

# Proposed Plan Change 78 (PC78)

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to the Auckland Unitary Plan (Operative in  
part)

**SECTION 32 and sec77K / sec 77Q alternative process for existing qualifying  
matters**

**EVALUATION REPORT – AIRCRAFT NOISE OVERLAY in accordance with  
sections 77I(e) and 77O(e)**

*(e) a matter required for the purpose of ensuring the safe or efficient  
operation of nationally significant infrastructure*

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## **Executive Summary**

This report discusses the implications of applying provisions in D24 (Aircraft Noise Overlay) in the Auckland Unitary Plan (Operative in Part)(AUP) as a qualifying matter to the medium density residential standards (MDRS) of Schedule 3A of the Resource Management Act 1991 (RMA) and implementing Policy 3 of the National Policy Statement on Urban Development 2020 (NPS-UD).

## Note:

This report will form part of a larger sec 32 report for the IPI plan change.

The overall sec 32 report will set out the background to the IPI, the statutory requirements and discuss key terms like qualifying matters, walkable catchments and urban environments.

This report does not need to explain this background.

## Introduction

This report is prepared as part of the evaluation required by Section 32 and Sections 77K and 77Q of the Resource Management Act 1991 ('the Act') for proposed Plan Change X (**PCX**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

The background to and objectives of PCX are discussed in the overview report, as is the purpose and required content of section 32 and 77K / 77Q evaluations.

This report discusses the implications of applying the high and moderate aircraft noise areas in the Aircraft Noise Overlay associated with operation of the Auckland International Airport as a qualifying matter to the medium density residential standards (MDRS) of Schedule 3A of the RMA and implementing policy 3 of the NPS-UD.

An existing qualifying matter is a qualifying matter referred to in section 77 I or 77O (a) to (i) that is operative in the relevant district plan when the IPI is notified.

- Sec 77I relates to relevant residential zones.
- Sec 77O relates to urban non-residential zones.

The Council may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone or urban non-residential zone only to the extent necessary to accommodate 1 or more of the qualifying matters listed in 77I or 77O.

## Integrated evaluation for existing qualifying matters

For the purposes of plan change 78, evaluation of the high and moderate aircraft noise areas in the Aircraft Noise Overlay associated with operation of the Auckland International Airport as an existing qualifying matter has been undertaken in an integrated way that combines sec 32 and 77K / 77Q requirements. The report follows the evaluation approach described in the table below.

Preparation of this report has involved the following:

- review of Proposed Auckland Unitary Plan (PAUP) and Independent Hearings Panel documents, including evidence produced for the relevant PAUP hearings
- assessment of the identified relevant provisions within the AUP relating to high and moderate aircraft noise areas in the Aircraft Noise Overlay associated with operation

of the Auckland International Airport against implementing Policy 3 of the NPS-UD and the MDRS in accordance with Schedule 3A of the RMA and consequential amendments to integrate the application of this qualifying matter

- review of the AUP Maps to assess the spatial application of this qualifying matter
- section 32 options analysis for this qualifying matter and related amendments

The scale and significance of the issues is assessed to be medium.

This section 32 and 77K/77Q evaluation report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.

**Table 1 Integrated approach**

Standard sec 32 steps	Plus sec 77K / 77Q steps for existing qualifying matter
<p>Issue</p> <p>Define the problem- provide overview/summary providing an analysis of the qualifying matter</p>	<p>Sec 77K or 77Q (1) (a)</p> <p>The qualifying matter is the high and moderate aircraft noise areas in the Aircraft Noise Overlay associated with operation of the Auckland International Airport.</p> <p>The spatial extent of the high aircraft noise area (HANA) and moderate aircraft noise area (MANA) described above are shown in the AUP Aircraft Noise Overlay maps by the two innermost brown hatched areas emanating from Auckland International Airport, with innermost being the HANA, followed by the MANA.</p>
<p>Identify and discuss objectives / outcomes</p>	<p>Sec 77K or 77Q(1) ( c )</p> <p>The relevant RPS objective is B3.2.1(6) and relevant RPS policies are B3.2.2(4)-(5).</p> <p>The HANA and MANA in the Aircraft Noise Overlay associated with operation of the Auckland International Airport represent a qualifying matter as they protect the Airport from reverse sensitivity effects for the purpose of ensuring the efficient operation of nationally significant infrastructure, with Auckland International Airport meeting the definition of 'nationally significant infrastructure' in Sec 77I(1)(e).</p>
<p>Identify and screen response options</p>	<p>Sec 77k or 77Q (1) (b)</p> <p>The three options that have been identified and evaluated for the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations are:</p> <ul style="list-style-type: none"> <li>• apply NPS-UD Policy 3 and MDRS / do not apply as a qualifying matter</li> <li>• apply NPS-UD Policy 3 and MDRS in a modified form</li> <li>• apply as a qualifying matter in full</li> </ul>

