant.

Monitoring of Noise Mitigation Programme

- 10A. AIAL is to monitor the implementation of the Noise Mitigation Programme as set out in Condition 10 and provide a written report setting out its findings in detail to the Council on an ongoing basis at six monthly intervals each year.

Preparation and Publication of the AANC's

- 10B. AIAL shall:
 - a. Prepare annually the 60 dB L_{dn} AANC and 65 dB L_{dn} AANC.
 - b. Publish a public notice in:
 - i. One or more daily newspapers circulating in the areas contained in the HANA, MANA and ANNA; or
 - ii. One or more other newspapers that have at least an equivalent circulation, advising the public that:
 - The AANCs have been prepared for the following twelve months;
 - Explaining what the AANCs are and who is potentially affected; and
 - That the AANCs are available for public inspection at such Council offices as determined by a designated Council officer approved by the Chief Executive of the Council.

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Temporary Noise Mitigation Programme

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10C.

- (a.) This condition shall only apply:
 - (i.) until this designation is altered to reflect the extent of AIAL's aircraft noise contours in the Unitary Plan D24 Aircraft Noise Overlay, after which it will no longer apply; and
 - (ii.) to landowners within the areas shown on the Auckland International Airport Transitional Mitigation Plans set out in Attachment D' and
 - (iii.) to landowners who are required to comply with the acoustic insulation and ventilation standards set out in D24.6.3 of the D24 Aircraft Noise Overlay when establishing a new ASAN or undertaking additions or alterations to an existing ASAN within those areas, and who have acquired building consent.
- (b.) If the requirements set out in subsection (a) are met, AIAL shall meet the relevant part of the cost of installing acoustic treatment in buildings where this is required by D24.6.3 of the Unitary Plan on the same basis as set out in condition 10 as if the building in question was an "existing building", or the addition or alteration was part of an "existing building", on an

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"affected site", with all other modifications required to condition 10 to allow it to be applied in this context.

Provisos:

- Condition 10C is only required during the transitional period between the Unitary Plan being made operative and this designation being altered to reflect the extent of AIAL's aircraft noise contours in the Unitary Plan Aircraft Noise Overlay. At this time, this Condition will be deleted from this designation.
- When Condition 10C applies to additions or alterations, the costs are to be met or partially met only in relation to the additions or alteration itself not the whole building.

Aircraft Noise Mitigation Fund

11. AIAL shall (at its cost and to the Council's satisfaction) maintain a Trust with two Trustees appointed by AIAL, two Trustees appointed from the community by the Council, and one Trustee appointed by the ANCCG.
12. AIAL shall contribute \$325,000 (in 2012 New Zealand dollar terms) per annum plus GST if any (adjusted thereafter to compensate for inflation and increased annually from December 2012 by the percentage increase in the Consumer Price Index (All Groups) as provided for in Condition 12A, below), to a Noise Mitigation Fund, to be administered by the Trustees for the benefit of the local community affected by aircraft noise and located or residing within the HANA, MANA and ANNA, for the purpose of:
 - a. The mitigation of adverse effects associated with noise from Aircraft Operations which are not provided for under Condition 10 ("other adverse effects"); or
 - b. Ensuring positive effects on the external environment to offset those other adverse effects; or
 - c. In cases of significant financial hardship, assisting an owner or owners to meet their share of the costs of acoustic treatment measures or enhancements as set out in Conditions 10(c)(ii) and 10(e)(iv).
- 12A. On each anniversary of the Trust, AIAL will make a payment to the Trust of an amount sufficient to compensate for inflation over the immediately preceding annual period calculated in accordance with the following formula:
 $\$325,000 \times A\%$, where A is the percentage increase in the Consumer Price Index (All Groups) (or any substitute national measure of inflation) for that 12 month period.

Explanatory Note, Aircraft Noise Mitigation Fund:

While there are various physical measures proposed by way of acoustic insulation and ventilation of buildings containing Activities Sensitive to Aircraft Noise, the Aircraft Noise Mitigation Fund is designed to ensure that adverse effects of aircraft noise on the external environment which cannot be mitigated by physical means can at least be partially offset by providing positive effects in the form of enhanced cultural, recreational and other opportunities and facilities to affected residents. Those opportunities and facilities may be provided outside the affected area but should be readily available to affected residents.

Engine Testing on Aircraft

13.
 - a. Any use of the designated area for the testing of engines which are in situ on an aircraft ("in situ aircraft engines") shall not exceed the following noise limits within the Identified Area shown on Figure 5 attached to this designation:

7 day rolling average	55 dB L _{dn}
10pm to 7am	75 dB L _{Amax}

For the purpose of this control, testing of in situ aircraft engines shall be measured in accordance with NZS 6801:2008 Acoustics- Measurement of Environmental Sound.

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- b. AIAL shall monitor and record all testing of in situ aircraft engines and provide a summary report of the tests undertaken and the calculated noise levels whenever requested in writing by the ANCCG.
- c. The testing of in situ aircraft engines is excluded from the calculation of the 7 day rolling average in clause (a) above where such testing is associated with work necessary to satisfy an airworthiness directive or other like safety requirement issued by the Minister of Transport, the Director of Civil Aviation or the Civil Aviation Authority, which requires within 7 days of the directive or requirement being issued, the ground running of the engines on:
 - i. All aircraft with a specific engine type; or
 - ii. aircraft of a specific make or model.

Prior to any testing excluded by this clause commencing, AIAL shall give written notice to the ANCCG and the Council explaining:

- The nature of and the reason for the testing;
- Its expected duration and noise effects; and
- Details of the directive or requirement received.

Other Noise

- 13A. Any use of the land for any purpose other than:
- a. Aircraft Operations (Conditions 5 and 6);
 - b. testing of in situ aircraft engines (Condition 13); and
 - c. the use of audible bird scaring devices for the discouragement of birds;
- shall not exceed the following noise limits within the Identified Area shown on Figure 5 attached to this designation:

Average Maximum Levels			Maximum
DB L _{Aeq}			DB L _{Amax}
Monday to Saturday 7am-6pm (0700-1800)	Monday to Saturday 6pm-10pm (1800-2200) AND Sunday & Public Holidays, 7am-10pm (0700-2200)	At all other times	10pm-7am (2200-0700)
55	50	45	70

For the purpose of this control, Other Noise shall be measured in accordance with NZS 6801:2008 Acoustics- Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics — Environmental Noise.

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Coastal Protection Yard

14. A coastal protection yard having a minimum depth of 20 metres shall be maintained where any part of the designated area abuts the Mean High Water Spring Tide Mark. No structure shall be erected in the coastal protection yard except essential Airport operational facilities (for example, security fences, navigational aids, rescue facilities and stormwater facilities) which require a location in the area of the coastal protection yard. Prior to any land modification works within the coastal protection yard, the requiring authority shall submit an outline plan to the Council for approval.
15. Subject to any waiver of this Condition, or any part of this Condition, prior to any land modification or development on any land within 200 metres of the northern boundary of the designated area east of Pukaki Creek ("northern boundary"), the requiring authority shall submit an outline plan to the Council for approval which, without limiting the requirements of Section 176A of the RMA, shall show:
- a. Provision for the landscaping in native vegetation of a five metre wide strip along the northern boundary and a limitation on building height in relation to the northern

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- boundary so that no part of any building shall project beyond a building envelope contained by a 55 degree recession plane from points 2.5 metres above the northern boundary (i.e. maximum height = 2.5 metres plus 1.428 x distance from boundary).
- b. Details of any land modification within:
 - i. 200 metres of the northern boundary which involves more than 500m³ of earthworks; or
 - ii. 30 metres of the northern boundary which involves more than 200m³.
- c. The timetable for completion of the abovementioned landscaping, earthworks and remedial work.
- d. The height, shape and bulk of any proposed structures.
- e. _____

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16. For the purpose of conditions 14 and 15(b) details shall be given of the following:

Alteration to Natural Landscape

- a. Whether any earthcut or fill will remove existing vegetation, alter the existing topography of the site, or affect existing natural features including landforms, and the impacts on the area's amenity values.

Alteration to cultural heritage sites or cultural landscape

- aa. Whether any earthcut, fill, structures or buildings will adversely affect values associated with cultural heritage sites or identified cultural landscapes.

Site Stability and Erosion

- b. Whether the effects from natural hazards will be avoided, remedied or mitigated, and the extent to which earthworks affect the stability and erosion potential of the site and surrounding site.

Topography in Relation to Adjacent Land

- c. Whether the site contours and final contours coordinate with the final levels of adjoining land.

Flooding

- d. Whether the earthworks and final levels will adversely affect overland flowpaths or increase the potential for flooding within the site or surrounding area.

Utility Services

- e. Whether the earthworks and final levels will adversely affect existing utility services.

Public Access to the Coastal Marine Area and Fossil Forest

17. AIAL shall provide road access for the public to the coastal marine area, through the designated area, to a point near the fossil forest (located in the coastal banks of Lot 2 DP 62092 and Allotment 164 Manurewa Parish) and shall provide pedestrian access from the end of that road down to Mean High Water Springs, so as to provide public access to the coastal marine area and the fossil forest.

Public Consultation

17A.

- a. Construction of the Northern Runway to its maximum length, shall not take place until AIAL has completed a process of public notification and consultation. The process of public notification and consultation shall include the following:
 - i. Written notice to the ANCCG (or its successor from time to time); and
 - ii. A public notice published in a daily newspaper circulating in the Auckland Council area, and in each of the local newspapers circulating in those parts of the

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Auckland Council area subject to the ANNA, MANA and HANA. Such notice to be published in each case twice at an interval of approximately a fortnight.

- b. Each of the abovementioned notices shall include a brief description of the proposal and shall advise:
 - i. Where full details of the proposal can be inspected and copies of those details obtained;
 - ii. Of the opportunity to forward comments to AIAL about the proposal;
 - iii. The date by which comments about the proposal should be sent to AIAL, which date shall not be less than 20 working days from the date of the last of the public notices;
 - iv. Details of any additional consultation proposed by AIAL.
- c. The information available for inspection under this Condition shall include the following:
 - i. Diagram(s) and description of the proposal including all associated work;
 - ii. A description of the proposed operating scenario for the Northern Runway;
 - iii. The reasons for the proposed operating scenario;
 - iv. The reasons for the proposal including an explanation of the need for the Northern Runway to have the proposed Operational Length;
 - v. Reference to any relevant reports; and
 - vi. Any other information AIAL wishes to make available for the purpose of explaining the proposal or in respect of which it would like to invite comments.
- d. AIAL shall consider any comments made to it pursuant to the notification and consultation process described above before deciding whether or not to proceed with the proposal. If AIAL decides to proceed, it shall provide as soon as possible to the Council copies of all comments received, together with written advice of:
 - i. Details of the notification and consultation undertaken;
 - ii. A summary of comments received;
 - iii. A statement describing the actions planned, if any, in respect to the comments received; and
 - iv. Statement explaining the reasons for the actions to be taken or the decision not to take any action.
- e. AIAL shall regularly consult the ANCCG and seek its input and comment on community consultation that the latter may recommend to inform the public from time to time on any matter relating to the Northern Runway.

Outline Plan

- 18. Where AIAL seeks to rely on the provisions of the designation for any works within its land, an outline plan of any work to be constructed on the designated area must be submitted to the Council pursuant to section 176A of the RMA unless the works have been otherwise approved under the RMA or the details of the work are incorporated in the designation or Council waives the requirement for an outline plan. For any proposed work to be constructed for taxiing of aircraft on the designated area north of the area shown as Northern Runway on Figure 1 of this designation, the outline plan shall include, in addition to the matters required under section 176A of the RMA, an analysis and prediction of the noise associated with the Aircraft Operations component of the proposal so as to demonstrate compliance with Condition 5.

Heritage Resources

- 19. Each of the following heritage resources shall be relocated by the requiring authority in a manner and to a site that will ensure the continued protection of the resource before any construction or work is commenced on the designated area that would damage or destroy the resource:
 - a. the Norfolk Island Pine identified as notable tree 1783 on the planning maps provided however that this tree need not be relocated and may be removed, if AIAL provides the Council with a report from a qualified arborist, approved by the Council, who certifies that it is not reasonably practical to relocate the tree;

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- b. Abbeville Farm House and Barn, Part Lot 2, DP 12194 (refer Schedule of Significant Heritage Places, Item 1414);
- c. Westney Road Methodist Church, Part Lot 2, DP 12194(refer Schedule of Significant Heritage Places, Item 1414); and
- d. Rennie Jones Homestead, Pt Allot 163, Manurewa Parish (refer Schedule of Significant Heritage Places, Item 1424).

Lapsing Date

- 20. As this designation has been given effect to, the designation cannot lapse pursuant to section 184(1) of the RMA.

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Attachments

Attachment A: Aircraft Noise Community Consultative Group Terms of Reference

DESIGNATION AIAL 1100— ATTACHMENT A

AIRCRAFT NOISE COMMUNITY CONSULTATIVE GROUP ("Group")

TERMS OF REFERENCE

Purpose

To consider, and where appropriate make recommendations to Auckland International Airport Limited ("AIAL"), on aircraft noise issues and concerns that arise from the operation and activities at Auckland International Airport ("Airport").

Activities

1. To identify community concerns regarding aircraft noise.
2. To co-operatively formulate and propose rules and procedures to minimise the impact of aircraft noise on the community and to consider how AIAL should respond to community concerns regarding aircraft noise.
3. To assist and advise AIAL and Council in the dissemination of relevant information to the community.
4. To regularly review the current procedure for handling noise complaints, modify that procedure where necessary and make it publicly available as soon as practicable.
5. To assist AIAL in the review of and, where necessary, to recommend modifications to, the Noise Management Plan which (in summary) addresses:
 - (i) procedures for handling noise complaints;
 - (ii) noise abatement procedures; and
 - (iii) timely provision of aircraft noise and flight path monitoring information.

AIAL is to consider any recommended modifications in good faith and provide the Group with a written response to the recommendations, including the reasons for rejecting any recommendations, should such a response be requested by the Group.

6. To monitor noise levels and compliance with the noise abatement procedures and Noise Management Plan.
7. To access appropriate technical expertise and guidance as required, including to, where appropriate, independently peer review noise monitoring and other technical data provided to the Group by AIAL.

Chairperson

Meetings will be chaired by an independent chairperson appointed by Council and AIAL jointly. The chairperson may invite other persons on an ad hoc basis to address the Group on particular agenda items. Where a matter is to be considered by the Group which would be likely to directly affect residents of a local board that is not otherwise represented on the Group, then the chairperson should notify the chair of that local board and invite them to the relevant meeting.

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Membership

Local Board Representatives	(x 12)	<ul style="list-style-type: none"> • Mangere-Otahuhu • Otara-Papatoetoe • Manurewa • Howick • Franklin • Maungakiekie-Tamaki • Albert-Eden • Puketepapa • Whau • Orakei • Waitakere Ranges • Papakura
Auckland Council Representative	(x1)	
Industry Representative (freight forwarder or manufacturer, etc)	(x1)	
Airways Corporation Representative	(x1)	
Board of Airline Representatives of New Zealand	(x2)	
AIAL Representatives	(x2)	
Mana Whenua Representatives	(x2)	
<u>Community Representatives (one of whom must live within the Aircraft Noise Areas)</u>	<u>(x2)</u>	

General

1. The Group will meet at least every three months.
2. Meetings of the Group will be held at ~~the Airport~~ a place decided by the chairperson anytime between 2:00 pm and 9:00 pm.
3. AIAL will provide secretarial and support services at AIAL's cost and expense.
4. The selection of the Local Board and Community Representatives will be on the basis of:
 - (a) one ~~community R~~representative on behalf of each of the Local Boards namely, Mangere-Otahuhu, Otara-Papatoetoe, Manurewa, Howick, Franklin, Maungakiekie - Tamaki, Albert-Eden, Puketepapa, Whau, Orakei, Waitakere Ranges and Papakura; and
 - (b) two Community Representatives, one of whom must live within the Aircraft Noise Areas. The appointment will be made by the majority of the chairperson, the Council Representative and one AIAL Representative. Applications are to be made in writing and will be called for by way of a notice on the internet and an advertisement in both the New Zealand Herald and the Manukau Courier.
5. The term of office for Local Board appointed Representatives and Community Representatives will be the same as the local body electoral term, that is three years.

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Council will be responsible for any payments to be made to the Local Board appointed Rrepresentatives.

6. AIAL will be responsible for any payments that are to be made to the Mmana Wwhenua and Community Representatives in return for their services to the Group.
7. AIAL and Council will share equally the reasonable costs of the independent CChairperson.
8. AIAL will provide data and technical information on aircraft movements and a noise complaint summary. The Group will monitor AIAL's process for responding to noise complaints and queries. Noise complaints will not be dealt with on an individual basis.

The Group has an objective to reach consensus, however, dissenting views will be recorded.

Meeting procedure

1. **Chairperson:** AIAL and Council will be jointly responsible for appointing and removing the chairperson. The terms of appointment will set out the conditions of appointment and removal, and will include that the term of appointment for the chairperson is limited to 5 years, unless the Group otherwise agrees. The chairperson will chair the meeting. If the chairperson is not present within 15 minutes of the time appointed for the meeting then the Group will appoint another person to chair the meeting.
2. **Notice of meeting:** AIAL will arrange for:
 - public notice of the meeting to be published on the internet, including the contact details of all members of the Group; and
 - a reminder of meeting, together with any other relevant information to be sent to all members of the Group at least 5 working days before the meeting. The notice of meeting will set out the time and place of the meeting, and the nature of the business to be discussed. Members of the Group may advise AIAL of items to be included in the notice of meeting.
3. **Method of holding meeting:** Meetings will be held by a number of members, who constitute a quorum, being assembled together at the place, date and time appointed for the meeting.
4. **Quorum:** No business may be transacted at a meeting of the Group if a quorum is not present. A quorum is present if there are at least 6 people including three Local Board representatives, one Board of Airline Representatives of New Zealand representative, the Airways Corporation representative and one AIAL representative. If a quorum is not present within 15 minutes of the time appointed for the meeting then the meeting is to be adjourned to the same day in the following week at the same time and place or to such other date, time and place as the Group may appoint.
5. **Members may act by representative:** A member of the Group may appoint a representative to attend one or more meetings of the Group. A Representative appointed on behalf of the Community Representative who lives within the Aircraft Noise Areas, must also live within the Aircraft Noise Areas.
6. **Minutes:** The Group will ensure that minutes are kept of all proceedings and that the minutes are made available as soon as possible after the meeting on the internet. Minutes of the previous meeting will be sent to members with the notice of meeting for the next meeting.

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7. **Public Forum:** A brief public forum may be held at the start of each meeting for one or more members of the public to speak in front of the Group. The allocation of time for the public forum and speaking rights are to be pre-arranged with, and managed by, the chairperson.

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Attachment B: Maximum Costs of Acoustic Treatment and Related Ventilation Measures

* For details of each classroom type for the specified schools refer to Marshall Day Acoustics report "Sound Insulation and Ventilation — Schools", dated 1 May 2001.

TYPE OF SPACE*	NUMBER OF CLASSROOMS, LIBRARIES AND HALLS	MAXIMUM COSTS OF ACOUSTIC TREATMENT AND RELATED VENTILATION MEASURES PER CLASSROOM, LIBRARY OR HALL	MAXIMUM COST FOR CLASSROOMS (= TOTAL PER CLASSROOM X NUMBER OF CLASSROOMS) AND FOR EACH LIBRARY AND HALL
Redoubt North School			
E1	20	\$68,000	\$1,360,000
Library	1	\$68,000	\$68,000
Hall	1	\$23,000	\$23,000

All Preschools and Schools	
Type of space	Maximum cost per Classroom, Library or Hall
Classroom	\$188,000
Library	\$149,000
Hall	\$78,000

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Attachment C: Example of Deed of Covenant

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

[_____]

Grantee

Auckland International Airport Limited

Grant of Easement or *Profit à prendre* or Creation of Covenant

~~The Grantor~~ being the registered proprietor of the servient tenement(s) set out in Schedule A ~~grants to the Grantee~~ (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, ~~or creates~~ the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

<u>Purpose (Nature and extent) of easement; <i>profit</i> or covenant</u>	<u>Shown (plan reference)</u>	<u>Servient Tenement (Computer Register)</u>	<u>Dominant Tenement (Computer Register) or in gross</u>
<u>Covenant to maintain aircraft noise mitigation work</u>	N/A	<u>The land described in Schedule 1</u>	<u>The land described in Schedule 2</u>

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)

Delete phrases in { } and insert Memorandum number as required: continue in additional Annexure Schedule, if required

~~Unless otherwise provided below, the rights and powers implied in specified classes of easements are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007~~

The implied rights and powers are hereby (varied)(negatived)(added to) or (substituted) by:

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~~(Memorandum number (insert), registered under section 155A of the Land Transfer Act 1952) (the provisions set out in Annexure Schedule)~~

Covenant provisions

Delete phrases in () and insert Memorandum number as required; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~(Memorandum number (insert), registered under section 155A of the Land Transfer Act 1952)~~

Annexure Schedule

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Easement instrument to grant easement or *profit à prendre*, or create land covenant
(Sections 90A and 90F Land Transfer Act 1952)

20086229EF
APPROVED
Registrar-General of Land

Grantor

Grantee

AUCKLAND INTERNATIONAL AIRPORT LIMITED

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) *à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement, profit or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Covenant to maintain Aircraft Noise Mitigation Work			

REF: 7203 – AUCKLAND DISTRICT LAW SOCIETY INC.

Comment [RMMB1]: Form of covenant deleted and replaced by new Land Information New Zealand Form.

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

SCHEDULE 1
(Servient Tenement)

[]

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

SCHEDULE 2

(Dominant Tenement)

The following parcels of land:

<u>Legal Description</u>	<u>Area (ha)</u>	<u>Title Reference</u>
Part allotment 163 Parish of Manurewa	19.6196	NA47C/137
Allotment 164 Parish of Manurewa	21.8530	NA47C/82
Lot 3 Deposited Plan 38518	0.9105	NA1675/15
Lot 1 Deposited Plan 28940	38.5463	NA985/62
Lot 15 Deposited Plan 13141	2.0513	NA305/113
Part Allotment 163 Parish of Manurewa	0.6533	NA1691/38
Lot 1 Deposited Plan 144042 and Section 1 Survey Office Plan 67433	20.3965	NA105D/359
Lot 2 Deposited Plan 62092	37.8887	NA24A/830
Part Allotment 179 Parish of Manurewa	2.6133	NA78D/185
Part Allotment 163 Parish of Manurewa	0.3581	NA55A/937
Lot 1 Deposited Plan 111094	0.5094	NA62C/558
Lot 1 Deposited Plan 94420	10.0219	NA58D/290
Lot 1 Deposited Plan 125742	0.5566	NA73B/518
Allotment 497 Parish of Manurewa	0.4047	NA78D/204
Part Allotment 179 Parish of Manurewa	0.2024	NA78D/183
Lot 1 Deposited Plan 46409	36.6342	NA78D/191
Lot 2 Deposited Plan 46409	36.6089	NA78D/192
Lot 1 Deposited Plan 103178	3.7408	NA56D/993
Part Lot 2 Deposited Plan 12194	24.7847	NA56B/945
Part Lot 1 Deposited Plan 13104	19.6273	NA78D/205
Lot 2 Deposited Plan 421357 and Allotment 561 Parish of Manurewa	20.9102	482062
Part Lot 2 Deposited Plan 32275 and Lot 3 Deposited Plan 421357	12.6388	482063
Lot 1 Deposited Plan 51077	6.0703	NA1B/711
Part Allotment 89 Parish of Manurewa and Lot 2 Deposited Plan 125742	44.9201	NA586/220
Lot 3 Deposited Plan 353776	28.7665	219885
Lot 2 Deposited Plan 417367	1.4246	474467
Lot 1 Deposited Plan 461285	17.7472	606579
Lot 29 Deposited Plan 423042	2.9703	607684
Lot 1 Deposited Plan 173452	37.5882	NA106B/643
Lot 1 Deposited Plan 178161	8.1360	NA109D/595
Lot 2 Deposited Plan 178161	2.4980	NA109D/596
Lot 2 Deposited Plan 41238	0.0969	NA1120/171
Lot 4 Deposited Plan 41238	0.1563	NA1121/14
Lot 3 Deposited Plan 41238	0.0943	NA1138/48
Lot 1 Deposited Plan 41238	0.0878	NA1189/51
Lot 1 Deposited Plan 57642	25.8999	NA11C/663
Lot 1 Deposited Plan 196235	0.3233	NA125B/39
Part Allotment 89 Parish of Manurewa and Defined On Deposited Plan 13716	31.6464	NA366/26
Part Allotment 89 Parish of Manurewa	40.4686	NA586/221
Lot 1 Deposited Plan 36039	0.2982	NA78D/182
Allotment 474 and Allotment 476 Parish of Manurewa	170.0600	NA78D/186

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<u>Legal Description</u>	<u>Area (ha)</u>	<u>Title Reference</u>
Allotment 484 Parish of Manurewa	13.9400	NA78D/187
Allotment 482-483 Parish of Manurewa	15.4300	NA78D/188
Allotment 477-481 Parish of Manurewa	53.5270	NA78D/189
Allotment 504 Parish of Manurewa	70.4026	NA78D/193
Allotment 492 Parish of Manurewa	0.6085	NA78D/194
Allotment 508 Parish of Manurewa	36.4260	NA78D/195
Allotment 506 Parish of Manurewa	54.6326	NA78D/196
Allotment 328 Parish of Manurewa	0.4426	NA78D/197
Allotment 470 Parish of Manurewa and Defined on Survey Office Plan 49515	313.9000	NA78D/198
Allotment 505 Parish of Manurewa and Defined on Survey Office Plan 52973	0.5975	NA78D/199
Allotment 469 Parish of Manurewa and Defined On Survey Office Plan 49514	40.3600	NA78D/200
Allotment 494 Parish of Manurewa	2.7290	NA78D/201
Allotment 493 Parish of Manurewa and Defined On Survey Office Plan 49184	1.3673	NA78D/202
Allotment 182-185 Parish of Manurewa	60.2981	NA78D/203
Allotment 543 Parish of Manurewa and Defined On Survey Office Plan 53644	0.3792	NA78D/206
Allotment 565 Parish of Manurewa and Defined On Survey Office Plan 60283	54.2300	NA78D/207
Lot 1 Deposited Plan 31279	1.4460	NA798/163
Part Lot 2 Deposited Plan 111094	37.6418	NA82C/672
Lot 7 Deposited Plan 24346	22.3083	NA867/2
Lot 8 Deposited Plan 24346	43.7060	NA902/21
Lot 1 Deposited Plan 162130	0.6984	NA97D/261
Part Allotment 163 Parish of Manurewa	0.8094	NA994/274
Lot 1 Deposited Plan 421357	4.1077	482061

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ANNEXURE SCHEDULE 3A

INTRODUCTION

- A. The ~~Grantor-Covenantor~~ is registered as proprietor of the ~~Servient Tenement land more particularly described in Schedule 1~~ ("**Servient Tenement**").
- B. ~~The Grantee Auckland Airport~~ is registered as proprietor of, or is entitled to use, and owns, the land more particularly described in Schedule 2 the ~~Dominant Tenement~~ ("**Dominant Tenement**") ~~and owns or is entitled to use the structures erected thereon.~~
- C. Auckland Airport is the owner and operator of Auckland International Airport ("**Airport**") which is situated on the Dominant Tenement. The Airport is New Zealand's largest and busiest airport and is a strategic infrastructure asset of critical national, regional and local importance. The Dominant Tenement is authorised by current zoning and designations for airport activity and airport development, and is the area earmarked by relevant planning documents for airport expansion.
- ~~D.~~ The Airport has noise contours around its site which directly correspond to levels of aircraft noise. These are respectively referred to as the high aircraft noise area ("**HANA**"), moderate aircraft noise area ("**MANA**") and aircraft noise notification area ("**ANNA**") in the Auckland Unitary Plan. Within the HANA and MANA, the ability to develop and operate Activities Sensitive to Aircraft Noise ("**ASAN**") is restricted.
- ~~E.~~ The Grantee either itself or by its lessees, licensees and other invitees operates the Auckland International Airport together with other associated industrial, commercial and retail activities from the Dominant Tenement, which ~~The operation of the Airport results and is likely to result in environmental effects, such as noise, disturbance and other usual occurrences associated with aircraft and airport activity, which may has and is likely to have consequences beyond the boundaries of the Dominant Tenement, including upon the Servient Tenement.~~
- ~~FD.~~ The Servient Tenement is identified as being subject to within the [high (in the case of Servient Tenement located within the NANA) **HANA/MANA**] / [moderate (in the case of Servient Tenement located within the MANA)] levels of noise from operations at Auckland International Airport, and the Grantor-Covenantor has accepted the Grantee's Auckland Airport's offer to install physical works and equipment in the building(s) on the Servient Tenement, for the purpose of mitigating the effects of such noise, more particularly described in Schedule 5 ("**Aircraft Noise Mitigation Works**") ~~in the building(s) on the Servient Tenement, for the purpose of mitigating the effects of such noise, more particularly described in Schedule Two of this Annexure Schedule.~~
- ~~GE.~~ In consideration of the Grantee's Auckland Airport's offer the Grantor-Covenantor has agreed with the Grantee Auckland Airport (for the benefit of the Grantee and its lessees, licensees and other invitees) to accept for itself and its successors in title to the Servient Tenement and any part or interest in the Servient Tenement, for the period until 31 March 2044, an obligation, in accordance with this Deed, not to lessen the effectiveness of, or remove, the Aircraft Noise Mitigation Works, in accordance with the terms of this Covenant.

COVENANTS

The ~~Grantor-Covenantor~~ for itself and its successors in title, lessees and/or invitees to the Servient Tenement, (or any part of it), ~~(excluding any tenants occupying the Servient Tenement pursuant to a lease or tenancy vested in the Housing New Zealand Corporation or any statutory or regulatory successor to the Housing New Zealand~~

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~~Corporation)~~, hereby covenants, acknowledges and agrees with ~~the Grantee Auckland Airport as a covenant for the benefit of the Grantee itself~~ and its successors in title lessees, licensees and/or invitees ~~on to~~ the Dominant Tenement or any part of it as a positive covenant for the benefit of the registered proprietors and users from time to time of the Dominant Tenement, that the ~~Grantor-Covenantor~~ will henceforth and at all times hereafter observe and perform all the stipulations and restrictions contained in Schedule One 4 of this Annexure Schedule to the end and intent that each of the stipulations and restrictions shall, in the manner and to the extent prescribed, ensure forever endure for the benefit of, and be appurtenant to, the whole of the Dominant Tenement ~~until 31 March 2044, every part thereof and any other land zoned or set aside for airport activity in the Auckland Unitary Plan from time to time.~~

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SCHEDULE 4 SCHEDULE ONE

(Covenants)

1. ~~The Grantor acknowledges that:~~

(a) ~~the Servient Tenement is subject to [high]/[moderate] levels of noise from operations at Auckland International Airport; and that~~

(b) ~~the Grantor has accepted the Grantee's offer to install Aircraft Noise Mitigation Works in the building(s) on the Servient Tenement.~~

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2.1. ~~The Grantor-Covenantor~~ will do nothing to lessen the effectiveness of the Aircraft Noise Mitigation Works ("modifications") and will not remove the Aircraft Noise Mitigation Works ("removal work") in any building on the Servient Tenement unless:

- (a) ~~The Covenantor-Grantor~~ has obtained the written approval of the Grantee; or
- (b) The modifications or removal works are being undertaken for the purpose of reconstructing, altering or extending the building or part of the building or removing part of the building, and:
 - (i) the entire building; or
 - (ii) any room directly affected by the modifications or removal works, which is to remain a habitable room,

will meet the requirements of the Auckland ~~Council~~-Unitary Plan for acoustic treatment measures to mitigate aircraft noise; or

- (c) ~~The Covenantor-Grantor~~ is demolishing the entire building or removing it from the Servient Tenement.

3.2. ~~The Grantee Auckland Airport~~ shall not unreasonably withhold its approval under clause 12(a); and in considering a request for approval it shall take into account the reason(s) why approval is sought and in particular whether:

- (a) the owner intends to upgrade or improve the acoustic insulation in the building or relevant parts of the building;
- (b) whether the proposed modifications or removal works will affect in any material way the mitigation of the effects of aircraft noise in any habitable room in the building;
- (c) the owner wishes to change the use of a habitable room to a non-habitable room;
- (d) the use of the building for an ASAN has or is intended to cease, on more than a temporary basis.

4.3. ~~The Grantee Auckland Airport~~ shall deal promptly with any request for approval under clause 12(a) and shall as soon as is practicable:

- (a) serve the ~~Covenantor-Grantor~~ with written notice of the ~~Grantee's Auckland Airport's~~ decision under clause 12(a);
- (b) include as part of that written notice its reasons for any refusal to give its

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approval; and

- (c) where approval is refused, forward a copy of that written notice to the ANCCG.

5.4. The parties agree that if ~~the Grantee~~Auckland Airport determines (in Auckland Airport~~the Grantee's~~ sole and unfettered discretion) at any stage that any part or parts of the Dominant Tenement should no longer receive the benefit of the terms of this Covenant:

- (a) ~~the Grantee~~Auckland Airport shall provide written notice to the ~~Covenantor~~Grantor setting out the relevant certificate(s) of title for the Dominant Tenement from which this Covenant is to be surrendered, and such notice is to be accompanied by a surrender instrument in registrable form in respect of the same ("Surrender Instrument") and an Authority and Instruction form ("A & I Form") authorising Auckland Airport's solicitor to effect registration of the Surrender Instrument on behalf of the Grantor;
- (b) the ~~Covenantor~~Grantor shall execute the Surrender Instrument, A & I Form, and procure the consent to ~~the registration of, and execution of,~~ the Surrender Instrument by any mortgagees, chargeholders, lessees or encumbranceholders required to enable registration of the Surrender Instrument against the Servient Tenement and the relevant Dominant Tenement;
- (c) the ~~Covenantor~~ Grantor shall hand to ~~the Grantee~~ Auckland Airport the Surrender Instrument, A & I Form, and any other documents (duly executed as aforesaid) required to enable ~~the Grantee~~Auckland Airport to register the Surrender Instrument against the Servient Tenement and the relevant Dominant Tenement within 14 days after receiving written notice from ~~the Grantee~~Auckland Airport in accordance with clause ~~45~~(a) of this Covenant; and
- (d) ~~the Grantee~~Auckland Airport shall arrange for the registration of the Surrender Instrument at Land Information New Zealand. All costs in respect of the execution of the Surrender Instrument, the procurement of any consents pursuant to clause ~~45~~(b) of this Covenant and the registration of the Surrender Instrument shall be met by ~~the Grantee~~Auckland Airport.

6.5. If the ~~Covenantor~~Grantor refuses to or fails to execute and return to ~~the Grantee~~Auckland Airport the Surrender Instrument within the 14 day period referred to in clause ~~45~~(c), then for the sole purpose of giving effect to clause ~~45~~, the ~~Covenantor~~Grantor hereby grants to ~~the Grantee~~Auckland Airport an irrevocable power of attorney to ~~the Grantee~~Auckland Airport to do all things necessary, and sign all documents necessary to register the Surrender Instrument against the Servient Tenement and the relevant Dominant Tenement.

For the avoidance of doubt, in giving effect to clause ~~45~~, ~~the Grantee~~Auckland Airport shall be entitled to (but shall not be limited to):

- (a) sign the A & I Form Surrender Instrument on the ~~Covenantor~~Grantor's behalf; ~~and~~
- (b) if the consent of any mortgagees, chargeholders, lessees or encumbranceholders is required to enable registration of the Surrender Instrument, request consent to the registration of the Surrender Instrument on behalf of the ~~Covenantor~~Grantor. Any such request shall be deemed to be from the ~~Covenantor~~Grantor and shall be binding on the ~~Covenantor~~Grantor; and

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~~(b)(c) register the Surrender Instrument.~~

7.6. For the purpose of clause ~~45~~ of this Covenant, the term “the Covenantor Grantor” is deemed to refer to the Covenantor Grantor and its successors in title to the Servient Tenement, or any part of it.

8.7. For the purpose of this Covenant:

- (a) ~~the terms “operative”, “district plan” and “designation”~~ is as defined under the Resource Management Act 1991, or any equivalent subsequent legislation, and references to any sections or parts of the Resource Management Act 1991 are deemed to refer to any equivalent provisions of subsequent legislation also; and
- (b) ASAN and ANCCG are as defined in Condition 1 of Designation 1100 in Chapter K, Part 7 of the Auckland Council Unitary Plan.

