

MEMO

<b>Project:</b>	Rangiora Airfield Rezoning Proposal	<b>Document No.:</b>	Mm 001		
<b>To:</b>	Independent Hearing Panel – Proposed Waimakariri District Plan	<b>Date:</b>	21 August 2024		
<b>Attention:</b>	Independent Hearing Panel	<b>Cross Reference:</b>			
<b>Delivery:</b>	Email	<b>Project No.:</b>	20240215		
<b>From:</b>	Rob Hay	<b>No. Pages:</b>	2	<b>Attachments:</b>	No
<b>Subject:</b>	Response to Hearing Panel Questions				

I understand that the Hearing Panel have asked the following question:

*In Para 6.8 Evidence of Mr Hay’s evidence, he identifies a range of options for tightly connecting Activities Sensitive to Aircraft Noise (ASAN) to an airfield purpose. Can he please provide examples of where this has worked well and where it has failed? What are alternatives to no-complaints covenants, and what are the advantages and disadvantages of the alternatives?*

For ease of reference, I also reproduce paragraph 6.8 of my evidence-in-chief.

6.8 I am aware of a range of options for achieving this. These include:

- Membership of an affiliated Club or organization;
- A civil contract or covenant; and
- Access to the sites via restricted access airport land.

I have been personally involved in administering a residential development at Omarama Airfield. Individuals have been permitted to build chalets for family accommodation on the airfield land (many with taxi-up access). The ground rental agreement requires that the owner of the building is a member of a gliding club affiliated with Gliding New Zealand, or another recognised aviation activity. During my tenure as an administrator, we had one person who attempted to sell their chalet to a non-member. The situation was resolved amicably with the requirement being upheld.

I am aware of numerous examples of no-complaint covenants on land adjacent to a range of infrastructure and industries where the land is for general residential purposes and is not associated with the activity. My experience is that under these circumstances the use of no complaint covenants is generally successful, but not always so. In particular, when a large population is constrained by a no-complaint covenant (such as an urban subdivision) related to an activity perceived to be of no personal benefit, complaints and political pressure seem to be more likely to arise.

By contrast, I am aware that no-complaint covenants have been enacted at motorsport raceways in both the South and North Islands (Highlands and Hampton Downs) that allow for both residential and work activities in close proximity to the racing activity. These no-complaint covenants are linked to encumbrances on the land that also require that the owner of the land be a member or in some way satisfactory to the raceway operator affiliated with the activity. The no-complaint covenant in these cases is tied to both a civil contract and a membership requirement. I am told that this arrangement has proven very satisfactory, and no problems have arisen.

While a motorsport park and an airfield are not identical activities, the similarities are sufficient that in my view the experience can be translated across.

I am aware of airfields in New Zealand such as Pukaki, which permit business, residential, and visitor accommodation activities associated with hangars on the airfield. I do not know the specific



form of control used but understand that there are provisions requiring association with airfield operations and/or building for residential units.

I have been told by members of the aviation community I have interacted with over the years that it is common for private airpark subdivisions overseas to have gate control access for vehicle and pedestrian access. I have not observed this personally.

I view the use of a no-complaint covenant in isolation as a weaker level of control than the alternatives, particularly where the residential or business activity is not in some way related to an aviation activity.

In the context of the current proposal, activities occurring within the existing Designation can be approved (or not) by Council. For area A, outside the Designation, it is proposed that there must be a link to an aviation activity. This will be enforced via a civil contract and a no-complaint covenant (applying in both area A and B) will be placed on the land. In addition, access control via taxiways to both areas A and B will be implemented.

I consider this combination of controls to be very strong in their ability to reduce the potential for reverse sensitivity effects and to ensure that people living and working in the area are aware of the nature of the environment and are compatible with this. I do not see any strong disadvantages with this system of controls. While there is additional paperwork involved in establishing the ownership of lease of a site, once this is in place there is no further effort.

I suggest (to the developer rather than the Hearing Panel), that any contract or no-complaint covenant require that any person leasing or sub-leasing a site is made aware of the environment and activities that can be expected and that complaints about lawful activities are not allowed.