Collect information on the selected option(s)	<p>Sec 77K or Q (1) (d)</p> <p>The development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by NPS-UD Policy 3 and the MDRS and will vary depending on the area of sites encompassed by the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations.</p>
Evaluate option(s) - environmental, social, economic, cultural benefits and costs	<p>Sec 77K or Q (1) (b)</p> <p>Identifying the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations as a qualifying matter provides environmental, economic and social benefits which contribute towards achieving a well-functioning urban environment.</p> <p>As a qualifying matter, it also has a low cost in terms of the provision of a variety of housing types and sizes. This is because the HANA and MANA in the Aircraft Noise Overlay associated with operation of the Auckland International Airport apply to a small percentage of land within Auckland’s urban environment and so will not impact on the ability of residential and non-residential zones across the region to provide for a variety of housing types (including three-storey buildings) and sizes.</p>
Overall judgement as to the better option (taking into account risks of acting or not acting)	<p>The impact of the qualifying matter on the level of development enabled by Policy 3 and the MDRS is low as it contributes to a well-functioning urban environment and has a limited impact on the intensification sought by Policy 3 and the need to provide a variety of housing types and sizes because it applies to a small percentage of Auckland’s urban environment.</p>

## Issues

The qualifying matter being evaluated is the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations under the following sections of the RMA:

### *Residential zones:*

- 77I(e) – a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure is identified as a qualifying matter, with the NPS-UD definition of ‘nationally significant infrastructure’ including airports used for regular air transport services by aeroplanes capable of carrying more than 30 passengers.
- 77K - the Aircraft Noise Overlay is an existing qualifying matter in the district plan section of the Auckland Unitary Plan (Operative in Part). Therefore, Section 77K

alternative process for existing qualifying matters is appropriate for the Section 32 assessment.

*Non-residential zones:*

- 77O(e) – a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure is identified as a qualifying matter, with the NPS-UD definition of ‘nationally significant infrastructure’ including airports used for regular air transport
- 77Q - the Aircraft Noise Overlay is an existing qualifying matter in the district plan section of the Auckland Unitary Plan (Operative in Part). Therefore, Section 77K alternative process for existing qualifying matters is appropriate for the Section 32 assessment.

*Overview of the qualifying matter*

The Auckland International Airport is a nationally and regionally significant component of Auckland and New Zealand’s transport infrastructure and trade network. This facility is important in serving and supporting local, regional, and national business opportunities, and providing for the social and economic well-being of Auckland.

This qualifying matter seeks to protect the Auckland International Airport from reverse sensitivity effects by managing the subdivision of land and location of activities sensitive to aircraft noise in areas of high cumulative noise around the Auckland International Airport, so that the continued operation of the Airport is not compromised and reverse sensitivity issues are addressed.

Consequently, management of subdivision and the location of residential activities by the qualifying matter restrict the location and density of urban form in residential and non-residential zones sought by Policy 3 of the NPS-UD and MDRS where these zones come within the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations.

The Unitary Plan’s mapped location and extent of the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations is shown by brown hatched areas emanating from Auckland International Airport (innermost being the HANA, followed by the MANA).

## **Objectives and Policies (existing)**

The AUP contains objectives and policies at the regional and district-level that support the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations as a qualifying matter.

### **B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy**

Chapter B3 of the Regional Policy Statement (RPS) contains the following objective (B3.2.1(6)) and policies (B3.2.2(4)-(5)) which address reverse sensitivity effects on infrastructure:

**(6) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development**

...

*(4) Avoid where practicable, or otherwise remedy or mitigate, adverse effects of subdivision, use and development on infrastructure*

*(5) Ensure subdivision, use and development do not occur in a location or form that constrains the development, operation, maintenance and upgrading of existing and planned infrastructure.*

**Chapter D24 Aircraft Noise Overlay**

Chapter D24 of the AUP contains the following district-level objectives (D24.2(1) and policies (D24.3(1)-(5)) which address reverse sensitivity effects on airports, including policies specific to managing such effects on Auckland International Airport operations:

**(1) Airports and airfields are protected from reverse sensitivity effects.**

....