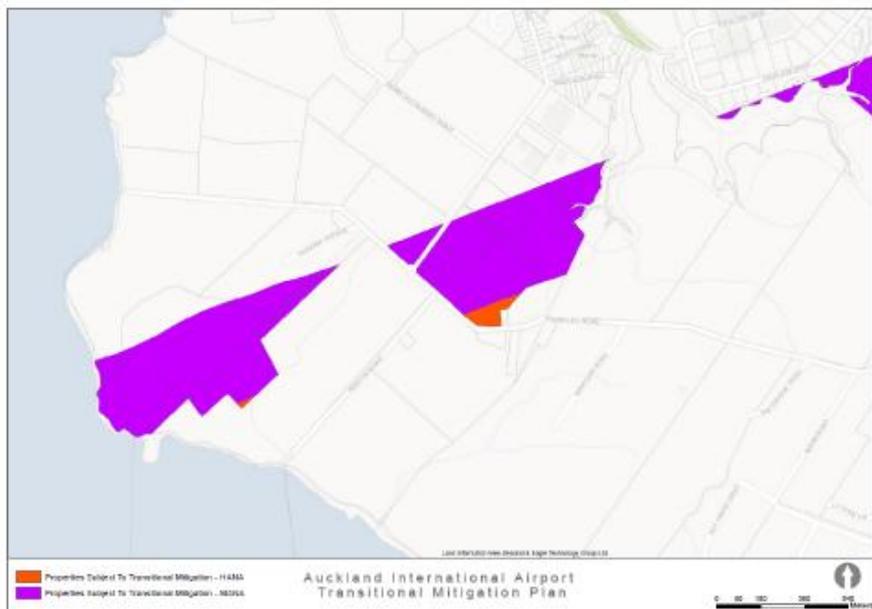
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SCHEDULE TWO SCHEDULE 5

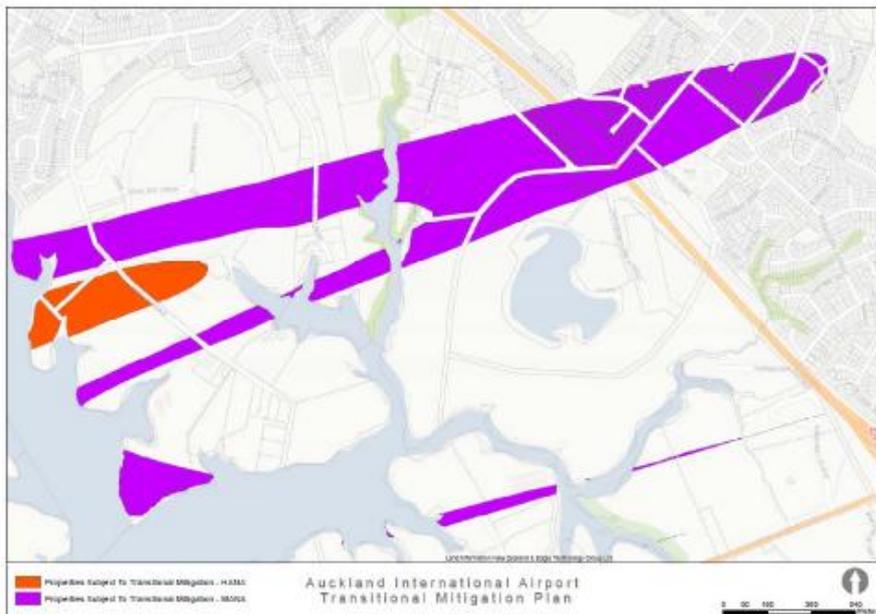
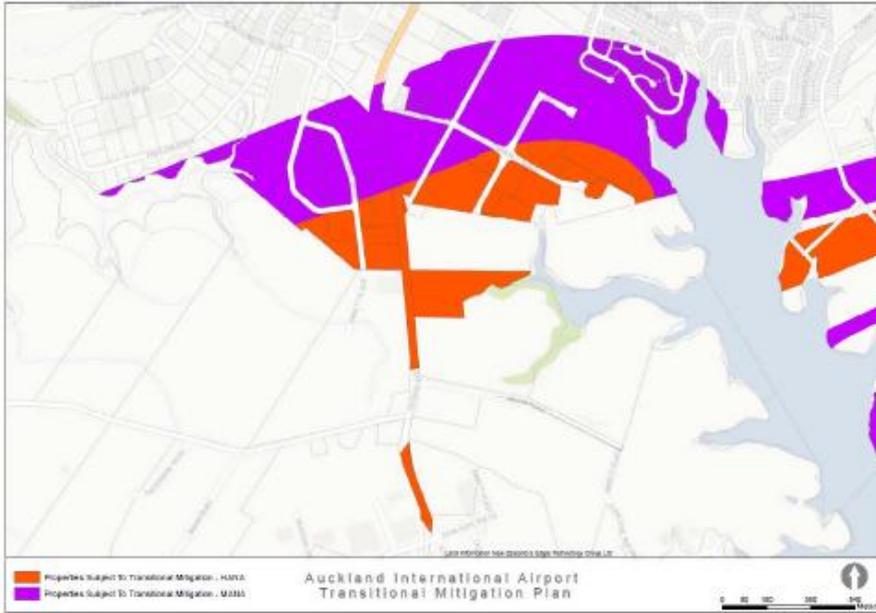
(Aircraft Noise Mitigation Works)

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

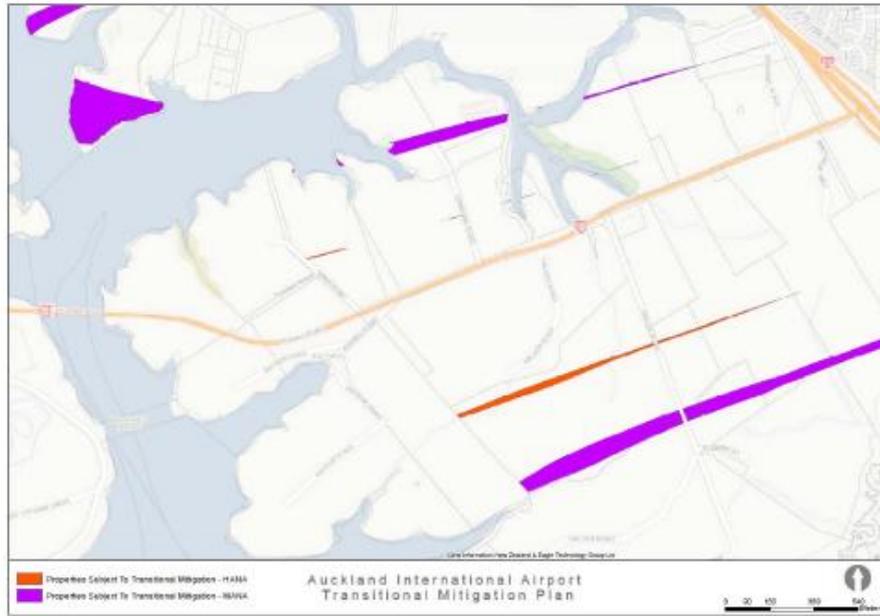
Attachment D: Auckland International Airport Transitional Mitigation Plans



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Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

Figure 1 - Designated Area

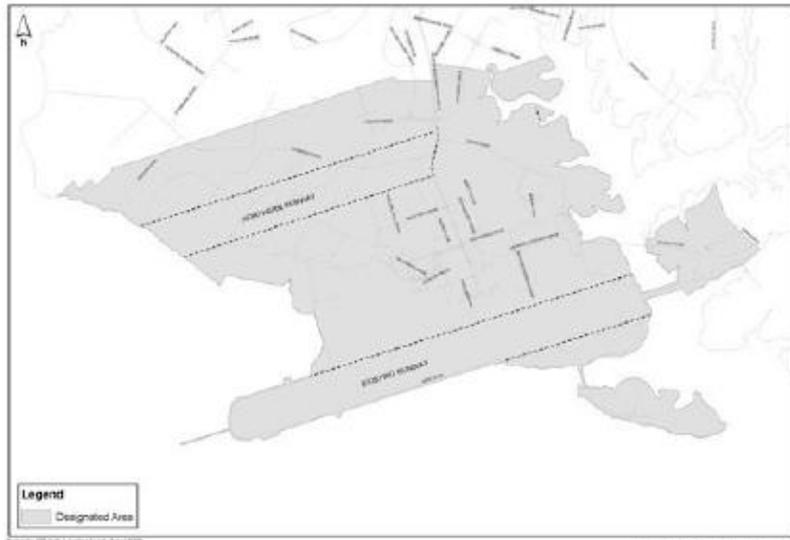


Figure 1 - DESIGNATED AREA
APPENDIX I

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

Figure 2 - Control Zone

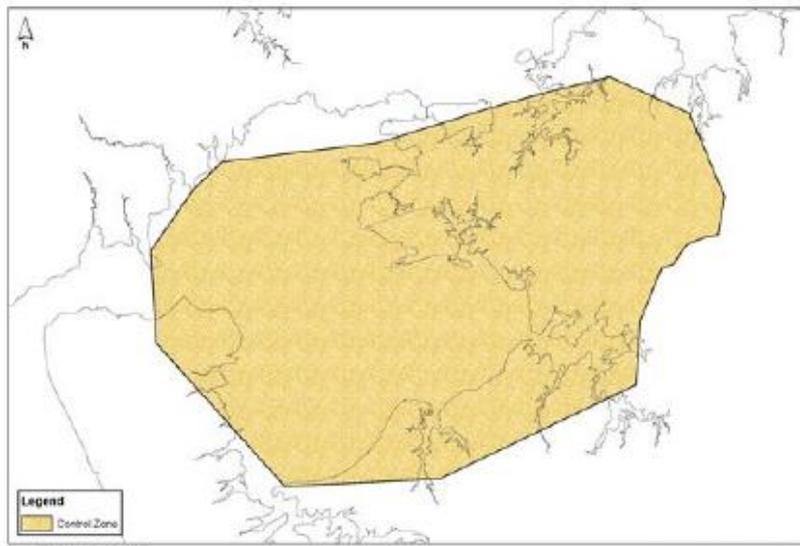


Figure 2 - CONTROL ZONE
APPENDIX 1

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

Figure 3 - Aircraft Noise Areas

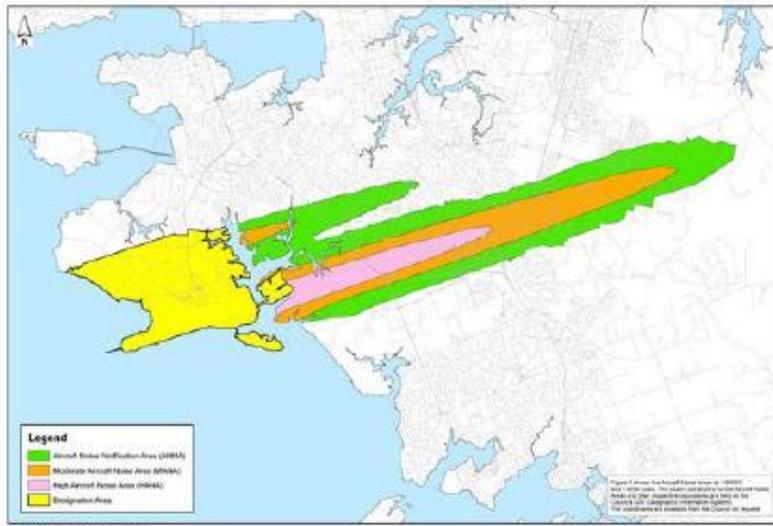
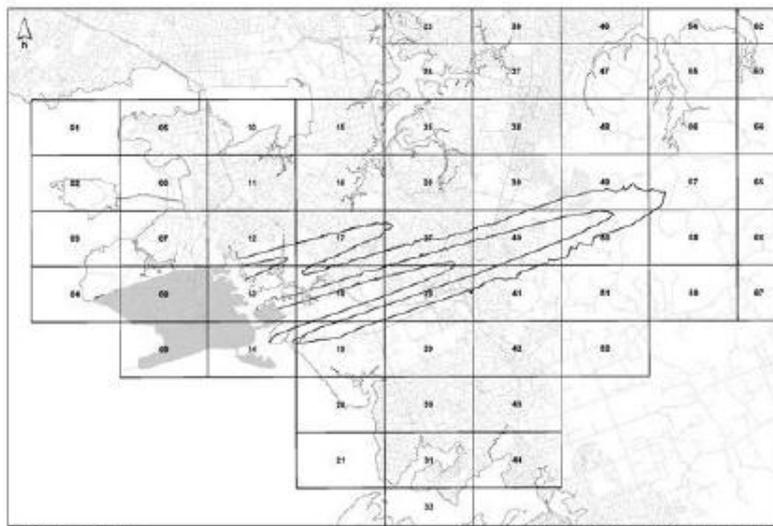


Figure 3 - AIRCRAFT NOISE AREAS
APPENDIX 1



GRID FOR APPENDIX 1 FIGURE 3 MAPS AT 1:000
APPENDIX 1

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Figure 2 - Aircraft Noise Areas
APPENDIX I

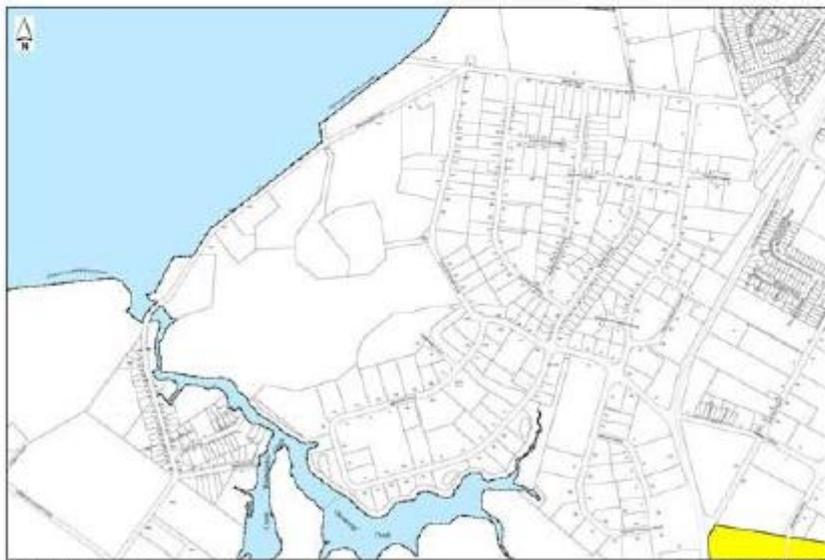


Figure 3 - Aircraft Noise Areas
APPENDIX I

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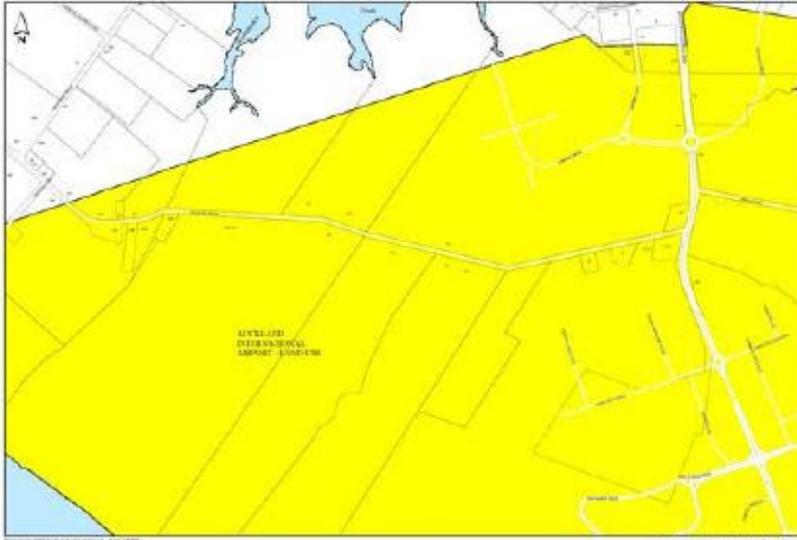


Figure J - Aircraft Noise Area
APPENDIX I



Figure J - Aircraft Noise Area
APPENDIX I

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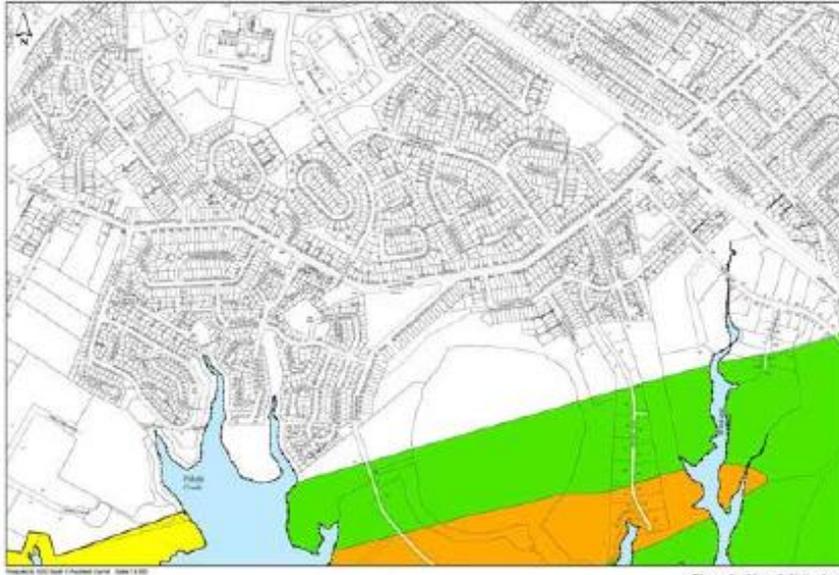


Figure 3 - Aircraft Noise Areas
APPENDIX I

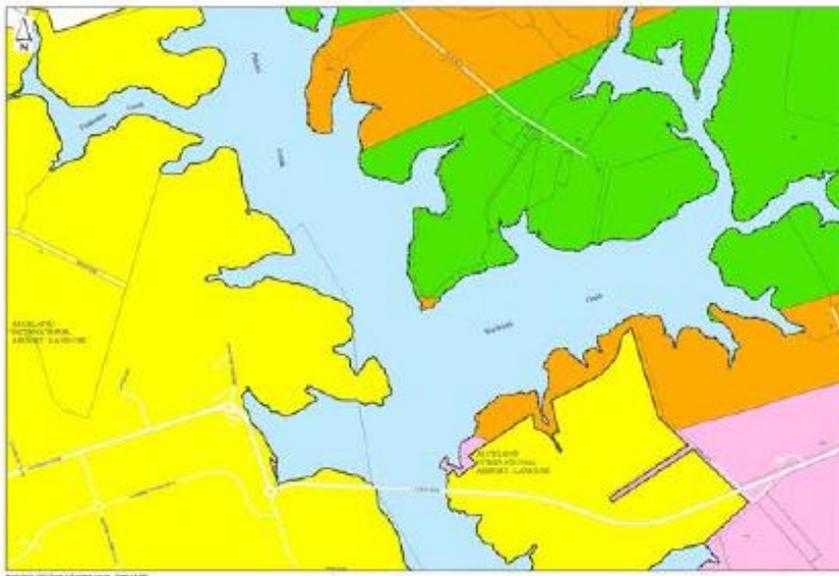


Figure 3 - Aircraft Noise Areas
APPENDIX I

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

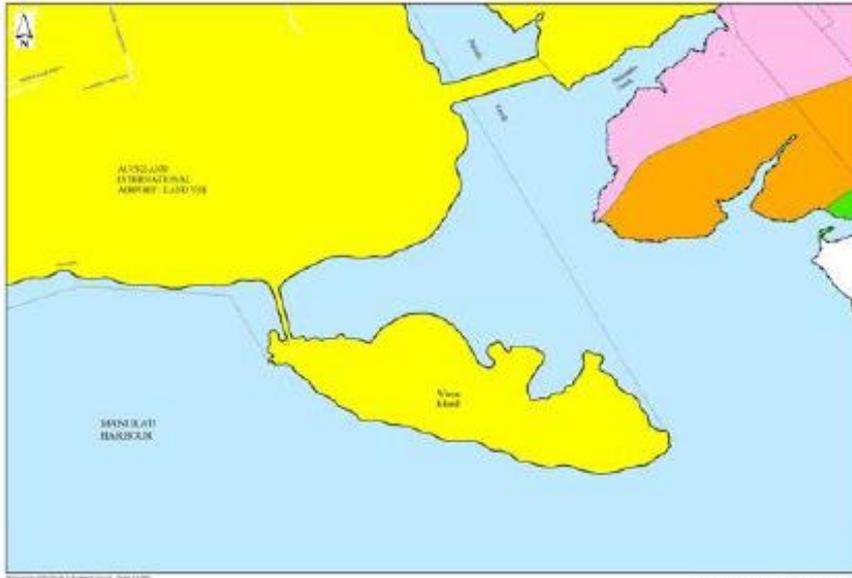


Figure 2 - Aircraft Noise Areas
APPENDIX 1



Figure 2 - Aircraft Noise Areas
APPENDIX 1

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



Figure 3 - Aircraft Noise Areas
APPENDIX 1

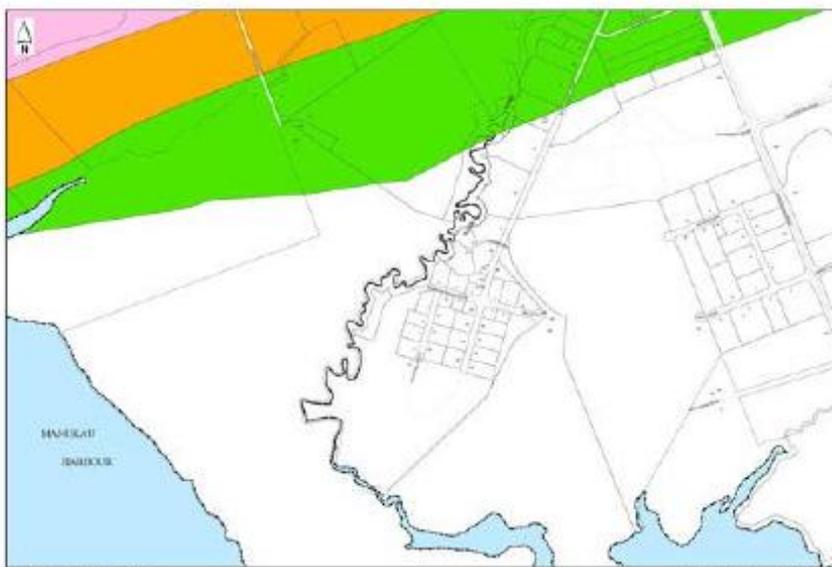


Figure 3 - Aircraft Noise Areas
APPENDIX 1

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Figure 1 - Aircraft Noise Areas
APPENDIX 1



Figure 2 - Aircraft Noise Areas
APPENDIX 1

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



Figure 3 - Aircraft Noise Areas
APPENDIX I



Figure 3 - Aircraft Noise Areas
APPENDIX I

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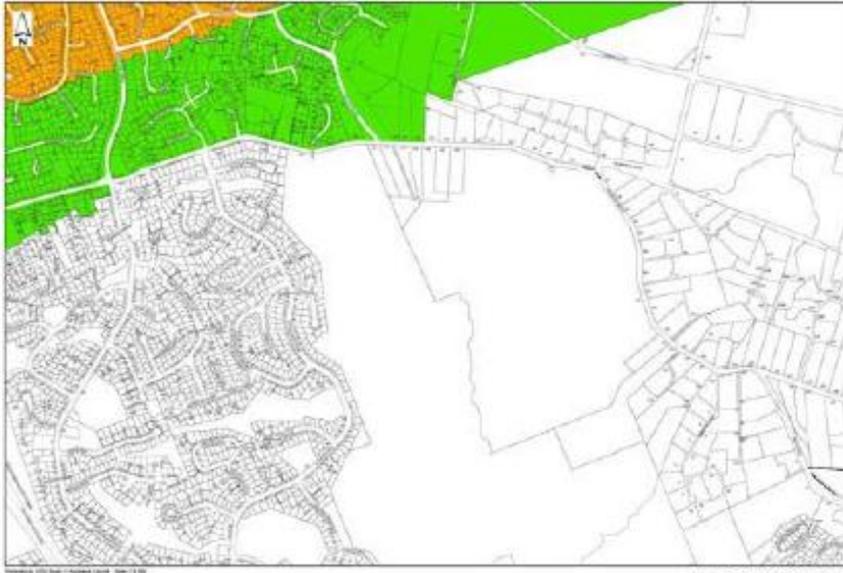


Figure 1 - Aircraft Noise Area
APPENDIX 1



Figure 2 - Aircraft Noise Area
APPENDIX 1

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

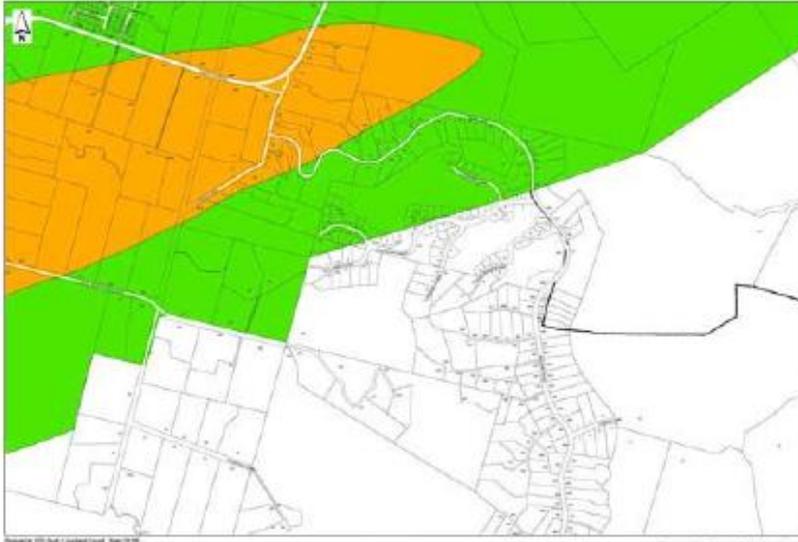


Figure 3 - Aircraft Noise Areas
APPENDIX 1

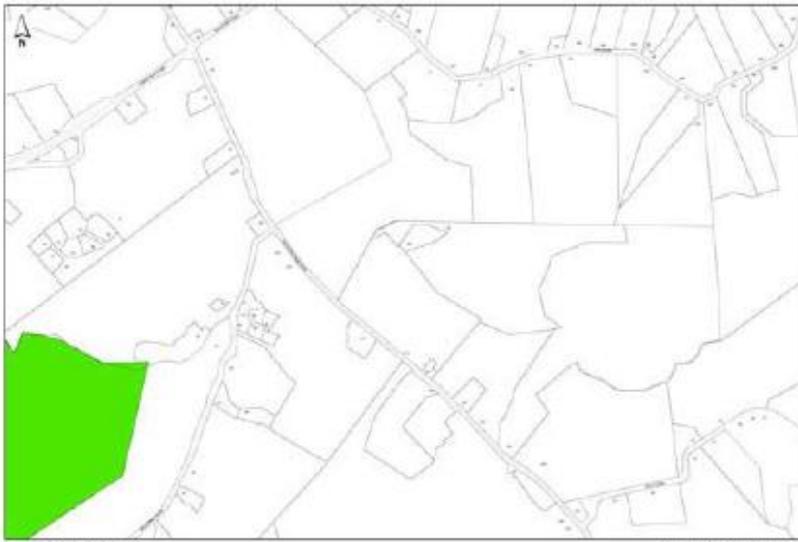


Figure 3 - Aircraft Noise Areas
APPENDIX 1

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

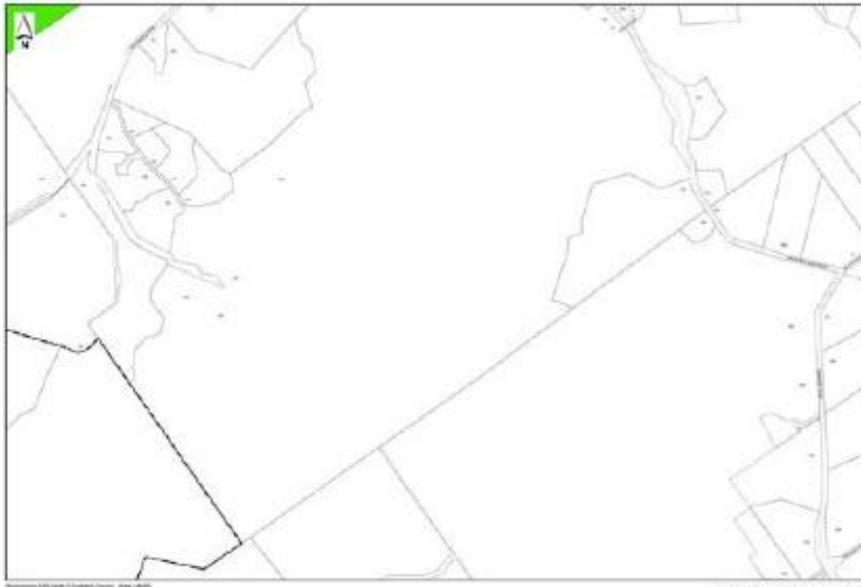


Figure 3 - Aircraft Noise Areas
APPENDIX I

Figure 4 - Future Aircraft Noise Contours

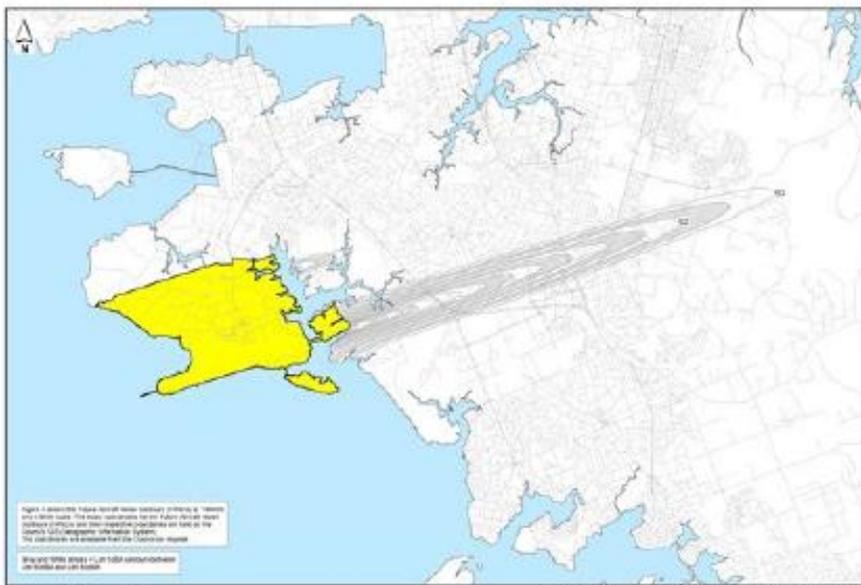


Figure 4 - FUTURE AIRCRAFT NOISE CONTOURS (FANC)
APPENDIX I

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



GRID FOR APPENDIX I FIGURE 4 MAPS AT 1:8000
APPENDIX I

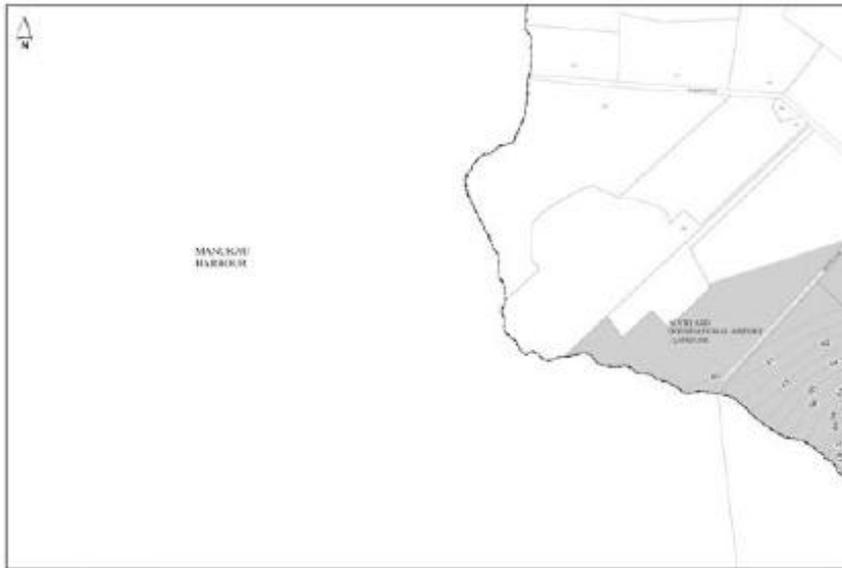


Figure 4 - Future Aircraft Noise Contours (FANC)
APPENDIX I

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

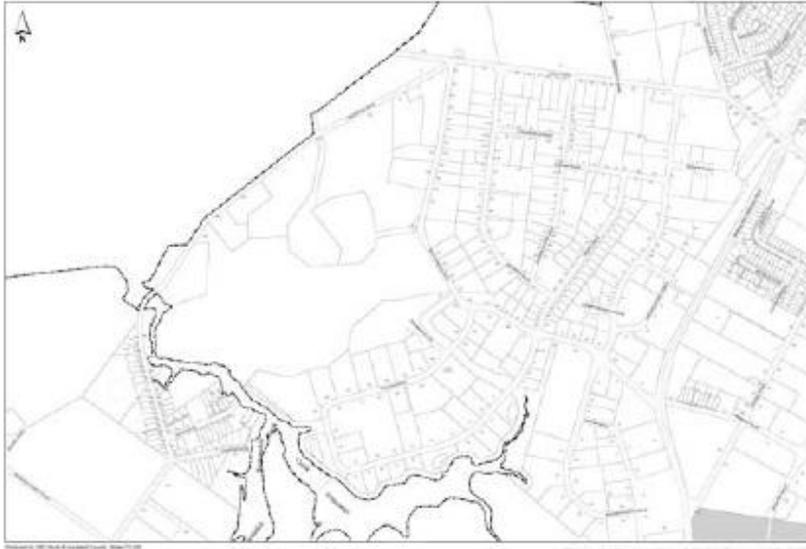


Figure 4 - Future Aircraft Noise Contours (FANC)
APPENDIX 1

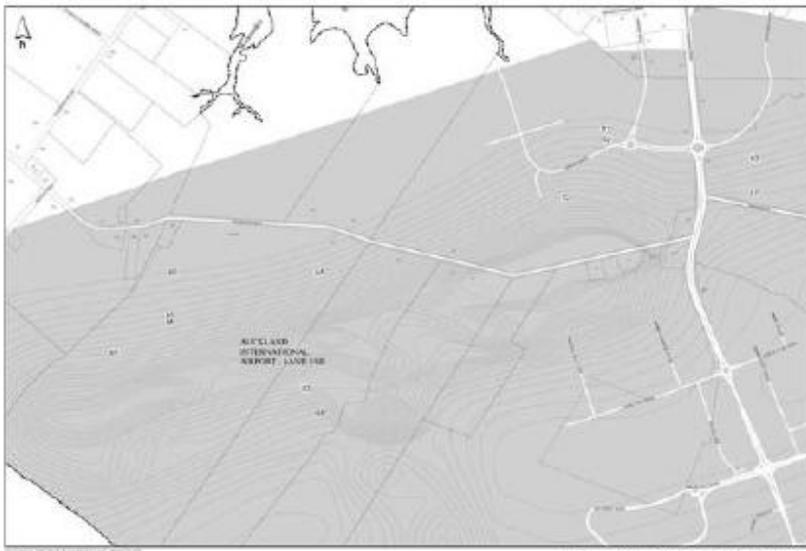


Figure 3 - Future Aircraft Noise Contours (FANC)
APPENDIX 1

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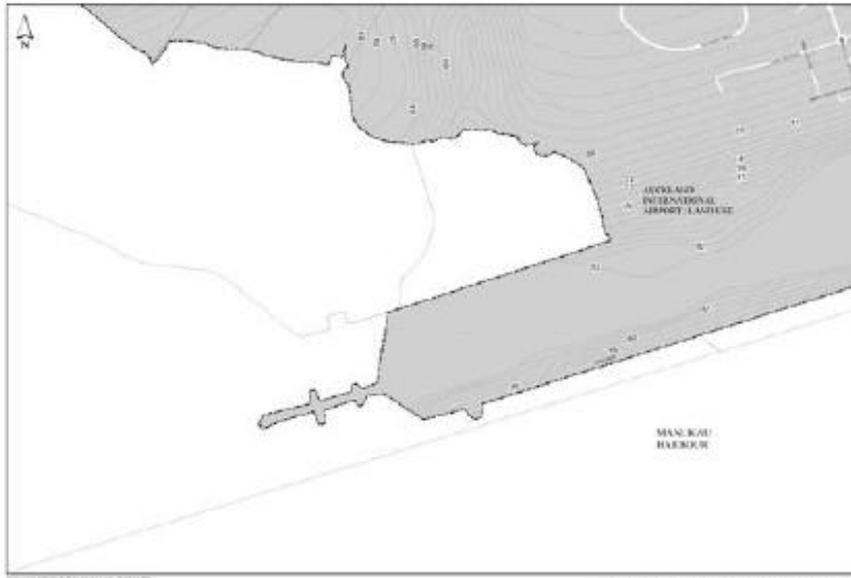


Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX 1

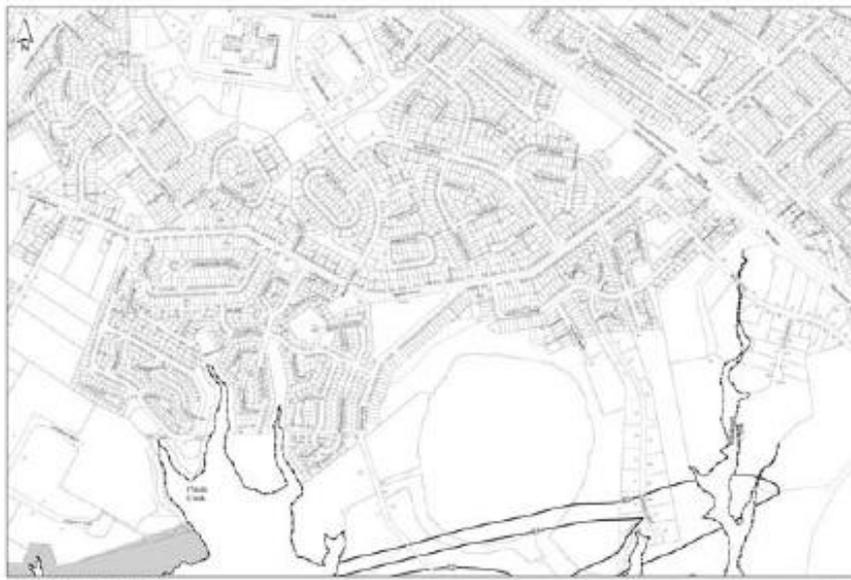


Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX 1

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



Figure 1 - Future Aircraft Noise Contours (FANCs)
APPENDIX 1

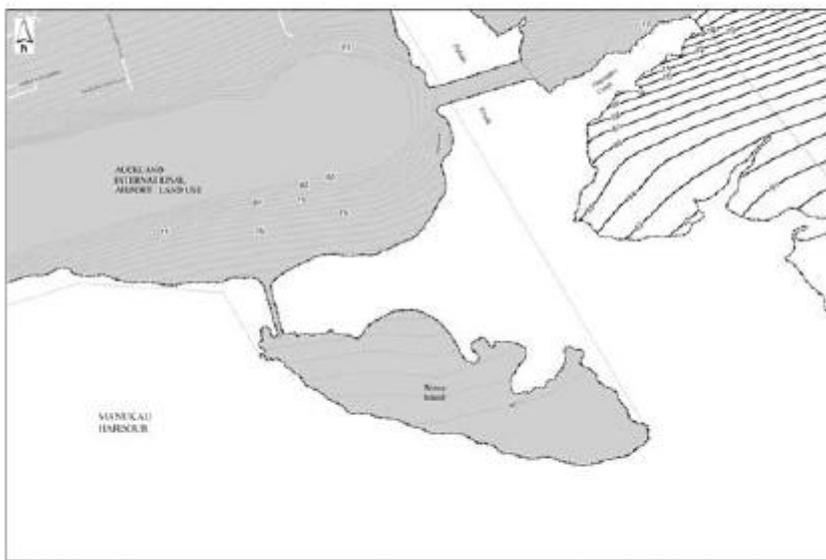


Figure 2 - Future Aircraft Noise Contours (FANCs)
APPENDIX 1

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

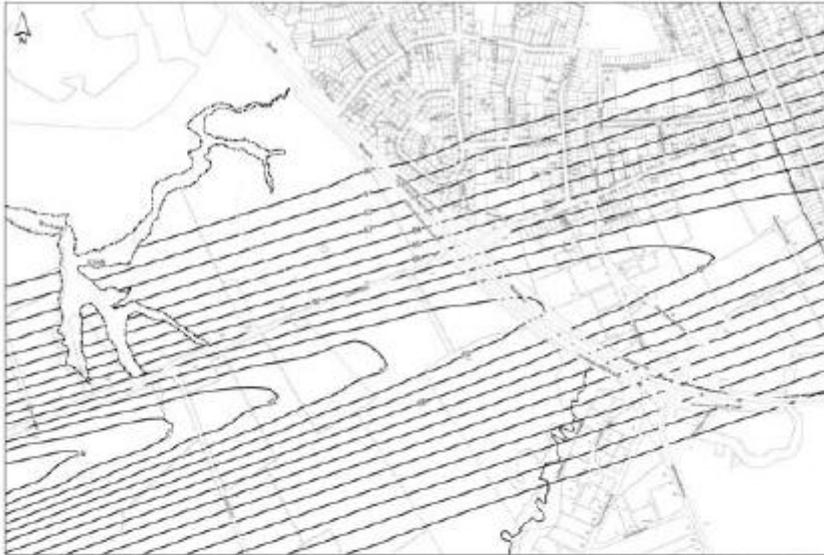


Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX I

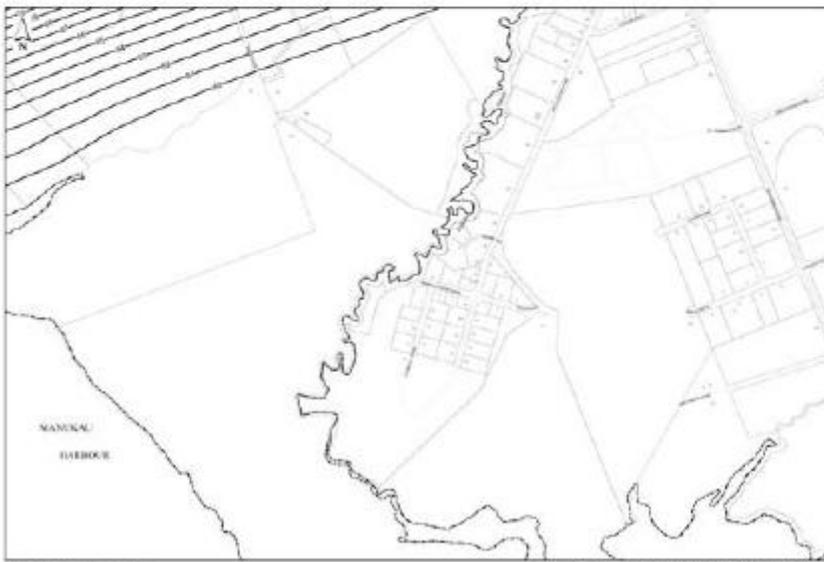


Figure 1 - Future Aircraft Noise Contours (FANCs)
APPENDIX I

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX I



Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX I

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.



Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX I



Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX I

Designation 1100 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

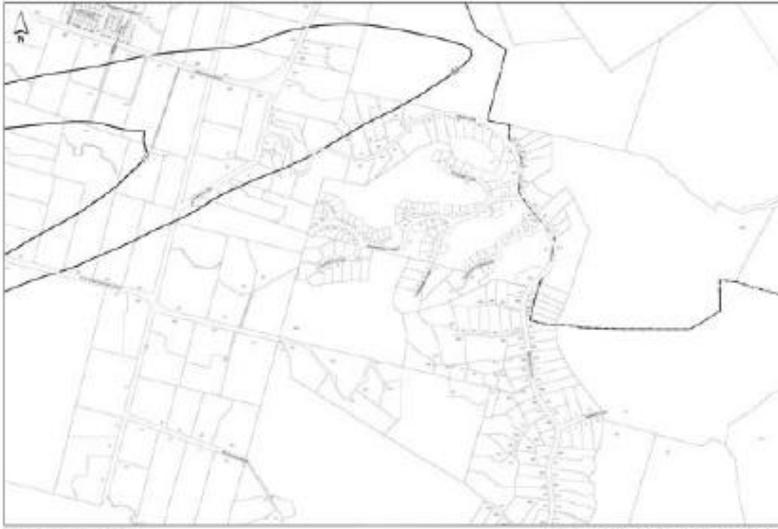
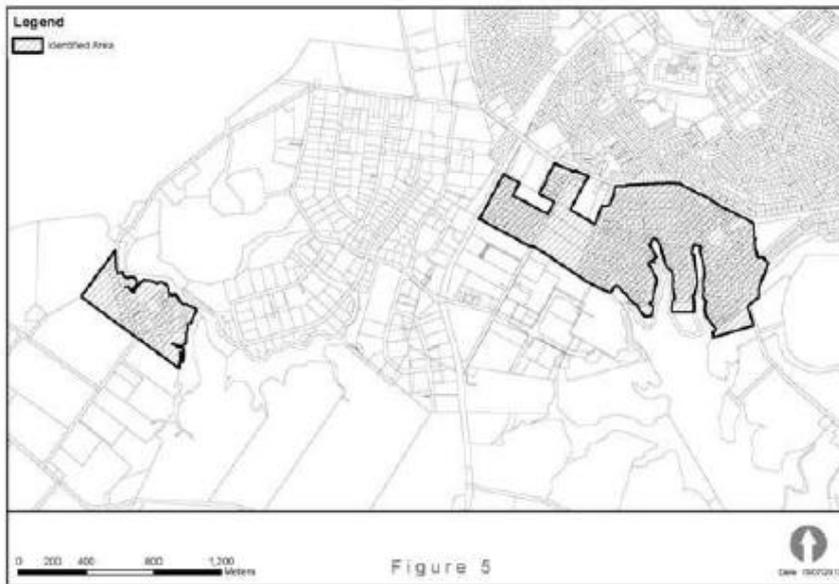


Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX 1

Figure 5 - Identified Area



1100 Auckland International Airport

Designation Number	1100
Requiring Authority	Auckland International Airport Limited
Location	George Bolt Memorial Drive, Mangere
Rollover Designation	Yes
Legacy Reference	Designation 231, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

The land to which this designation applies ("**the designated area**") may be used for activities for the operation of Auckland International Airport ("**the Airport**") subject to the conditions set out below, including but not limited to:

- aircraft operations,
- runways,
- taxiways and other aircraft movement areas,
- aprons,
- terminals,
- rescue facilities,
- navigation and safety aids,
- maintenance and servicing facilities including the testing of aircraft engines (in situ or otherwise),
- catering facilities,
- freight facilities,
- quarantine and incineration facilities,
- fuelling facilities including Joint User Hydrant Installations,
- stormwater facilities,
- roads,
- monitoring activities,
- site investigation activities,
- vehicle parking and storage,
- rental vehicle activities,
- vehicle valet activities,
- public transport facilities,
- landscaping,
- flags,
- signs,
- the relocation of heritage buildings from elsewhere within this Designation and the subsequent restoration and use of those buildings for purposes compatible with their heritage values;
- offices associated with any of the foregoing activities; and

- all related construction and earthwork activities.

Conditions

1. For the purposes of this designation, unless the context otherwise requires:

"Activity Sensitive to Aircraft Noise" or **"ASAN"** means any dwellings, boarding houses, tertiary education facilities, marae, integrated residential development, papakainga, retirement village, supported residential care, educational facilities, care centres, hospitals and healthcare facilities with an overnight stay facility.

"Aircraft Operations" means:

- the landing and take-off of any aircraft at the Airport;
- the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the Airport to another;
- aircraft flying along any Flight Path (refer definition below).

"Aircraft Noise Notification Area" or **"ANNA"** is an area that is outside the HANA and MANA and that will have future noise levels between 55 dB L_{dn} and 60 dB L_{dn} ; and is shown in green on Figure 3 (Aircraft Noise Areas) of this designation.

"Aircraft Noise Community Consultative Group" or **"ANCCG"** is that group referred to in Condition 9(a).

"Airport" means Auckland International Airport.

"Air Shows" for the purpose of Condition 8 means a sequence of unscheduled Aircraft Operations of a maximum of three days duration, occurring at a frequency not exceeding one per year, which is organised to provide a spectacle for members of the public.

"Annual Aircraft Noise Contour" or **"AANC"** means an L_{dn} contour published by AIAL annually as a prediction of noise from Aircraft Operations for the following 12 months (excluding noise excepted from the limit in Conditions 5 and 6, by virtue of Condition 8 of this designation). The prediction is based on monitoring undertaken in accordance with Condition 5(d).

"Auckland International Airport Limited" or **"AIAL"** is the requiring authority under this designation.

"Council" means the Auckland Council or any committee, sub-committee, or person to whom the relevant powers, duties and discretions of the Council have been delegated lawfully.

"Designated area" is the area shown as designated area on Figure 1 of this designation.

"Existing Building" means any building:

- that existed at 10 December 2001 and was being used for an ASAN at that time; or
- for which a resource consent for an ASAN was granted by 10 December 2001; or
- which was shown on an outline plan that was lodged with the Council under section 176A of the Resource Management Act 1991 ("RMA") and was beyond challenge as at 10 December 2001.

"Flight Path" means the actual path of an aircraft in flight, following take-off from or prior to landing at the Airport, for so long as that aircraft is within the area of the Control Zone shown in Figure 2 of this designation.

"Future Aircraft Noise Contour" or "FANC" means each of the long term predicted noise contours shown on Figure 4 (Future Aircraft Noise Contours) of this designation.

"High Aircraft Noise Area" or "HANA" is the area outside the designated area that will have future noise levels greater than 65 dB L_{dn} and is shown in purple on Figure 3 (Aircraft Noise Areas) of this designation.

"INM" means United States of America Federal Aviation Authority Integrated Noise Model.

" L_{dn} Contour" means a line connecting points of equal day/night sound level (dB L_{dn}).

"Moderate Aircraft Noise Area" or "MANA" comprises two areas (one being around the HANA) that will have future noise levels between 60 dB L_{dn} and 65 dB L_{dn} . The two areas are shown in orange on Figure 3 (Aircraft Noise Areas) of this designation.

"Noise Management Plan" or "NMP" means the noise management plan described in Condition 9.

"Noise Minimisation Procedures" includes:

- procedures and measures adopted to ensure compliance with noise limits for:
 - Aircraft Operations in Condition 5; and
 - Engine Testing on Aircraft in Condition 13;
- Civil Aviation Authority ("CAA") noise rules applicable to the Airport from time to time;
- voluntary or self imposed procedures or measures for the reduction of aircraft noise.

"Non-Jet Aircraft" means any aircraft that is not a turbo-jet or a turbo-fan powered aircraft. For the avoidance of doubt turbo-prop aircraft are non-jet aircraft.

"Operational Length" is the length of Runway available and suitable for the ground run of an aircraft taking off, in accordance with the Civil Aviation Advisory Circular 139-6 Revision 4 dated 4 July 2011 called the "Take-Off Run Available" or "TORA".

"Principal Living Room" means the room which the owner identifies as the principal living room.

"Runway" means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft.

"Working Days" are those days defined by the RMA.

Runway System

2. The following limitations in this Condition apply to all runways:
 - a. Subject to clause (c) of this Condition, the number of runways shall not exceed two.
 - b. In addition to the existing runway ("Existing Runway"), a second runway ("Northern Runway") may be developed within the area marked "Northern Runway" shown on Figure 1 of this designation.
 - c. Nothing in this Condition shall preclude the use of the taxiway of the Existing Runway for the take-off and landing of aircraft (i.e. as a runway) in substitution for the Existing Runway:
 - where the Existing Runway is under repair; or
 - in an emergency.

Note:

Use of the taxiway as a runway will be subject to approval under the Civil Aviation Act 1990.

3.
 - a. The provisions in this Condition apply to the Northern Runway:
 - the Operational Length of the runway shall not exceed 2150 metres;
 - the runway shall be entirely located to the west of the alignment of George Bolt Memorial Drive (taking that alignment as it existed at 1 June 2000);
 - b. The provisions of section 176A of the RMA shall apply to the construction, reconstruction, extension or replacement of the Northern Runway.
4. Non-Jet Aircraft using the Northern Runway between the hours of 11.00pm and 6.00am, and jet aircraft using the Northern Runway between the hours of 10.00pm and 6.00am, shall not depart to or arrive from the east except in cases of:
 - a. aircraft landing or taking off in an emergency:
 - b. emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency:
 - c. the operation of unscheduled flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 2002:
 - d. Aircraft Operations resulting from an emergency which necessitates the closure of the Existing Runway:
 - e. Aircraft Operations resulting from the temporary closure of the Existing Runway for essential maintenance which necessitates the unrestricted use of the Northern Runway.

Explanatory Note for Condition 4— Northern Runway:

Night-Time Restriction

- i. Throughout the life of this Unitary Plan it is AIAL's clear intention to maximise the use of the Existing Runway at night and as a result, during the lifetime of this Unitary Plan, Non-Jet Aircraft using the Northern Runway between the hours of 11.00pm and 6.00am, and jet aircraft using the Northern Runway between the hours of 10.00pm and 6.00am, are not permitted to depart to or arrive from the east except within the limited exceptions provided for in this Condition.
- ii. For the avoidance of doubt, the need or otherwise for a similar night time restriction on use of the Northern Runway in any subsequent district or unitary plan will be assessed at the relevant time, and the presence of this Condition on this designation is not intended as an indication that such a condition will or will not be appropriate in any future designation for the Airport.

Noise from Aircraft Operations

5. Subject to Conditions 6 and 7 below, noise from Aircraft Operations shall not exceed a noise limit of:
 - a. A Day/Night Level of 65 dB L_{dn} anywhere outside the HANA. For the purpose of this control, aircraft noise shall be measured in accordance with NZS 6805:1992 and calculated as a 12 month rolling logarithmic average; and

- b. A Day/Night Level of 60 dB L_{dn} anywhere outside the HANA and the MANA. For the purpose of this control, aircraft noise shall be calculated as a 12 month rolling logarithmic average using the INM and records of actual Aircraft Operations.
- c. Clauses (a) and (b) of this Condition do not apply within the designated area or within the Coastal Marine Area.
- d. In addition, AIAL shall:
 - i. monitor noise from Aircraft Operations at a minimum of three locations associated with the Existing Runway which are as near as practicable to the boundary of the HANA to obtain an accurate reading so as to demonstrate compliance with (a) above;
 - ii. monitor noise from Aircraft Operations at a minimum of two locations associated with the Northern Runway so as to demonstrate compliance with (b) above. The required monitoring may be undertaken at points in the MANA and then by calculating the corresponding noise level at the MANA boundary;
 - iii. use the INM and noise monitoring data to calculate whether noise from Aircraft Operations complies with (b) above;
 - iv. calculate noise levels at every other location necessary to ensure compliance with this Condition and with Condition 10;

and shall provide a detailed written report to the Council every 12 months describing and interpreting the results of the monitoring and describing and explaining the calculations and findings.

Interim Noise Control on Northern Runway

6.

- a. For the first five years following the commencement of aircraft operations on the Northern Runway, noise from Aircraft operations associated with the Northern Runway shall not exceed 55 dB L_{dn} at the intersection of the Northern Runway centreline and State Highway 20. For the purpose of this control, compliance may be assessed by measuring aircraft noise at an alternative location (closer to the Airport) and calculating the corresponding noise level at the intersection of the Northern Runway centreline and State Highway 20. In addition, for the purpose of this control, aircraft noise shall be measured in accordance with NZS 6805:1992 and calculated as a 12 month rolling logarithmic average. The measurements and calculations for any such assessment shall be produced by AIAL if requested by the ANCCG and, if required by the ANCCG, shall be subject to independent review and verification.
- b. Clause (a) of this Condition shall not apply from the date of receipt by the Council of a certificate from a suitably qualified independent person proposed by AIAL and approved by the Council, certifying that, either of the following circumstances apply:
 - i. There is a need to establish new operations, or relocate existing operations, because there are insufficient apron areas or taxiway capacity alongside the Existing Runway, or a new or existing operation requires facilities or services not available at the Existing Runway but which are or can be provided at the Northern Runway.

- ii. Rehabilitation works on the Existing Runway require use of the Northern Runway to a level which would exceed the 55 dB L_{dn} at SH 20 control location to maintain current and projected demand.
 - c. The suitably qualified independent person referred to in Condition 6(a) above shall include, when supplying any certificate to the Council, a report which contains:
 - A summary of the information provided to the suitably qualified independent person by AIAL; and
 - The suitably qualified independent person's reasons for supplying the certificate.
 - d. The costs of the suitably qualified independent person shall be met by AIAL.
7. Exceedance by up to 1 dB L_{dn} of the noise limits in Conditions 5 and 6 is permitted, provided AIAL demonstrates at the request of, and to the satisfaction of, the Council that any such exceedance is due to atypical weather patterns (including wind speed and direction) during the measurement period, such as produced by the El Nino/La Nina climatic oscillation.
8. Aircraft operations described in clauses (a) to (g) of this Condition, below, are excluded from the calculation of the rolling logarithmic average in Conditions 5, 6 and 7 above:
- a. Aircraft landing or taking off in an emergency;
 - b. Emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency;
 - c. The operation of unscheduled flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 2002;
 - d. Aircraft Operations resulting from an emergency which necessitates the closure of the Existing Runway;
 - e. Aircraft Operations resulting from the temporary closure of the Existing Runway for essential maintenance which necessitates the unrestricted use of the Northern Runway;
 - f. Aircraft using the Airport as a planned alternative to landing at a scheduled airport elsewhere;
 - g. Air shows.

Noise Management Plan
Consultative Group

- 9.
- a. AIAL shall maintain at its cost, the existing Aircraft Noise Community Consultative Group ("ANCCG") within the Terms of Reference which are contained in Attachment A (Aircraft Noise Community Consultative Group Terms of Reference) of this designation, or such other terms or amended terms of reference that are approved by the Council pursuant to Part 8 of the RMA.

Noise Management Plan

- b. Without in any way limiting its obligations to fully comply with the conditions attaching to this designation, AIAL has completed and will maintain and where

necessary update a Noise Management Plan ("NMP") which describes in detail how AIAL proposes to manage the Airport in order to comply with those conditions. The NMP describes, in detail, the following matters:

- i. procedures for the ongoing maintenance and operation of the ANCCG;
- ii. the mechanisms for giving effect to a Noise Monitoring Programme to assess compliance with Conditions 5, 6 and 13. In particular, the following issues shall be addressed:
 - Location of any noise monitors;
 - Monitoring, recording and calculation of engine testing noise levels under Condition 13;
 - Management of the programme by a suitably qualified person; and
 - Presentation of information.
- iii. The relationship between the Trust which is to be established under Condition 11 and the ANCCG, including reporting procedures.
- iv. The ongoing investigations, methods, processes and resources that AIAL has put in place to provide for:
 - The reduction of noise levels from all aspects of Aircraft Operations and engine testing; and
 - Alternative methods of noise management to achieve the reduction of these noise levels.
- v. The Noise Minimisation Procedures.
- vi. The procedures for modifying and enhancing the Noise Minimisation Procedures to take into account:
 - Any findings made pursuant to any investigation undertaken in accord with (iv) above;
 - The need to ensure compliance with all of the requirements of this designation.
- vii. The procedures for reporting to the ANCCG any Aircraft Operations and engine testing activities which:
 - Contravene a condition of this designation;
 - Are at variance with AIAL's intentions recorded in the Explanatory Note to Condition 4 relating to the use of the Northern Runway.
- viii. The procedure for the annual preparation and publication of the 60 dB L_{dn} AANC and the 65 dB L_{dn} AANC by AIAL, as required by Condition 10B;
- ix. The procedure for the recording, responding and reporting of complaints received in respect of noise from Aircraft Operations, engine testing activities and any other activities generating noise at the Airport; and
- x. The dispute resolution procedures, to resolve disputes between AIAL and ANCCG about the contents and implementation of the NMP.

Specific Matters in NMP Subject to Council Approval

- c. The dispute resolution procedures referred to in Condition 9(b)(x) shall be to the Council's satisfaction and any subsequent alteration to these procedures shall be subject to the Council's written approval.

Changes to NMP

- d. If AIAL makes any changes to the procedures or other matters recorded in the NMP, it shall forthwith forward an amended copy of the NMP to the Council and the ANCCG.

Reporting of Exceptions

- 9A. AIAL shall maintain a register (electronic and hard copy) which is available for public inspection of all exceptions to the Noise Minimisation Procedures. The register shall list:
 - The date and time of the exception:

- An explanation for the exception:
- Any actions undertaken to prevent a recurrence of the exception.

For the avoidance of doubt an exception includes:

- A breach of noise limits in Conditions 5, 6 and 13:
- A breach of the CAA noise rules applicable to the Airport which has been the subject of an investigation by AIAL into a related complaint:
- Any lapse in AIAL's voluntary or self-imposed procedures for the reduction of aircraft noise.

Noise Mitigation Programme

10. The development or use of any runway is subject to compliance with clauses (a) to (r) of this Condition (called in this designation, the "Noise Mitigation Programme"):

- a. For the purpose of determining compliance with clauses (b) to (r) of this condition, AIAL has supplied to the Council:
 - i. A list identifying all sites wholly or partly within the HANA and the MANA ("affected sites");
 - ii. A list of the legal descriptions and street addresses of all the affected sites; and
 - iii. Details of any Existing Building located on the affected sites.

Proviso:

Where a site lies within a mixture of HANA and MANA, or is partly located within one of those noise areas, then for the purposes of clauses (b) to (r) of this Condition:

- If any Existing Building is located wholly or partly within the HANA, that Existing Building shall be deemed to be in the HANA;
- If any Existing Building is located wholly outside the HANA, but wholly or partly within the MANA, that Existing Building shall be deemed to be in the MANA.

Further proviso:

For the avoidance of doubt, nothing in clauses (b) to (r) of this Condition shall be treated as requiring AIAL to fund acoustic treatment and ventilation measures in Existing Buildings that are located wholly outside the HANA and the MANA.

Existing Buildings Located within the HANA Being Subject to 65 dB L_{dn}

- b. Before any part of an affected site falls within the 65 dB L_{dn} AANC, AIAL shall, in respect of any Existing Building in the HANA on that site (other than any building used as educational facilities or as a registered pre-school) make an offer to the owner(s) to install, at AIAL's sole cost (and if the offer is accepted, install), acoustic treatment and related ventilation measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in the existing habitable rooms of the building(s) (with all external doors of the building and all windows of the habitable rooms closed), of 45 dB L_{dn}, together with related ventilation requirements. These measures shall include but not be limited to:
 - A mechanical ventilation system or mechanical ventilation systems capable of:
 - Providing at least 15 air changes of outdoor air per hour in the principal living room of each building and 5 air changes of outdoor air per hour in the other habitable rooms of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non habitable rooms that need to be ajar to provide air relief paths;
 - Enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable rooms;
 - Limiting internal air pressure to not more than 30 pascals above the ambient air pressure;
 - Being individually switched on and off by the building occupants, in the case of each system; and

- Creating no more than 40 dBL_{Aeq} in the principal living room, no more than 30 dBL_{Aeq} in the other habitable rooms, and no more than 40 dBL_{Aeq} in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and
- A mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

The above mentioned offer shall be made on the following basis:

- i. any structural or other changes required under the Building Act 2004 ("Building Act") or otherwise to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; and
- ii. the owner(s) accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition.

Proviso:

If requested by the owner, AIAL may, at its discretion, install or contribute to the cost of the installation of alternative ventilation measures to those described in clauses (b) and (c) of this Condition, subject to the owner being granted any necessary building or resource consents, the Council waiving AIAL's obligations in respect of the required ventilation measures in clauses (b) and (c) of this Condition, and the provisions of clauses (b), (c), and (n) to (r) applying with the necessary modifications.

- c. At the same time, AIAL shall offer to install, (and if the offer is accepted, install), enhancements in addition to the above acoustic treatment and related ventilation measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in the existing habitable rooms of the building(s) (with all external doors of the building and all windows of the habitable rooms closed), of 40 dB L_{dn} together with related ventilation requirements. This offer shall be made on the following basis:
 - i. AIAL shall contribute 75% of the cost;
 - ii. The owner agreeing to contribute the balance of the cost; and
 - iii. The enhancements are to be installed at the same time as the acoustic treatment and related ventilation measures referred to in clause (b) of this Condition, above.
- d. Where an owner or previous owner has earlier accepted the offer set out in clause (e) of this Condition below, AIAL need only offer to install works or enhancements not already installed pursuant to clause (e) of this Condition.

Existing Buildings Located Within the HANA or the MANA Being Subject to 60 dB L_{dn}

- e. Before any part of an affected site falls within the 60 dB L_{dn}, AANC, AIAL shall, in respect of any Existing Building in the HANA or MANA on that site (other than any building used as educational facilities or as a registered pre-school) make an offer to the owner(s) to install (and if the offer is accepted, install):
 - i. A mechanical ventilation system or mechanical ventilation systems capable of:
 - Providing at least 15 air changes of outdoor air per hour in the principal living room of each building and 5 air changes of outdoor air per hour in the other habitable rooms of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable rooms that need to be ajar to provide air relief paths;
 - Enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable rooms;

- Limiting internal air pressure to not more than 30 pascals above the ambient air pressure;
 - Being individually switched on and off by the building occupants, in the case of each system; and
 - Creating no more than 40 dB L_{Aeq} in the principal living room, no more than 30 dB L_{Aeq} in the other habitable rooms, and no more than 40 dB L_{Aeq} in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- ii. Thermal grade (minimum R1.8) ceiling insulation to all habitable rooms where equivalent ceiling insulation is not already in place; and
 - iii. A mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

The abovementioned offer shall be made on the following basis:

- i. Any structural or other changes required under the Building Act or otherwise, to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part was constructed;
- ii. The owner(s) accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition;
- iii. AIAL shall contribute 75% of the cost of the above works; and
- iv. The owner agrees to contribute the balance of the cost.
- v. Clauses (iii) and (iv) shall not apply to Pukaki Marae. AIAL shall contribute 100% of the cost of the above works for Pukaki Marae.

Proviso:

If requested by the owner, AIAL may, at its discretion, install or contribute to the cost of the installation of alternative ventilation measures to those described in this clause, subject to the owner being granted any necessary building or resource consents, the Council waiving AIAL's obligations in respect of the required ventilation measures in this clause, and the provisions of this clause and clauses (n) to (r) applying with the necessary modifications.

Existing Registered Pre-schools Located Within the HANA Being Subject to 65 dB L_{dn}

- f. Before any part of an affected site falls within the 65 dB L_{dn} AANC, AIAL shall, in respect of any Existing Building in the HANA on that site used as a registered pre-school, make an offer to the owner(s) to install at AIAL's sole cost (and if the offer is accepted, install), in all learning areas:
 - i. Acoustic treatment measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in each learning area (with all external doors and windows of the learning area closed) of 40 dB L_{dn} ; and
 - Mechanical ventilation system or mechanical ventilation systems for each learning area:
Designed to achieve indoor air temperatures not less than 16 degrees celsius in winter at 5% ambient design conditions as published by the National Institute of Water & Atmospheric Research ("NIWA") (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000);
 - Capable of providing (when all external doors and windows of the learning area are closed) outdoor air ventilation at the rate of 15 litres of air per second per square metre for the first 50 square metres and 7.5 litres of air per second per square metre of remaining area;

- Capable of enabling the rate of air flow to be controlled across the range, from the maximum air flow capacity down to 8 litres of air per second per person for the maximum number of people able to be accommodated in the learning area at one time;
- Otherwise complying with the New Zealand Standard NZS 4303:1990 *Ventilation for Acceptable Indoor Air Quality*;
- Each ventilation system shall be capable of being individually switched on and off by the building occupants; and
- Capable of creating no more than 35 dB L_{Aeq} in each learning area, and no more than 40 dB L_{Aeq} in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.

The abovementioned offer shall be made on the following basis:

- i. any structural or other changes required under the Building Act or otherwise required to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; and
 - ii. the owner accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition.
- g. Where an owner or previous owner has earlier accepted the offer set out in clause (h) of this Condition below, AIAL need only offer the works not already installed pursuant to clause (h) of this Condition.

Existing Registered Pre-schools Located Within the HANA or the MANA being Subject to 60 dB L_{dn}

- h. Before any part of an affected site falls within the 60 dB L_{dn} AANC, AIAL shall in respect of any Existing Building in the HANA or the MANA on that site used as a registered pre-school, make an offer to the owner(s) to install (and if the offer is accepted, install) at AIAL's sole cost:
- i. A mechanical ventilation system or mechanical ventilation systems for each learning area:
 - Designed to achieve indoor air temperatures not less than 16 degrees Celsius in winter at 5% ambient design conditions as published by NIWA (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000);
 - Capable of providing (when all external doors and windows of the learning area are closed) outdoor air ventilation at the rate of 15 litres of air per second per square metre for the first 50 square metres and 7.5 litres of air per second per square metre of remaining area;
 - Capable of enabling the rate of air flow to be controlled across the range, from the maximum air flow capacity down to 8 litres of air per second per person for the maximum number of people able to be accommodated in the learning area at one time;
 - Otherwise complying with the New Zealand Standard NZS 4303:1990 *Ventilation for Acceptable Indoor Air Quality*;
 - Each ventilation system shall be capable of being individually switched on and off by the building occupants; and
 - Capable of creating no more than 35 dB L_{Aeq} in each learning area, and no more than 40 dB L_{Aeq} in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
 - Thermal grade (minimum R1.8) ceiling insulation in all learning areas where equivalent ceiling insulation is not already in place.

Proviso:

If the owner wishes to install a ventilation system at greater cost, (e.g. an air conditioning system), then AIAL shall contribute the equivalent cost of the ventilation system(s) prescribed in clause (h) of this Condition.

The abovementioned offer shall be made on the following basis:

- i. any structural or other changes required under the Building Act or otherwise required to enable the installation of the acoustic treatment and ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; and
- ii. the owner(s) accepting an obligation to enter into a covenant in the terms set out in clause (r) of this Condition.

Existing Educational Facilities Within the HANA or the MANA Being Subject to 60 dB

L_{dn}

i. Before any part of an affected site falls within the 60 dB L_{dn} AANC, AIAL shall, in respect of any Existing Building in the HANA or MANA on that site used as an educational facility or facilities, make an offer to the owner(s) to install (and if the offer is accepted, install) acoustic treatment and related ventilation measures to achieve, in the manner provided for in clauses (p) and (q) of this Condition, an internal acoustic environment in all existing classrooms, libraries and halls (with all external doors and windows of the classrooms, libraries and halls closed) of 40 dB L_{dn}, together with related ventilation requirements. These measures shall include but not be limited to:

- i. In the case of classrooms and libraries, air conditioning and/or a mechanical ventilation system or mechanical ventilation systems for each classroom and library, that are:
 - Designed to achieve indoor air temperatures not less than 16 degrees Celsius in winter and not greater than 27 degrees Celsius in summer at 5% ambient design conditions as published by NIWA (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000);
 - Capable of providing outdoor air ventilation at the rate of 8 litres of air per second per person for the maximum number of people able to be accommodated in any such room at one time ("**the required airflow**");
 - Capable of enabling, (in the case of classrooms or libraries in which only mechanical ventilation systems are used to satisfy the above temperature and outdoor air requirements), the outdoor airflow to be controlled across the range, from the maximum airflow capacity down to the required airflow when all external doors and windows of the classroom or library are closed;
 - Otherwise complying with the New Zealand Standard NZS 4303:1990 Ventilation for Acceptable Indoor Air; and
 - Capable of creating no more than 35 dB L_{Aeq} in each classroom, no more than 40 dB L_{Aeq} in each library, and no more than 40 dB L_{Aeq} in any hallway or corridor.
 - Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- ii. in the case of halls, a mechanical ventilation system or mechanical ventilation systems for each hall capable of:
 - Providing at least 12 litres of outdoor air per second per square metre with all external doors and windows of the hall closed;
 - Enabling the outdoor airflow to be controlled across the range, from the maximum airflow down to the rate of 8 litres of outdoor air per second per person for the maximum number of occupants able to be accommodated in the hall at one time;
 - Otherwise complying with the New Zealand Standard NZS 4303:1990 Ventilation for Acceptable Indoor Air Quality; and

- Creating no more than 35 dB L_{Aeq} in each hall, and no more than 40 dB L_{Aeq} in any hallway or corridor. Noise levels from the mechanical system(s) shall be measured at least 1 metre away from any diffuser.
- Thermal grade (minimum R1.8) ceiling insulation shall be provided in the case of school halls where equivalent ceiling insulation is not already in place.

The abovementioned offer shall be made on the basis that any structural or other changes required under the Building Act or otherwise to enable the installation of the acoustic treatment and related ventilation measures shall be at AIAL's cost, except that nothing in this clause shall require AIAL to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed.

- j. AIAL's obligations under clause (i) of this Condition for acoustic treatment and related ventilation measures shall be "capped" at the maximum costs set out in Attachment B of this designation. For the avoidance of doubt, the costs in Attachment B are expressed as the maximum costs for which AIAL shall be responsible, and, in addition, AIAL shall not be required to expend the maximum costs where the acoustic treatment and related ventilation measures can be installed by AIAL more cost effectively to achieve the internal acoustic environment and related ventilation standards specified in this Condition (Condition 10). Any new windows installed as part of the acoustic treatment and related ventilation measures shall be made able to be opened or shall be fixed at the discretion of the owner(s) of the educational facilities at the time the work is undertaken.

For existing educational facilities, the maximum figures referred to in Attachment B are exclusive of GST and are in year 2012 dollars and they will therefore be adjusted to compensate for inflation and increased annually from the date of the inclusion of this designation in the Unitary Plan by the percentage increase in the Consumer Price Index (All Groups) or any substitute national measure of inflation adopted in lieu of the Consumer Price Index (All Groups).

New Buildings at Existing Educational Facilities Within the MANA

- k. Where, in the case of educational facilities established within the MANA before 10 December 2001:
- A new classroom, library, or hall is to be established; or
 - An addition or alteration is to be made to any existing classroom, library or hall, and the new classroom, library or hall, or the addition or alteration, is not by definition, an Existing Building, then AIAL upon receiving advice of the proposed works, shall make an offer to the owner(s) of the relevant educational facilities to provide funding (and if the offer is accepted, provide funding) for acoustic treatment and related ventilation measures to achieve an internal acoustic environment (with all external doors and windows of the classrooms, libraries or halls closed) of 40 dB L_{dn} for all such new facilities along with ventilation to a standard consistent with clause (i) of this Condition, above, provided that this offer shall be conditional on:
 - The owner agreeing to contribute 25% of the costs of the acoustic treatment and ventilation measures;
 - Construction of the new or additional facilities otherwise complying with the relevant requirements of the Building Act and any relevant legislation, and further provided that AIAL's obligations under clause (k) of this Condition shall only extend, in the case of additional classrooms, libraries or halls, to those which the Regional Network Manager — Auckland of the Ministry of Education or successor of that office certifies are required as a result of roll growth caused by underlying increases in population in the catchment in the immediate vicinity of the educational facility.
- l. The offer referred to in clause (k) of this Condition may be made on the basis that if the new or additional facilities are removed from the affected site before the 60 dB L_{dn} AANC reaches

the affected site, any cost incurred by AIAL in respect of that building shall be returned to AIAL.

New Public Schools or Pre-schools Within the MANA

- m. AIAL shall offer the owner(s) of any new public (i.e. non-private or integrated) school or preschool to be established on affected sites located within the MANA, funding (and if the offer is accepted, provide funding) for acoustic treatment and related ventilation measures to meet the requirements in, and to a standard consistent with, clause (k) of this Condition, above, provided that this offer shall be conditional on:
- The owner agreeing to contribute 50% of the costs of the acoustic treatment and ventilation measures;
 - The Regional Network Manager — Auckland of the Ministry of Education or successor of that office certifying, following consultation on the issue of location with AIAL, that the proposed new school or preschool could not reasonably be located outside the MANA, such consultation having been undertaken as soon as reasonably practicable before selecting a potential new school or pre-school site.

Building Act 2004

- n. All work undertaken pursuant to the terms of this Condition (Condition 10) shall be in accordance with the Building Act and any other relevant legislation.
- o. Nothing in this Condition (Condition 10) shall require AIAL to fund any measures required to bring a building up to the standard of the building regulations that applied when the building was constructed or the relevant part thereof was last modified.

Certified Standard Packages and Individual Packages

- p. Where this Condition (Condition 10) requires AIAL to offer to provide acoustic treatment and ventilation measures, AIAL:
- i. Has developed standard acoustic and ventilation treatment packages for as many types of building for each FANC, shown on Figure 4 (Future Aircraft Noise Contours) of this designation, as is practicable ("standard packages"). These standard packages may be updated or further developed at any time. Each standard package shall be:
- Sufficient to achieve the internal acoustic environment and ventilation requirements specified in this Condition (Condition 10) for the type of building within the FANC for which the package has been developed;
 - Certified to that effect by a suitably qualified independent person (or persons) nominated by AIAL and approved by the Council ("an approved person") ("certified standard package"); and
 - Developed in consultation with the Building Research Association of New Zealand.

For the avoidance of doubt the standard packages are intended to mitigate against aircraft noise, not against other sources which may have different characteristics and hence require different attenuation in respect to the treatment measures on offer;

- ii. Shall offer to install (and if the offer is accepted, install) the relevant certified standard package, which has been certified by an approved person as being suitable to fulfil the requirements of this Condition (Condition 10) for the building and FANC within which the building is located; and in all other cases, shall offer a package certified by an approved person as suitable, at the time of the offer, to achieve the internal acoustic environment and ventilation requirements specified in this Condition (Condition 10) for the FANC within which the building is located ("certified individual package") and if that offer is accepted, shall install the certified individual package.
- q. Where AIAL installs any acoustic treatment and or ventilation or air conditioning measures, AIAL:

- i. Shall provide the Council with a certificate from a suitably qualified independent person (or persons) nominated by AIAL and approved by the Council, that the installation of any relevant certified standard package, or relevant certified individual package, has been properly undertaken in accordance with sound practice; and
- ii. Shall not be in breach of this condition where the internal noise standards and related ventilation requirements are not met in each instance provided the relevant certificate required in sub-clause (q)(i) of this Condition, above, has been provided to the Council.

Covenants

- r. AIAL shall not be obliged to undertake any work pursuant to clauses (b) to (h) of this Condition (Condition 10) unless the owner of the particular affected site agrees to enter into a covenant with AIAL (which shall be registered on the site's title) in the terms set out in Attachment C of this designation with such necessary changes, approved by the Council. The cost of preparation and registration of the covenant on the site's title shall be met by AIAL. AIAL shall meet the reasonable legal costs incurred by the owner for the perusal and approval of the covenant.

Monitoring of Noise Mitigation Programme

- 10A. AIAL is to monitor the implementation of the Noise Mitigation Programme as set out in Condition 10 and provide a written report setting out its findings in detail to the Council on an ongoing basis at six monthly intervals each year.

Preparation and Publication of the AANC's

- 10B. AIAL shall:
 - a. Prepare annually the 60 dB L_{dn} AANC and 65 dB L_{dn} AANC.
 - b. Publish a public notice in:
 - i. One or more daily newspapers circulating in the areas contained in the HANA, MANA and ANNA; or
 - ii. One or more other newspapers that have at least an equivalent circulation, advising the public that:
 - The AANCs have been prepared for the following twelve months;
 - Explaining what the AANCs are and who is potentially affected; and
 - That the AANCs are available for public inspection at such Council offices as determined by a designated Council officer approved by the Chief Executive of the Council.

Temporary Noise Mitigation Programme

10C.

- a. This condition shall only apply:
 - i. until this designation is altered to reflect the extent of AIAL's aircraft noise contours in the Unitary Plan D24 Aircraft Noise Overlay, after which it will no longer apply; and
 - ii. to landowners within the areas shown on the Auckland International Airport Transitional Mitigation Plans set out in Attachment D; and
 - iii. to landowners who are required to comply with the acoustic insulation and ventilation standards set out in D24.6.3 of the D24 Aircraft Noise Overlay when establishing a new ASAN or undertaking additions or alterations to an existing ASAN within those areas, and who have acquired building consent.
- b. If the requirements set out in subsection (a) are met, AIAL shall meet the relevant part of the cost of installing acoustic treatment in buildings where this is required by D24.6.3 of the Unitary Plan on the same basis as set out in condition 10 as if the building in question was an "existing building", or the addition or alteration was part of an "existing building", on an

"affected site", with all other modifications required to condition 10 to allow it to be applied in this context.

Provisos:

- Condition 10C is only required during the transitional period between the Unitary Plan being made operative and this designation being altered to reflect the extent of AIAL's aircraft noise contours in the Unitary Plan Aircraft Noise Overlay. At this time, this Condition will be deleted from this designation.
- When Condition 10C applies to additions or alterations, the costs are to be met or partially met only in relation to the additions or alteration itself not the whole building.

