

UNDER the Resource Management Act 1991

IN THE MATTER OF Horizons Proposed One Plan
Land Hearing

AND

IN THE MATTER OF the submission by Airways
Corporation of New Zealand

EVIDENCE OF LISA HOOKER

1 Introduction

My name is Lisa Hooker. I hold a Masters of Resource and Environmental Planning. I have 18 months experience as a planner, and have worked for local authorities, government agencies and individuals as a consultant. I am a Graduate Planner with Opus International Consultants and am based in Palmerston North.

I appear today to present evidence on behalf of Airways Corporation of New Zealand Limited (**Airways**) with respect to Horizons Proposed One Plan.

My evidence will address concerns of Airways in relation to the potential environmental effects on the safe movement of aircraft in New Zealand (including Palmerston North) airspace from new Rules relating to vegetation clearance and land disturbance on highly erodible land, and within 10 metres of a waterbody.

My evidence today covers:

- the role of Airways
- matters of concern to Airways
- the submission by Palmerston North Airport Limited
- the Officers Report
- Airways requested amendments

2 Background

Airways has principal responsibility for facilitating the safe movement of air traffic in New Zealand airspace. Airways is interested in protecting its land and building assets, maintaining operational flexibility and enhancing opportunities for upgrading existing facilities.

Pursuant to section 23(b) of the Civil Aviation Act 1990 the Director of Civil Aviation has delegated to the Navigation Development Manager of Airways the following powers under the Civil Aviation Rules part 19.155:

- The power to prescribe the conditions and procedures under which aircraft operating under instrument flight rules (IFR) may be flown and to prescribe instrument approach procedures in relation to the use of aerodromes;
- The power to prescribe meteorological minima for take-off and landing at aerodromes and to prescribe conditions in respect of such minima; and,
- The power to publish the procedures and meteorological minima and associated conditions so prescribed in the appropriate aeronautical publication(s).

These delegated powers are subject to specific conditions. Pursuant to this delegation, Airways has designed and prescribed the flight procedures for approach and departure from airports and aerodromes in the Manawatu – Wanganui Region.

3 Summary of Issues

Aircraft safety and stability can be affected by artificial lighting, glare, tall structures and vegetation, and vertical air discharges in close proximity to the aircraft flight or approach paths.

The submissions made by Airways on the “Land” Chapter of the Proposed One Plan specifically relate to the inclusion of new provisions relating to vegetation clearance and land disturbance on highly erodible land, and within 10 metres of a waterbody. Of particular interest is radar and navigational aid maintenance.

Airways considers that it is a matter of public interest that Council demonstrates a commitment to minimising potential danger for aircraft while in the air, particularly at take-off and landing.

4 Airways’ Original Submission

Airways made a submission on the Proposed One Plan raising concern with proposed Policy 5-3 and Rules 12-3 to 12-6 in regards to vegetation clearance and land disturbance, which could potentially affect the ability of Airways to maintain essential radar and navigation aid infrastructure.

Airways lodged a submission that specifically requested the following changes to the Proposed One Plan:

1. That Policy 5-3 be retained as per the Proposed One Plan.
2. Airways also request that this policy be carried through to Rules in the Plan, by including a rule that allows maintenance activities, such as vegetation clearance, around its infrastructure (such as navigational aids) a permitted activity.

Possible wording of this rule could be:

The maintenance of existing infrastructure, including the trimming and removal of plants where these pose a risk to the continuation of operations, is a permitted activity provided

(a) vegetation is not left in a position where it may enter a waterbody;

(b) there shall be no discharge of contaminants, other than sediment, into any waterbody

5 Airways' Further Submission

Airways' further submission supported submissions 406/8 and 265/10, which requested the retention of Policy 5-3 as it stands.

Airways also supported submissions 56/2, 57/2, 58/2, 60/2, 65/2, 94/2, 98/2, 144/3, 187/3, 198/3, 145/4 and 188/4 which requested that Policy 5-3 be amended as follows:

*“Vegetation clearance and land disturbance shall be generally allowed on highly erodible land **unless there are more than minor adverse effects, which are unable to be mitigated, avoided, remedied or offset in any way.**”*

Airways supported these submissions as the proposed amendment to Policy 5-3 is consistent with Airways' desire to undertake maintenance activities on its facilities, providing that any adverse effects are able to be mitigated, avoided or remedied.