*(1) Avoid the establishment of new activities sensitive to aircraft noise (except tertiary education facilities) within the 65dB L<sub>dn</sub> noise contour in the Aircraft Noise Overlay.*

*(2) Avoid the establishment of new tertiary education facilities and additions or alterations to existing activities sensitive to aircraft noise (other than existing dwellings) within the 65dB L<sub>dn</sub> noise contour in the Aircraft Noise Overlay unless all habitable rooms and all learning, amenity and recreation spaces on site are located inside buildings and achieve an internal noise environment of 40dB L<sub>dn</sub>.*

*(3) Avoid establishing residential and other activities sensitive to aircraft noise at:*

....

*(b) Auckland International Airport: within the area between the 60dB L<sub>dn</sub> and 65dB L<sub>dn</sub> contours, unless the effects can be adequately remedied or mitigated through restrictions on the numbers of people exposed to aircraft noise in the external environment through zoning and density controls and through providing acoustic treatment (including mechanical ventilation) of buildings containing activities sensitive to aircraft noise*

*(4) In relation to Auckland International Airport, avoid establishing new residential areas (except within the area included within I412 Flat Bush Precinct) or other areas that would contain activities sensitive to aircraft noise by rezoning land within the area between the 60dB L<sub>dn</sub> and 65dB L<sub>dn</sub> noise contours.*

*(5) Manage residential intensification and activities sensitive to aircraft noise within areas identified for accommodating urban growth in a way that avoids reverse sensitivity effects as far as practicable, including reverse sensitivity effects between those land uses and such effects on Auckland International Airport, Ardmore*



*Airport, Whenuapai Airbase and North Shore Airport, and that avoids, remedies or mitigates adverse aircraft noise effects on people and communities*

It should be noted that Auckland International Airport's designations and associated conditions provide for the protection and management of land within the designations boundaries which includes the Airport (designations as an existing qualifying matter are also discussed in separate section of the Section 32 report).

It should also be noted that there are additional objectives and policies within several precincts which are traversed by the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations. These precincts include the Flat Bush Precinct and as they contain objectives and policies which are applied in a site-specific manner, they have not been noted here.

The management approach in the AUP, to recognise and provide for the national and regional significance of Auckland International Airport operations, includes through:

- identifying the HANA and MANA in the AUP Aircraft Noise Overlay maps associated with Auckland International Airport operations
- RPS and district-level objectives, policies, and rules in AUP Chapters B3, D24 and relevant provisions for precincts encompassed by the above maps, to:
  - avoid new activities sensitive to aircraft noise (ASAN) being established in the HANA and manage the actual and potential effects of additions or alterations for existing ASAN within the HANA on Auckland International Airport operations.
  - avoid the rezoning of land and establishing new areas in the MANA for ASAN and manage the actual and potential effects of intensifying ASAN within the MANA on Auckland International Airport operations
- identification of designations for Auckland International Airport operations in the AUP maps and associated conditions in Chapter K of the AUP

New ASAN in the HANA associated with Auckland International Airport operations have a prohibited activity status while additions or alterations for existing ASAN within the HANA have non-complying activity status (exception to this are additions or alterations to existing dwellings which have a restricted discretionary activity status).

New ASAN in the MANA associated with Auckland International Airport operations have a discretionary activity status (subject to complying with relevant development standards), while new dwellings (or any subdivision for new dwellings) and additions or alterations to existing dwellings are permitted (both activity statuses subject to complying with relevant development standards, with the latter in relation to new dwellings being subject to not exceeding specified density thresholds).

There are no amendments proposed to RPS and district-level objectives, policies, and rules in AUP Chapters B3, D24 and relevant provisions for precincts encompassed by D24 objectives, policies and rules in response to either NPS-UD Policy 3 or MDRS. These provisions include those which apply in the Flat Bush Precinct and for the reasons described above and below in the following sections, it is recommended that the provisions be retained in the Flat Bush Precinct (also discussed in separate precinct section of the Section 32 report).

## Development of options

As set above, the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations is an existing qualifying matter in terms of sections 77K and 77Q of the RMA, as it is:

- a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure, with the NPS-UD definition of ‘nationally significant infrastructure’ including airports used for regular air transport services by aeroplanes capable of carrying more than 30 passengers
- currently in the AUP and continues to have effect as part of an operative plan.