Aircraft Noise Mitigation Fund

11. AIAL shall (at its cost and to the Council's satisfaction) maintain a Trust with two Trustees appointed by AIAL, two Trustees appointed from the community by the Council, and one Trustee appointed by the ANCCG.
12. AIAL shall contribute \$325,000 (in 2012 New Zealand dollar terms) per annum plus GST if any (adjusted thereafter to compensate for inflation and increased annually from December 2012 by the percentage increase in the Consumer Price Index (All Groups) as provided for in Condition 12A, below), to a Noise Mitigation Fund, to be administered by the Trustees for the benefit of the local community affected by aircraft noise and located or residing within the HANA, MANA and ANNA, for the purpose of:
 - a. The mitigation of adverse effects associated with noise from Aircraft Operations which are not provided for under Condition 10 ("other adverse effects"); or
 - b. Ensuring positive effects on the external environment to offset those other adverse effects; or
 - c. In cases of significant financial hardship, assisting an owner or owners to meet their share of the costs of acoustic treatment measures or enhancements as set out in Conditions 10(c)(ii) and 10(e)(iv).
- 12A. On each anniversary of the Trust, AIAL will make a payment to the Trust of an amount sufficient to compensate for inflation over the immediately preceding annual period calculated in accordance with the following formula:
 $\$325,000 \times A\%$, where A is the percentage increase in the Consumer Price Index (All Groups) (or any substitute national measure of inflation) for that 12 month period.

Explanatory Note, Aircraft Noise Mitigation Fund:

While there are various physical measures proposed by way of acoustic insulation and ventilation of buildings containing Activities Sensitive to Aircraft Noise, the Aircraft Noise Mitigation Fund is designed to ensure that adverse effects of aircraft noise on the external environment which cannot be mitigated by physical means can at least be partially offset by providing positive effects in the form of enhanced cultural, recreational and other opportunities and facilities to affected residents. Those opportunities and facilities may be provided outside the affected area but should be readily available to affected residents.

Engine Testing on Aircraft

13.
 - a. Any use of the designated area for the testing of engines which are in situ on an aircraft ("in situ aircraft engines") shall not exceed the following noise limits within the Identified Area shown on Figure 5 attached to this designation:

7 day rolling average	55 dB L _{dn}
10pm to 7am	75 dB L _{Amax}

For the purpose of this control, testing of in situ aircraft engines shall be measured in accordance with NZS 6801:2008 Acoustics- Measurement of Environmental Sound.

- b. AIAL shall monitor and record all testing of in situ aircraft engines and provide a summary report of the tests undertaken and the calculated noise levels whenever requested in writing by the ANCCG.
- c. The testing of in situ aircraft engines is excluded from the calculation of the 7 day rolling average in clause (a) above where such testing is associated with work necessary to satisfy an airworthiness directive or other like safety requirement issued by the Minister of Transport, the Director of Civil Aviation or the Civil Aviation Authority, which requires within 7 days of the directive or requirement being issued, the ground running of the engines on:
- i. All aircraft with a specific engine type; or
 - ii. aircraft of a specific make or model.

Prior to any testing excluded by this clause commencing, AIAL shall give written notice to the ANCCG and the Council explaining:

- The nature of and the reason for the testing;
- Its expected duration and noise effects; and
- Details of the directive or requirement received.

Other Noise

- 13A. Any use of the land for any purpose other than:
- a. Aircraft Operations (Conditions 5 and 6);
 - b. testing of in situ aircraft engines (Condition 13); and
 - c. the use of audible bird scaring devices for the discouragement of birds;
- shall not exceed the following noise limits within the Identified Area shown on Figure 5 attached to this designation:

Average Maximum Levels			Maximum
DB L _{Aeq}			DB L _{Amax}
Monday to Saturday 7am-6pm (0700-1800)	Monday to Saturday 6pm-10pm (1800-2200) AND Sunday & Public Holidays, 7am-10pm (0700-2200)	At all other times	10pm-7am (2200-0700)
55	50	45	70

For the purpose of this control, Other Noise shall be measured in accordance with NZS 6801:2008 Acoustics- Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics — Environmental Noise.

Coastal Protection Yard

14. A coastal protection yard having a minimum depth of 20 metres shall be maintained where any part of the designated area abuts the Mean High Water Spring Tide Mark. No structure shall be erected in the coastal protection yard except essential Airport operational facilities (for example, security fences, navigational aids, rescue facilities and stormwater facilities) which require a location in the area of the coastal protection yard. Prior to any land modification works within the coastal protection yard, the requiring authority shall submit an outline plan to the Council for approval.
15. Subject to any waiver of this Condition, or any part of this Condition, prior to any land modification or development on any land within 200 metres of the northern boundary of the designated area east of Pukaki Creek ("northern boundary"), the requiring authority shall submit an outline plan to the Council for approval which, without limiting the requirements of Section 176A of the RMA, shall show:
- a. Provision for the landscaping in native vegetation of a five metre wide strip along the northern boundary and a limitation on building height in relation to the northern

boundary so that no part of any building shall project beyond a building envelope contained by a 55 degree recession plane from points 2.5 metres above the northern boundary (i.e. maximum height = 2.5 metres plus 1.428 x distance from boundary).

- b. Details of any land modification within:
 - i. 200 metres of the northern boundary which involves more than 500m³ of earthworks; or
 - ii. 30 metres of the northern boundary which involves more than 200m³.
- c. The timetable for completion of the abovementioned landscaping, earthworks and remedial work.
- d. The height, shape and bulk of any proposed structures.

16. For the purpose of conditions 14 and 15(b) details shall be given of the following:

Alteration to Natural Landscape

- a. Whether any earthcut or fill will remove existing vegetation, alter the existing topography of the site, or affect existing natural features including landforms, and the impacts on the area's amenity values.

Alteration to cultural heritage sites or cultural landscape

- aa. Whether any earthcut, fill, structures or buildings will adversely affect values associated with cultural heritage sites or identified cultural landscapes.

Site Stability and Erosion

- b. Whether the effects from natural hazards will be avoided, remedied or mitigated, and the extent to which earthworks affect the stability and erosion potential of the site and surrounding site.

Topography in Relation to Adjacent Land

- c. Whether the site contours and final contours coordinate with the final levels of adjoining land.

Flooding

- d. Whether the earthworks and final levels will adversely affect overland flowpaths or increase the potential for flooding within the site or surrounding area.

Utility Services

- e. Whether the earthworks and final levels will adversely affect existing utility services.

Public Access to the Coastal Marine Area and Fossil Forest

- 17. AIAL shall provide road access for the public to the coastal marine area, through the designated area, to a point near the fossil forest (located in the coastal banks of Lot 2 DP 62092 and Allotment 164 Manurewa Parish) and shall provide pedestrian access from the end of that road down to Mean High Water Springs, so as to provide public access to the coastal marine area and the fossil forest.

Public Consultation

17A.

- a. Construction of the Northern Runway to its maximum length, shall not take place until AIAL has completed a process of public notification and consultation. The process of public notification and consultation shall include the following:
 - i. Written notice to the ANCCG (or its successor from time to time); and
 - ii. A public notice published in a daily newspaper circulating in the Auckland Council area, and in each of the local newspapers circulating in those parts of the

Auckland Council area subject to the ANNA, MANA and HANA. Such notice to be published in each case twice at an interval of approximately a fortnight.

- b. Each of the abovementioned notices shall include a brief description of the proposal and shall advise:
 - i. Where full details of the proposal can be inspected and copies of those details obtained;
 - ii. Of the opportunity to forward comments to AIAL about the proposal;
 - iii. The date by which comments about the proposal should be sent to AIAL, which date shall not be less than 20 working days from the date of the last of the public notices;
 - iv. Details of any additional consultation proposed by AIAL.
- c. The information available for inspection under this Condition shall include the following:
 - i. Diagram(s) and description of the proposal including all associated work;
 - ii. A description of the proposed operating scenario for the Northern Runway;
 - iii. The reasons for the proposed operating scenario;
 - iv. The reasons for the proposal including an explanation of the need for the Northern Runway to have the proposed Operational Length;
 - v. Reference to any relevant reports; and
 - vi. Any other information AIAL wishes to make available for the purpose of explaining the proposal or in respect of which it would like to invite comments.
- d. AIAL shall consider any comments made to it pursuant to the notification and consultation process described above before deciding whether or not to proceed with the proposal. If AIAL decides to proceed, it shall provide as soon as possible to the Council copies of all comments received, together with written advice of:
 - i. Details of the notification and consultation undertaken;
 - ii. A summary of comments received;
 - iii. A statement describing the actions planned, if any, in respect to the comments received; and
 - iv. Statement explaining the reasons for the actions to be taken or the decision not to take any action.
- e. AIAL shall regularly consult the ANCCG and seek its input and comment on community consultation that the latter may recommend to inform the public from time to time on any matter relating to the Northern Runway.

Outline Plan

- 18. Where AIAL seeks to rely on the provisions of the designation for any works within its land, an outline plan of any work to be constructed on the designated area must be submitted to the Council pursuant to section 176A of the RMA unless the works have been otherwise approved under the RMA or the details of the work are incorporated in the designation or Council waives the requirement for an outline plan. For any proposed work to be constructed for taxiing of aircraft on the designated area north of the area shown as Northern Runway on Figure 1 of this designation, the outline plan shall include, in addition to the matters required under section 176A of the RMA, an analysis and prediction of the noise associated with the Aircraft Operations component of the proposal so as to demonstrate compliance with Condition 5.

Heritage Resources

- 19. Each of the following heritage resources shall be relocated by the requiring authority in a manner and to a site that will ensure the continued protection of the resource before any construction or work is commenced on the designated area that would damage or destroy the resource:
 - a. the Norfolk Island Pine identified as notable tree 1783 on the planning maps provided however that this tree need not be relocated and may be removed, if AIAL provides the Council with a report from a qualified arborist, approved by the Council, who certifies that it is not reasonably practical to relocate the tree;

- b. Abbeville Farm House and Barn, Part Lot 2, DP 12194 (refer Schedule of Significant Heritage Places, Item 1414);
- c. Westney Road Methodist Church, Part Lot 2, DP 12194(refer Schedule of Significant Heritage Places, Item 1414); and
- d. Rennie Jones Homestead, Pt Allot 163, Manurewa Parish (refer Schedule of Significant Heritage Places, Item 1424).

Lapsing Date

- 20. As this designation has been given effect to, the designation cannot lapse pursuant to section 184(1) of the RMA.

Attachments

Attachment A: Aircraft Noise Community Consultative Group Terms of Reference

DESIGNATION AIAL 1100— ATTACHMENT A

AIRCRAFT NOISE COMMUNITY CONSULTATIVE GROUP ("Group")

TERMS OF REFERENCE

Purpose

To consider, and where appropriate make recommendations to Auckland International Airport Limited ("AIAL"), on aircraft noise issues and concerns that arise from the operation and activities at Auckland International Airport ("Airport").

Activities

1. To identify community concerns regarding aircraft noise.
2. To co-operatively formulate and propose rules and procedures to minimise the impact of aircraft noise on the community and to consider how AIAL should respond to community concerns regarding aircraft noise.
3. To assist and advise AIAL and Council in the dissemination of relevant information to the community.
4. To regularly review the current procedure for handling noise complaints, modify that procedure where necessary and make it publicly available as soon as practicable.
5. To assist AIAL in the review of and, where necessary, to recommend modifications to, the Noise Management Plan which (in summary) addresses:
 - (i) procedures for handling noise complaints;
 - (ii) noise abatement procedures; and
 - (iii) timely provision of aircraft noise and flight path monitoring information.

AIAL is to consider any recommended modifications in good faith and provide the Group with a written response to the recommendations, including the reasons for rejecting any recommendations, should such a response be requested by the Group.

6. To monitor noise levels and compliance with the noise abatement procedures and Noise Management Plan.
7. To access appropriate technical expertise and guidance as required, including to, where appropriate, independently peer review noise monitoring and other technical data provided to the Group by AIAL.

Chairperson

Meetings will be chaired by an independent chairperson appointed by Council and AIAL jointly. The chairperson may invite other persons on an ad hoc basis to address the Group on particular agenda items. Where a matter is to be considered by the Group which would be likely to directly affect residents of a local board that is not otherwise represented on the Group, then the chairperson should notify the chair of that local board and invite them to the relevant meeting.

Membership

Local Board Representatives	(x 12)	<ul style="list-style-type: none"> • Mangere-Otahuhu • Otara-Papatoetoe • Manurewa • Howick • Franklin • Maungakiekie-Tamaki • Albert-Eden • Puketepapa • Whau • Orakei • Waitakere Ranges • Papakura
Auckland Council Representative	(x1)	
Industry Representative (freight forwarder or manufacturer, etc)	(x1)	
Airways Corporation Representative	(x1)	
Board of Airline Representatives of New Zealand	(x2)	
AIAL Representatives	(x2)	
Mana Whenua Representatives	(x2)	
Community Representatives (one of whom must live within the Aircraft Noise Areas)	(x2)	

General

1. The Group will meet at least every three months.
2. Meetings of the Group will be held at a place decided by the chairperson anytime between 2:00 pm and 9:00 pm.
3. AIAL will provide secretarial and support services at AIAL's cost and expense.
4. The selection of the Local Board and Community Representatives will be on the basis of:
 - (a) one Representative on behalf of each of the Local Boards namely, Mangere-Otahuhu, Otara-Papatoetoe, Manurewa, Howick, Franklin, Maungakiekie - Tamaki, Albert-Eden, Puketepapa, Whau, Orakei, Waitakere Ranges and Papakura; and
 - (b) two Community Representatives, one of whom must live within the Aircraft Noise Areas. The appointment will be made by the majority of the chairperson, the Council Representative and one AIAL Representative. Applications are to be made in writing and will be called for by way of a notice on the internet and an advertisement in both the New Zealand Herald and the Manukau Courier.
5. The term of office for Local Board appointed Representatives and Community Representatives will be the same as the local body electoral term, that is three years. Council will be responsible for any payments to be made to the Local Board appointed Representatives.

6. AIAL will be responsible for any payments that are to be made to the Mana Whenua and Community Representatives in return for their services to the Group.
7. AIAL and Council will share equally the reasonable costs of the independent chairperson.
8. AIAL will provide data and technical information on aircraft movements and a noise complaint summary. The Group will monitor AIAL's process for responding to noise complaints and queries. Noise complaints will not be dealt with on an individual basis.

The Group has an objective to reach consensus, however, dissenting views will be recorded.

Meeting procedure

1. **Chairperson:** AIAL and Council will be jointly responsible for appointing and removing the chairperson. The terms of appointment will set out the conditions of appointment and removal, and will include that the term of appointment for the chairperson is limited to 5 years, unless the Group otherwise agrees. The chairperson will chair the meeting. If the chairperson is not present within 15 minutes of the time appointed for the meeting then the Group will appoint another person to chair the meeting.
2. **Notice of meeting:** AIAL will arrange for:
 - public notice of the meeting to be published on the internet, including the contact details of all members of the Group; and
 - a reminder of meeting, together with any other relevant information to be sent to all members of the Group at least 5 working days before the meeting. The notice of meeting will set out the time and place of the meeting, and the nature of the business to be discussed. Members of the Group may advise AIAL of items to be included in the notice of meeting.
3. **Method of holding meeting:** Meetings will be held by a number of members, who constitute a quorum, being assembled together at the place, date and time appointed for the meeting.
4. **Quorum:** No business may be transacted at a meeting of the Group if a quorum is not present. A quorum is present if there are at least 6 people including three Local Board representatives, one Board of Airline Representatives of New Zealand representative, the Airways Corporation representative and one AIAL representative. If a quorum is not present within 15 minutes of the time appointed for the meeting then the meeting is to be adjourned to the same day in the following week at the same time and place or to such other date, time and place as the Group may appoint.
5. **Members may act by representative:** A member of the Group may appoint a representative to attend one or more meetings of the Group. A Representative appointed on behalf of the Community Representative who lives within the Aircraft Noise Areas, must also live within the Aircraft Noise Areas.
6. **Minutes:** The Group will ensure that minutes are kept of all proceedings and that the minutes are made available as soon as possible after the meeting on the internet. Minutes of the previous meeting will be sent to members with the notice of meeting for the next meeting.
7. **Public Forum:** A brief public forum may be held at the start of each meeting for one or more members of the public to speak in front of the Group. The allocation of time for the public forum and speaking rights are to be pre-arranged with, and managed by, the chairperson.

Attachment B: Maximum Costs of Acoustic Treatment and Related Ventilation Measures

* For details of each classroom type for the specified schools refer to Marshall Day Acoustics report "Sound Insulation and Ventilation — Schools", dated 1 May 2001.

TYPE OF SPACE*	NUMBER OF CLASSROOMS, LIBRARIES AND HALLS	MAXIMUM COSTS OF ACOUSTIC TREATMENT AND RELATED VENTILATION MEASURES PER CLASSROOM, LIBRARY OR HALL	MAXIMUM COST FOR CLASSROOMS (= TOTAL PER CLASSROOM X NUMBER OF CLASSROOMS) AND FOR EACH LIBRARY AND HALL
Redoubt North School			
E1	20	\$68,000	\$1,360,000
Library	1	\$68,000	\$68,000
Hall	1	\$23,000	\$23,000

All Preschools and Schools	
Type of space	Maximum cost per Classroom, Library or Hall
Classroom	\$188,000
Library	\$149,000
Hall	\$78,000

~~{Memorandum number {insert}, registered under section 155A of the Land Transfer Act 1952}{the provisions set out in Annexure Schedule}~~

Covenant provisions

Delete phrases in { } and insert Memorandum number as required; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~{Memorandum number {insert}, registered under section 155A of the Land Transfer Act 1952}~~

Annexure Schedule

SCHEDULE 1
(Servient Tenement)

[]

SCHEDULE 2
(Dominant Tenement)

The following parcels of land:

Legal Description	Area (ha)	Title Reference
Part allotment 163 Parish of Manurewa	19.6196	NA47C/137
Allotment 164 Parish of Manurewa	21.8530	NA47C/82
Lot 3 Deposited Plan 38518	0.9105	NA1675/15
Lot 1 Deposited Plan 28940	38.5463	NA985/62
Lot 15 Deposited Plan 13141	2.0513	NA305/113
Part Allotment 163 Parish of Manurewa	0.6533	NA1691/38
Lot 1 Deposited Plan 144042 and Section 1 Survey Office Plan 67433	20.3965	NA105D/359
Lot 2 Deposited Plan 62092	37.8887	NA24A/830
Part Allotment 179 Parish of Manurewa	2.6133	NA78D/185
Part Allotment 163 Parish of Manurewa	0.3581	NA55A/937
Lot 1 Deposited Plan 111094	0.5094	NA62C/558
Lot 1 Deposited Plan 94420	10.0219	NA58D/290
Lot 1 Deposited Plan 125742	0.5566	NA73B/518
Allotment 497 Parish of Manurewa	0.4047	NA78D/204
Part Allotment 179 Parish of Manurewa	0.2024	NA78D/183
Lot 1 Deposited Plan 46409	36.6342	NA78D/191
Lot 2 Deposited Plan 46409	36.6089	NA78D/192
Lot 1 Deposited Plan 103178	3.7408	NA56D/993
Part Lot 2 Deposited Plan 12194	24.7847	NA56B/945
Part Lot 1 Deposited Plan 13104	19.6273	NA78D/205
Lot 2 Deposited Plan 421357 and Allotment 561 Parish of Manurewa	20.9102	482062
Part Lot 2 Deposited Plan 32275 and Lot 3 Deposited Plan 421357	12.6388	482063
Lot 1 Deposited Plan 51077	6.0703	NA1B/711
Part Allotment 89 Parish of Manurewa and Lot 2 Deposited Plan 125742	44.9201	NA586/220
Lot 3 Deposited Plan 353776	28.7665	219885
Lot 2 Deposited Plan 417367	1.4246	474467
Lot 1 Deposited Plan 461285	17.7472	606579
Lot 29 Deposited Plan 423042	2.9703	607684
Lot 1 Deposited Plan 173452	37.5882	NA106B/643
Lot 1 Deposited Plan 178161	8.1360	NA109D/595
Lot 2 Deposited Plan 178161	2.4980	NA109D/596
Lot 2 Deposited Plan 41238	0.0969	NA1120/171
Lot 4 Deposited Plan 41238	0.1563	NA1121/14
Lot 3 Deposited Plan 41238	0.0943	NA1138/48
Lot 1 Deposited Plan 41238	0.0878	NA1189/51
Lot 1 Deposited Plan 57642	25.8999	NA11C/663
Lot 1 Deposited Plan 196235	0.3233	NA125B/39
Part Allotment 89 Parish of Manurewa and Defined On Deposited Plan 13716	31.6464	NA366/26
Part Allotment 89 Parish of Manurewa	40.4686	NA586/221
Lot 1 Deposited Plan 36039	0.2982	NA78D/182
Allotment 474 and Allotment 476 Parish of Manurewa	170.0600	NA78D/186

Legal Description	Area (ha)	Title Reference
Allotment 484 Parish of Manurewa	13.9400	NA78D/187
Allotment 482-483 Parish of Manurewa	15.4300	NA78D/188
Allotment 477-481 Parish of Manurewa	53.5270	NA78D/189
Allotment 504 Parish of Manurewa	70.4026	NA78D/193
Allotment 492 Parish of Manurewa	0.6085	NA78D/194
Allotment 508 Parish of Manurewa	36.4260	NA78D/195
Allotment 506 Parish of Manurewa	54.6326	NA78D/196
Allotment 328 Parish of Manurewa	0.4426	NA78D/197
Allotment 470 Parish of Manurewa and Defined on Survey Office Plan 49515	313.9000	NA78D/198
Allotment 505 Parish of Manurewa and Defined on Survey Office Plan 52973	0.5975	NA78D/199
Allotment 469 Parish of Manurewa and Defined On Survey Office Plan 49514	40.3600	NA78D/200
Allotment 494 Parish of Manurewa	2.7290	NA78D/201
Allotment 493 Parish of Manurewa and Defined On Survey Office Plan 49184	1.3673	NA78D/202
Allotment 182-185 Parish of Manurewa	60.2981	NA78D/203
Allotment 543 Parish of Manurewa and Defined On Survey Office Plan 53644	0.3792	NA78D/206
Allotment 565 Parish of Manurewa and Defined On Survey Office Plan 60283	54.2300	NA78D/207
Lot 1 Deposited Plan 31279	1.4460	NA798/163
Part Lot 2 Deposited Plan 111094	37.6418	NA82C/672
Lot 7 Deposited Plan 24346	22.3083	NA867/2
Lot 8 Deposited Plan 24346	43.7060	NA902/21
Lot 1 Deposited Plan 162130	0.6984	NA97D/261
Part Allotment 163 Parish of Manurewa	0.8094	NA994/274
Lot 1 Deposited Plan 421357	4.1077	482061

SCHEDULE 3

INTRODUCTION

- A. The Covenantor is registered as proprietor of the land more particularly described in Schedule 1 ("**Servient Tenement**").
- B. Auckland Airport is registered as proprietor of, or is entitled to use, and owns, the land more particularly described in Schedule 2 ("**Dominant Tenement**").
- C. Auckland Airport is the owner and operator of Auckland International Airport ("**Airport**") which is situated on the Dominant Tenement. The Airport is New Zealand's largest and busiest airport and is a strategic infrastructure asset of critical national, regional and local importance. The Dominant Tenement is authorised by current zoning and designations for airport activity and airport development, and is the area earmarked by relevant planning documents for airport expansion.
- D. The Airport has noise contours around its site which directly correspond to levels of aircraft noise. These are respectively referred to as the high aircraft noise area ("**HANA**"), moderate aircraft noise area ("**MANA**") and aircraft noise notification area ("**ANNA**") in the Auckland Unitary Plan. Within the HANA and MANA, the ability to develop and operate Activities Sensitive to Aircraft Noise ("**ASAN**") is restricted.
- E. The operation of the Airport results and is likely to result in environmental effects such as noise, disturbance and other usual occurrences associated with aircraft and airport activity, which may have consequences beyond the boundaries of the Dominant Tenement, including upon the Servient Tenement.
- F. The Servient Tenement is within the [**HANA/MANA**] and the Covenantor has accepted Auckland Airport's offer to install physical works and equipment in the building(s) on the Servient Tenement, for the purpose of mitigating the effects of such noise, more particularly described in Schedule 5 ("**Aircraft Noise Mitigation Works**").
- G. In consideration of Auckland Airport's offer the Covenantor has agreed with Auckland Airport to accept for itself and its successors in title to the Servient Tenement and any part or interest in the Servient Tenement, an obligation, in accordance with this Deed, not to lessen the effectiveness of, or remove, the Aircraft Noise Mitigation Works.

COVENANT

The Covenantor for itself and its successors in title, lessees and/or invitees to the Servient Tenement (or any part of it) hereby covenants, acknowledges and agrees with Auckland Airport and its successors in title lessees and/or invitees to the Dominant Tenement or any part of it as a positive covenant for the benefit of the registered proprietors and users from time to time of the Dominant Tenement, that the Covenantor will henceforth and at all times hereafter observe and perform all the stipulations and restrictions contained in Schedule 4 to the end and intent that each of the stipulations and restrictions shall, in the manner and to the extent prescribed, forever endure for the benefit of, and be appurtenant to, the whole of the Dominant Tenement, every part thereof and any other land zoned or set aside for airport activity in the Auckland Unitary Plan from time to time.

SCHEDULE 4

(Covenants)

1. The Covenantor will do nothing to lessen the effectiveness of the Aircraft Noise Mitigation Works (“modifications”) and will not remove the Aircraft Noise Mitigation Works (“removal work”) in any building on the Servient Tenement unless:
 - (a) The Covenantor has obtained the written approval of the Grantee; or
 - (b) The modifications or removal works are being undertaken for the purpose of reconstructing, altering or extending the building or part of the building or removing part of the building, and:
 - (i) the entire building; or
 - (ii) any room directly affected by the modifications or removal works, which is to remain a habitable room,

will meet the requirements of the Auckland Unitary Plan for acoustic treatment measures to mitigate aircraft noise; or
 - (c) The Covenantor is demolishing the entire building or removing it from the Servient Tenement.
2. Auckland Airport shall not unreasonably withhold its approval under clause 1(a); and in considering a request for approval it shall take into account the reason(s) why approval is sought and in particular whether:
 - (a) the owner intends to upgrade or improve the acoustic insulation in the building or relevant parts of the building;
 - (b) whether the proposed modifications or removal works will affect in any material way the mitigation of the effects of aircraft noise in any habitable room in the building;
 - (c) the owner wishes to change the use of a habitable room to a non-habitable room;
 - (d) the use of the building for an ASAN has or is intended to cease, on more than a temporary basis.
3. Auckland Airport shall deal promptly with any request for approval under clause 1(a) and shall as soon as is practicable:
 - (a) serve the Covenantor with written notice of the Auckland Airport’s decision under clause 1(a);
 - (b) include as part of that written notice its reasons for any refusal to give its approval; and
 - (c) where approval is refused, forward a copy of that written notice to the ANCCG.
4. The parties agree that if Auckland Airport determines (in Auckland Airport’s sole and unfettered discretion) at any stage that any part or parts of the Dominant Tenement should no longer receive the benefit of the terms of this Covenant:

- (a) Auckland Airport shall provide written notice to the Covenantor setting out the relevant certificate(s) of title for the Dominant Tenement from which this Covenant is to be surrendered, and such notice is to be accompanied by a surrender instrument in registrable form in respect of the same ("Surrender Instrument") and an Authority and Instruction form ("A & I Form") authorising Auckland Airport's solicitor to effect registration of the Surrender Instrument on behalf of the Grantor;
 - (b) the Covenantor shall execute the Surrender Instrument, A & I Form, and procure the consent to the registration of, the Surrender Instrument by any mortgagees, chargeholders, lessees or encumbranceholders required to enable registration of the Surrender Instrument against the Servient Tenement and the relevant Dominant Tenement;
 - (c) the Covenantor shall hand to Auckland Airport the Surrender Instrument, A & Form, and any other documents (duly executed as aforesaid) required to enable Auckland Airport to register the Surrender Instrument against the Servient Tenement and the relevant Dominant Tenement within 14 days after receiving written notice from Auckland Airport in accordance with clause 4(a) of this Covenant; and
 - (d) Auckland Airport shall arrange for the registration of the Surrender Instrument at Land Information New Zealand. All costs in respect of the execution of the Surrender Instrument, the procurement of any consents pursuant to clause 4(b) of this Covenant and the registration of the Surrender Instrument shall be met by Auckland Airport.
5. If the Covenantor refuses to or fails to execute and return to Auckland Airport the Surrender Instrument within the 14 day period referred to in clause 4(c), then for the sole purpose of giving effect to clause 4, the Covenantor hereby grants to Auckland Airport an irrevocable power of attorney to Auckland Airport to do all things necessary, and sign all documents necessary to register the Surrender Instrument against the Servient Tenement and the relevant Dominant Tenement.

For the avoidance of doubt, in giving effect to clause 4, Auckland Airport shall be entitled to (but shall not be limited to):

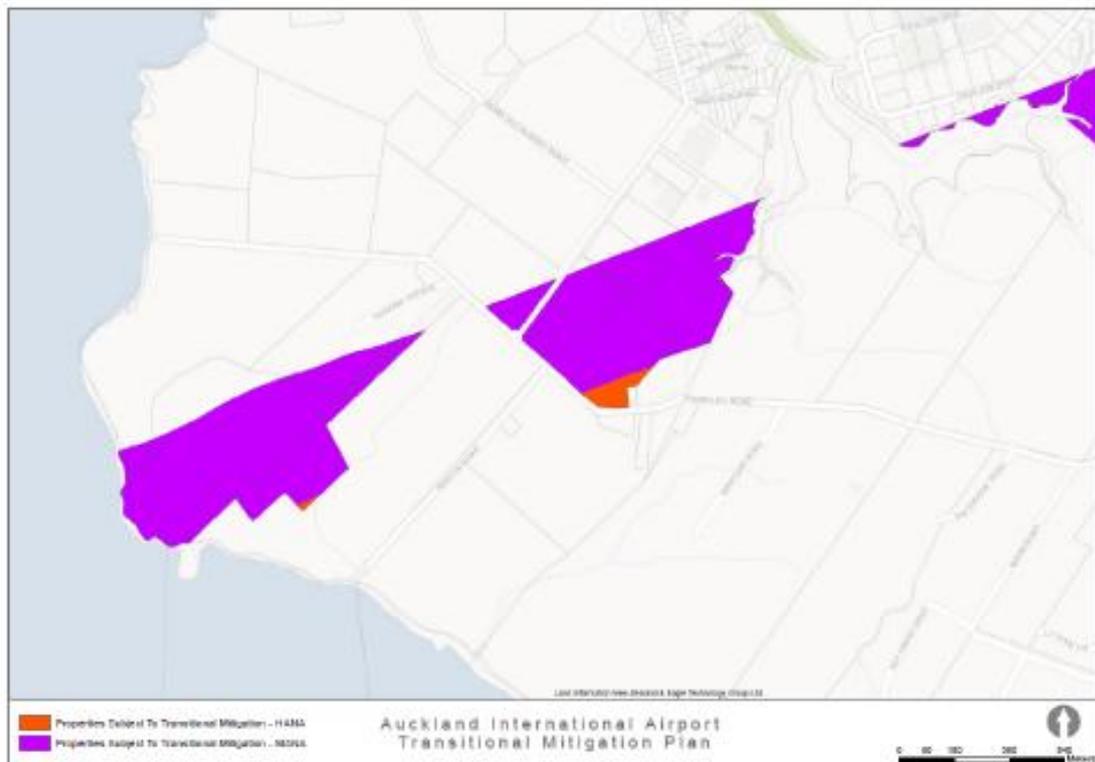
- (a) sign the A & I Form on the Covenantor's behalf;
 - (b) if the consent of any mortgagees, chargeholders, lessees or encumbranceholders is required to enable registration of the Surrender Instrument, request consent to the registration of the Surrender Instrument on behalf of the Covenantor. Any such request shall be deemed to be from the Covenantor and shall be binding on the Covenantor; and
 - (c) register the Surrender Instrument.
6. For the purpose of clause 4 of this Covenant, the term "the Covenantor" is deemed to refer to the Covenantor and its successors in title to the Servient Tenement, or any part of it.
7. For the purpose of this Covenant:
- (a) "designation" is as defined under the Resource Management Act 1991, or any

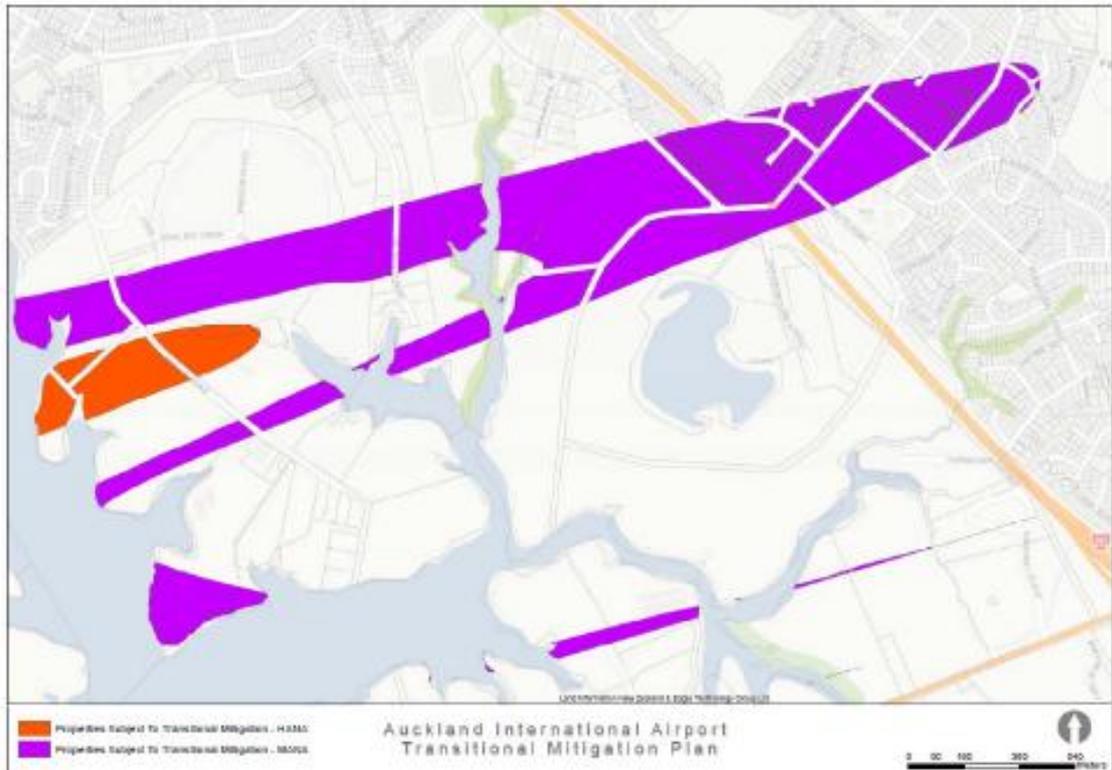
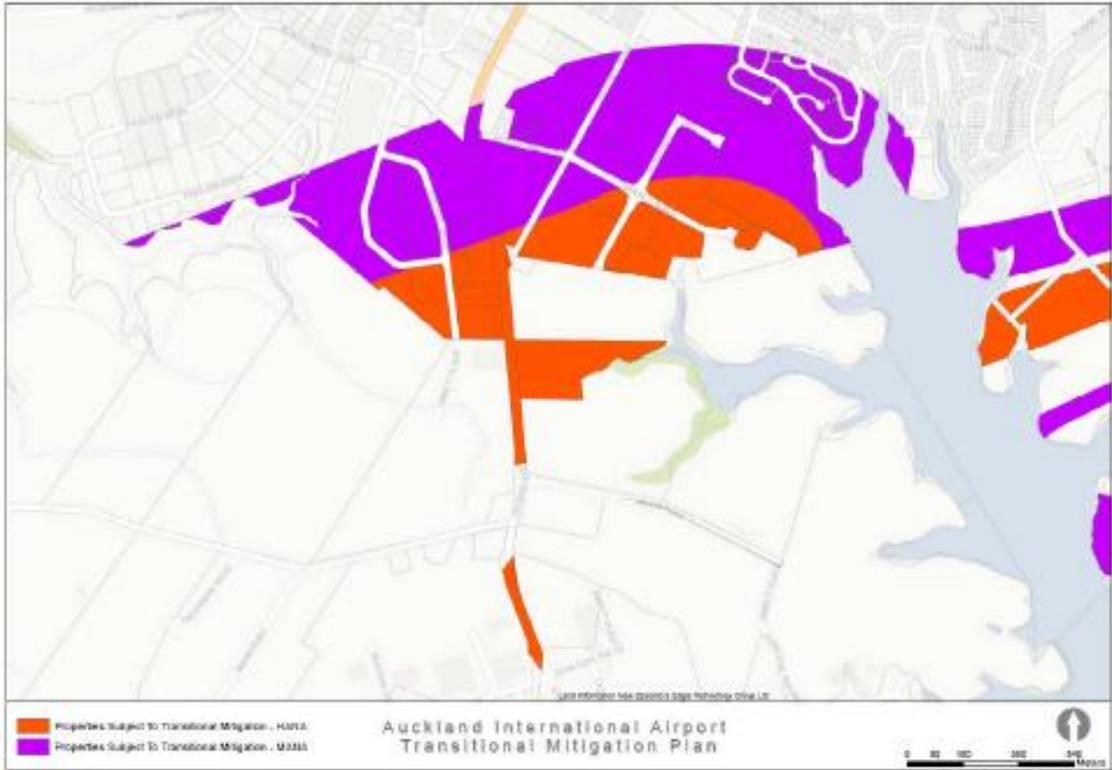
equivalent subsequent legislation, and references to any sections or parts of the Resource Management Act 1991 are deemed to refer to any equivalent provisions of subsequent legislation also; and

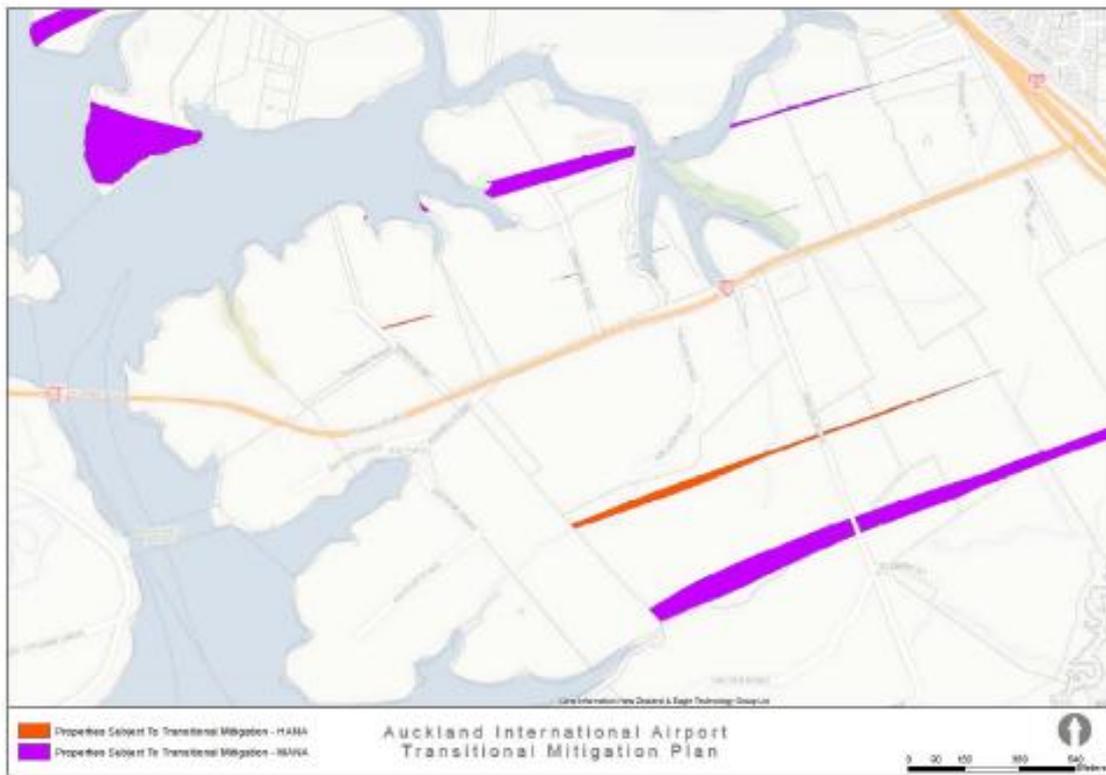
- (b) ASAN and ANCCG are as defined in Condition 1 of Designation 1100 in Chapter K of the Auckland Unitary Plan.

