

SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

1. INTRODUCTION AND EXECUTIVE SUMMARY

- 1.1 The New Zealand Airports Association ("**NZ Airports**") welcomes the opportunity to submit on the Ministry for the Environment's ("**MfE**") draft first set of National Planning Standards ("**Standards**").
- 1.2 NZ Airports is the industry association for New Zealand's airports and related businesses. Its members¹ operate 35 airports across the country including the international gateways to New Zealand. This infrastructure is essential to a well-functioning economy and the well-being of our communities.
- 1.3 NZ Airports' members have extensive experience dealing with resource management processes and issues, and in particular with the conflicts that arise when sensitive activities (such as dwellings and educational facilities) are established in proximity to airports.
- 1.4 NZ Airports has provided a range of feedback on resource management reforms in the past, including on the discussion papers for the first set of Standards. It participated in workshops to develop aspects of the Standards relevant to NZ Airports.
- 1.5 NZ Airports and its members have also been closely involved in the recent extensive plan review processes in Auckland and Christchurch. While time and cost intensive, NZ Airports sees this participation as crucial, given the critical role that planning frameworks play in airport operations. District and regional planning instruments are fundamental mechanisms by which airports can protect their existing and future operations, including from reverse sensitivity effects, while also ensuring any adverse effects arising out of the use of airports (such as noise) are managed.
- 1.6 This submission addresses the following draft Standards:
- (a) Zone Chapters Structure;
 - (b) Mapping;
 - (c) District wide matters;
 - (d) Spatial planning tools;
 - (e) Definitions; and
 - (f) Noise metrics.

¹ Our member airports are Ardmore Airport, Auckland Airport, Chatham Islands Airport, Christchurch Airport, Dunedin Airport, Gisborne Airport, Hamilton Airport, Hawke's Bay Airport, Hokitika Airport, Invercargill Airport, Kapiti Coast Airport, Kaikohe Airport, Katikati Airport, Kerikeri Airport, Marlborough Airport, Masterton Airport, Matamata Airport, Motueka Airport, Nelson Airport, New Plymouth Airport, Palmerston North Airport, Queenstown Airport, Rangiora Airport, Timaru Airport, Rotorua Airport, Takaka Airport, Taupo Airport, Tauranga Airport, Wairoa Airport, Wanaka Airport, Whanganui Airport, Wellington Airport, Westport Airport, Whakatane Airport, and Whangarei Airport.

2. S-ZONES: ZONE CHAPTERS STRUCTURE (LOCATED WITHIN S-ASM)

Q6: Should we have a standard set of zones? Would this make plans across New Zealand easier to use?

- 2.1 NZ Airports supports the inclusion of a standard set of zones, and considers that this national direction will be useful in providing greater efficiency in the way councils and plan users interact with various plans across the country.
- 2.2 In particular, NZ Airports considers that it is appropriate to have a specific Airport Zone to ensure that any underlying zone provisions enable the continued operation of airports and associated activities.²

Q8: Is the inclusion of purpose statements for zones useful for guiding how they may be used?

- 2.3 NZ Airports supports the inclusion of purpose statements for zones. In NZ Airports' submission, it is critical that there is some level of consistency in how the zones are applied across different plans.
- 2.4 NZ Airports particularly supports the proposed Airport zone purpose statement, which is consistent with its proposed wording provided to MfE. It is critical that Airport Zone provisions, which are intended to provide for the operation of airports, are not conflated with provisions that are intended to manage the surrounding effects areas.
- 2.5 In addition, NZ Airports supports the 'characteristics guidance' for the Airport zone in the Initial Guidance document, which is consistent with the text provided by NZ Airports.³ NZ Airports considers that this additional guidance will assist in ensuring that there is consistency in how the zones are applied.
- 2.6 However, NZ Airports understands that the 'characteristics guidance' in the Initial Guidance document has no legal status, and therefore councils will not need to ensure that, when implementing the Standard, the provisions of the zones are consistent with the listed characteristics. NZ Airports considers that greater weight should be given to the characteristics, to ensure that the Zone chapters are applied sensibly and consistently.

