

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topics 045 Airports and 074
Designations

Minister of Defence

Designation 4311 Whenuapai Airfield
Approach and Departure Path Protection

May 2016

Report prepared by Auckland Unitary Plan Independent Hearings Panel.

May 2016

Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010.

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1. Introduction

The purpose of this report is to provide an assessment and recommendation in relation to the Minister of Defence's Designation 4311 Whenuapai Airfield Approach and Departure Path Protection.

Requiring authority	Minister of Defence
Designation number	4311
Designation or notice of requirement purpose	<p>Defence purposes (as defined by section 5 of the Defence Act 1990) - protection of approach and departure paths.</p> <p>The Defence Areas are administered by the New Zealand Defence Force and are currently occupied by New Zealand Defence Force, its contractors and licensees. The Areas are a Defence Work and may be utilised for any or every purpose required by section 5 of the Defence Act 1990, which are as follows:</p> <ul style="list-style-type: none"> a. The defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act; b. The protection of the interests of New Zealand, whether in New Zealand or elsewhere; c. The contribution of forces under collective security treaties, agreements or arrangements; d. The contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations; e. The provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency; and f. The provision of any public service. <p>The Governor-General of New Zealand continues to raise and maintain armed forces on behalf of Her Majesty the Queen. Given the obligations placed on the New Zealand Defence Force by the Crown to meet the Crown's military defence needs, including those imposed by any enactment or by the policies of the government, the function of the Defence Areas include, at all times, to provide for the following functions of the New Zealand Defence Force (including visiting forces and third parties contracted to the New Zealand Defence Force):</p> <ul style="list-style-type: none"> i. Defence Force command, land operations, sea operations, air operations, training, logistic support, ship berthing and docking, construction, repair, maintenance, munitions handling and storage, administration, and communication, and for the acquisition and improvement of the skills necessary for such functions; ii. Resources, accommodation and facilities for these functions; iii. Accommodation for members of the New Zealand Defence Force and any visiting force, training, recreational, welfare and medical facilities for them;

	<p>iv. Facilities for the storage of materiel, food and fuel, and the conservation and display of historic material;</p> <p>v. Facilities for the construction, repair and maintenance of vessels, aircraft, vehicles and other equipment, including the vessels, aircraft, vehicles and equipment of forces of other nations;</p> <p>vi. To provide for the rapid and efficient deployment of the New Zealand Defence Force; and</p> <p>vii. Any other activity required in the delivery of New Zealand Defence Force outputs as described annually in the Departmental Forecast Report: New Zealand Defence Force.</p>
Location	Airspace in the vicinity of Whenuapai Airbase.
Designation given effect to	Yes
Lapse date in operative plan	NA
Land ownership	This designation places restrictions on airspace above the land. The majority of land under the designated airspace is not owned by the requiring authority.

2. Overview

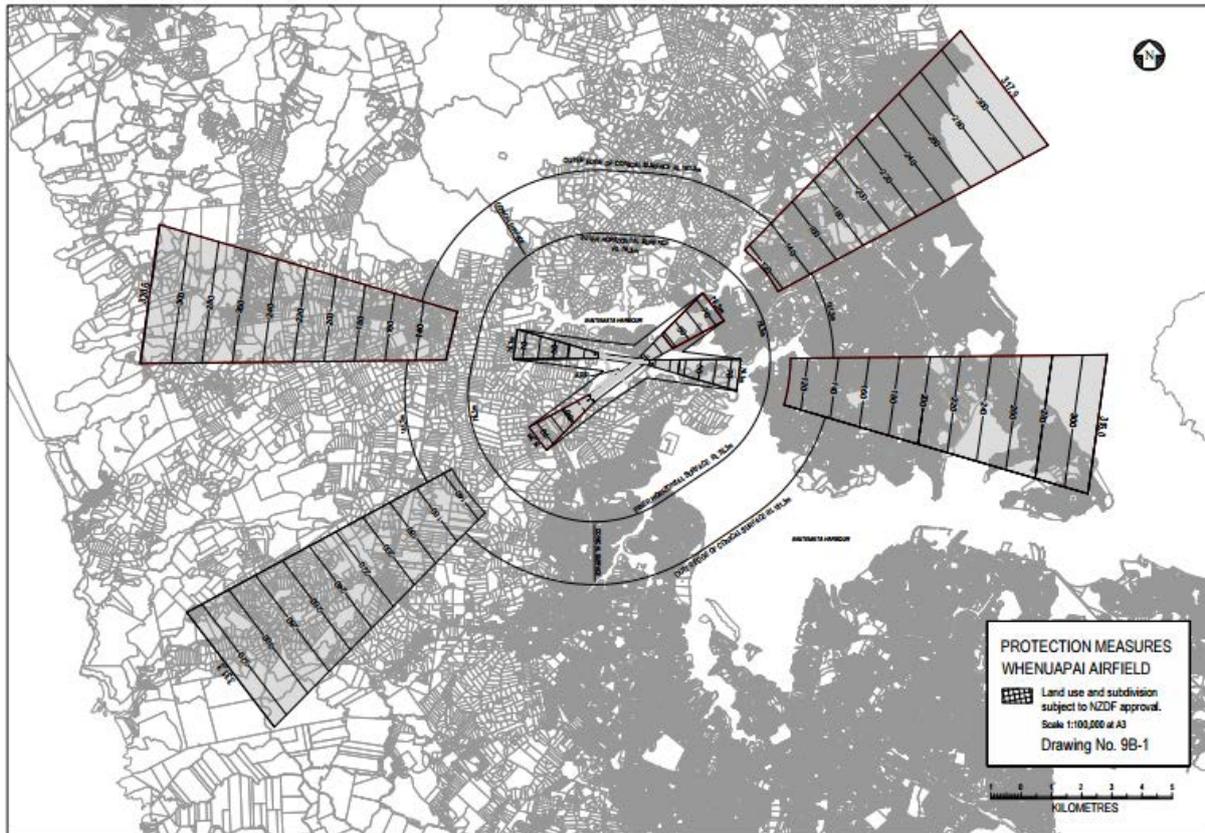
The protection surfaces in the designation have been developed in accordance with New Zealand Civil Aviation Circulars (AC) 139-6 and AC 139-10. The function of the designation is to manage the effects of physical obstacles to the approach and departure of aircraft from the Whenuapai Airbase. This is described in the Topic 045 evidence in Attachment B to the evidence of Ms Baverstock dated 2 April 2015 or the New Zealand Defence Force as:

The airspace through which aircraft travel on approach to, and departure from, the runways needs to be kept clear of buildings and other obstacles (such as radio masts and antennas). This is to ensure the safety of aircraft and to comply with Civil Aviation Rules. The Minister of Defence uses a designation to ensure that this airspace is kept clear.

The designation has been rolled over from the operative plan with modifications to the approach and departure surfaces and conditions. The modifications to the surfaces are summarised in the evidence of Attachment B to the evidence of Ms Baverstock dated 2 April 2015 for the New Zealand Defence Force as:

This Designation is not new – it exists in the North Shore and Waitakere District Plans. The version included in the Proposed Auckland Unitary Plan makes technical updates required to reflect current Civil Aviation Rules, and applies the designation within the former Rodney District (it was not included in the Rodney District Plan).

More details of the modifications are contained in the Attachment B to the evidence of Ms Baverstock dated 2 April 2015.



3. Submissions

3.1 Submitters

Mike Rogan, Bernard Lewis, Farhad Farzad, Gary V and Mary E Taylor, Amani Amani, Reza Golzarpour, Reza Golzarpour, John and Michele Case, Patrick J Kelly and Clare F Stalley, Michael Galbraith and Christine Coste, Blair Curtis and Sally Over-Curtis, Barbara A Cairns, Radio New Zealand Limited, June Allen, Massey Community Church, Scott W Haldane, Suzanne Vowles, James Vowles, Leanne Coste, Albany Rosedale Limited, Edward P Lyons, John Zhu, Victor Bond, Lynn Usmani, Stephanie and Stephen Hay, Carmen van Landeghem, Selwyn N and Stephanie D F Kaye-Ivitu, Lyndsay and Lianne Brock, Lyndsay and Lianne Brock, Lowess B Hendriks, Wayne Puckey. All submissions from the above submitters were allocated to hearing Topic 045 Airports.

The New Zealand Defence Force has one submission point (838-38) relevant to this designation and the other designations of the Minister that were allocated to topic 074 Designations.

3.2 Matters addressed in submissions

Fifteen of the submitters supported the designation. The remaining eighteen opposed the designation either in part or in full. Submitters opposed the designation for various reasons including opposition to aircraft flying over particular areas, aircraft noise and restrictions on structures and other activities. None of the submitters except the New Zealand Defence Force, spoke, produced or tabled evidence at the hearings for Topic 045.

The New Zealand Defence Force gave evidence for the Minister of Defence.

3.3 Engagement by requiring authority with submitters

Discussions took place between the New Zealand Defence Force and Radio New Zealand. As a result, Radio New Zealand advised the Panel that:

After engaging in discussions, Radio New Zealand and New Zealand Defence Force have reached a mutually agreeable understanding about the effect of the proposed airspace designation extension.

In the circumstances Radio New Zealand now has no objection to the extension of the Whenuapai Airfield airspace designation as set out in the Proposed Auckland Unitary Plan.

Radio New Zealand will now not be attending mediation on this topic, submitting evidence or attending the hearing.

4. Assessment

The effects of the modifications are assessed at pages 3 and 4 of Attachment B of the evidence of Ms Baverstock dated 2 April 2015 and also in the Topic 045 evidence of Mr Owen dated 2 April 2015; both for the New Zealand Defence Force.

The Panel considers that the height restriction conditions in the modified designation will not significantly affect reasonable use of land underlying the designation for the following reasons:

- i. throughout most of the area of the surface, the height at which the modified restrictions will occur is much higher than the relevant underlying zone height controls,
- ii. the conditions have been modified so that the restrictions do not apply to buildings up to 9m high, which provides for reasonable use of land.

The modifications will not have a significant effect on the environment and are also reasonably necessary to achieve the objectives of the requiring authority in providing for the safe and efficient operation of the Whenuapai Airbase.

The Panel also considers that management of aircraft noise is not a function of designation 4311, and that the control of noise from aircraft is adequately mitigated by the conditions of designation 4310 Whenuapai Airbase, which was also addressed in this hearing (refer to the separate Panel report on designation 4310).

A minor change is recommended in response to submission 838-38 to achieve consistency of purpose statement headings with other designations.

5. 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 notice of requirement for the modifications to Designation 4311 Whenuapai Airfield Approach and Departure Path Protection included in the Proposed Auckland Unitary Plan subject to the further modification shown in Attachment 1.

Panel Chair	David Kirkpatrick
Chair's Signature	
Date	18 May 2016

6. Attachment 1 changes to text of Proposed Auckland Unitary Plan

Amend the description heading as follows:

Purpose Description