SCHEDULE 5
(Aircraft Noise Mitigation Works)

Attachment D: Auckland International Airport Transitional Mitigation Plans







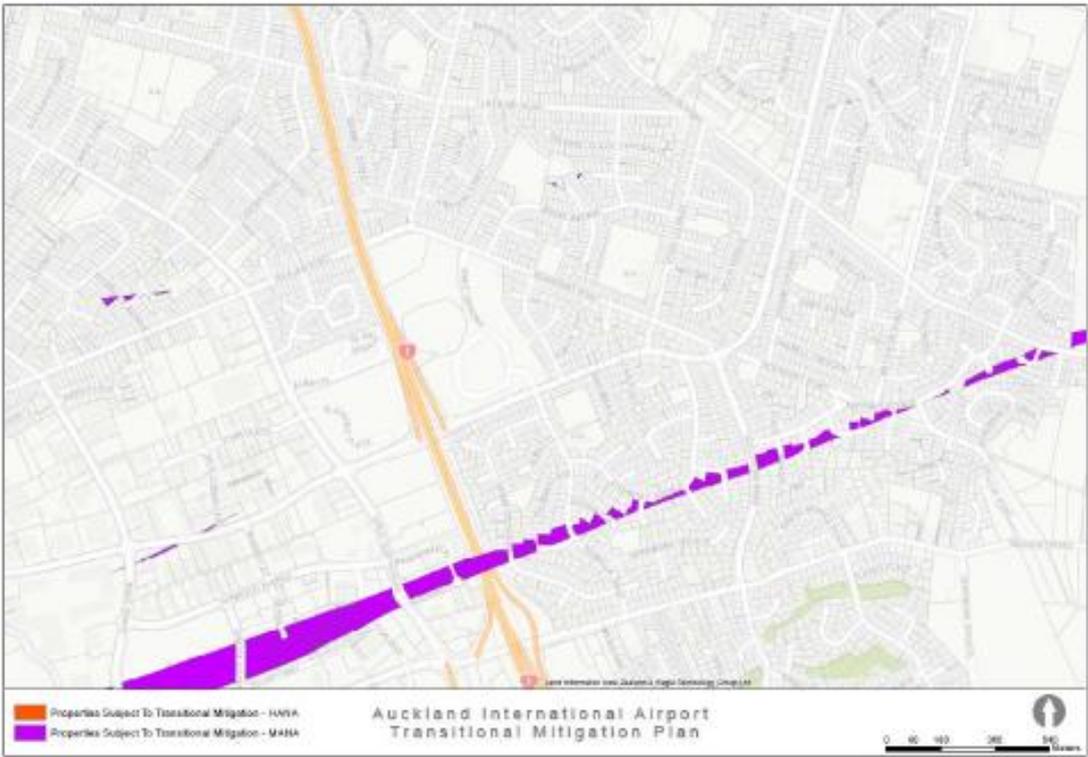
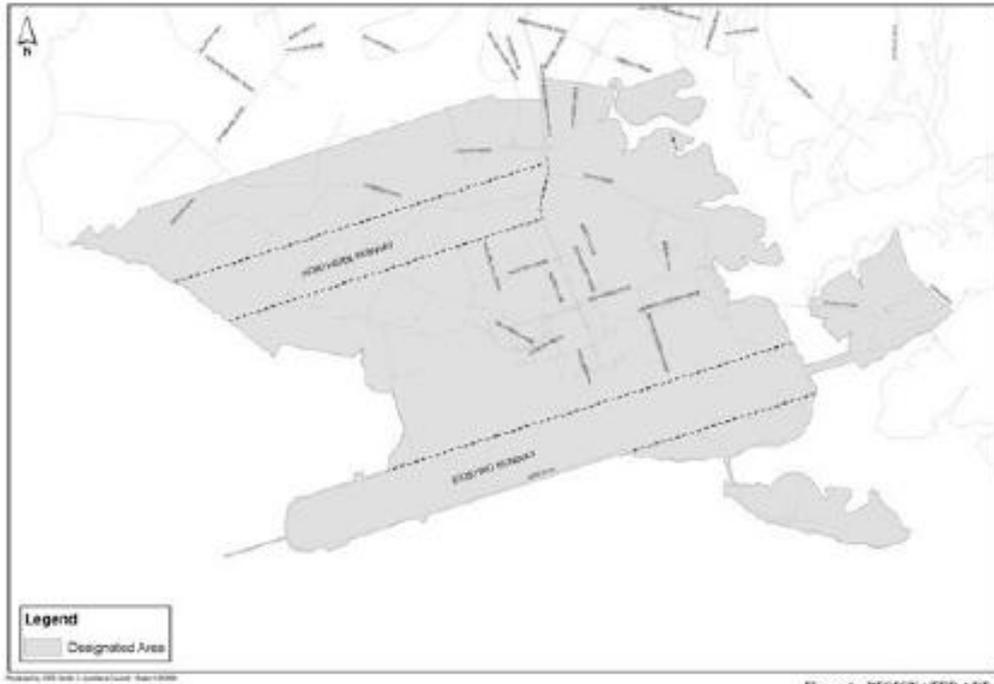


Figure 1 - Designated Area



**Figure 1 - DESIGNATED AREA
APPENDIX 1**

Figure 2 - Control Zone

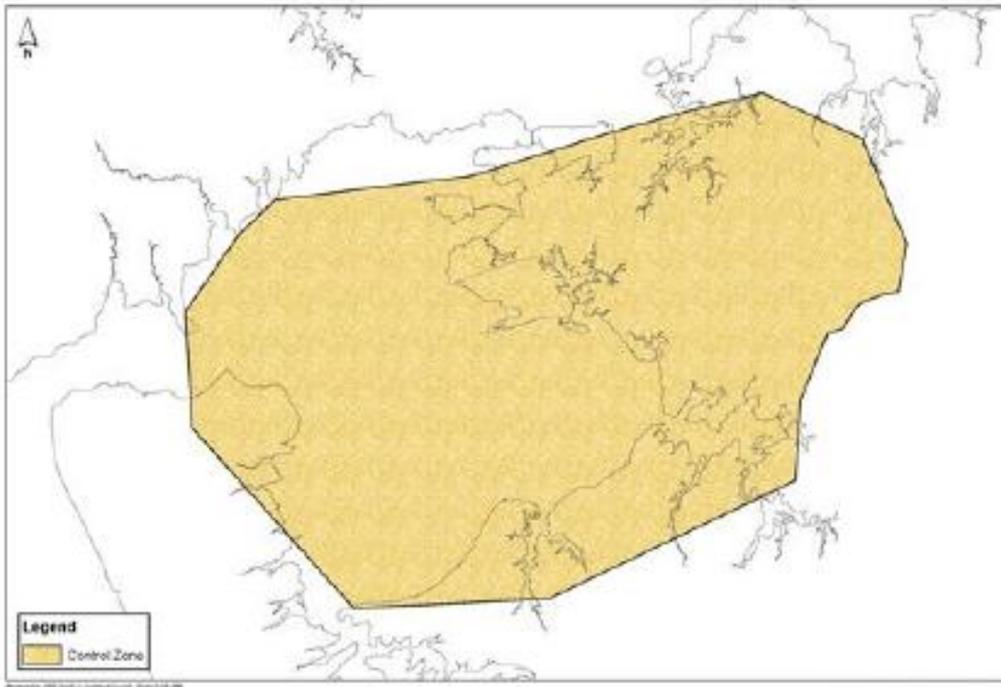


Figure 2 - CONTROL ZONE
APPENDIX 1

Figure 3 - Aircraft Noise Areas

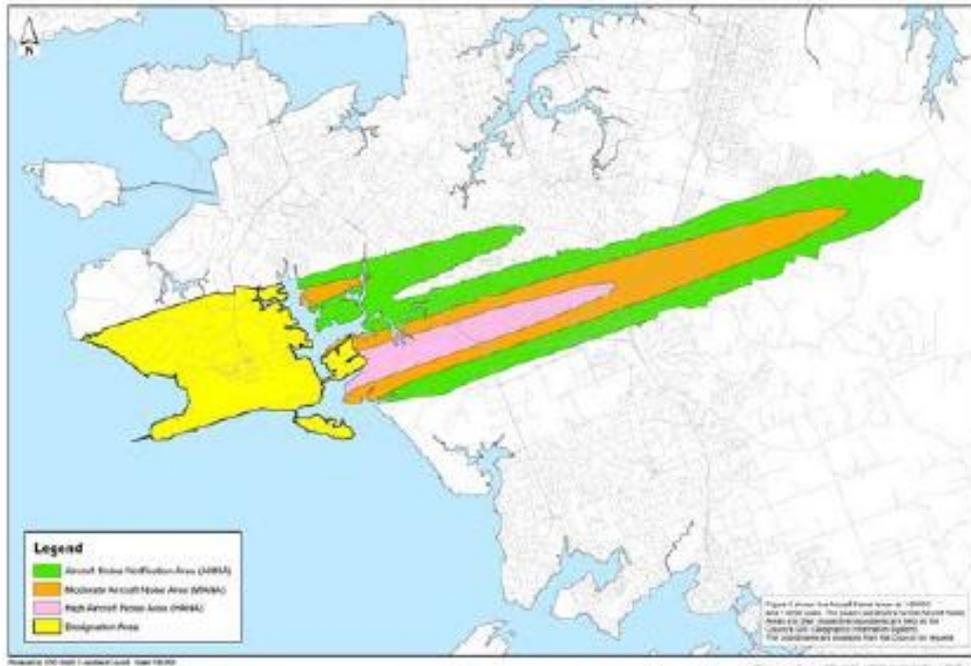
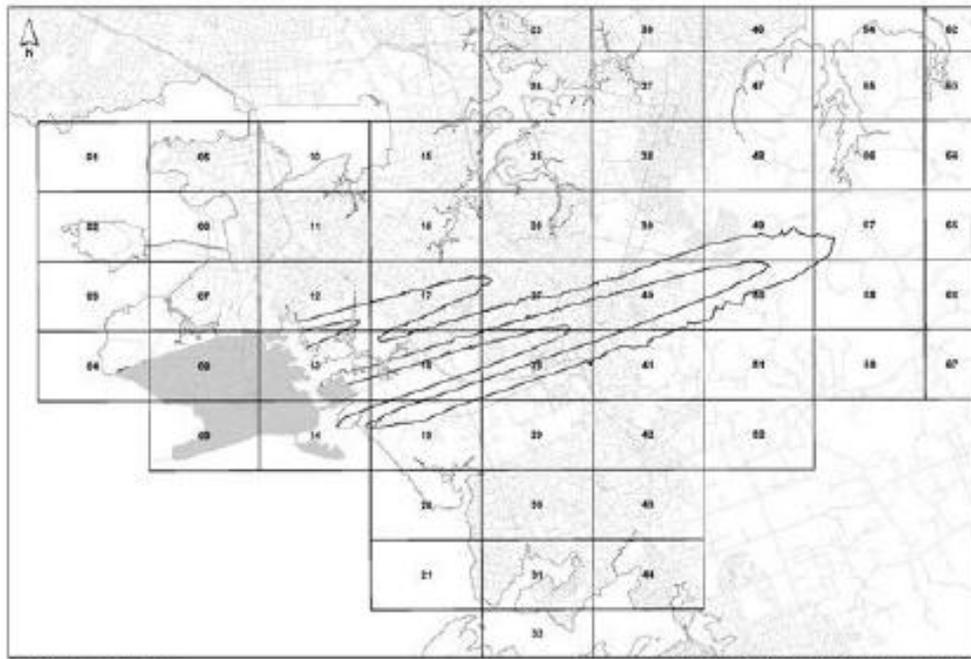