3. F2: MAPPING

- 3.1 NZ Airports supports the standardisation of plan mapping in ensuring that there is consistency in how spatial information is displayed on a map.

Q12: Does the mix of map colours and symbols function well for your plan(s)?

- 3.2 NZ Airports supports the inclusion of noise contours in the symbology table. However, NZ Airports considers that only having one symbol for the contours may be problematic where there are multiple noise contours adjacent to each other.
- 3.3 For example, the Aircraft Noise Overlay in the Auckland Unitary Plan contains three different noise contours for Auckland International Airport – the high aircraft noise area, moderate

² This support is on the basis that NZ Airports assumes that the Airport Zone is not considered an "additional special purpose zone" for the purposes of mandatory direction 7 of the Draft Area Specific Matters Standard.

³ "Initial Guidance for draft National Planning Standards: F-4 Spatial planning tools (district), S-ASM Area-specific matters – zone framework", page 15.

aircraft noise area and the aircraft noise notification area. The same symbology is used for all three contours, with a bold line indicating the boundary between the contours.

- 3.4 NZ Airports considers that such an approach does not represent the most effective visual representation of the distinction between different contours, and that it is necessary to provide multiple colour options in order to clearly differentiate between the contours.
- 3.5 In comparison, the Christchurch District Plan provides for different shades for the fill colour within each of its three airport noise contours, demarcated by a line of a contrasting colour. NZ Airports considers that the approach to noise contours in the Christchurch District Plan more clearly communicates the extent of the various contours, and is less likely to cause confusion for plan users.
- 3.6 In NZ Airports' submission, the noise contour symbology should be amended to provide flexibility for councils to include multiple colours for noise contours.

4. S-DWM: DRAFT DISTRICT WIDE MATTERS STANDARD

- 4.1 The draft district-wide matters standard provides that noise provisions are to be located in the General District-Wide Matters chapter of a district plan:⁴

31 If the following matters are addressed in the plan, they must be located in the Noise and light section:

- (a) objectives, policies and methods, including rules (if any) managing noise and light
- (b) objectives, policies and methods, including rules (if any) for noise, light spill and glare for different areas and receiving environments
- (c) noise/light thresholds for each zone or other spatially defined area
- (d) sound insulation requirements for sensitive activities or limits to the location of noise sensitive activities relative to noise generating activities
- (e) specific requirements for common significant noise and light generating activities.

- 4.2 In some districts, the requirement for provisions that manage noise (and light) to be located in a specific *Noise and light* section will be a significant departure from the current approach. From NZ Airports' perspective, it makes sense for aircraft noise to be managed by the provisions in the airport zone chapter.
- 4.3 NZ Airports is concerned that requiring councils to amend their plans to comply with the Standards by stripping the zone-specific noise provisions from those zones will have unnecessary flow-on effects, which would require a plan change to rectify. In NZ Airports' submission, airport specific noise provisions should be able to be located in an airport zone chapter, providing additional flexibility for councils and certainty for plan users.
- 4.4 NZ Airports is also concerned to ensure that this Standard does not restrict the ability for plans to include objectives, policies and rules relating to noise and noise sensitive activities in overlays. Noise management overlays are a critical tool for the management of aircraft noise and land uses sensitive to aircraft noise in the proximity of airports.

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Draft National Planning Standards, page 40.

4.5 It is essential that the use of such tools is not inadvertently restricted by the Standards. In NZ Airports' submission, the Standard must be amended to specifically enable the management of noise in overlays.

4.6 In addition, NZ Airports supports the inclusion of provisions to manage reverse sensitivity effects between infrastructure and other activities in the Infrastructure and Energy Chapter, within the draft District Wide Matters Standard.