A number of options have been considered in regard to the Section 32 assessment of this existing qualifying matter:

**Table 2 – Options**

Option	Detail of option
1. Apply NPS-UD Policy 3 & MDRS / do not apply HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations as a qualifying matter (status quo)	Remove relevant provisions in D24 that address residential activities as ASAN
2. Apply NPS-UD Policy 3 & MDRS in a modified form by identifying alternative density standards which give effect to the qualifying matter	Specify modified density standards for relevant zones in accordance with residential density thresholds and development standards which currently apply to residential activities subject to the qualifying matter in the AUP
3. Apply HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations as a qualifying matter in full and apply a zone which includes, but does not extend beyond, the MDRS.	Relevant provisions would continue to apply as operative

The three options are evaluated in table 3 below and option 3 is the preferred option for the application of NPS-UD Policy 3 and the MDRS, subject to applying a zone which includes, but does not extend beyond, the MDRS.

## Consequences for development potential

The development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by NPS-UD Policy 3 and the MDRS and will vary depending on the area of sites encompassed by the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations.

Notwithstanding the above, it is considered that the qualifying matter will have a minor effect on the development potential permitted by NPS-UD Policy 3 and the MDRS as the HANA and MANA in the Aircraft Noise Overlay associated with operation of the Auckland International

Airport apply to a small percentage of land within Auckland's urban environment and so will not impact on the ability of residential and non-residential zones across the region to provide for a variety of housing types (including three-storey buildings) and sizes.

**Table 3 - Evaluation of options**

<p><b>HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations (qualifying matter)</b></p>	<p><b>Status Quo Apply Policy 3 and MDRS/do not apply qualifying matter</b></p>	<p><b>Option 2 Apply Policy 3 and MDRS in a modified form by identifying alternative density standards which give effect to the qualifying matter</b></p>	<p><b>Option 3 Apply qualifying matter in full / retain the current AUP provisions which give effect to the qualifying matter</b></p>
<p><b>Costs of applying the QM – broader social, economic, environmental, cultural</b></p>	<p><b>High cost</b> Applying Policy 3 and MDRS fully by not identifying HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations as a qualifying matter will enable the densities sought by Policy 3 and the MRDS which include construction of up to three dwellings per site within the said areas of the Aircraft Noise Overlay.</p> <p>However, this option would also have the actual and/or potential effect of compromising the efficient operation of the Auckland International Airport as both a nationally and regionally significant component of critical transport infrastructure which is a major contributor to national and regional GDP.</p> <p>The increased exposure of people and communities to high levels of aircraft noise over a sustained period of time would also have a significant adverse effect on their health of wellbeing.</p>	<p><b>Low cost</b> Applying MDRS and Policy 3 in a modified form to reflect residential density thresholds and development standards which currently apply to residential activities subject to the qualifying matter in the AUP, thereby achieving a well-functioning urban environment and protecting the Auckland International Airport from reverse sensitivity effects which would be generated by implementing the residential intensification permitted by Policy 3 and the MRDS within the Aircraft Noise Overlay HANA and MANA associated with Auckland International Airport operations.</p>	<p><b>Low cost</b> Applying the qualifying matter in full by retaining the existing provisions which give effect to it in the AUP, thereby achieving a well-functioning urban environment and protecting the Auckland International Airport from reverse sensitivity effects which would be generated by implementing the residential intensification permitted by Policy 3 and the MRDS within the Aircraft Noise Overlay HANA and MANA associated with Auckland International Airport operations.</p>
<p><b>Costs of applying QM – housing supply / capacity</b></p>	<p><b>Low cost</b> The HANA and MANA in the Aircraft Noise Overlay associated with Auckland</p>	<p><b>Low cost</b> The HANA and MANA in the Aircraft Noise Overlay associated with Auckland</p>	<p><b>Low cost</b> The HANA and MANA in the Aircraft Noise Overlay associated with Auckland</p>