Figure 3 - AIRCRAFT NOISE AREAS
 APPENDIX 1



APPENDIX 1

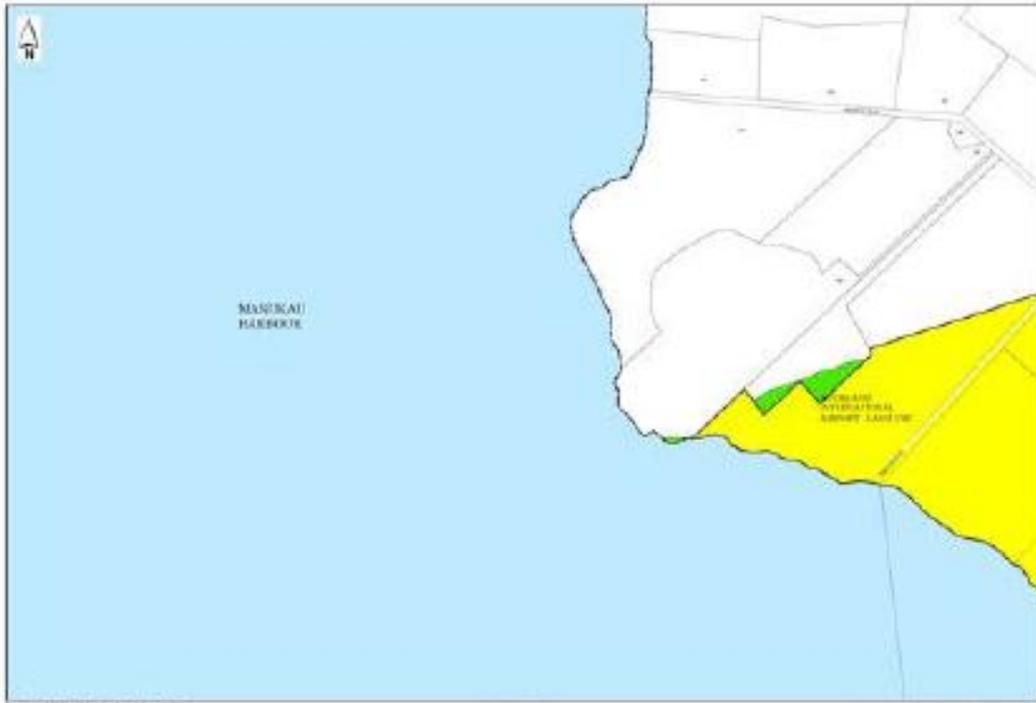


Figure 3 - Aircraft Noise Areas
APPENDIX I

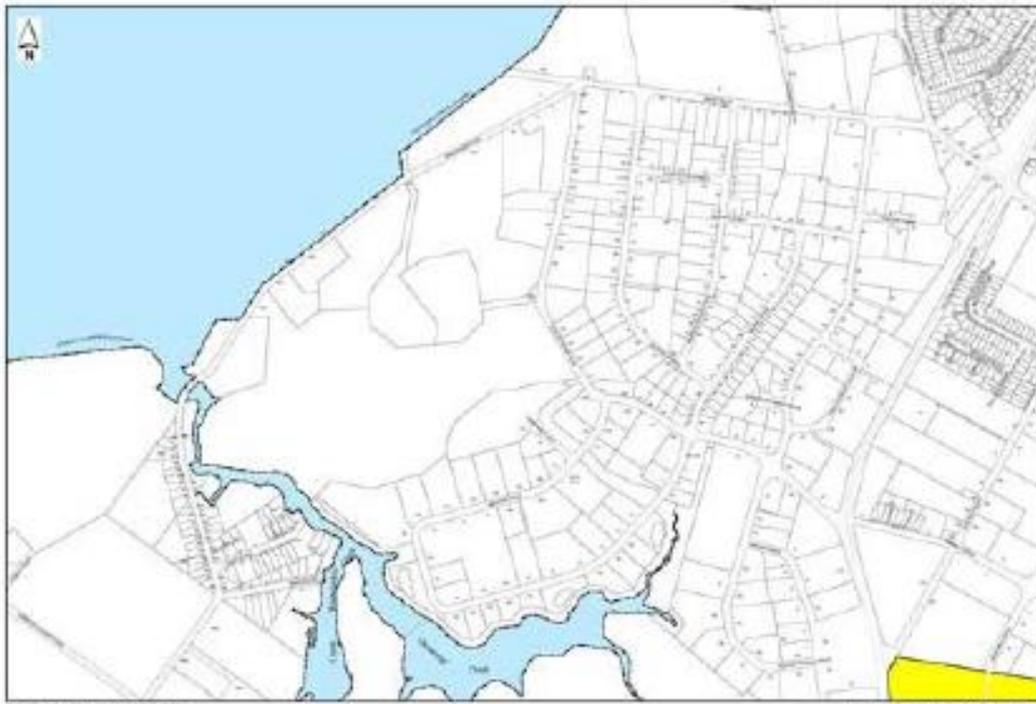


Figure 3 - Aircraft Noise Areas
APPENDIX I

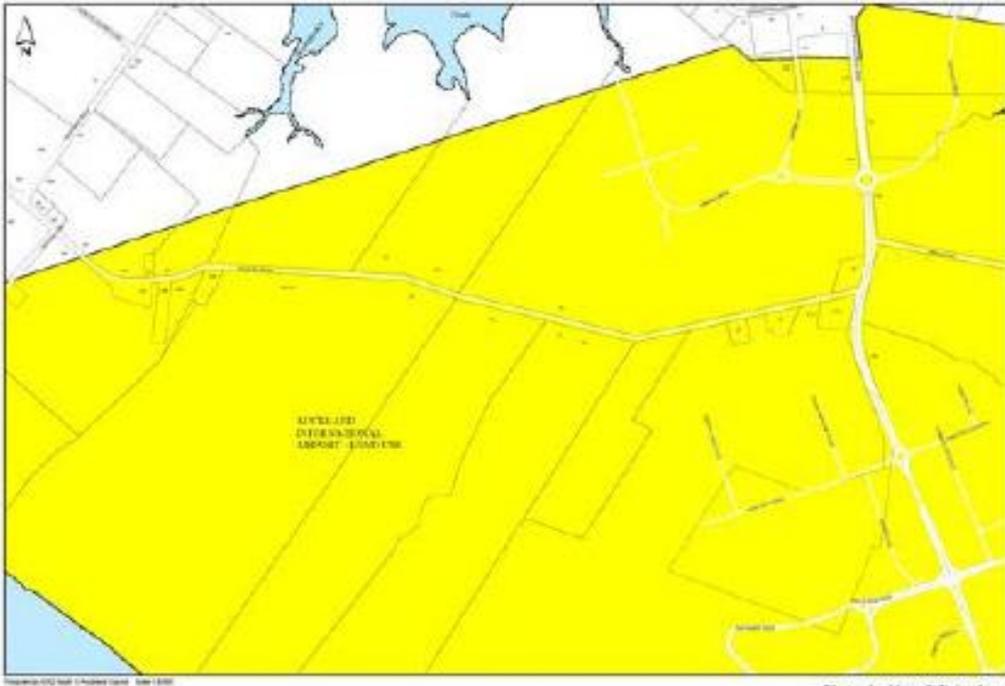


Figure 2 - Aircraft Noise Area
APPENDIX 1



Figure 2 - Aircraft Noise Area
APPENDIX 1



Figure 3 - Aircraft Noise Area
APPENDIX I

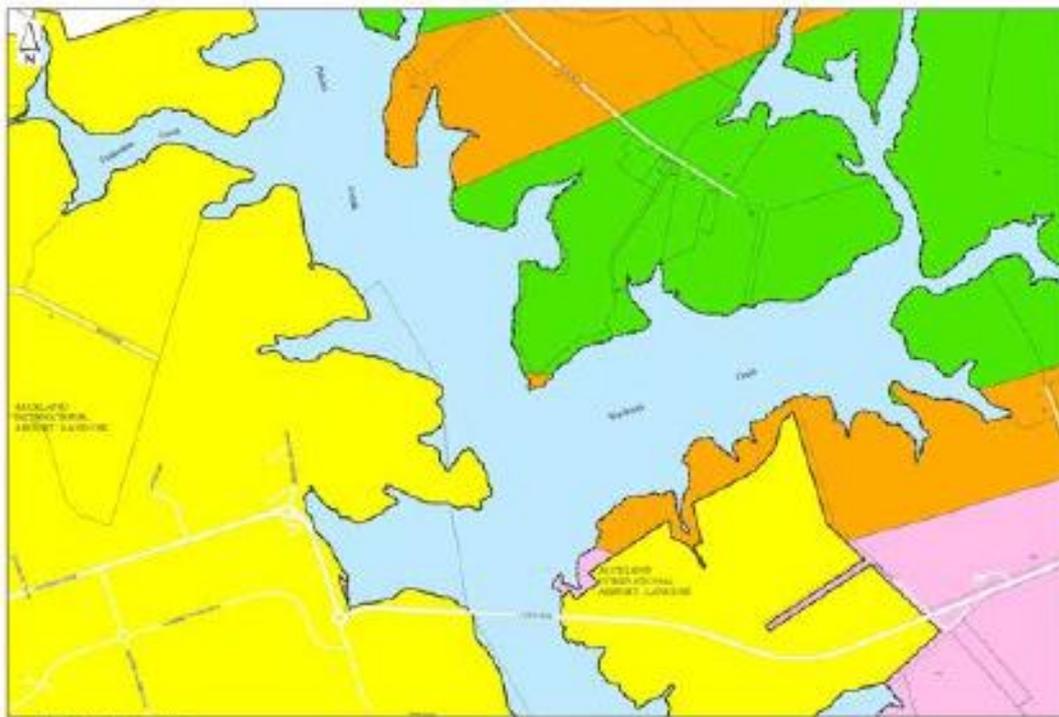


Figure 3 - Aircraft Noise Area
APPENDIX I



Figure J - Aircraft Noise Area
APPENDIX I



Figure J - Aircraft Noise Area
APPENDIX I



Figure 3 - Aircraft Noise Areas
APPENDIX 1



Figure 3 - Aircraft Noise Areas
APPENDIX 1



Figure 3 - Aircraft Noise Areas
APPENDIX I



Figure 3 - Aircraft Noise Areas
APPENDIX I



Figure J - Aircraft Noise Areas
APPENDIX I



Figure J - Aircraft Noise Areas
APPENDIX I

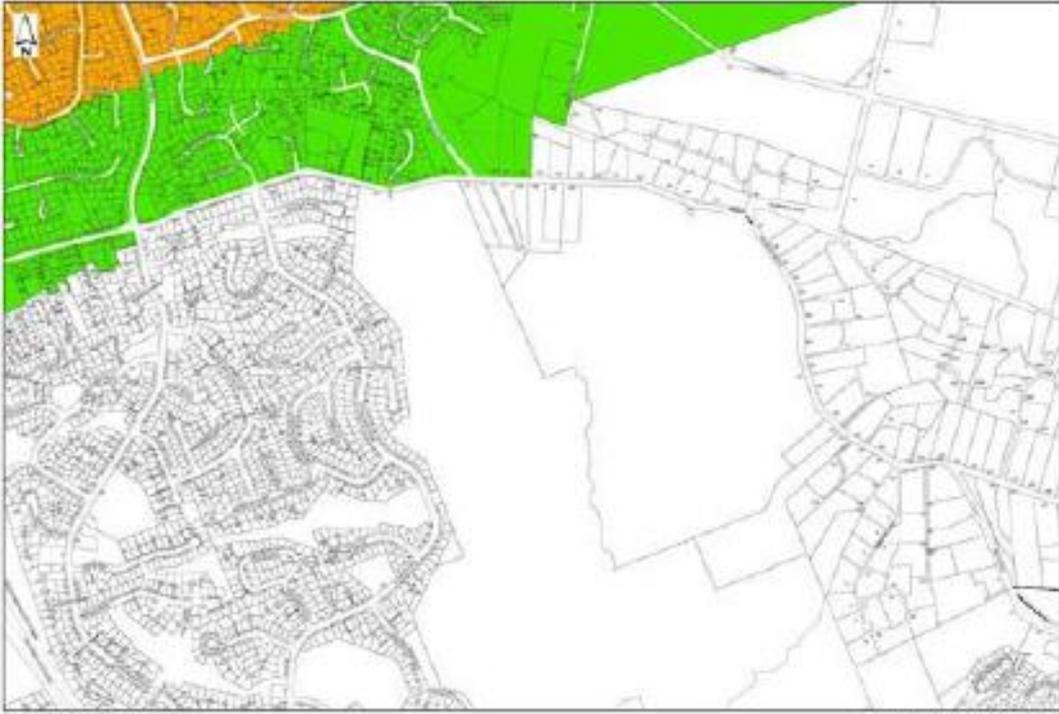


Figure J - Aircraft Noise Area
APPENDIX I



Figure J - Aircraft Noise Area
APPENDIX I

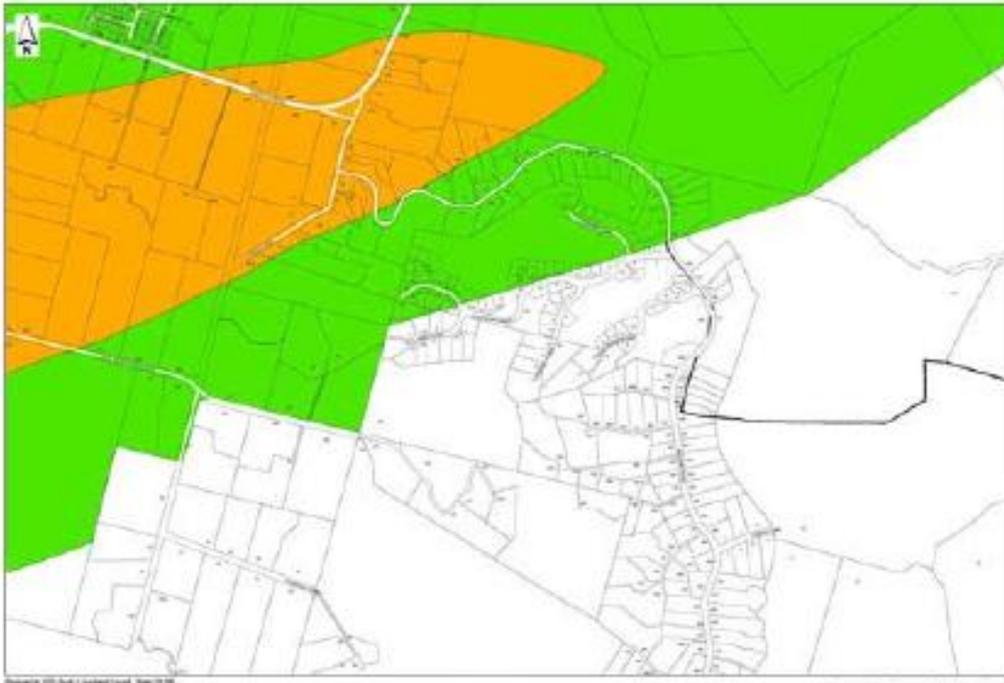


Figure 3 - Aircraft Noise Areas
APPENDIX 1

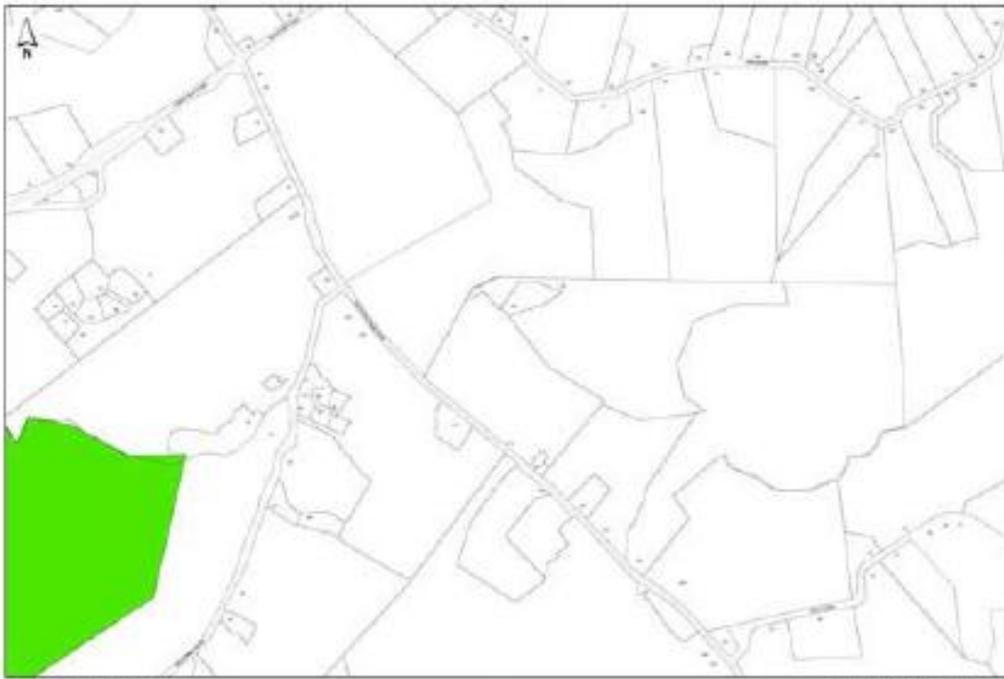


Figure 3 - Aircraft Noise Areas
APPENDIX 1

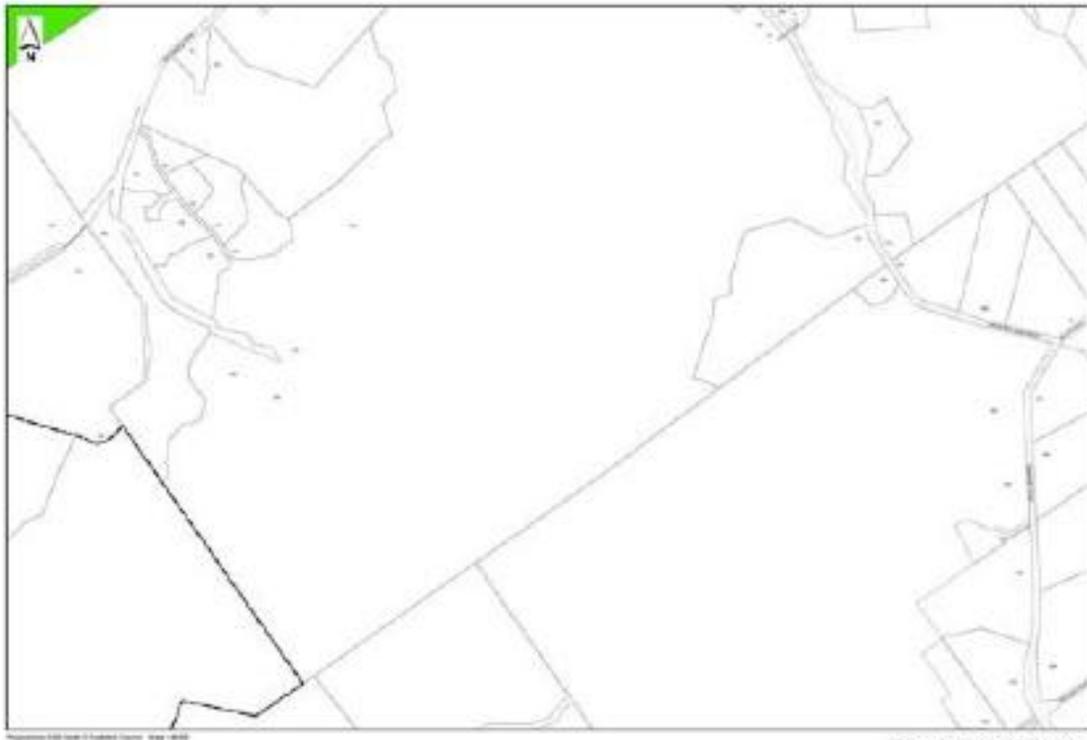


Figure 3 - Aircraft Noise Area
APPENDIX I

Figure 4 - Future Aircraft Noise Contours

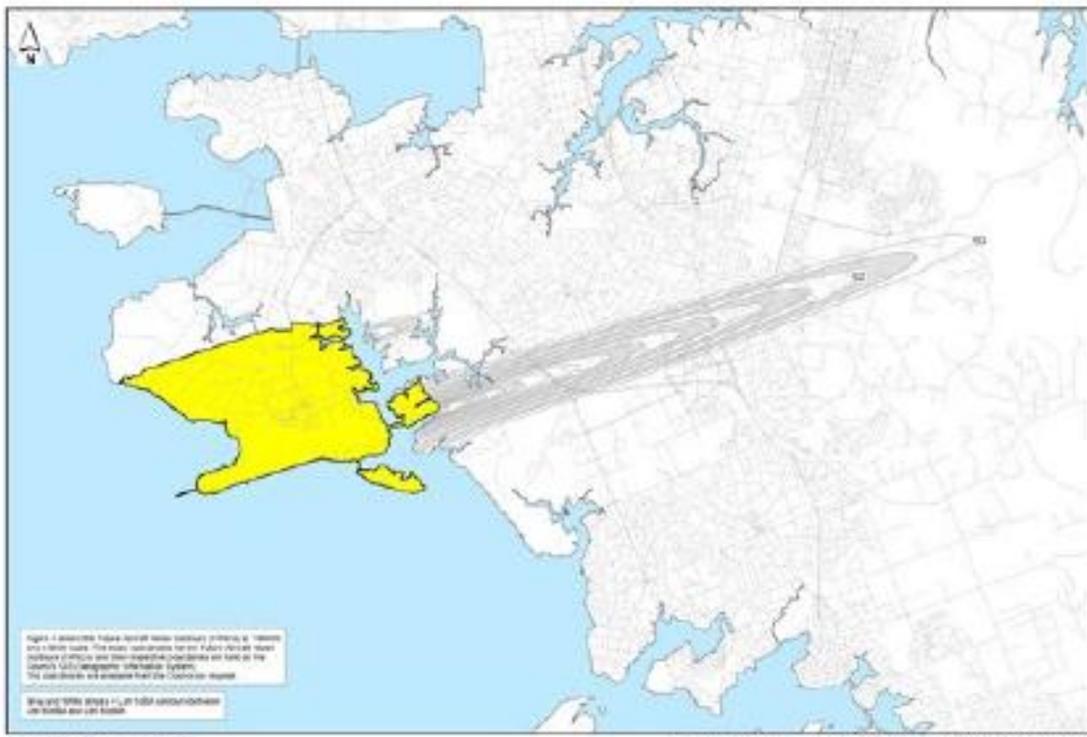


Figure 4 - FUTURE AIRCRAFT NOISE CONTOURS (FANC)
APPENDIX I



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APPENDIX I

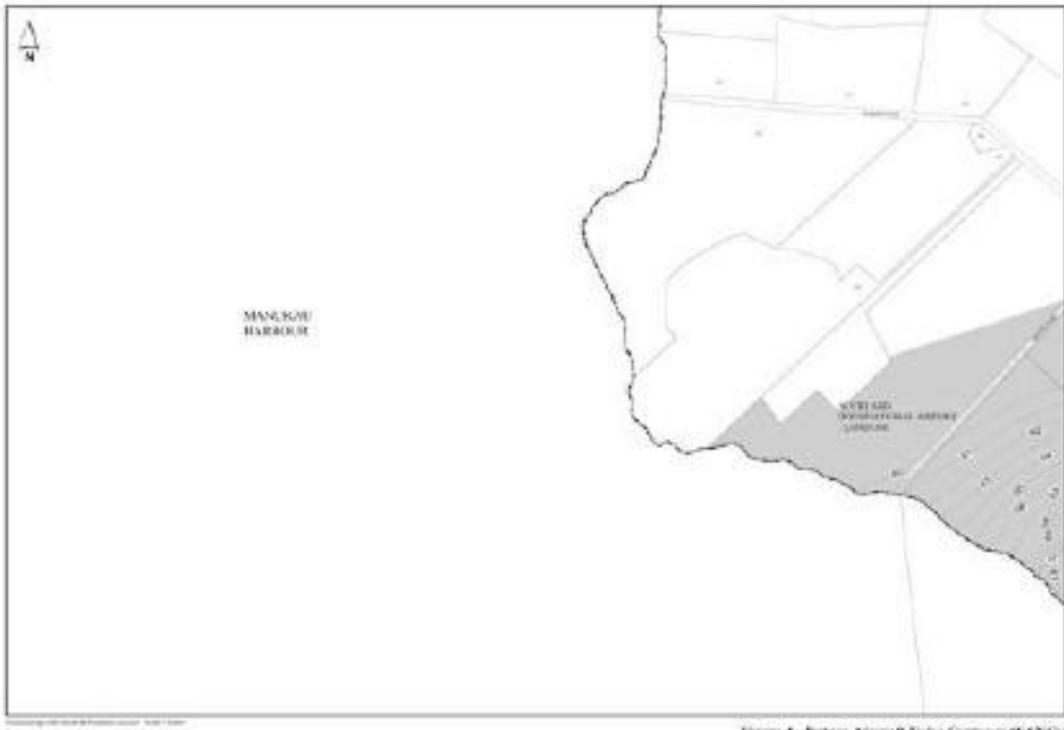


Figure 4 - Future Aircraft Noise Contours(FANCs)
APPENDIX I



Figure 4 - Future Aircraft Noise Contours (FANCO)
APPENDIX 1

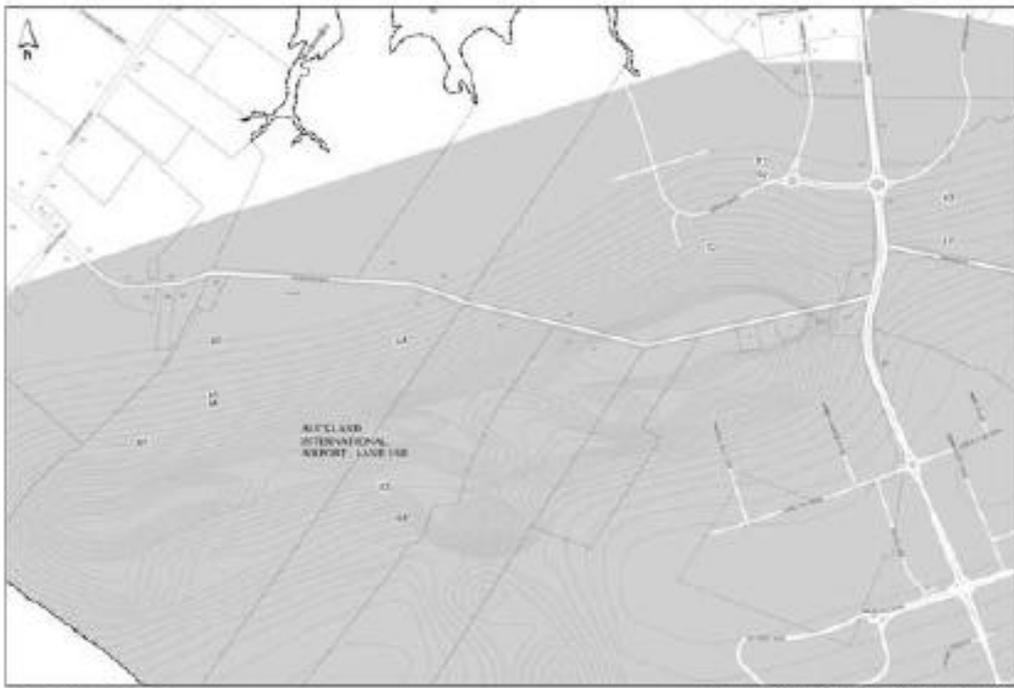


Figure 5 - Future Aircraft Noise Contours (FANCO)
APPENDIX 1

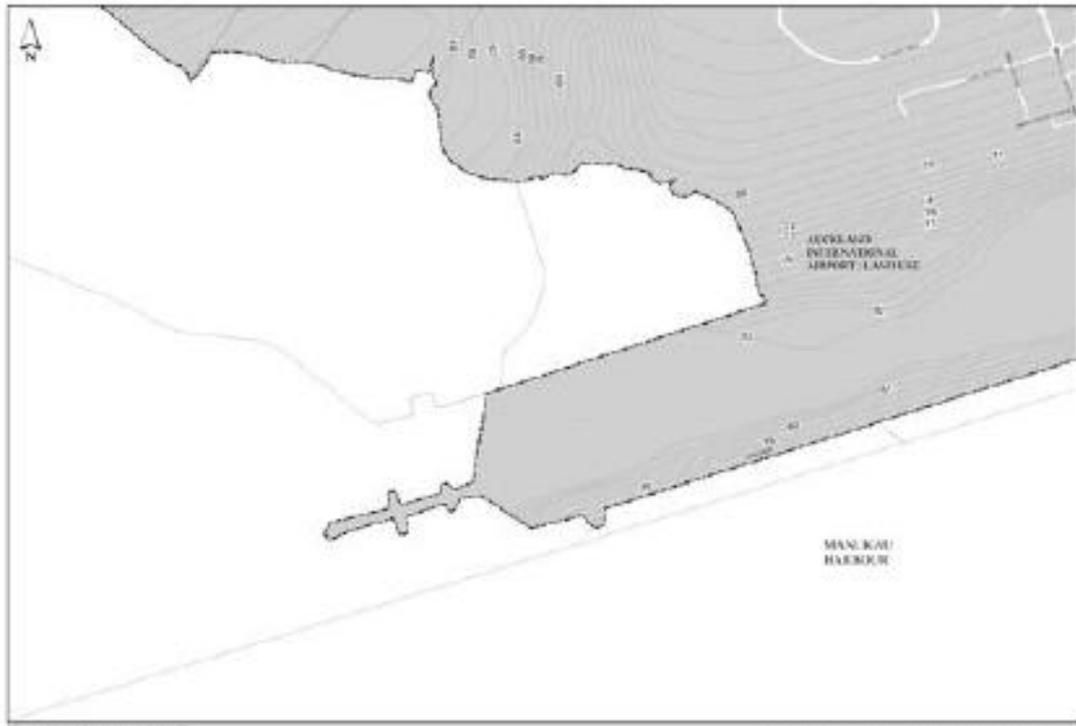


Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX 1



Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX 1



Figure 4 - Future Aircraft Noise Contours (FANC)
APPENDIX 1

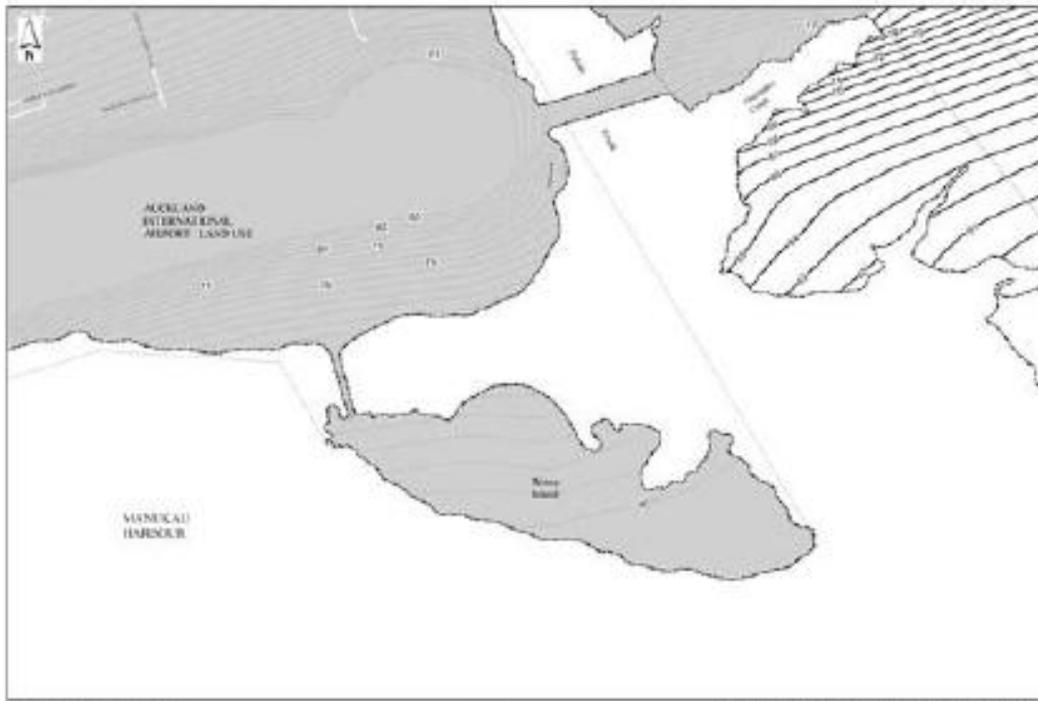


Figure 4 - Future Aircraft Noise Contours (FANC)
APPENDIX 1

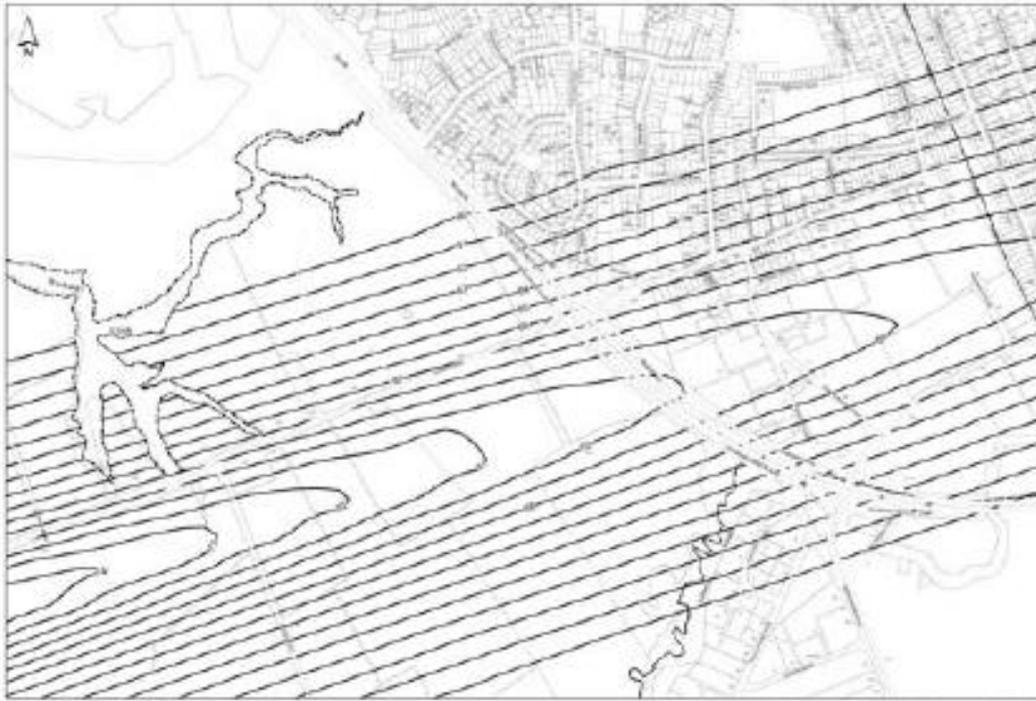


Figure 4 - Future Aircraft Noise Contours (FANCs)

APPENDIX I



Figure 5 - Future Aircraft Noise Contours (FANCs)

APPENDIX I

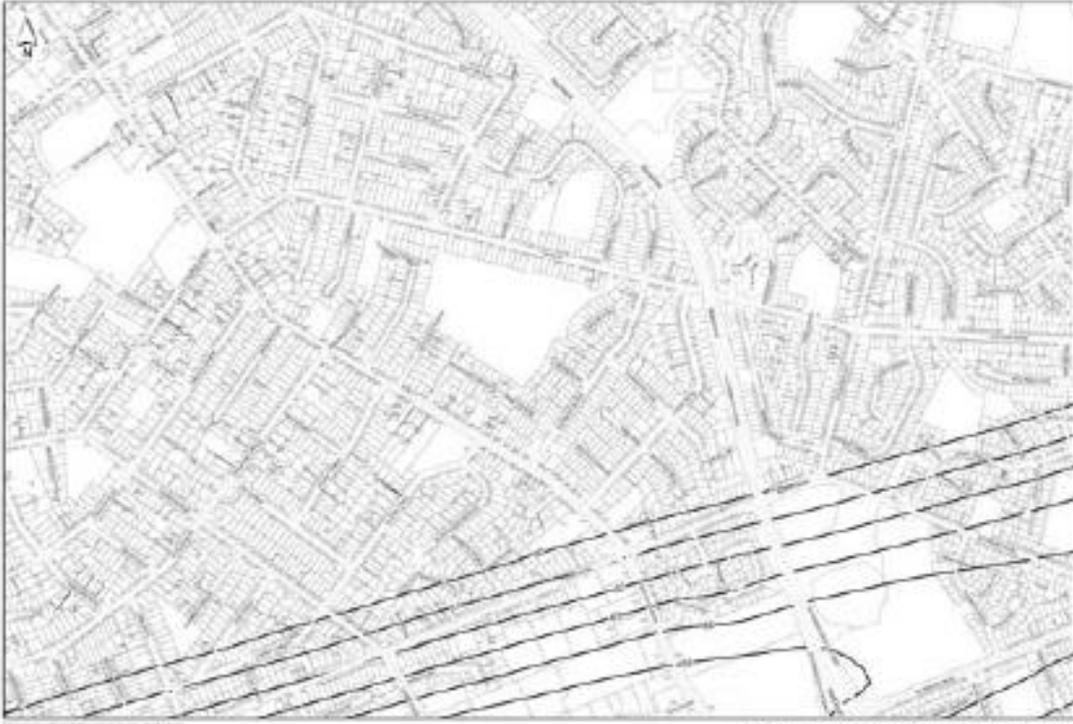


Figure 4- Future Aircraft Noise Contours(FANC)

APPENDIX I



Figure 4- Future Aircraft Noise Contours(FANC)

APPENDIX I



Figure 4 - Future Aircraft Noise Contours (FANCs)
APPENDIX I



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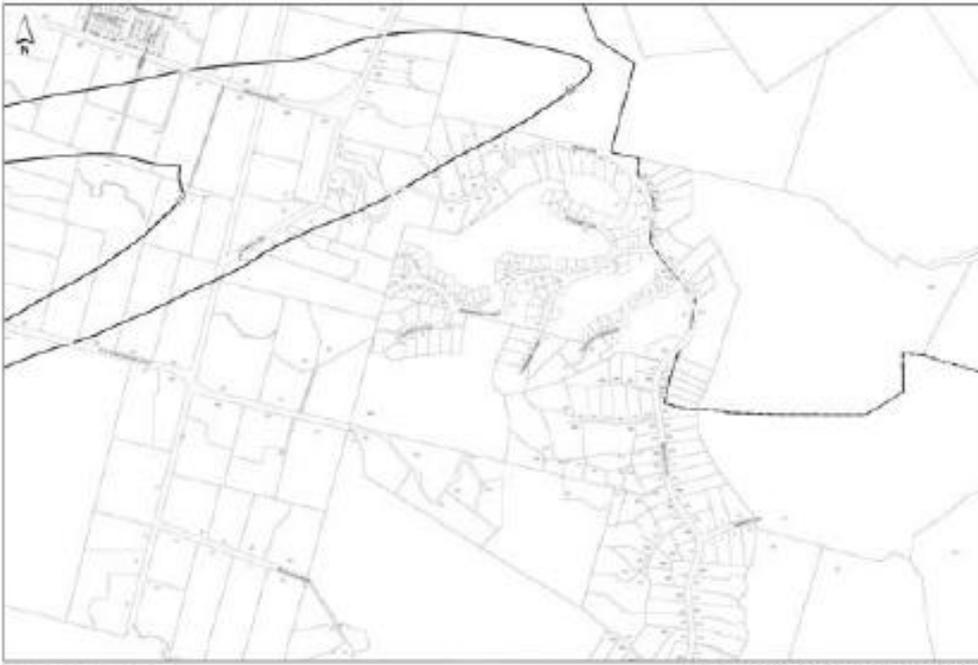
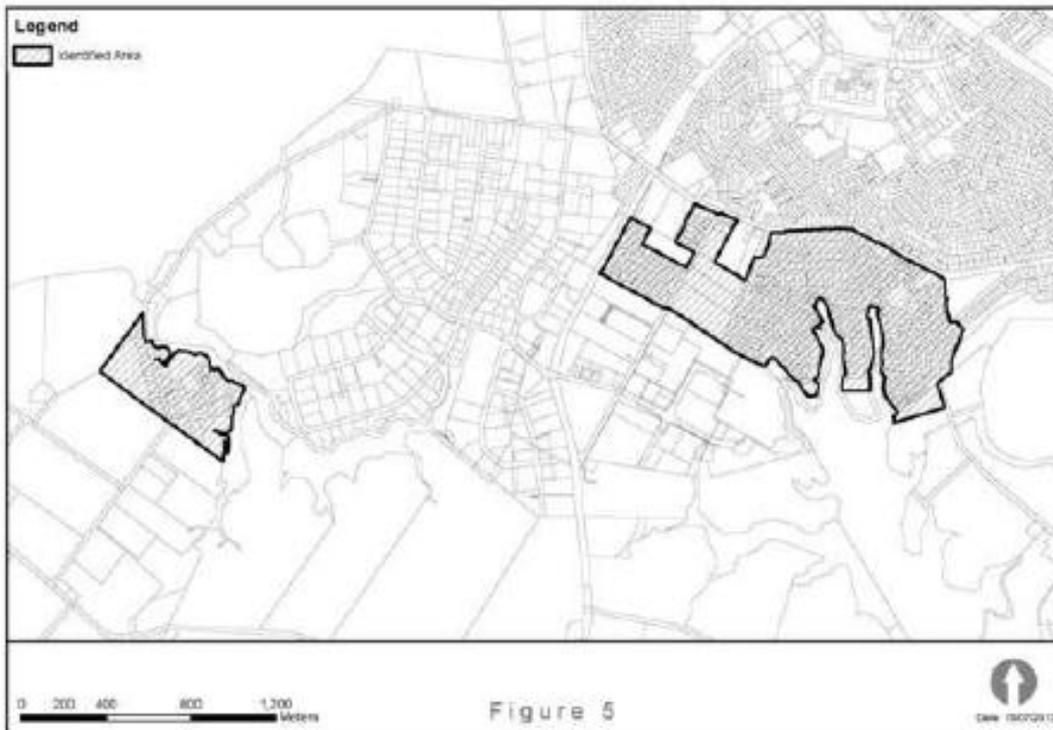


Figure 4 - Future Aircraft Noise Contours (FANCO)
APPENDIX 1

Figure 5 - Identified Area



Designation 1101 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

1101 Auckland International Airport - Renton Road Area

Designation Number	1101
Requiring Authority	Auckland International Airport Limited
Location	200 and 260 Ihumatao Road, Mangere
Rollover Designation	Yes
Legacy Reference	Designation 231A, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Pursuant to section 184(1)(c) of the RMA this designation shall only lapse when this unitary plan ceases to be operative

Purpose

Activities within the designation are limited to:

- i. Runways, taxiways and other aircraft movement areas and aprons;
- ii. Aircraft Operations;
- iii. The repair, maintenance and servicing of aircraft;
- iv. Air freight operations which require airside frontage;
- v. Landscaped open space buffer areas (refer Figure 1A.1);
- vii. Activities that are ancillary to the above activities; and
- viii. Buildings and other Structures required for the above activities.

Conditions

1. The following conditions from Designation AIAL 1100 shall apply to Designation AIAL 1101:
 - a. Condition 1 (Definitions)
 - b. Condition 9 (Noise Management Plan)
 - c. Condition 9A (Reporting of Exceptions)
 - d. Condition 13(b) (Engine Testing on Aircraft)
 - e. Condition 13(c) (Engine Testing on Aircraft)
 - f. Condition 17 (Public Access to the Coastal Marine Area and Fossil Forest);

and pursuant to section 184(1)(c) of the RMA this designation shall only lapse when this unitary plan ceases to be operative. Note: in relation to this condition, references to the "designated area" in the conditions to Designation AIAL 1100 shall be read as references to the land to which Designation AIAL 1101 applies.

In addition, the following conditions also apply to this designation:

Designation 1101 - Auckland Airport accepts Council Recommendation with modifications 2 shown in track changes below.

2. Auckland International Airport ("**the Airport**") activities within Designation AIAL 1101 shall be limited to:
 - a. Runways, taxiways and other aircraft movement areas and aprons;
 - b. Aircraft Operations;
 - c. The repair, maintenance and servicing of aircraft;
 - d. Air freight operations which require airside frontage;
 - e. Landscaped open space buffer areas (refer Figure AIAL 1A.1);
 - f. Activities that are ancillary to the above activities; and
 - g. Buildings and other Structures required for the above activities.
3. An outline plan of any work in the designated area must be submitted to the Council pursuant to section 176A of the RMA, unless, in the case of minor works, the Council waives the requirement for an outline plan.
4. The outline plan shall include, in addition to the matters required under section 176A of the RMA:
 - a. A report or reports covering the following matters, as relevant to the scale and location of the works proposed:

Site Layout

- i. Whether the site layout is compatible with the site development (existing or potential) of adjoining sites and the streetscape;
- ii. Whether the building aligns with Oruarangi Road or realigned Renton Road (if relevant), to create a clear spatial system along the roads;
- iii. Whether buildings align with other buildings on the site or (existing or potential) on adjoining sites;

Design and External Appearance of Buildings and Structures

- i. Whether site levels and building form, colour and texture are used to reduce the apparent height and bulk of large buildings where viewed from Ihumatao Road, Oruarangi Road and realigned Renton Road;
- ii. Whether building platforms are designed in such a way that one building is not more dominant than neighbouring buildings;
- iii. Whether rooftop mechanical equipment is integrated into roof forms or otherwise concealed from adjacent roads and reserves;
- iv. Whether there will be a consistency of building materials and colours between buildings (including buildings on adjoining sites);
- v. Whether service areas and loading docks, car parks, loading docks are designed to face away from the front yard;

Designation 1101 - Auckland Airport accepts Council Recommendation with modifications 3 shown in track changes below.

- vi. Whether any security fencing is integrated with planting and buildings so as to avoid any adverse visual effect on Ihumatao Road and realigned Renton Road;
- vii. Whether low glare, high cut-off exterior lighting is used, and integrated with the architectural and landscape design;
- viii. Whether signage is integrated with the architectural and landscape design.

Landscape Treatment

- i. Whether existing planting along the Ihumatao Road frontage is to be retained and/or enhanced and, in the area shown as "supplementary landscape planting" on Figure AIAL 1A.1; ~~whether the landscape planting proposed will complement and be consistent with the planting approved under any Framework Plan for Policy Area F of the Auckland Airport Precinct.~~
- ii. Whether a continuity of planting along the realigned Renton Road frontage is to be achieved to enhance the streetscape;
- iii. Whether the proposed landscape design enables the site as a whole to relate positively to development on adjoining sites and the road, and neighbouring areas of open space;
- iv. Whether the landscape treatment is in scale with the proposed development, providing for the visual softening of large buildings and the screening of parking, loading and storage areas;
- v. Whether the form (including density, species, depth and height) of planting that is proposed to be undertaken within the site provides coherent design with existing trees and shelterbelts on and immediately adjacent to the site;
- vi. Whether the proposed plantings are to be placed so that they do not obstruct views of landscape or landmark features.

Land Modification

In relation to any land modification exceeding 200m³, details of the following:

- i. Alteration to Natural Landscape - Whether any earthcut or fill will remove existing vegetation, alter the existing topography of the site, or affect existing natural features including landforms, and the impacts on the area's amenity values and cultural values, including wahi tapu.
- ii. Site Stability and Erosion - Whether the effects from natural hazards will be avoided, remedied or mitigated, and the extent to which earthworks affect the stability and erosion potential of the site and surrounding site.
- iii. Topography in Relation to Adjacent Land - Whether the site contours and final contours co-ordinate with the final levels of adjoining land.
- iv. Flooding - Whether the earthworks and final levels will adversely affect overland flowpaths or increase the potential for flooding within the site or surrounding area.

Designation 1101 - Auckland Airport accepts Council Recommendation with modifications 4 shown in track changes below.

- v. Utility Services - Whether the earthworks and final levels will adversely affect existing utility services.
 - b. Evidence of consultation with an appropriately delegated representative/s of the Makaurau Marae and Te Kawarau Iwi Tribal Authority Incorporated, including confirmation whether the delegated representative/s has sighted the final version of the outline plan of works that is to be submitted to Council.
 - c. An analysis and prediction of the noise associated with the proposed works, so as to demonstrate compliance with Conditions 7-9 of this designation.
 - d. Details of traffic management proposals for the period of construction of the proposed works, and for the operation of the proposed activities once established.
 - e. The timetable for completion of works.
5. The land shown as "Landscape Buffer Area" in Figure AIAL 1A.1 shall be planted and developed in accordance with a Landscape Buffer Development and Landscape Treatment Plan 3 years prior to any building being erected in the Designation AIAL 1101 area or within 5 years of this designation being incorporated in the Unitary Plan, whichever is the earlier date. The Landscape Buffer Development and Landscape Treatment Plan shall include provision for the following:
 - a. Maintaining Ellett House and its surrounds to an appropriate sustainable standards suitable for a productive use, and in accordance with recognised conservation principles.
 - b. Retaining the existing stone wall as a landscape and cultural heritage feature and ensuring that any planting will avoid archaeological site R11/2471 adjacent to the stone wall and the stone wall itself.
 - c. The establishment of appropriate native vegetation (eco-sourced where practical), "story board" signage and/or a tohu (monument) or plaque(s) to acknowledge archaeological sites, and Maori past presence, use and traditional relationship to the site.
 - d. Any security fencing is to be located on the airport side of the landscape buffer, i.e. to the east of the realigned Renton Road. No security fencing is to be located on or beside realigned Renton Road itself or on the western boundary of the designation.
 - e. Other than the signage required under c. or security signage, including in relation to d. above, no signage shall be visible from realigned Renton Road or Ihumatao Road.
6. In relation to Ihumatao and the realigned Renton Road boundaries of this designation, no part of any building within the designated area shall project beyond a building envelope contained by a 55 degree recession plane from points 2.5 metres above the edges of those roads (i.e. the maximum height = 2.5 metres plus 1.428 x distance from the edge of the road). For the purposes of this condition the edge of Ihumatao Road is defined by the south-western boundary of Ihumatao Road while the edge of realigned Renton Road boundary of the designation is defined by the south-eastern edge of the carriageway of the realigned Renton Road.
7. Noise from Aircraft Operations within the area of the Designation shall not exceed a Day/Night level (L_{dn}) of 55dB within the notional boundary of any dwelling within the Identified Area shown on Figure 5 attached to Designation AIAL 1100 (where the notional boundary is defined as a line 20m from any side of a dwelling or the legal boundary where

Designation 1101 - Auckland Airport accepts Council Recommendation with modifications 5 shown in track changes below.

this is closer to the dwelling). For the purpose of this control aircraft noise shall be measured in accordance with NZS6805:1992 and calculated as a 12 month rolling logarithmic average.

8. The noise from the testing of engines, which are in situ on an aircraft, within the designated area, combined, where relevant, with the noise from the testing of engines, which are in situ, on aircraft within the area of Designation ~~234~~1100, shall not exceed the following noise limits within the notional boundary of any dwelling within the Identified Area shown on Figure 5 attached to Designation AIAL 1100 (where the notional boundary is defined as a line 20m from any side of a dwelling or the legal boundary where this is closer to the dwelling):

7 day rolling average	55 dB L _{dn}
10pm to 7am	75dB L _{Amax}

For the purpose of this control, the noise arising from testing of in situ aircraft engines shall be measured in accordance with NZS6801:2008 Acoustics: Measurement of Environmental Sound.

9. The noise from any use of the designated area for any purposes other than:
 - a. Aircraft Operations;
 - b. Testing of in situ aircraft engines; and
 - c. The use of audible bird scaring devices for the discouragement of birds;

combined with, if relevant, the noise from any use of the area of Designation AIAL 1100 for the same purposes, shall not exceed the following noise limits within the notional boundary of any dwelling within the Identified Area shown on Figure 5 attached to designation AIAL 1100 (where the notional boundary is defined as a line 20m from any side of a dwelling or the legal boundary where this is closer to the dwelling).

Average Maximum Levels			Maximum
dB L _{Aeq} A			dB L _{Amax}
Monday to Saturday 7am-6pm (0700-1800)	Monday to Saturday 6pm-10pm (1800-2200) AND Sundays and Public Holidays, 7am-10pm (0700-2200)	At all other times	10pm-7am (2200-0700)
55	50	45	70

For the purpose of this control, other noise shall be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Environmental Noise.

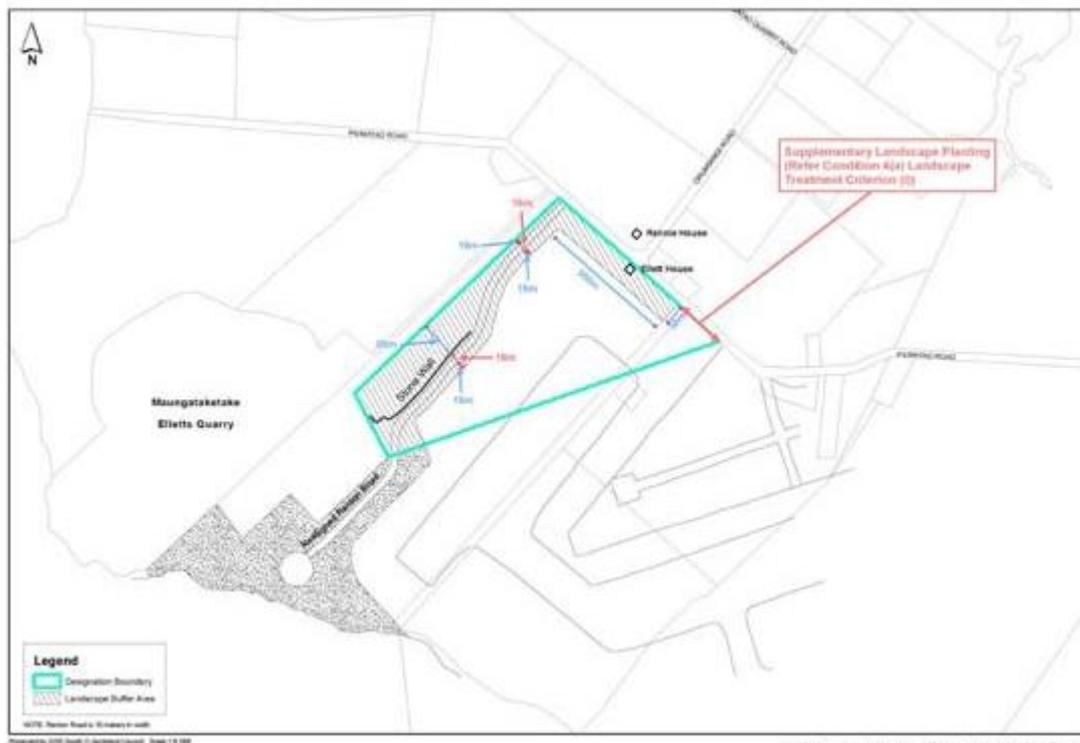
10. Changes to the Noise Management Plan (NMP) required by the Conditions attaching to Designation AIAL 1100 to address the area covered by this designation are to be presented to the ANCCG within 6 months of this designation being confirmed. AIAL shall invite comments from the ANCCG before finalising the changes to the NMP.
11. The existing portion of Renton Road shown on the attached diagram to be closed as part of the new designation be replaced by a new road over which public access is provided to the buried fossil forest located in the coastal banks of lot 2 DP 62092 and allotment 164 Manurewa parish. This condition complements condition 17 in Designation AIAL 1100.

Designation 1101 - Auckland Airport accepts Council Recommendation with modifications 6 shown in track changes below.

12. In the event of archaeological features being uncovered during any works undertaken within the designation (e.g. shell midden, hangi, oven stones, pit depressions, defensive ditches, artefact material, koiwi tangata (human skeletal remains)), work shall cease within a 10 metre radius of the discovery and the Auckland Council, the New Zealand Historic Places Trust and the appropriate iwi authorities shall be contacted within 72 hours, so that appropriate action can be taken. Work should not recommence until the applicant has consulted with the iwi authorities and obtained New Zealand Historic Places Trust approval for the work to continue. Note: at the request of mana whenua, AIAL must make an area available for the reburial of any koiwi found within the designated area.

Attachments

Figure AIAL 1A.1 - Designation Area 1A



1101 Auckland International Airport - Renton Road Area

Designation Number	1101
Requiring Authority	Auckland International Airport Limited
Location	200 and 260 Ihumatao Road, Mangere
Rollover Designation	Yes
Legacy Reference	Designation 231A, Auckland Council District Plan (Manukau Section) 2002
Lapse Date	Pursuant to section 184(1)(c) of the RMA this designation shall only lapse when this unitary plan ceases to be operative

Purpose

Activities within the designation are limited to:

- i. Runways, taxiways and other aircraft movement areas and aprons;
- ii. Aircraft Operations;
- iii. The repair, maintenance and servicing of aircraft;
- iv. Air freight operations which require airside frontage;
- v. Landscaped open space buffer areas (refer Figure 1A.1);
- vii. Activities that are ancillary to the above activities; and
- viii. Buildings and other Structures required for the above activities.

Conditions

1. The following conditions from Designation AIAL 1100 shall apply to Designation AIAL 1101:
 - a. Condition 1 (Definitions)
 - b. Condition 9 (Noise Management Plan)
 - c. Condition 9A (Reporting of Exceptions)
 - d. Condition 13(b) (Engine Testing on Aircraft)
 - e. Condition 13(c) (Engine Testing on Aircraft)
 - f. Condition 17 (Public Access to the Coastal Marine Area and Fossil Forest);

and pursuant to section 184(1)(c) of the RMA this designation shall only lapse when this unitary plan ceases to be operative. Note: in relation to this condition, references to the "designated area" in the conditions to Designation AIAL 1100 shall be read as references to the land to which Designation AIAL 1101 applies.

In addition, the following conditions also apply to this designation:

2. Auckland International Airport ("**the Airport**") activities within Designation AIAL 1101 shall be limited to:
 - a. Runways, taxiways and other aircraft movement areas and aprons;
 - b. Aircraft Operations;
 - c. The repair, maintenance and servicing of aircraft;
 - d. Air freight operations which require airside frontage;
 - e. Landscaped open space buffer areas (refer Figure AIAL 1A.1);
 - f. Activities that are ancillary to the above activities; and
 - g. Buildings and other Structures required for the above activities.
3. An outline plan of any work in the designated area must be submitted to the Council pursuant to section 176A of the RMA, unless, in the case of minor works, the Council waives the requirement for an outline plan.
4. The outline plan shall include, in addition to the matters required under section 176A of the RMA:
 - a. A report or reports covering the following matters, as relevant to the scale and location of the works proposed:

Site Layout

- i. Whether the site layout is compatible with the site development (existing or potential) of adjoining sites and the streetscape;
- ii. Whether the building aligns with Oruarangi Road or realigned Renton Road (if relevant), to create a clear spatial system along the roads;
- iii. Whether buildings align with other buildings on the site or (existing or potential) on adjoining sites;

Design and External Appearance of Buildings and Structures

- i. Whether site levels and building form, colour and texture are used to reduce the apparent height and bulk of large buildings where viewed from Ihumatao Road, Oruarangi Road and realigned Renton Road;
- ii. Whether building platforms are designed in such a way that one building is not more dominant than neighbouring buildings;
- iii. Whether rooftop mechanical equipment is integrated into roof forms or otherwise concealed from adjacent roads and reserves;
- iv. Whether there will be a consistency of building materials and colours between buildings (including buildings on adjoining sites);
- v. Whether service areas and loading docks, car parks, loading docks are designed to face away from the front yard;

- vi. Whether any security fencing is integrated with planting and buildings so as to avoid any adverse visual effect on Ihumatao Road and realigned Renton Road;
- vii. Whether low glare, high cut-off exterior lighting is used, and integrated with the architectural and landscape design;
- viii. Whether signage is integrated with the architectural and landscape design.

Landscape Treatment

- i. Whether existing planting along the Ihumatao Road frontage is to be retained and/or enhanced and, in the area shown as "supplementary landscape planting" on Figure AIAL 1A.1;
- ii. Whether a continuity of planting along the realigned Renton Road frontage is to be achieved to enhance the streetscape;
- iii. Whether the proposed landscape design enables the site as a whole to relate positively to development on adjoining sites and the road, and neighbouring areas of open space;
- iv. Whether the landscape treatment is in scale with the proposed development, providing for the visual softening of large buildings and the screening of parking, loading and storage areas;
- v. Whether the form (including density, species, depth and height) of planting that is proposed to be undertaken within the site provides coherent design with existing trees and shelterbelts on and immediately adjacent to the site;
- vi. Whether the proposed plantings are to be placed so that they do not obstruct views of landscape or landmark features.

Land Modification

In relation to any land modification exceeding 200m³, details of the following:

- i. Alteration to Natural Landscape - Whether any earthcut or fill will remove existing vegetation, alter the existing topography of the site, or affect existing natural features including landforms, and the impacts on the area's amenity values and cultural values, including wahi tapu.
- ii. Site Stability and Erosion - Whether the effects from natural hazards will be avoided, remedied or mitigated, and the extent to which earthworks affect the stability and erosion potential of the site and surrounding site.
- iii. Topography in Relation to Adjacent Land - Whether the site contours and final contours co-ordinate with the final levels of adjoining land.
- iv. Flooding - Whether the earthworks and final levels will adversely affect overland flowpaths or increase the potential for flooding within the site or surrounding area.
- v. Utility Services - Whether the earthworks and final levels will adversely affect existing utility services.

- b. Evidence of consultation with an appropriately delegated representative/s of the Makaurau Marae and Te Kawarau Iwi Tribal Authority Incorporated, including confirmation whether the delegated representative/s has sighted the final version of the outline plan of works that is to be submitted to Council.
 - c. An analysis and prediction of the noise associated with the proposed works, so as to demonstrate compliance with Conditions 7-9 of this designation.
 - d. Details of traffic management proposals for the period of construction of the proposed works, and for the operation of the proposed activities once established.
 - e. The timetable for completion of works.
5. The land shown as "Landscape Buffer Area" in Figure AIAL 1A.1 shall be planted and developed in accordance with a Landscape Buffer Development and Landscape Treatment Plan 3 years prior to any building being erected in the Designation AIAL 1101 area or within 5 years of this designation being incorporated in the Unitary Plan, whichever is the earlier date. The Landscape Buffer Development and Landscape Treatment Plan shall include provision for the following:
 - a. Maintaining Ellett House and its surrounds to an appropriate sustainable standard suitable for a productive use, and in accordance with recognised conservation principles.
 - b. Retaining the existing stone wall as a landscape and cultural heritage feature and ensuring that any planting will avoid archaeological site R11/2471 adjacent to the stone wall and the stone wall itself.
 - c. The establishment of appropriate native vegetation (eco-sourced where practical), "story board" signage and/or a tohu (monument) or plaque(s) to acknowledge archaeological sites, and Maori past presence, use and traditional relationship to the site.
 - d. Any security fencing is to be located on the airport side of the landscape buffer, i.e. to the east of the realigned Renton Road. No security fencing is to be located on or beside realigned Renton Road itself or on the western boundary of the designation.
 - e. Other than the signage required under c. or security signage, including in relation to d. above, no signage shall be visible from realigned Renton Road or Ihumatao Road.
6. In relation to Ihumatao and the realigned Renton Road boundaries of this designation, no part of any building within the designated area shall project beyond a building envelope contained by a 55 degree recession plane from points 2.5 metres above the edges of those roads (i.e. the maximum height = 2.5 metres plus $1.428 \times$ distance from the edge of the road). For the purposes of this condition the edge of Ihumatao Road is defined by the south-western boundary of Ihumatao Road while the edge of realigned Renton Road boundary of the designation is defined by the south-eastern edge of the carriageway of the realigned Renton Road.
7. Noise from Aircraft Operations within the area of the Designation shall not exceed a Day/Night level (L_{dn}) of 55dB within the notional boundary of any dwelling within the Identified Area shown on Figure 5 attached to Designation AIAL 1100 (where the notional boundary is defined as a line 20m from any side of a dwelling or the legal boundary where this is closer to the dwelling). For the purpose of this control aircraft noise shall be measured in accordance with NZS6805:1992 and calculated as a 12 month rolling logarithmic average.

8. The noise from the testing of engines, which are in situ on an aircraft, within the designated area, combined, where relevant, with the noise from the testing of engines, which are in situ, on aircraft within the area of Designation 1100, shall not exceed the following noise limits within the notional boundary of any dwelling within the Identified Area shown on Figure 5 attached to Designation AIAL 1100 (where the notional boundary is defined as a line 20m from any side of a dwelling or the legal boundary where this is closer to the dwelling):

7 day rolling average	55 dB L _{dn}
10pm to 7am	75dB L _{Amax}

For the purpose of this control, the noise arising from testing of in situ aircraft engines shall be measured in accordance with NZS6801:2008 Acoustics: Measurement of Environmental Sound.

9. The noise from any use of the designated area for any purposes other than:
- Aircraft Operations;
 - Testing of in situ aircraft engines; and
 - The use of audible bird scaring devices for the discouragement of birds;

combined with, if relevant, the noise from any use of the area of Designation AIAL 1100 for the same purposes, shall not exceed the following noise limits within the notional boundary of any dwelling within the Identified Area shown on Figure 5 attached to designation AIAL 1100 (where the notional boundary is defined as a line 20m from any side of a dwelling or the legal boundary where this is closer to the dwelling).