5. F-3 AND F-4: SPATIAL PLANNING TOOLS

5.1 In its feedback to MfE on the discussion papers for the first set of Standards, NZ Airports submitted that overlays should be reserved for those matters contained within section 6 of the Resource Management Act 1991.

5.2 The stated function for overlays in the draft district Standards is:⁵

An overlay spatially identifies an area, feature or item that following a district wide assessment has been determined to have distinctive values, environmental risks or factors that require management in a different manner from the underlying zone provisions

5.3 In NZ Airports' submission, that function is not particularly useful in defining the situations in which overlays should be used, and leaves the door too open for individual interpretation in different districts and cities. The non-statutory Initial Guidance document provides what NZ Airports considers are helpful examples of appropriate overlays,⁶ however, in NZ Airports' submission, the characteristics of those examples have not been adequately reflected in the stated function.

Q14: Can these spatial planning tools be used to address the planning issues in your community?

5.4 As outlined above, overlays are essential tools for noise management at airports. Airports should be able to rely on effective overlays to protect their operations from reverse sensitivity effects. Overlays also provide guidance and certainty to landowners about appropriate development near airports. In order to preserve the existing planning regime at airports, it is essential that overlays are available to fulfil the existing noise management function, but are not overly prescribed for other planning matters that are more appropriately managed by other spatial planning tools.

5.5 NZ Airports is also concerned by the apparently intentional lack of prescribed hierarchy in the spatial planning tools, which, according to the Initial Guidance document, are "intended to be 'layered' and to work together to provide specific planning responses".⁷ In light of the difficulties that have arisen in interpreting the layered effect of spatial planning tools in the Auckland Unitary Plan context,⁸ NZ Airports considers that it would be prudent for the Standards to provide some guidance on hierarchy.

⁵ Draft National Planning Standards, page 60.

⁶ Initial Guidance for draft National Planning Standards: F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework, page 6.

⁷ Initial Guidance for draft National Planning Standards: F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework, page 4.

⁸ *Auckland Council v Budden* [2017] NZEnvC 209.

- 5.6 Such guidance would provide the benefit for councils and plan users of greater consistency across plans, and more clarity regarding how plan provisions would apply. In particular, given the significance of overlays in managing reverse sensitivity effects on airports, NZ Airports is concerned to ensure that inconsistent or illogical plan interpretation results in precincts and development areas being used to defeat a noise management overlay.
- 5.7 In NZ Airports' submission, further clarity in this respect is required in order for the Standard to fulfil its intended purpose.

6. CM-1: DEFINITIONS

6.1 NZ Airports generally supports the proposed introduction of national standardised definitions. NZ Airports is grateful to have had the opportunity to engage further with MfE in relation to airport-related definitions.

6.2 Key definitions in this first Standard relevant to NZ Airports are:

- (a) **commercial activity** – NZ Airports is concerned that this definition is too uncertain, and submits that a table approach similar to that taken in the Auckland Unitary Plan should be preferred;
- (b) **habitable room** – NZ Airports supports this definition, including the inclusion of educational facilities and commercial activities;
- (c) **notional boundary** – this definition refers to 'activities sensitive to noise', which have not been proposed to be included in this set of Standards. While NZ Airports is neutral on the definition of 'notional boundary', it would expect to be consulted if a definition of 'activities sensitive to noise' was to be included in the first set of Standards;
- (d) **reverse sensitivity** – NZ Airports supports this proposed definition;
- (e) **visitor accommodation** – NZ Airports supports this proposed definition.

Q19: What other definitions should be standardised in future sets of planning standards?

6.3 NZ Airports would be grateful for an opportunity to engage with MfE in the future, in the event that further definition standardisation is contemplated. In particular, NZ Airports would support a proposal to provide standardised definitions of 'sensitive activities', 'activities sensitive to aircraft noise' or 'noise sensitive activity' (or a similar term) and 'nationally significant infrastructure'.