	International Airport operations applies to a small percentage of land within Auckland's urban environment so there will only be a minor cost in terms of housing supply / capacity.	International Airport operations applies to a small percentage of land within Auckland's urban environment so there will only be a minor cost in terms of housing supply / capacity.	International Airport operations applies to a small percentage of land within Auckland's urban environment so there will only be a minor cost in terms of housing supply / capacity.
<b>Benefits of the QM – broader social, economic, environmental, cultural</b>	<p><b>Low benefit</b></p> <p>Applying Policy 3 and MDRS fully as above would increase the exposure of people and communities to high levels of aircraft noise over a sustained period of time, thereby having a significant adverse effect on their health of wellbeing and this would effectively negate the social benefits associated with increasing housing supply/capacity, particularly when the additional houses detract rather than contribute towards a well-functioning urban environment that supports the health and wellbeing of people and communities.</p>	<p><b>High benefit</b></p> <p>Applying Policy 3 and MDRS fully as above would minimise the exposure of people and communities to high levels of aircraft noise over a sustained period of time, thereby having a significant positive effect on their health of wellbeing and contributing towards a well-functioning urban environment.</p>	<p><b>High benefit</b></p> <p>Applying the qualifying matter in full by retaining the existing provisions which give effect to it in the AUP would minimise the exposure of people and communities to high levels of aircraft noise over a sustained period of time, thereby having a significant positive effect on their health of wellbeing and contributing towards a well-functioning urban environment.</p>

### **Risk of acting or not acting**

Section 32(2)(c) of the Act requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The information about the HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport as a qualifying matter, including information about the values, location and extent of the overlay is already set out in the Unitary Plan. It is considered that this information is certain and sufficient.

### **Overall conclusion**

The HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations is a qualifying matter for the purpose of ensuring the efficient operation of nationally significant infrastructure (identified as qualifying matter for NPS-UD Policy 3 and the MDRS).

The impact of the qualifying matter on the level of development enabled by NPS-UD Policy 3 and the MDRS is low as it contributes to a well-functioning urban environment and has a very limited impact on the intensification sought by NPS-UD Policy 3 and the MDRS because it applies to a small percentage of property parcels in Auckland's urban environment.

The HANA and MANA in the Aircraft Noise Overlay associated with Auckland International Airport operations as a qualifying matter can be implemented in a way that best achieves alignment between objectives which give effect to the qualifying matter in the AUP and those specified for NPS-UD Policy 3 and the MDRS by either:

- retaining the relevant AUP provisions in Chapter D24 Aircraft Noise Overlay as operative; or
- implementing NPS-UD Policy 3 and the MDRS in a modified form to reflect residential density thresholds and development standards which currently apply to residential activities subject to the qualifying matter in the AUP.

### **Resource Management Act 1991 s77J(4)(b)**

For relevant residential zones, the MDRS are modified only to the extent necessary to accommodate the Aircraft Noise Overlay associated with Auckland International Airport operations as a qualifying matter. While applying a zone that includes, but does not extend beyond the MDRS, the provisions, including those which are more restrictive in the Aircraft Noise Overlay, would take precedence over the MDRS.

## Information Used

Name of document, report, plan	How did it inform the development of the plan change
Auckland Unitary Plan (Operative in Part 2016)	Chapter D24 Aircraft Noise Overlay identifies the restrictions relating to ASAN (including residential activities) within the overlay. The AUP maps show the location of the Aircraft Noise Overlay.
<p>AUP Independent Hearing Panel Evidence and recommendations for:</p> <ul style="list-style-type: none"> <li>• Topic 012 Infrastructure, energy and transport</li> <li>• Topic 042 Infrastructure</li> <li>• Topic 045 Airports</li> </ul>	Supported inclusion of the Aircraft Noise Overlay as a method to, amongst other matters, protect Auckland International Airport from reverse sensitivity effects.

## Consultation

Schedule 1 of the Act sets out the relevant consultation requirements. Mana whenua have been engaged in the preparation of the IPI plan change at various stages in the process as required by Schedule 1 of the Act.

The Council provided an opportunity for the Auckland community to comment on its 'preliminary response' proposals during the period April 19 to May 9 2022. The consultation documentation included Information #6: Qualifying matters (Part 1).

This information sheet described what a qualifying matter is (including those specifically identified by the government in the NPS-UD and the RMA) and how their application in a relevant residential zone restricts development enabled by NPS-UD policy 3 and the MDRS. The government-specified qualifying matters include 77I(e) and 77O(e) in relation to 'a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure'.

The information sheet also provided a corresponding list of AUP provisions which relate to the specifically identified qualifying matters and includes 'D24: Aircraft Noise Overlay'.