Average Maximum Levels			Maximum
dB L _{Aeq} A			dB L _{Amax}
Monday to Saturday 7am-6pm (0700-1800)	Monday to Saturday 6pm-10pm (1800-2200) AND Sundays and Public Holidays, 7am-10pm (0700-2200)	At all other times	10pm-7am (2200-0700)
55	50	45	70

For the purpose of this control, other noise shall be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Environmental Noise.

10. Changes to the Noise Management Plan (NMP) required by the Conditions attaching to Designation AIAL 1100 to address the area covered by this designation are to be presented to the ANCCG within 6 months of this designation being confirmed. AIAL shall invite comments from the ANCCG before finalising the changes to the NMP.
11. The existing portion of Renton Road shown on the attached diagram to be closed as part of the new designation be replaced by a new road over which public access is provided to the buried fossil forest located in the coastal banks of lot 2 DP 62092 and allotment 164 Manurewa parish. This condition complements condition 17 in Designation AIAL 1100.
12. In the event of archaeological features being uncovered during any works undertaken within the designation (e.g. shell midden, hangi, oven stones, pit depressions, defensive ditches, artefact material, koiwi tangata (human skeletal remains)), work shall cease

within a 10 metre radius of the discovery and the Auckland Council, the New Zealand Historic Places Trust and the appropriate iwi authorities shall be contacted within 72 hours, so that appropriate action can be taken. Work should not recommence until the applicant has consulted with the iwi authorities and obtained New Zealand Historic Places Trust approval for the work to continue. Note: at the request of mana whenua, AIAL must make an area available for the reburial of any koiwi found within the designated area.

Attachments

Figure AIAL 1A.1 - Designation Area 1A

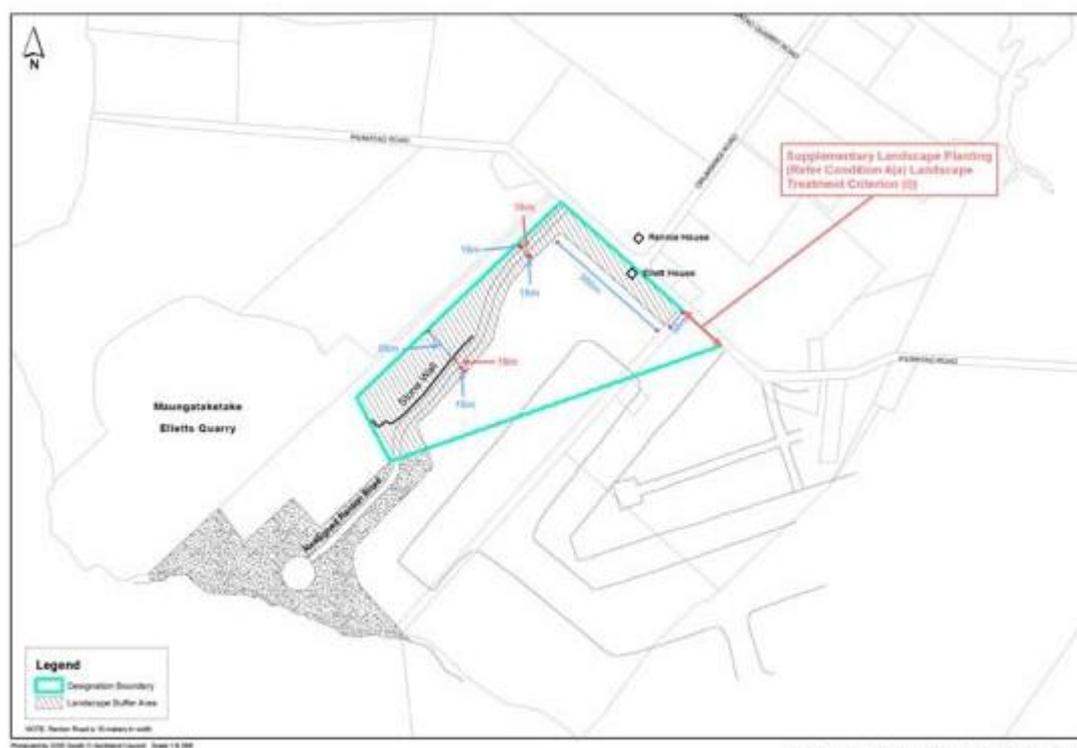


Figure AIAL 1A.1 - DESIGNATION AIAL 1A

Designation 1102 - Auckland Airport accepts Council Recommendation with modifications shown in track changes below.

1102 Obstacle Limitation, Runway Protection and Ground Light Restriction

Designation Number	1102
Requiring Authority	Auckland International Airport Ltd
Location	Vicinity of Auckland International Airport
Rollover Designation	Yes
Legacy Reference	Designation 232, Auckland Council District Plan (Manukau Section) 2002; Designation H05-04, Auckland Council District Plan (Isthmus Section) 1999; Designation 141 Auckland Council District Plan (Franklin Section) 2000
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Part 1: Auckland International Airport, Specification for Obstacle Limitation Surfaces

- Figure 1 to this designation together with this specification comprises the Auckland International Airport Specification for Obstacle Limitation Surfaces.

The Civil Aviation Act 1990 requires that hazards to aviation safety be controlled.

Obstacle Limitation Surfaces of an aerodrome are defined surfaces in the airspace above and adjacent to the aerodrome. These Obstacle Limitation Surfaces are necessary to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome.

No obstacle shall penetrate the Obstacle Limitation Surfaces. An obstacle is defined as any object which is connected directly or indirectly to the ground or water and includes trees. The designation restrictions do not apply to objects located beneath the obstacle limitation services identified on Figure 1. In addition, no chimney shall discharge effluent through the Approach Slopes shown on Figure 2 to this designation at a velocity in excess of 4.3 metres per second.

2. Runway Centreline

2a. Existing Runway

Point A: This is a position located at the eastern end of the centreline of the existing runway. The position of Point A is shown on the Department of Survey and Land Information plan number SO 44954. In metric terms, the co-ordinate value of Point A is:

685,729.76m N

303,667.43m E

Co-ordinate values and bearings are in terms of the Geodetic Datum 1949 and origin of co-ordinates is Mt Eden, 700,000nM 300,000mE.

The western end of the existing runway centreline is 3635 metres west on a bearing of 2510 00'01" from Point A on Figure 1 to this designation.

Designation 1102 - Auckland Airport accepts Council Recommendation with modifications 2 shown in track changes below.

2b. Proposed Second Runway

The eastern end centreline of the proposed second runway is defined as Point C on Figure 1 to this designation with geodetic co-ordinates of:

687,048.03m N
301,506.40m E

The western end centreline proposed second runway is defined as Point D on Figure 1 to this designation with geodetic co-ordinates of:

686,348.07m N
299,473.53m E

3. Runway Strips

The runway strips are areas at ground level 300 metres wide symmetrical about the runway centreline. The ends of the runway strips are 60 metres beyond the eastern and western ends of the defined runway centrelines.

4. Approach Slopes - General

The surfaces known as Approach Slope Surfaces meet requirements for both approach and takeoff. The Approach Slopes (inner edge) start at the points as specified in clauses 4a and 4b below and are symmetrical about the extension of the runway centreline. The Approach Slopes rise at a gradient of 1.2% and terminate at a point 152 metres above mean sea level (AMSL). The sides of the approach slope diverge from the runway centreline at a rate of 15%.

4a. Approach Slopes - Existing Runway

Eastern Approach Slope

Starting point - end of the eastern clearway, i.e. 213.36 metres east of Point A. Width of inner edge - 346 metres.

Starting Level - 9.66 metres above mean sea level.

Western Approach Slope

Starting point - western end of the runway strip. Width of inner edge - 342 metres.

Starting level - 6.83 metres above mean sea level.

4b. Approach Slopes - Proposed Second Runway

Eastern Approach Slope

Starting point - end of the eastern clearway, i.e. 400.00 metres east of Point C. Width of inner edge - 402 metres.

Starting Level - 17.00 metres above mean sea level.

Western Approach Slope

Starting point - end of the western clearway, i.e. 235.5 metres west of pPoint D. Width of inner edge - 353 metres.

Designation 1102 - Auckland Airport accepts Council Recommendation with modifications 3 shown in track changes below.

Starting level - 17.00 metres above mean sea level.

5. Inner Horizontal Surface

The Inner Horizontal Surface is a flat planar surface at an altitude of 52 metres above mean sea level. The outer limits are located 4000 metres from and parallel to the outer sides and ends of the runway strips as depicted on Figure 1 to this designation. The corners of the rectangle are formed by a radius of 1500 metres.

6. Transitional Surfaces

The Transitional Side Surface slopes upwards and outwards from the sides of the runway strips at a gradient of 1:7 extending until they meet the Inner Horizontal Surface and Approach Slopes.

7. Conical Surface

The Conical Surface slopes upward and outwards from the periphery of the Inner Horizontal Surface at a gradient of 1:40 until reaching an elevation of 152 metres above mean sea level.

8. Procedure Turning Area Surfaces

There are two Procedure Turning Areas located to the east and west and bounded by the Conical Surfaces. The surfaces for the Procedure Turning Areas are at 152 metres above mean sea level or 21 metres above terrain whichever is the higher. The northern limit of both Procedure Turning Areas is 4000 metres north of the northern side of the proposed second runway strip. The southern limit of both Procedure Turning Areas is 4000 metres south of the southern side of the existing runway strip. The western limit of the western Procedure Turning Area is 14,000 metres west of the Inner Horizontal Turning Surface. The eastern Procedure Turning Area extends 16,000 metres east of the Inner Horizontal Surface.

9. Controlling Surface

At any point where any two surfaces overlap and are at differing elevations, the lower of the two surfaces shall apply.

Part 2: Restrictions Relating to Runway End Protection Areas

The Runway End Protection Areas (REPAs) shown on Figure 3 to this designation, are areas off the ends of both the existing and proposed second runways which are required to be free of obstructions or activities which could interfere with aeronautical navigational aids. The areas of the REPAs as required for operational purposes are also areas in which, statistically, there are greater chances of aircraft related accidents. It is considered desirable that the public's exposure to such risks be reduced by limiting the range of activities permitted in the REPAs. The following requirements for REPAs are intended to achieve both objectives which, to a large extent, are compatible.

The requirements for REPAs detailed in this section are based on the Federal Aviation Administration (FAA) Office of Airport Standards (Washington, DC, USA) Advisory Circular 150/5300-13 Airport Design and the Civil Aviation Authority (CAA) of New Zealand Advisory Circular AC 139-06A Aerodrome Design - Aeroplanes Above 5700kg MCTOW.

The REPAs comprise fan-shaped areas plus a rectangular area which extends beyond the fan along the extended runway centre-line. The fan-shaped areas commence at the ends of the runway strips (defined in the Specification for Obstacle Limitation Surfaces) and extend equidistant about the extended runway centre-line to a point 750 metres from the end of the

Designation 1102 - Auckland Airport accepts Council Recommendation with modifications 4 shown in track changes below.

runway strips. The width of the fan at this point is 525 metres. The rectangular areas then extend beyond the fans and equidistant about the extended runway centre-lines, for a further 540 metres. The width of the rectangular areas is 120 metres.

All buildings, except those required for aviation purposes, are prohibited within the REPAs. For the purpose of this section, the word "building" shall have the meaning assigned to it in the Building Act 2004, except that the exclusions listed under Section 9(a), (ab), (ac), (b), (c), (f), (g), (h), (i) & (j) of that Act shall not apply and those objects shall be considered to be buildings. Any buildings erected in the REPA for the proposed second runway shall be removed unless the building has the written approval of Auckland International Airport Limited under section 176(b) of the Resource Management Act 1991.

In addition to buildings, all activities within the REPAs which generate or have the potential to generate any of the following effects are prohibited:

- a. Mass assembly of people;
- b. Release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam;
- c. Concentration of dangerous substances;
- d. Production of direct light beams or reflective glare which could interfere with the vision of a pilot;
- e. Production of radio or electrical interference which could affect aircraft communications or navigational equipment; and
- f. Attraction of birds.

Part 3: Requirements for Non-Aeronautical Ground Lights Adjacent to Extended Runway Centre Lines

CAA Advisory Circular AC 139-6 requires that any non-aeronautical ground light which, by reason of its intensity, configuration or colour, might cause confusion or prevent the clear interpretation of aeronautical ground lights, should be extinguished, screened or otherwise modified so as to eliminate such a possibility. For Auckland International Airport, this requirement currently applies to the Existing Runway only. In advance of the Northern Runway becoming operational a similar requirement will need to be introduced for that runway. The current requirement applies over a rectangular area, 1500 metres wide, extending equidistant either side of the extended runway centre-line for a distance of 4440 metres from the end of the runway strip (as defined in the Specification for Obstacle Limitation Surfaces). This area is shown in Figure 4 to this designation.

For ease of administration, Auckland International Airport Ltd requires that any light in the above area be prohibited from shining above the horizontal.

Figure 3 - Runway End Protection Areas

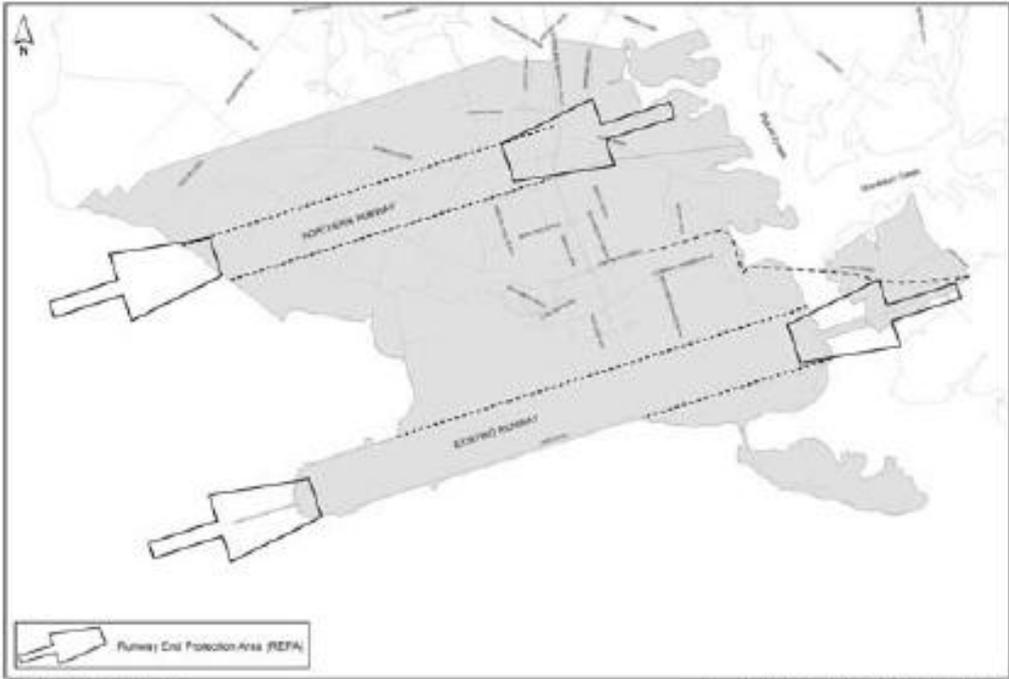


Figure 3 - RUNWAY END PROTECTION AREAS
APPENDIX 2

Figure 4 - Requirements for Non-Aeronautical Ground Lights

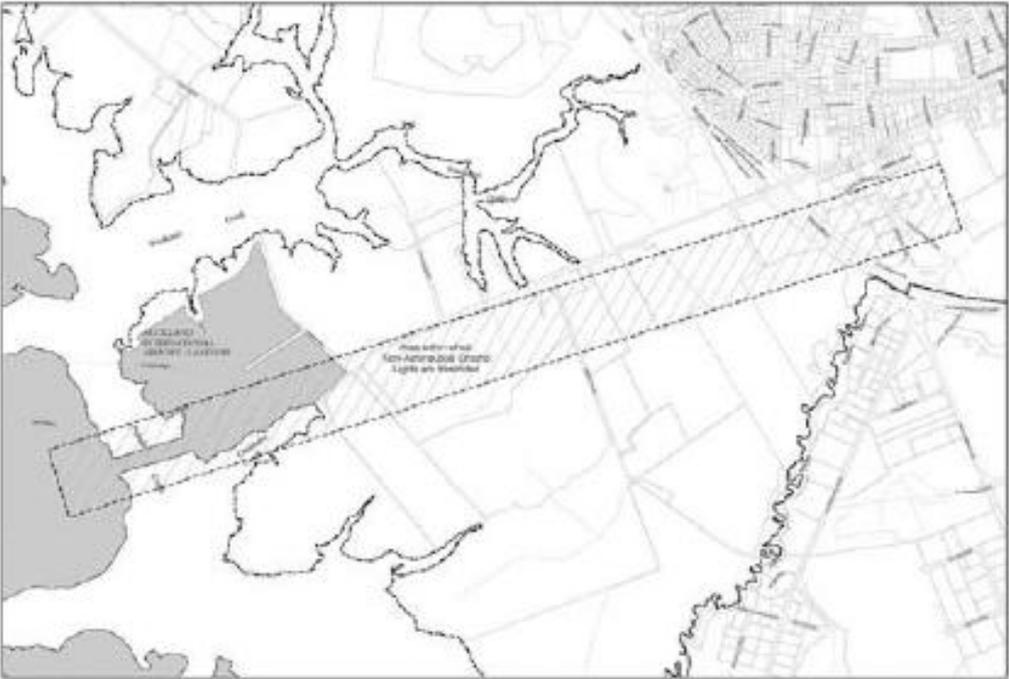


Figure 4 - REQUIREMENTS FOR NON-AERONAUTICAL GROUND LIGHTS
APPENDIX 3

1102 Obstacle Limitation, Runway Protection and Ground Light Restriction

Designation Number	1102
Requiring Authority	Auckland International Airport Ltd
Location	Vicinity of Auckland International Airport
Rollover Designation	Yes
Legacy Reference	Designation 232, Auckland Council District Plan (Manukau Section) 2002; Designation H05-04, Auckland Council District Plan (Isthmus Section) 1999; Designation 141 Auckland Council District Plan (Franklin Section) 2000
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Part 1: Auckland International Airport, Specification for Obstacle Limitation Surfaces

1. Figure 1 to this designation together with this specification comprises the Auckland International Airport Specification for Obstacle Limitation Surfaces.

The Civil Aviation Act 1990 requires that hazards to aviation safety be controlled.

Obstacle Limitation Surfaces of an aerodrome are defined surfaces in the airspace above and adjacent to the aerodrome. These Obstacle Limitation Surfaces are necessary to enable aircraft to maintain a satisfactory level of safety while manoeuvring at low altitude in the vicinity of the aerodrome.

No obstacle shall penetrate the Obstacle Limitation Surfaces. An obstacle is defined as any object which is connected directly or indirectly to the ground or water and includes trees. The designation restrictions do not apply to objects located beneath the obstacle limitation services identified on Figure 1. In addition, no chimney shall discharge effluent through the Approach Slopes shown on Figure 2 to this designation at a velocity in excess of 4.3 metres per second.

2. Runway Centreline

2a. Existing Runway

Point A: This is a position located at the eastern end of the centreline of the existing runway. The position of Point A is shown on the Department of Survey and Land Information plan number SO 44954. In metric terms, the co-ordinate value of Point A is:

685,729.76m N

303,667.43m E

Co-ordinate values and bearings are in terms of the Geodetic Datum 1949 and origin of co-ordinates is Mt Eden, 700,000nM 300,000mE.

The western end of the existing runway centreline is 3635 metres west on a bearing of 2510 00'01" from Point A on Figure 1 to this designation.

2b. Proposed Second Runway

The eastern end centreline of the proposed second runway is defined as Point C on Figure 1 to this designation with geodetic co-ordinates of:

687,048.03m N
301,506.40m E

The western end centreline proposed second runway is defined as Point D on Figure 1 to this designation with geodetic co-ordinates of:

686,348.07m N
299,473.53m E

3. Runway Strips

The runway strips are areas at ground level 300 metres wide symmetrical about the runway centreline. The ends of the runway strips are 60 metres beyond the eastern and western ends of the defined runway centrelines.

4. Approach Slopes - General

The surfaces known as Approach Slope Surfaces meet requirements for both approach and takeoff. The Approach Slopes (inner edge) start at the points as specified in clauses 4a and 4b below and are symmetrical about the extension of the runway centreline. The Approach Slopes rise at a gradient of 1.2% and terminate at a point 152 metres above mean sea level (AMSL). The sides of the approach slope diverge from the runway centreline at a rate of 15%.

4a. Approach Slopes - Existing Runway

Eastern Approach Slope

Starting point - end of the eastern clearway, i.e. 213.36 metres east of Point A. Width of inner edge - 346 metres.

Starting Level - 9.66 metres above mean sea level.

Western Approach Slope

Starting point - western end of the runway strip. Width of inner edge - 342 metres.

Starting level - 6.83 metres above mean sea level.

4b. Approach Slopes - Proposed Second Runway

Eastern Approach Slope

Starting point - end of the eastern clearway, i.e. 400.00 metres east of Point C. Width of inner edge - 402 metres.

Starting Level - 17.00 metres above mean sea level.

Western Approach Slope

Starting point - end of the western clearway, i.e. 235.5 metres west of Point D. Width of inner edge - 353 metres.

Starting level - 17.00 metres above mean sea level.

5. Inner Horizontal Surface

The Inner Horizontal Surface is a flat planar surface at an altitude of 52 metres above mean sea level. The outer limits are located 4000 metres from and parallel to the outer sides and ends of the runway strips as depicted on Figure 1 to this designation. The corners of the rectangle are formed by a radius of 1500 metres.

6. Transitional Surfaces

The Transitional Side Surface slopes upwards and outwards from the sides of the runway strips at a gradient of 1:7 extending until they meet the Inner Horizontal Surface and Approach Slopes.

7. Conical Surface

The Conical Surface slopes upward and outwards from the periphery of the Inner Horizontal Surface at a gradient of 1:40 until reaching an elevation of 152 metres above mean sea level.

8. Procedure Turning Area Surfaces

There are two Procedure Turning Areas located to the east and west and bounded by the Conical Surfaces. The surfaces for the Procedure Turning Areas are at 152 metres above mean sea level or 21 metres above terrain whichever is the higher. The northern limit of both Procedure Turning Areas is 4000 metres north of the northern side of the proposed second runway strip. The southern limit of both Procedure Turning Areas is 4000 metres south of the southern side of the existing runway strip. The western limit of the western Procedure Turning Area is 14,000 metres west of the Inner Horizontal Turning Surface. The eastern Procedure Turning Area extends 16,000 metres east of the Inner Horizontal Surface.

9. Controlling Surface

At any point where any two surfaces overlap and are at differing elevations, the lower of the two surfaces shall apply.

Part 2: Restrictions Relating to Runway End Protection Areas

The Runway End Protection Areas (REPAs) shown on Figure 3 to this designation, are areas off the ends of both the existing and proposed second runways which are required to be free of obstructions or activities which could interfere with aeronautical navigational aids. The areas of the REPAs as required for operational purposes are also areas in which, statistically, there are greater chances of aircraft related accidents. It is considered desirable that the public's exposure to such risks be reduced by limiting the range of activities permitted in the REPAs. The following requirements for REPAs are intended to achieve both objectives which, to a large extent, are compatible.

The requirements for REPAs detailed in this section are based on the Federal Aviation Administration (FAA) Office of Airport Standards (Washington, DC, USA) Advisory Circular 150/5300-13 Airport Design and the Civil Aviation Authority (CAA) of New Zealand Advisory Circular AC 139-06A Aerodrome Design - Aeroplanes Above 5700kg MCTOW.

The REPAs comprise fan-shaped areas plus a rectangular area which extends beyond the fan along the extended runway centre-line. The fan-shaped areas commence at the ends of the runway strips (defined in the Specification for Obstacle Limitation Surfaces) and extend equidistant about the extended runway centre-line to a point 750 metres from the end of the

runway strips. The width of the fan at this point is 525 metres. The rectangular areas then extend beyond the fans and equidistant about the extended runway centre-lines, for a further 540 metres. The width of the rectangular areas is 120 metres.

All buildings, except those required for aviation purposes, are prohibited within the REPAs. For the purpose of this section, the word "building" shall have the meaning assigned to it in the Building Act 2004, except that the exclusions listed under Section 9(a), (ab), (ac), (b), (c), (f), (g), (h), (i) & (j) of that Act shall not apply and those objects shall be considered to be buildings. Any buildings erected in the REPA for the proposed second runway shall be removed unless the building has the written approval of Auckland International Airport Limited under section 176(b) of the Resource Management Act 1991.

In addition to buildings, all activities within the REPAs which generate or have the potential to generate any of the following effects are prohibited:

- a. Mass assembly of people;
- b. Release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam;
- c. Concentration of dangerous substances;
- d. Production of direct light beams or reflective glare which could interfere with the vision of a pilot;
- e. Production of radio or electrical interference which could affect aircraft communications or navigational equipment; and
- f. Attraction of birds.

Part 3: Requirements for Non-Aeronautical Ground Lights Adjacent to Extended Runway Centre Lines

CAA Advisory Circular AC 139-6 requires that any non-aeronautical ground light which, by reason of its intensity, configuration or colour, might cause confusion or prevent the clear interpretation of aeronautical ground lights, should be extinguished, screened or otherwise modified so as to eliminate such a possibility. For Auckland International Airport, this requirement currently applies to the Existing Runway only. In advance of the Northern Runway becoming operational a similar requirement will need to be introduced for that runway. The current requirement applies over a rectangular area, 1500 metres wide, extending equidistant either side of the extended runway centre-line for a distance of 4440 metres from the end of the runway strip (as defined in the Specification for Obstacle Limitation Surfaces). This area is shown in Figure 4 to this designation.

For ease of administration, Auckland International Airport Ltd requires that any light in the above area be prohibited from shining above the horizontal.

Attachments

Figure 1 - Specification for Obstacle Limitation Surfaces

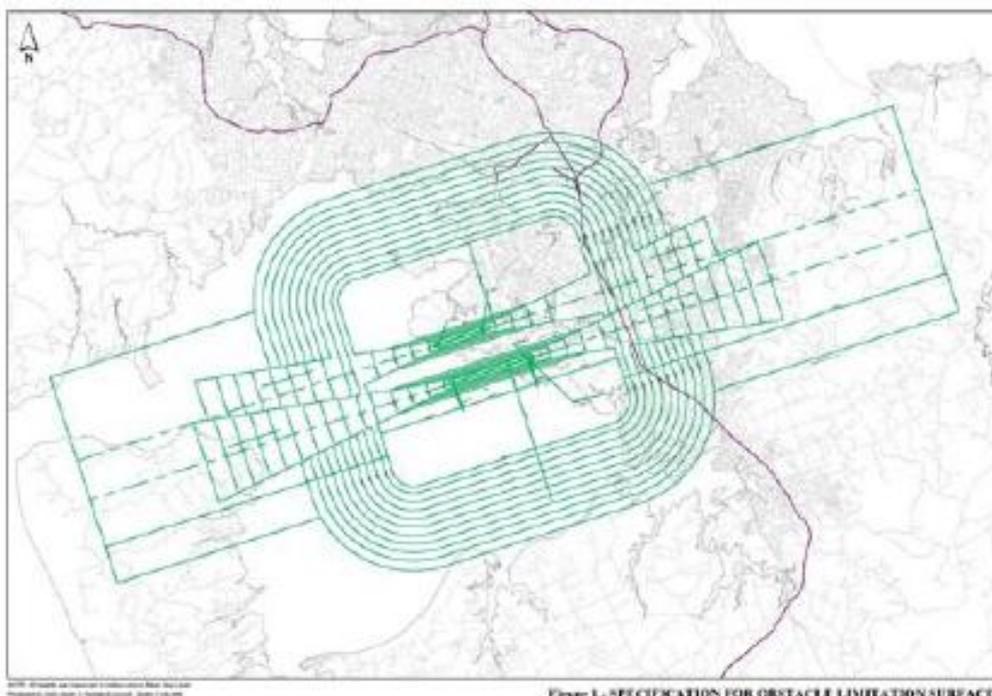


Figure 1 - SPECIFICATION FOR OBSTACLE LIMITATION SURFACES
APPENDIX 1

Figure 2 - Specification for Discharge to Air Rates Through Obstacle Limitation Surfaces

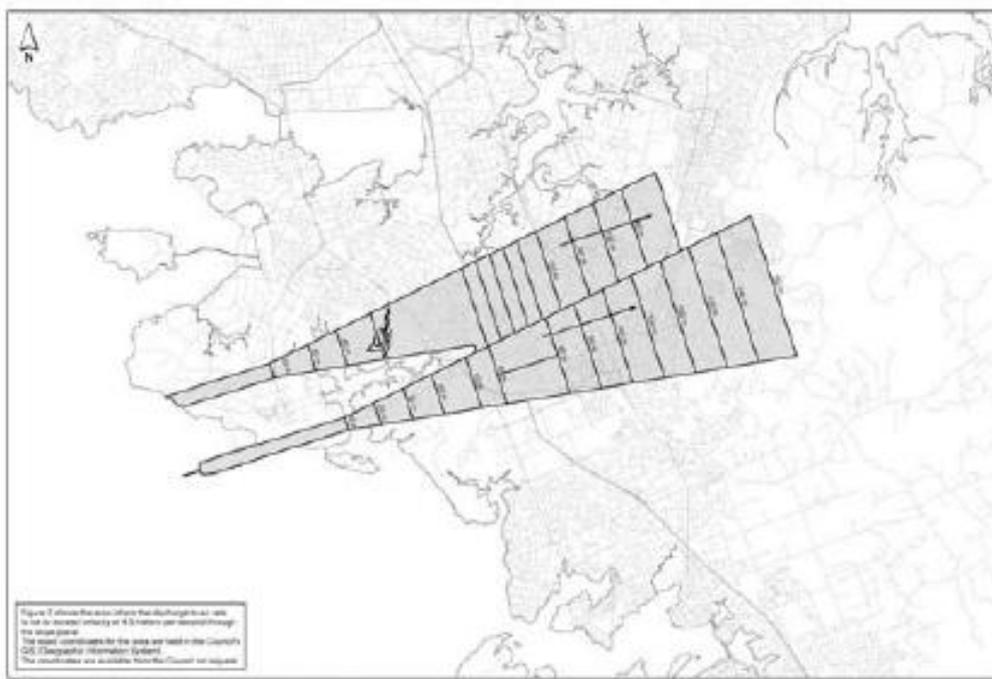


Figure 2 - SPECIFICATION FOR DISCHARGE TO AIR RATES THROUGH OBSTACLE LIMITATION SURFACES
APPENDIX 1

Figure 3 - Runway End Protection Areas

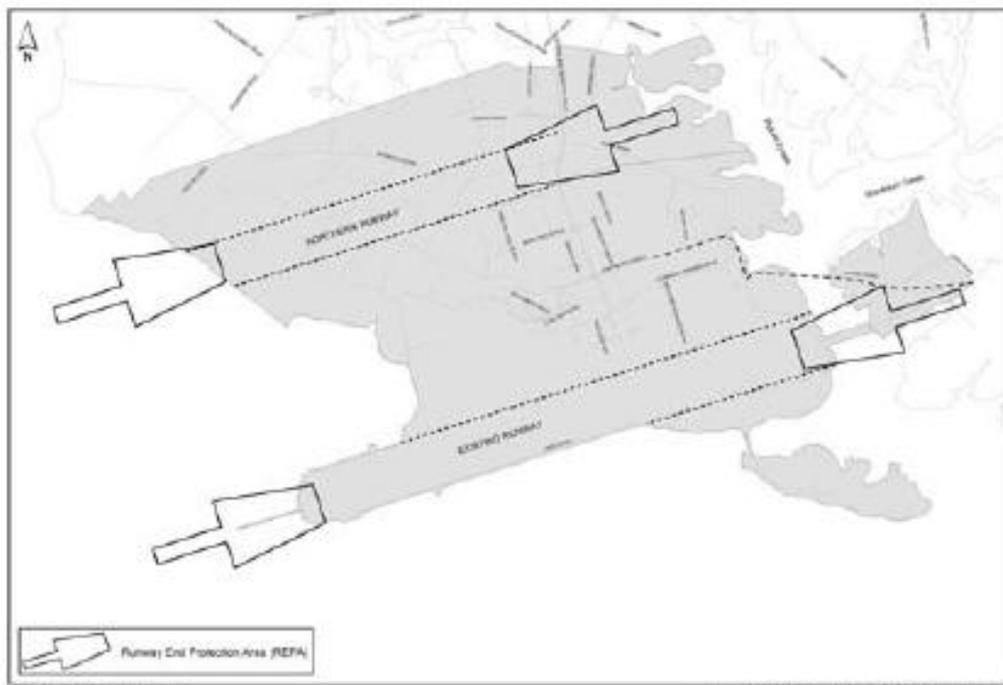


Figure 3 - RUNWAY END PROTECTION AREAS
APPENDIX 2

Figure 4 - Requirements for Non-Aeronautical Ground Lights

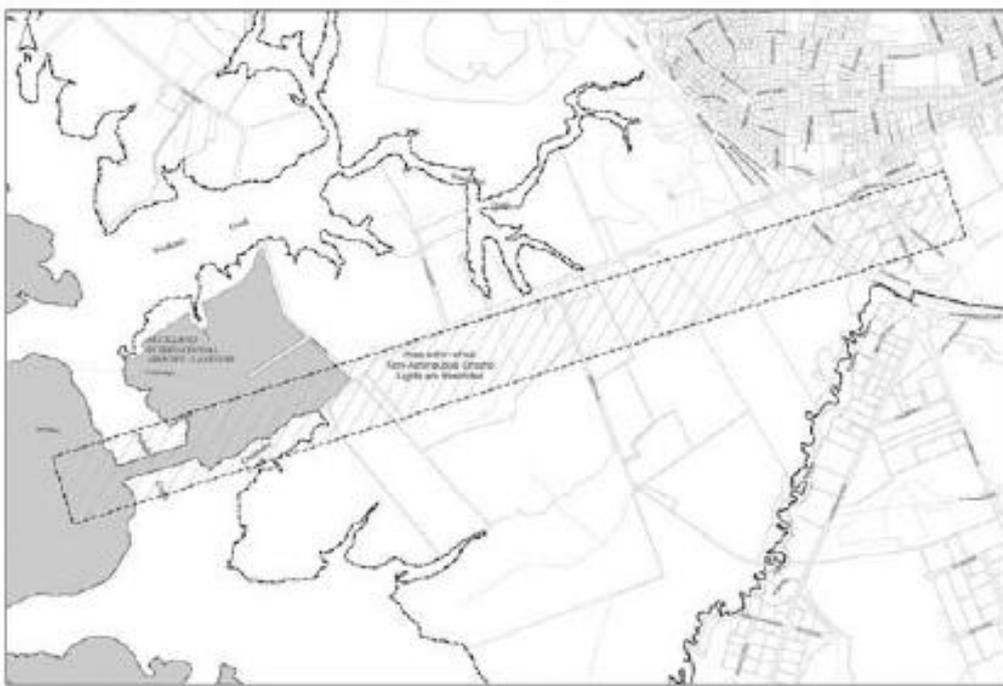


Figure 4 - REQUIREMENTS FOR NON-AERONAUTICAL GROUND LIGHTS
APPENDIX 3

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Report to Auckland Council
Hearing topic 045**

**Auckland International Airport
Designations 1100, 1101, 1102**

Attachment 1 recommended text

July 2016

Report to Auckland Council Hearing topic 045 – Auckland International Airport Limited Designations 1100, 1101, 1102

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1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to the designations of Auckland International Airport Limited. These designations were the subject of hearings in The Auckland Unitary Plan Independent Hearings Panel hearing topic: 045 Airports.

Designation Summary Table

Requiring authority	Auckland International Airport Limited
Designation numbers and names	1100: Auckland International Airport 1101: Auckland International Airport – Renton Road Area 1102: Obstacle Limitation, Runway Protection and Ground Light Restriction
Designation purposes	<p>1100: The land to which this designation applies (“the designated area”) may be used for activities for the operation of Auckland International Airport (“the Airport”) subject to the conditions set out below, including but not limited to:</p> <ul style="list-style-type: none"> • aircraft operations, • runways, • taxiways and other aircraft movement areas, • aprons, • terminals, • rescue facilities, • navigation and safety aids, • maintenance and servicing facilities including the testing of aircraft engines (in situ or otherwise), • catering facilities, • freight facilities, • quarantine and incineration facilities, • fuelling facilities including Joint User Hydrant Installations, • stormwater facilities, • roads, • monitoring activities, • site investigation activities, • vehicle parking and storage, • rental vehicle activities, • vehicle valet activities, • public transport facilities, • landscaping, • flags, • signs, • the relocation of heritage buildings from elsewhere within this Designation and the subsequent restoration and use of those buildings for purposes compatible with their heritage values; • offices associated with any of the foregoing activities; and

	<ul style="list-style-type: none"> all related construction and earthwork activities. <p>1101: Activities within the designation are limited to:</p> <ol style="list-style-type: none"> Runways, taxiways and other aircraft movement areas and aprons; Aircraft Operations; The repair, maintenance and servicing of aircraft; Air freight operations which require airside frontage; Landscaped open space buffer areas (refer Figure 1A.1); Activities that are ancillary to the above activities; and Buildings and other Structures required for the above activities. <p>1102: Refer to Attachment 1.</p>
Location	1100: George Bolt Memorial Drive, Māngere 1101: 200 and 260 Ihumātao Road, Māngere 1102: Vicinity of Auckland International Airport
Designations given effect to	Yes
Modifications made when rolled into the proposed Auckland Unitary Plan	Yes – refer to section 3 below.
Submissions	Yes – refer to section 4 below.

2. Overview

Auckland International Airport Limited is the requiring authority for three designations that enable the operation of the Auckland Airport. These designations enable both domestic and international airport operation. The designations as notified in the proposed Auckland Unitary Plan are summarised as follows.

Designation 1100 Auckland International Airport covers the main airport area and contains conditions and restrictions relating to aircraft operations at the airport. The conditions and restrictions include controls on the number of runways, the length of the northern runway, use of the runways, noise emissions from aircraft operations, noise mitigation and a requirement for a consultative group.

Designation 1101 Auckland International Airport – Renton Road Area covers a smaller area in the in the northwest of the airport and is more restricted in scope (being largely restricted to aircraft operations and maintenance activities) and contains various conditions requiring heritage and landscape protections including a landscape buffer between airport activities and activities on adjacent land.

Designation 1102 Obstacle Limitation, Runway Protection and Ground Light Restriction includes the obstacle limitation surface, runway end protection area and non-aeronautical

light restrictions which ensure aviation safety is maintained in respect of ground based objects and structures which could potentially affect aircraft safety.

The three designations exist in the operative district plan and were included in the proposed Auckland Unitary Plan as notices of requirement with modifications. All matters relating to these three designations were heard in hearing topic 045 Airports.

The Panel is required to provide Auckland Council with recommendations on the modifications contained in the notices of requirement and the submissions on the notices of requirement.

There are also zones, overlays and precincts that apply to Auckland Airport. These are referenced by the Panel as H23 Special Purpose – Airports and Airfields Zone, I402 Auckland Airport Precinct, D23 Approach Surface Overlay and D24 Aircraft Noise Overlay. The Panel's recommendations on these are provided separately to this report which addresses the designations only. The Panel's Report to Auckland Council Hearing -Topic 045 Airports July 2016 should be referred to for recommendations on these and all other provisions included in Topic 045 Airports.