7. CM-2: NOISE AND VIBRATION METRICS

7.1 Noise and noise management is a significant planning issue for all of NZ Airports' members. NZ Airports therefore supports the proposal to standardise noise metrics across plans.

7.2 NZ Airports is concerned about the process for the noise metrics Standard to be implemented in plans. Given the relationship between airports and noise, any gap between the mandatory directions being included in a plan and the subsequent necessary plan changes to remove perverse planning outcomes from that plan have the potential to cause significant issues for airports.

- 7.3 Airports already operate under aircraft noise emission limits, and any unintended reductions of those limits have the potential to disrupt critical operations until such consequences are resolved. In NZ Airports' submission, an intermediary arrangement in the Standards may be appropriate in order to ensure that airports can carry on business as usual in the event that the implementation of the standard causes issues in the planning framework.

Q20: Is it appropriate to use NZ Standards as the basis for noise metric and vibration standards?

- 7.4 NZ Airports supports the use of NZ Standards as the basis for noise metric standards, which are already widely recognised and implemented in plans. While NZ Airports understands that the reference to New Zealand Standard 6805:1992 "Airport noise management and land use planning" is intended to refer to the parts of that standard that relate to measurement only (ie Part 2 and Part 3), NZ Airports suggests that a minor amendment is required to ensure this is clearly communicated, by replacing "measurement only" with "Parts 2 and 3 only" in Table 30.
- 7.5 What is not clear in the Standards, however, is how the Standard will be affected by the release of an updated acoustical standard. New acoustical standards may prescribe different measurement methodologies, with associated changes in noise limits.
- 7.6 Table 30 currently lists the current acoustical standards. However, given the extended timeframe for implementation of the Standards, it is likely that some of those acoustical standards will be updated within the five to seven year implementation period.
- 7.7 In NZ Airports' submission, plans should adopt the principles in the most recent acoustical standards. The Standard should therefore set out the mechanism for the Standard to be updated in the event that an updated acoustical standard is released, and the process for how the amendments to the Standard are included in plans.

Mandatory direction 3

- 7.8 This direction in the Standard states:

Any plan rule to manage an emission of noise must be consistent with noise measurement methods in the New Zealand Standards listed in table 30:
Acoustic New Zealand Standards below.

- 7.9 This direction should refer to 'noise assessment', rather than 'noise measurement'.

Mandatory direction 4

- 7.10 NZ Airports considers that it is necessary to include an additional sentence in this direction to clarify that the Rating Level and L_{max} levels of measurement in NZS 6802:2008 are not appropriate for all types of management, as follows:

Where there is another applicable acoustical New Zealand Standard listed in Table 30, any rules shall recognise the measurement and assessment methodology of the applicable standard.

- 7.11 'Rating Level' is not applicable to aircraft noise, therefore it is important that the Standards clarify that aircraft noise is managed using the mechanisms in the appropriate acoustical standard (ie NZS 6805:1992). This amendment it critical to ensure that that the Standards

do not result in unreasonable planning outcomes that unnecessarily constrain the operation of airports.

Coastal marine area

- 7.12 NZ Airports proposes that the Standard should be amended to clarify that it applies to the coastal marine area, as well as land-based measurements. A number of airports' operations involve noise emissions over the coastal marine area, and it should be made clear in the Standard that the same measurement methods apply.

Q21: Should the planning standards set noise limits for certain zones?

- 7.13 In NZ Airports' submission, the Standards should not be used to set standardised noise limits. Given the local and regional differences in noise-related land use planning, it would be more appropriate for the Standards to leave it open for councils and airports to determine how land use planning for airport noise is approached in each district.

8. CONCLUSION

- 8.1 Given the significant implications on airports of provisions that could potentially be included in the draft Standards, NZ Airports would welcome any opportunity to discuss this submission further with MfE in the finalising phase of the Standards.

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