3. Modifications

The designations were modified in the notices of requirement from Auckland International Airport Limited to Auckland Council. The modifications made are summarised below.

3.1 Designation 1100 was modified as follows

Deleting certain activities and references in the designation that are provided for in the District Plan zone.

Adding further activities to be covered by the designation within the ambit of the existing activities for the operation of Auckland International Airport.

Modifying certain definitions.

Removing the existing condition requiring a new northern runway to be constructed in a minimum of two stages, with the first stage having a maximum operational length of 1200 metres (while allowing elements such as earthworks and drainage of a longer runway to be completed). The overall maximum operational length of 2150 metres and the restriction on the night time use of the northern runway remain.

Modifying the interim noise control which applies to the northern runway to limit it to the first five years after the commencement of aircraft operations and to reduce the circumstances by which the interim noise control could otherwise be removed.

Replacing the Audit Group which considers these circumstances with a 'suitably qualified person' (still required to be approved by the Council).

Modifying the Aircraft Noise Community Consultative Group (ANCCG) Terms of Reference to reflect current practice as follows:

- Updating references to the "Auckland Council".

- Updating the membership from Local Boards (now Māngere-Otahuhu, Otara-Papatoetoe, Manurewa, Howick, Franklin, Mangakiekie-Tamaki), and adding one additional representative from the Board of Airline Representatives of New Zealand.

- Changes to general and meeting procedures of the ANCCG.

Modifying the "Noise Mitigation Programme" to apply to new "Preschools and Schools" within the Moderate Aircraft Noise Area (MANA) rather than new "Education Facilities" within the MANA. Updating the table specifying maximum cost of acoustic treatment for classrooms, libraries and halls for preschools and schools to reflect the Consumer Price Index adjusted to 2012 costs.

Modifying the noise mitigation programme conditions to reflect that the AIAL has already undertaken a noise mitigation programme and supplied certain information to the Council.

Deleting the requirement that an offer be made to install noise treatment measures to mitigate engine testing noise effects within 18 months of the designation becoming operative on the basis that this offer has already been made within the specified period.

Deleting the Puhunui School, Papatoetoe South School, Clover Park School, Chapel Downs School and Redoubt North School from the table identifying existing numbers of classrooms, libraries and halls at each school to be subject to retrospective acoustic treatment (and the maximum cost of that treatment) on the basis that all these schools have now received the identified retrospective acoustic treatment and related ventilation measures. New buildings at those schools are still eligible for an acoustic treatment subsidy subject to the terms of Condition 10(k).

Modifying the Aircraft Noise Mitigation Fund conditions to reflect that a Trust has now been established and to update the annual contribution.

Updating time frames within the designation.

Modifying the Deed of Land Covenant attached to the designation as follows:

- Updating references to Auckland Council.
- Extending the protection afforded by the covenant from 2030 to 2040.
- Addition of new clauses to allow the parties to agree to amend the covenant when the area of the Airport land protected by the covenant needs to be reduced as a result of the AIAL disposing of some of that land.

Extending the control zone on the "Control Zone" map in accordance with the latest information from Airways Corporation of NZ.

Position of noise areas on "Aircraft Noise Areas" map remained unchanged but cadastral map updated and extent of AIAL designation were corrected.

Clarifications and updates to certain references and standards to ensure consistency with the Proposed Unitary Plan and new legislation were made.

3.2 Designation 1101 was modified as follows

Updating the condition references from the main Auckland International Airport designation 1100 which apply also to this designation of the Renton Road Area.

Incorporating part of NZS6801 relating to the definition of notional noise boundary into the conditions and updating references to Unitary Plan zones.

Clarifications and updates to certain references and standards to ensure consistency with the Proposed Unitary Plan and new legislation.

3.3 Designation 1102

References to figures in the designation were clarified.

The starting point of approach slopes was clarified.

4. Submissions

All submissions relating to airports were grouped by the Panel into hearing topic 045 Airports. The submissions included in this topic are summarised in the document 045-Submission Point Pathway Report - 5 December 2014. The original submissions can be viewed on Auckland Council's website.

There are 133 submission points specifically attached to the Auckland Airport designations 1100, 1101 and 1102. Of these, most (114) submission points concerned aircraft noise and generally sought a reduction in aircraft noise. A smaller group of submission points addressed other matters such as the detail of the mapping and text of the designations, Mana Whenua cultural issues, approach path protection controls and other matters.

The Panel notes for completeness that there are other submission points concerned with aircraft noise which are not specifically attached to the three designations and are instead attached to other airport related provisions such as the Aircraft Noise Overlay (now D24 Aircraft Noise Overlay). The Panel considered all submissions in hearing topic 045 Airports in an integrated manner.

5. Matters agreed in mediation

At the pre-hearing meeting on 11 December 2014, the Panel recorded that counsel (including counsel for Auckland Council, Auckland The Plane Truth Incorporated, and Auckland International Airport Limited) acknowledged the scope of jurisdiction available to control aircraft under section 9(5) of the Resource Management Act 1991 is limited to aircraft taking off or landing within 1000 feet altitude of ground level at an urban airport. There is no jurisdiction for the Auckland Unitary Plan to control aircraft above this altitude.

That agreement was referred to in the subsequent mediation on the 24 February 2015, and maintained in subsequent hearing process that these parties participated in.

An expert joint conference on airport noise for hearing topic 045 Airports took place on 27 January 2015. The outcomes of the expert conference are reported on in the document Expert Conference Joint Statement for Hearing Topic 045 – Airports On Noise Acoustics

Matters of 27 January 2015. The Panel relies on the outcomes of the expert conference joint statement to the extent that they apply to the three designations.

Mediation for hearing topic 045 Airports took place from the 16 February to 25 February 2015, with mediation on the Auckland Airport designations occurring on the 24 February 2015. The Panel's mediation records indicate that the following parties participated in mediation:

Auckland Kindergarten Association
Coronation Road Holdings Limited
Housing New Zealand Corporation
Board of Airline Representatives of New Zealand Inc
Earnest B Kirk
Minister of Education
Te Ākitai Waiohua Waka Taua Trust
Auckland Council
Auckland International Airport Limited
Air New Zealand
Auckland the Plane Truth Inc
Epsom Preservation Society
Kevin Kevany
South Epsom Planning Group Inc.

Agreement was reached on some matters. These included:

- i. changes to the definitions;
- ii. changes to the abbreviation of technical terms;
- iii. minor corrections;
- iv. replacement of a reference to the "Audit Group's" in condition 6 with "suitably qualified independent person's";
- v. various changes to address the concerns of Te Akitai Waiohua Waka Taua Trust;
- vi. changes to address concerns of the Minister of Education;
- vii. clarification of a reference to notable trees.

6. Matters not resolved and heard by the Panel

At the earlier Panel pre-hearing meeting of the 11 December 2014 it had been agreed that the order of hearing evidence would start with Auckland International Airport Limited first (as the designation requiring authority), then submitters. Auckland International Airports Limited's primary evidence is dated from the first half of 2014. However, the hearing took place later on the 28-30 April 2015 and most other evidence is dated to the 2015 hearing time.

The evidence presented to the Panel focuses mainly on the provisions of Designation 1100 Auckland International Airport, and in particular the designation provisions relating to aircraft noise.

The conditions of the designation as notified in the proposed Auckland Unitary Plan control noise emissions from aircraft taking off and landing at Auckland Airport. Control is to be exercised over flight paths within the control zone set out in Figure 2 of the designation. The conditions also set an obligation for Auckland International Airport Limited to provide noise mitigation upgrades to noise-affected residential and other activities sensitive to aircraft noise. In addition, the conditions of Designation 1100 provide for a noise management plan, an aircraft noise community consultative group and monitoring of noise emissions. Designation 1101 also controls noise emissions from aircraft operations.

The Housing New Zealand Corporation reserved its position at the mediation requesting that the designations be retained as notified. However, the Corporation's subsequent evidence focussed on the aircraft noise overlay provisions rather than the designation provisions.

Significant differences remained unresolved between Plane Truth and other like-minded submitters, and Auckland International Airport Limited regarding the content of Attachment A to the Designation 1100 and other matters related to aircraft noise.

Auckland the Plane Truth Incorporated (Plane Truth) gave evidence requesting changes to the conditions governing the composition, operation and influence of the ANCCG and other restrictions. These include:

- i. provisions for good faith;
- ii. reasons in responses from Auckland International Airport Limited to recommendations of the ANCCG;
- iii. a 'truly' independent chair; widening of the community representation on the ANCCG;
- iv. a public forum; and that meetings be open for public observation,
- v. other matters.

Plane Truth also requested a new condition be inserted in Designation 1100 to provide for a night flying curfew.

The case for Plane Truth is set out principally in legal submissions (29 April 2015) and is also supported by evidence from Ms Lorraine Clark (6 April 2015) whose evidence concerned the effects of aircraft noise and her experience of that.

Auckland International Airport Limited did not agree to all of Plane Truth's requests and specifically opposes (legal submissions of 30 April 2015) changes seeking:

- i. that the appointed chairperson have no connection with any of the ANCCG members;
- ii. that the chairperson be appointed by the Council alone;
- iii. replacement of local board representatives with community representatives;

- iv. addition of a representative from Plane Truth;
- v. removal of industry representatives;
- vi. reduction of representatives from Auckland International Airport Limited and the Board of Airline Representatives of New Zealand;
- vii. specified minimum three-monthly meetings;
- viii. a public forum at the start of each meeting; and
- ix. the additional condition 5A requested by Plane Truth.

Mr Peter Milner also gave evidence (6 April 2015) generally concerned with the effects of noise from aircraft using Auckland Airport. He requested:

- i. changes in flight paths to reduce noise over residential areas,
- ii. a curfew between 10.30pm and 6.30am.

Ms Bronwyn Turner gave evidence (29 April 2016) on behalf of herself, Huia Private Reserve, and Kenneth and Helen Turner. Ms Turner's evidence:

- i. requested that westerly flight paths continue out through the Manukau Harbour entrance rather than turning North in the vicinity of Huia;
- ii. supported changes to the membership of the ANCCG in designation 1100 to include representatives of local boards under flight paths and including the Waitākere Ranges, Whau and Puketāpapa Local Boards as set out in the rebuttal evidence of Mr Vinall (21 April 2015);
- iii. requested consultation with residents in the Control Zone in Designation 1100.
- iv. requested conditions limiting aircraft noise in the Waitākere Ranges and in particular a single noise event control.
- v. requested the uplifting of Figure 2 Control Zone in Designation 1100 and the uplifting of Designation 1102 from parts of the Waitākere Ranges.

Mr Bernard Hollewand gave evidence (6 April 2015) concerned with the effects of aircraft noise and requested:

- i. a no-fly curfew between 10.00pm and 6.00am over parts of Auckland City outside traditional flight corridors;
- ii. installation of noise monitors and enforce the 60dB noise limit on particular routes
- iii. extension of ANCCG representation to include local board members from communities in Eden-Roskill, Ōnehunga, Maungakiekie and require that group to be chaired by local body members in rotation,
- iv. directing Airways to designate a series of dispersed STAR approaches and waypoints dependent on aircraft origin, rather than channelling all aircraft over the single Mt Roskill waypoint LOSGA,
- v. directing Airways to publish a takeoff procedure that prohibits takeoff turns from the runway centreline before an aircraft reaches 5,000 feet or turning north

towards the city east of the Cornwallis Peninsula for take-offs to the southwest or west of the Bucklands Beach peninsula for take-offs to the northeast.

Mr Kevin Kevany gave evidence (29 April 2015) concerned with the effects of aircraft noise.

Mr Nigel Cartmell gave evidence (7 and 29 April 2015) concerned with the effects of aircraft noise and requests flight paths and flight technology that would reduce aircraft noise over heavily populated areas.

Mr Richard Bellamy gave evidence (29 April 2015) for the South Epsom Planning Group Incorporated which requested mitigation of the effects of noise by revised flight paths, and adopts the relief requested by Plane Truth.

Ms Orchid Atimalala gave evidence (2 April 2014) for The Minister of Education confirming ongoing support for the mediated amendments to condition 10(m) of Designation 1100 which provides for schools.

Ms Catherine Reaburn gave evidence for Te Ākitai Waiohua Waka Taua Trust confirming ongoing support for the mediated amendments to Designation 1100 to addressing matters of concern to Te Ākitai Waiohua Waka Taua Trust.

Auckland International Airport Limited was represented by planning evidence from Mr Greg Osborne (26 March 2014 and 20 April 2015) and a number of specialists.

At the close of mediation Auckland Council and Auckland International Airport Limited had not reached agreement on submissions from Auckland International Airport Limited requesting alteration of the aircraft noise overlay maps (D24 Aircraft Noise Overlay), and a related proposed condition 10C in Designation 1100 providing for increased air traffic in the future.

This proposed condition requires Auckland International Airport Limited to contribute part funding for dwelling noise mitigation work required under the aircraft noise overlay (now D24 Aircraft Noise Overlay) provisions in the event that the overlay maps are amended in response to their submission requesting map changes to anticipate increased air traffic in the future.

The text of this condition is set out as follows with amendments to use the plan provision numbering used by the Panel in its recommendations rather than the Proposed Auckland Plan numbering.

Temporary Noise Mitigation Programme

10C

(a) This condition shall only apply:

- (i) until this designation is altered to reflect the extent of AIAL's aircraft noise contours in the Unitary Plan D24 Aircraft Noise Overlay, after which it will no longer apply; and**
- (ii) to landowners within the areas shown on the Auckland International Airport Transitional Mitigation Plans set out in Attachment D; and**
- (iii) to landowners who are required to comply with the acoustic insulation and ventilation standards set out in D24.6.3 of the D24 Aircraft Noise**

Overlay when establishing a new ASAN or undertaking additions or alterations to an existing ASAN within those areas, and who have acquired building consent.

(b) If the requirements set out in subsection (a) are met, AIAL shall meet the relevant part of the cost of installing acoustic treatment in buildings where this is required by D24.6.3 of the Unitary Plan on the same basis as set out in condition 10 as if the building in question was an "existing building", or the addition or alteration was part of an "existing building", on an "affected site", with all other modifications required to condition 10 to allow it to be applied in this context.

Provisos:

- Condition 10C is only required during the transitional period between the Unitary Plan being made operative and this designation being altered to reflect the extent of AIAL's aircraft noise contours in the Unitary Plan Aircraft Noise Overlay. At this time, this Condition will be deleted from this designation.
- When Condition 10C applies to additions or alterations, the costs are to be met or partially met only in relation to the additions or alteration itself not the whole building.

Annexure 11 of Mr Osborne's evidence also contains maps to be inserted as the "Attachment D" referred to in the above proposed condition.

The legal submission (28 April 2015) of the Board of Airline Representatives of New Zealand Incorporated supported the evidence of Mr Osborne.

Mr Vinall gave planning evidence (2 April 2015 and 20 April 2015) for Auckland Council. Broadly Mr Vinall's evidence agreed with Auckland International Airport Limited's proposed amendments to Attachment A of Designation 1100 and did not support other changes requested by Plane Truth. Mr Vinall also supported the new condition 10C proposed by Auckland International Airport Limited.

Auckland Council's legal submissions and closing statement (15 May 2015) confirms agreement to inclusion of the additional Local Boards within the Aircraft Noise Community Consultative Group.

However, the Council's legal submissions and closing statement also stated that the Councillors did not agree with the aircraft noise overlay maps being modified through the Panel's hearing process to provide for increased future air traffic as requested by Auckland International Airport Limited, in the absence of a notice of requirement to modify designation 1100 to provide for airport runway expansion. The Councillor's position on the aircraft noise overlay is not specifically extended to opposition to condition 10C for Designation 1100 proposed by Auckland International Airport Limited.

7. Assessment

The submissions and evidence from submitters are mainly concerned with the effects of aircraft noise related to aircraft flying over Auckland on their way to and from Auckland

Airport. Evidence and submissions often refer to the recent SMART trials which are changes to the approach and routes aircraft take when flying to and from Auckland Airport. The submitters are also concerned with the general increase in air traffic over Auckland. These submitters believe that this is increasing their exposure to the adverse effects of aircraft noise by concentrating aircraft travel in several locations over Auckland.

In this context the submissions address noise effects from aircraft that occur both:

- i. before aircraft enter into their final landing approach to the airport runways, and
- ii. after aircraft leave their initial take-off climb from the airport runways.

In considering this issue the Panel addressed where the statutory responsibility rests for control of these effects. The Panel believes the correct legal approach is that agreed by counsel (including counsel for Auckland Council, Plane Truth, and Auckland International Airport Limited at the pre-hearing meeting of 11 December 2014.

This is that the scope of the Unitary Plan's jurisdiction to control aircraft under section 9(5) of the Resource Management Act 1991 is limited to aircraft taking off or landing within a height of 1000 feet height from ground level at an urban airport. There is no jurisdiction for the Unitary Plan to control aircraft above this altitude. Therefore the Panel has not made any recommendations specifically and directly relating to the control of aircraft flying over Auckland on their way to and from Auckland Airport.

There is no express '1000 feet height' limit to noise controls in Designation 1100. However the Panel notes that the particular Designation 1100 definitions of 'aircraft operations' and 'flight paths' which are linked to Figure 2 Control Zone, and their use in condition 5 Noise from Aircraft Operations, and the HANA and MANA which are referred to in that condition; collectively create a boundary to the extent of control of noise from aircraft using the Auckland Airport. Apart from Ms Turner's request for an individual noise event control and the uplifting for Figure 2 Control Zone, and other submitter's requests for night flying curfews; evidence did not request specific alterations to these particular provisions.

Therefore the Panel has not made any recommendations specifically and directly relating to the control of aircraft flying over Auckland on their way to and from Auckland Airport. Specific matters raised in submissions and evidence are addressed below.

Plane Truth and the South Epsom Planning Group

Condition 9 and Attachment A to Designation 1100 sets up the aircraft noise community consultative group (ANCCG) and requires a noise management plan and noise monitoring reporting among other matters. The proposed Auckland Unitary Plan version of this Attachment A limits public membership of the ANCCG to representatives of Local Boards within the high aircraft noise area (HANA) and moderate aircraft noise area (MANA). Alternate versions of Attachment A requested by Plane Truth and Auckland International Airport Limited are set out in Annexure 1 of this report. The detail of the content of Attachment A was disputed in evidence between Plane Truth on the one hand and Auckland International Airport Limited and the Board of Airline Representatives of New Zealand Inc. on the other.

However, it is important to note that there is some agreement in principle between the parties; to the effect that the geographic spread of representation needs to be expanded to include parts of Auckland not underneath MANA and HANA. Many of the amendments in the two versions are agreed between the two parties. The difference is to the degree of alteration of the composition and other operating procedures of the ANCCG. The Panel records that Auckland Council supports the Auckland International Airport Limited version of Attachment A to Designation 1100. The South Epsom Planning Group adopts the relief requested by Plane Truth.

The two alternate versions of Attachment A contain agreed amendments up to and including clause 7. The Panel agrees with and recommends these amendments.

The Panel does not agree with Plane Truth's request that only Council be responsible for appointment of the Chairperson and that this responsibility not be shared jointly between the Council and Auckland International Airport Limited as is currently the case. The Panel's reason is that Auckland International Airport Limited is the requiring authority for this designation and therefore should share responsibility with Council for appointment of the Chairperson. Likewise, the Panel considers the Plane Truth's request for text stating "who has no connection with any Group member" as unnecessary in the context of the existing sentence which requires "an independent chairperson". The Panel agrees with the other changes to the provisions for appointment of the Chairperson which are agreed in both versions.

Turning to the 'Membership' provisions, the Panel agrees with the Auckland International Airport Limited version of the amended provisions. The Panel considers that including additional Local Boards from a wider geographic area as proposed by Auckland International Airport Limited provides an opportunity for the ANCCG to influence management of noise from aircraft more widely than that can be achieved within the Resource Management statutory limitations described above. At the same time democratic principles are retained in the appointment of membership.

Moving to 'General' provisions and the 'Meeting Procedure' provisions; the Panel agrees with the Auckland International Airport Limited's version including those amendments that are common to and agreed in both versions; as being the most practicable.

Plane Truth requests insertion of a new condition 5A in Designation 1100, as set out in Annexure 1 to this report. The intent of this proposed condition appears to be to insert an 11.00pm to 6am curfew on flights to and from the east on the main existing runway. This condition is similar to an existing condition 4 that applies to the northern runway. Plane Truth's evidence relies on the existing condition 4 as a justification for the proposed new condition 5A, and provides no supporting analysis of the proposed condition 5A in terms of effects:

- i. of redistributing noise from aircraft to other parts of Auckland,
- ii. on aircraft safety,
- iii. on the operation of the airport,
- iv. on the costs of air travel.

Auckland International Airport Limited, and the Board of Airline Representatives of New Zealand Incorporated do not agree with the proposed Condition 5A.

The Panel does not agree with the proposed condition 5A because there has been no analysis of the effects on the environment or the benefits and costs of the proposed condition.

Bronwyn Turner and others

The evidence of Ms Turner applies to the Waitākere Ranges generally but the submitters have a specific interest in the Cornwallis, Huia and Little Huia area of the southern Waitākere Ranges which are close to the western approach and departure path from Auckland Airport.

The Panel concludes that there is no jurisdiction for it to make recommendations on flight paths beyond 1000 feet in height for the reasons given further above. The Waitākere Ranges Heritage Area Act 2008 does not override this.

However, the inclusion of the Waitākere Ranges Local Board on the ANCCG as requested by Ms Turner, agreed by Auckland International Airport Limited, and recommended by the Panel would provide an opportunity to address the concerns of Ms Turner and the other submitter's she represents.

Lifting the Figure 2 Control Zone within Designation 1100 as requested by Ms Turner would remove or reduce existing noise controls in the designation and therefore the Panel does not agree with this.

Ms Turner also requests an "absolute noise limit on any incident" as well as the "12 month rolling logarithmic average basis" control on aircraft noise.

This issue is addressed in the outcomes of the Expert Conference Joint Statement for Hearing Topic 045 – Airports On Noise / Acoustics Matters of 27 January 2015. The following quoted outcome is particularly relevant. The experts Nigel Lloyed, Neville Hegley, Malcom Hunt, Steve Peakall and Chris Day "agreed that L_{dn} is the most appropriate metric to use and is current best practice":. In contrast: "Dr David Welch considers that the L_{dn} noise metric (or other average noise level metrics) does not fully describe intermittent aircraft noise, stating that when averaged over time, aircraft noise levels can appear quite trivial, whereas each individual event is attention grabbing in nature. The use of another metric capturing the number of events, and the characteristics of them that may cause annoyance would be desirable." The Panel agrees with the majority of the experts and therefore does not recommend an incident noise control in Designation 1100.

Ms Turner also requested the uplifting of Designation 1102 which controls the height of structures on the approach paths to Auckland Airport. The "Procedure Turning Area Surfaces" as described in condition 8 and Figure 1 of Designation 1102 covers Cornwallis Peninsula and a small part of Little Huia. The height threshold is "152 metres above mean sea level or 21 metres above terrain whichever is the higher." The Panel considers that this restriction is unlikely to have any practical effect on the submitter's ability to use their land while it does assist in ensuring the safety of aircraft using Auckland Airport. Therefore the Panel recommends that Designation 1102 be confirmed.

Peter Milner, Bernard Hollewand, Kevan Kevany and Nigel Cartmell

Most of the matters raised in the evidence of these submitters concern effects from aircraft flying at more than 1000 feet altitude. The Panel concludes that there is no jurisdiction for it to make recommendations on flight paths beyond 1000 feet in height for the reasons given further above.

The night flying curfews at Auckland Airport requested by Mr Milner and Mr Hollewand are similar to those requested by Plane Truth. The Panel does not agree with these for the same reasons.

The Panel considers that Mr Hollewand's request for noise monitoring is adequately provided for in the existing conditions 5 to 9A and Attachment A of Designation 1100.

Mr Hollewand's request for additional Local Board representation on the ANCCG is accepted by Auckland International Airport Limited and the Panel agrees with that.

Auckland International Airport Limited

Auckland International Airport Limited proposed a new condition 10C as described above. This proposed condition cross references to provisions in D24 Aircraft Noise Overlay.

The Panel has considered and agrees with Auckland International Airport Limited's submission to amend the D24 Aircraft Noise Overlay maps to allow for the possibility of increased air traffic to and from Auckland Airport in the future. A change to D24 Aircraft Noise Overlay is not a change to Designation 1100 so the Panel's reasons for recommending changes to the D24 Aircraft Noise Overlay are set out in the Panel's Report to Auckland Council Hearing topic 045 Airport. This recommendation on D24 Aircraft Noise Overlay does not apply to Figure 4 Future Aircraft Noise Contours which the Panel recommends remain as notified in the proposed Auckland Unitary Plan.

The Proposed condition 10C would require Auckland International Airport Limited to contribute funding for dwelling noise mitigation works within the amended D24 Aircraft Noise Overlay provisions. This condition facilitates noise mitigation future proofing of new dwellings that could be affected by aircraft noise if a new notice of requirement to expand the airport is lodged in the future and approved. The Panel agrees with the proposed condition 10C for the reasons given in the evidence (26 March 2014) of Mr Osborne where it is referred to as the transitional mitigation condition, and also the reasons given in Mr Vinall's evidence (2 April 2015).

8. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the notices of requirement for designations 1100, 1101 and 1102 included in the proposed Auckland Unitary Plan subject to the further modifications shown in Attachment 1.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	22 July 2016

Attachment 1 recommended text of designations 1100, 1101 and 1102

**Refer to separate document – IHP Report to Auckland Council – Topic 045 AIAL
Designations 1100,1101,1102 Attachment 1 2016-07-22**

Attachment 2 recommended changes to GIS viewer designation maps for designations 1100, 1101 and 1102 in proposed Auckland Unitary Plan

No changes are recommended.

Annexure 1 - Evidence versions of Attachment A to Designation 1100 Auckland International Airport.

Auckland the Plane Truth Inc evidence version

APPENDIX 1: PLANE TRUTH'S REQUESTED ADDITIONAL RELIEF

A. Amendments to the ANCCG TOR (Plane Truth additional relief shown in red)

DESIGNATION AIAL 1100 — ATTACHMENT A
AIRCRAFT NOISE COMMUNITY CONSULTATIVE GROUP ("Group")

TERMS OF REFERENCE

Purpose

To consider, and where appropriate make recommendations to Auckland International Airport Limited ("AIAL"), on aircraft noise issues and concerns that arise from the operation and activities at Auckland International Airport ("Airport").

Activities

1. To identify community concerns regarding aircraft noise.
2. To co-operatively formulate and propose rules and procedures to minimise the noise impact of aircraft noise on the surrounding community, and to consider how AIAL should respond to community concerns regarding aircraft noise.
3. To assist and advise AIAL and Council in the dissemination of relevant information to the community.
4. To regularly review the current procedure for handling noise complaints and, modify that procedure where necessary and make it publicly available as soon as practicable.
5. To assist AIAL in the preparation, review of and, where necessary, to recommend modifications to, the Noise Management Plan which will (in summary) addresses:
 - (i) procedures for handling noise complaints;
 - (ii) noise abatement procedures; and
 - (iii) timely provision of aircraft noise and flight path monitoring information.

AIAL is to consider any recommended modifications in good faith and provide the Group with a written response to the recommendations, including the reasons for rejecting any recommendations.
6. To monitor noise levels and compliance with the noise abatement procedures and Noise Management Plan.
7. To access appropriate technical expertise and guidance as required, including to, where appropriate, independently peer review noise monitoring and other technical data provided to the Group by AIAL.

Chairperson

Meetings will be chaired by an independent chairperson who has no connection with any Group member and is appointed by ~~Auckland Council ("Auckland Council") and AIAL jointly~~. The chairperson may invite other persons on an ad hoc basis to address the Group on particular agenda items. Where a matter is to be considered by the Group which would be likely to directly affect residents of a local

board that is not otherwise represented on the Group, then the chairperson should notify the chair of that local board and invite them to the relevant meeting.

Membership

Local Board Community Representatives	(x 39 6)	<p><u>One community representative from the West, Central and East areas, as follows:</u></p> <p><u>West – Waitakere Ranges (lead), Whau, Henderson-Massey, Franklin, Rodney</u></p> <p><u>Central – Maungakiekie-Tamaki (lead), Puketepapa, Albert-Eden, Orakei</u></p> <p><u>East - Otara-Papatoetoe (lead), Mangere-Otahuhu, Howick, Manurewa, Waiheke.</u></p> <p><u>Mangere-Otahuhu</u></p> <p><u>Otara-Papatoetoe</u></p> <p><u>Manurewa</u></p> <p><u>Howick</u></p> <p><u>Franklin</u></p> <p><u>Maungakiekie-Tamaki</u></p> <p><u>Albert-Eden</u></p> <p><u>Puketepapa</u></p> <p><u>Whau</u></p> <p><u>Orakei</u></p> <p><u>Waitakere Ranges</u></p> <p><u>Papakura</u></p>
Auckland Council Representative	(x1)	
The Plane Truth Representative	(x1)	
Industry Representative (freight forwarder or manufacturer etc)	(x1)	
Airways Corporation Representative	(x1)	
Board of Airline Representatives of New Zealand	(x 2 1)	
AIAL Representatives	(x 2 1)	
Tangata whenua Representative Mana whenua Representatives	(x 1 2)	

General

1. The Group will meet at least every ~~three~~ two months.

2. ~~The Group will be governed by these terms of reference which may be amended jointly by AIAL and the Council from time to time where appropriate.~~
3. Meetings of the Group will be held at the Airport anytime between 2:00 pm ~~to~~ and 9:00 pm.
4. AIAL will provide secretarial and support services at AIAL's cost and expense.
5. ~~The selection of the community representatives will be on the basis of one community representative on behalf of each of the Local Boards most affected by aircraft noise, namely, Mangere Otahuhu, Otara Papatoetoe, Manurewa, Howick, Franklin, and Maungakiekie – Tamaki, Albert Eden, Puketapu, Whau, Orakei, Waitakere Ranges and Papakura~~
6. The term of office for ~~Community Representatives~~ ~~Local Board appointed representatives~~ will be as prescribed on appointment. ~~the same as the local body electoral term, that is three years.~~ Auckland Council will be responsible for any payments to be made to the ~~Local Board appointed representatives~~ Community Representatives appointed by the various Local Board groups.
7. ~~AIAL and Auckland Council will be jointly responsible for approaching tangata mana whenua to ensure their representation on the Aircraft Noise Community Consultative Group.~~ AIAL will be responsible for any payments that are to be made to ~~tangata mana~~ whenua in return for services to the Group.
8. AIAL and ~~Auckland~~ Council will share equally the reasonable costs of the independent chairperson.
9. AIAL will provide data and technical information on aircraft movements and a noise complaint summary. The Group will monitor AIAL's process for responding to noise complaints and queries. Noise complaints will not be dealt with on an individual basis.
10. Provision should be made for a brief public forum at the start of each meeting. Meetings will also be open to the public to observe. The public may be excluded for reasons including privacy, commercial sensitivity, and air safety.

The Group has an objective to reach consensus, however, dissenting views will be recorded.

Meeting procedure

1. Chairperson: ~~AIAL and Auckland~~ Council will be ~~jointly~~ responsible for appointing and removing the chairperson. The terms of appointment will set out the conditions of appointment and removal, and will include that the term of appointment for the chairperson is limited to 5 years, unless the Group otherwise agrees. The chairperson will chair the meeting. If the chairperson is not present within 15 minutes of the time appointed for the meeting then ~~AIAL and Auckland Council~~ the Group will ~~elect~~ appoint another person to chair the meeting.
2. Notice of meeting: AIAL will arrange for:
 - public notice of the meeting to be published on the internet Council's and AIAL's websites, including the contact details of all members of the Group; and
 - a ~~notice reminder~~ of meeting, together with any other relevant information to be sent to all members of the Group at least 5 working days before the meeting. The notice of meeting will set out the time and place of the meeting, and the nature of the business to be discussed. Members of the Group may advise AIAL of items to be included in the notice of meeting.
3. Method of holding meeting: Meetings will be held by a number of members, who constitute a quorum, being assembled together at the place, date and time appointed for the meeting.

4. **Quorum:** No business may be transacted at a meeting of the Group if a quorum is not present. A quorum is present if there are at least ~~7~~⁶ people excluding the chairperson, including ~~one~~ three ~~one Community Representative~~ Local Board representatives, ~~one~~ the Board of Airline Representatives of New Zealand representative, the Plane Truth representative, the Airways Corporation representative and ~~one~~ the AIAL representative. If a quorum is not present within 15 minutes of the time appointed for the meeting then the meeting is to be adjourned to the same day in the following week at the same time and place or to such other date, time and place as the Group may appoint.
5. **Members may act by representative:** A member of the Group may appoint a representative to attend one or more meetings of the Group.
6. **Minutes:** ~~AIAL~~ The Group will ensure that minutes are kept of all proceedings and that the minutes are made available as soon as possible after the meeting on the AIAL's website internet. Minutes of the previous meeting will be sent to members with the notice of meeting for the next meeting.

B. Amendments to Designation AIAL 1100

Insert a new condition 5A, to read as follows:

- "5A. Jet aircraft using the Existing Runway between the hours of 11.00pm and 6.00am shall not depart to or arrive from the east, unless:*
- a. the tailwind component is more than 5 knots; or*
 - b. compliance with the aeroplane performance operating limitations requires the use of the other runway direction;*
 - c. otherwise instructed by air traffic control".*

Auckland International Airport Limited evidence version

Annexure A: Aircraft Noise Community Consultative Group Terms of Reference as sought to be amended by Auckland Airport and BARNZ, 30 April 2015

Track changes agreed at mediation are shown in blue underline and ~~strikethrough~~.
Additional relief sought by Auckland Airport in primary evidence shown in yellow highlight underline and ~~strikethrough~~.
Further amendments proposed by Auckland Airport to address issues raised at the hearing green highlight underline and ~~strikethrough~~.

DESIGNATION AIAL 1100 — ATTACHMENT A

AIRCRAFT NOISE COMMUNITY CONSULTATIVE GROUP ("Group")

TERMS OF REFERENCE

Purpose

To consider, and where appropriate make recommendations to Auckland International Airport Limited ("AIAL"), on aircraft noise issues and concerns that arise from the operation and activities at Auckland International Airport ("Airport").

Activities

1. To identify community concerns regarding aircraft noise.
2. To co-operatively formulate and propose rules and procedures to minimise the noise impact of aircraft noise on the ~~surrounding community~~ and to consider how AIAL should respond to community concerns regarding aircraft noise.
3. To assist and advise AIAL and Council in the dissemination of relevant information to the community.
4. To regularly review the current procedure for handling noise complaints ~~and~~ modify that procedure where necessary and make it publicly available as soon as practicable.
5. To assist AIAL in the ~~preparation~~ review of and, where necessary, to recommend modifications to, the Noise Management Plan which ~~will~~ (in summary) addresses:
 - (i) procedures for handling noise complaints;
 - (ii) noise abatement procedures; and
 - (iii) timely provision of aircraft noise and flight path monitoring information.

AIAL is to consider any recommended modifications in good faith and provide the Group with a written response to the recommendations, including the reasons for rejecting any recommendations, should such a response be requested by the Group.
6. To monitor noise levels and compliance with the noise abatement procedures and Noise Management Plan.

- To access appropriate technical expertise and guidance as required, including to, where appropriate, independently peer review noise monitoring and other technical data provided to the Group by AIAL.

Chairperson

Meetings will be chaired by an independent chairperson appointed by Auckland Council (~~“Auckland Council”~~) and AIAL jointly. The chairperson may invite other persons on an ad hoc basis to address the Group on particular agenda items. Where a matter is to be considered by the Group which would be likely to directly affect residents of a local board that is not otherwise represented on the Group, then the chairperson should notify the chair of that local board and invite them to the relevant meeting.

Membership

Local Board Representatives	(x <u>12</u> 6)	<ul style="list-style-type: none"> • Mangere-Otahuhu • Otara-Papatoetoe • Manurewa • Howick • Franklin • Maungakiekie-Tamaki • <u>Albert-Eden</u> • <u>Puketepapa</u> • <u>Whau</u> • <u>Orakei</u> • <u>Waitakere Ranges</u> • <u>Papakura</u>
Auckland Council Representative	(x1)	
Industry Representative (freight forwarder or manufacturer etc)	(x1)	
Airways Corporation Representative	(x1)	
Board of Airline Representatives of New Zealand	(x2)	
AIAL Representatives	(x2)	
Tangata whenua <u>Mana Whenua Representatives</u>	(x <u>2</u>)	

General

- The Group will meet at least every three months.

- ~~2. The Group will be governed by these terms of reference which may be amended jointly by AIAL and the Council from time to time where appropriate.~~
3. Meetings of the Group will be held at the Airport anytime between 2:00 pm ~~to~~ and 9:00 pm.
4. AIAL will provide secretarial and support services at AIAL's cost and expense.
5. The selection of the community representatives will be on the basis of one community representative on behalf of each of the Local Boards most affected by aircraft noise, namely, Mangere-Otahuhu, Otara-Papatoetoe, Manurewa, Howick, Franklin, and Maungakiekie - Tamaki, Albert-Eden, Puketepapa, Whau, Orakei, Waitakere Ranges and Papakura.
6. The term of office for Local Board appointed representatives will be the same as the local body electoral term, that is three years. ~~Auckland~~-Council will be responsible for any payments to be made to the Local Board appointed representatives.
7. ~~AIAL and Auckland Council will be jointly responsible for approaching tangata mana whenua to ensure their representation on the Aircraft Noise Community Consultative Group.~~ AIAL will be responsible for any payments that are to be made to ~~tangata mana~~ whenua in return for services to the Group.
8. AIAL and ~~Auckland~~-Council will share equally the reasonable costs of the independent chairperson.
9. AIAL will provide data and technical information on aircraft movements and a noise complaint summary. The Group will monitor AIAL's process for responding to noise complaints and queries. Noise complaints will not be dealt with on an individual basis.

The Group has an objective to reach consensus, however, dissenting views will be recorded.

Meeting procedure

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2. **Notice of meeting:** AIAL will arrange for:
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 - a notice-reminder of meeting, together with any other relevant information to

be sent to all members of the Group at least 5 working days before the meeting. The notice of meeting will set out the time and place of the meeting, and the nature of the business to be discussed. Members of the Group may advise AIAL of items to be included in the notice of meeting.

3. **Method of holding meeting:** Meetings will be held by a number of members, who constitute a quorum, being assembled together at the place, date and time appointed for the meeting.
4. **Quorum:** No business may be transacted at a meeting of the Group if a quorum is not present. A quorum is present if there are at least ~~7~~ 6 people including ~~one~~ three Local Board representative, one Board of Airline Representatives of New Zealand representative, the Airways Corporation representative and one AIAL representative. If a quorum is not present within 15 minutes of the time appointed for the meeting then the meeting is to be adjourned to the same day in the following week at the same time and place or to such other date, time and place as the Group may appoint.
5. **Members may act by representative:** A member of the Group may appoint a representative to attend one or more meetings of the Group.
6. **Minutes:** ~~AIAL~~ The Group will ensure that minutes are kept of all proceedings and that the minutes are made available as soon as possible after the meeting on the AIAL's website internet. Minutes of the previous meeting will be sent to members with the notice of meeting for the next meeting.