Airways also supported submissions 172/63, 346/63 280/66 and 340/85, received in regards to Rule 12-3 (land disturbance on highly erodible land).

Airways supported these submissions as they stated that:

“Some rules in Section 12 of the Plan do not provide certainty as to activity status and therefore it may be difficult for a landowner or a district planner administering the land use provisions of a Plan to discern whether or not a consent is required and, if required, what type of consent.”

Airways agreed with these comments, requesting that Rule 12-3 be clarified, providing greater certainty as to how to interpret and apply the rules under Section 12 of the Plan.

Airways opposed submissions 416/9, 369/24, 394/24, 395/24, 396/24, 401/24, 442/24, 452/24, 467/24, 468/30, 372/90, and 363/102 which requested the protection of outstanding landscapes and management of the natural character of landscapes. Airways opposed these submissions out of concern should Council respond to these submissions by way of new rules on activities in significant landscape or natural character areas. Such rules could affect the ability of Airways to carry out maintenance activities on facilities such as air navigation aids on the grounds of these facilities being located within significant landscapes, or areas having a high degree of natural character. Should Council introduce such regulations, these may compromise public safety while travelling by air, due to the inability of Airways to undertake maintenance activities, such as vegetation clearance near navigation aids throughout the Region.

6 The Officer's Report

The Officers Report sets out the recommended amendments to the Proposed One Plan. Those of interest to Airways in regards to this Hearing on Land are located in Sections 4.10, 4.33, 4.34, 4.35 and 4.36 of the Planning Evidence and Recommendations Report (June 2008).

6.1 Policy 5-3

The Officers Report (page 87) accepted our request to retain Policy 5-3 as written in the proposed One Plan.

In addition, the Officers Report accepts our support, by way of further submission (pages 95 and 102), for those submissions that requested the retention of Policy 5-3 as written (refer to section 5 above).

However, the Officers' Report (page 108) makes the recommendation that Policy 5-3 be amended as follows:

“(e) Vegetation clearance for the maintenance of infrastructure of regional and national importance as defined in Policy 3-1(a).”*

This proposed amendment is to clarify that the “infrastructure” referred to is infrastructure of regional and national importance and not “infrastructure” as defined in the Glossary.

While Policy 3-1 includes the Palmerston North Airport and the RNZAF airfield in Ohakea as infrastructure of regional and national importance, this list does not include all infrastructure managed by Airways, such as all airports (as defined in section 2 of the Airport Authorities Act 1966) or navigation installations (as defined in section 2 of the Civil Aviation Act 1990). There is therefore an inconsistency between what is classified as “infrastructure” in the Glossary definition of infrastructure and infrastructure as covered by Policy 3-1. Airways consider all airports and navigational aids to be infrastructure of regional and national importance.

Airways therefore seeks the following change to Policy 3-1:

That amendments be made to include an additional sub-clause 3-1(a)(viii) listing additional Airways infrastructure not already covered by Policy 3-1, including air navigation installations as defined in the Civil Aviation Act 1990.

The Civil Aviation Act 1990 defines “Navigation Installations” as follows:

“Navigation installation—

- (a) *Means any building, facility, work, apparatus, equipment, or place, (whether or not part of an aerodrome) that is intended to assist in the control of air traffic or as an aid to air navigation; and*
- (b) *Includes any land adjacent to any such building, facility, work, apparatus, equipment, or place, and used in connection therewith.”*

This would ensure that Policy 5-3, where it refers to infrastructure of regional and national importance, provides for the maintenance of all of Airways infrastructure.

The Officers Report also recommended that the definition of “vegetation clearance” in the glossary be amended to include provision for the maintenance of infrastructure of Regional and National significance (page 108). We support this recommendation of the Officers Report, providing that the abovementioned amendments to Policy 5-3 are approved.

6.2 Further Submissions Airways Supported

On Pages 87, 88, 89, 90, 92, 93 and 94 of the Officers Report, our support, by way of further submission, for submissions requesting amendment of Policy 5-3 as follows: *“vegetation clearance and land disturbance shall be generally allowed on highly erodible land **unless there are more than minor adverse effects, which are unable to be mitigated, avoided, remedied or offset in any way**”* was rejected.

As the Officers Report has generally accepted the requests we made in regards to Policy 5-3 in our original submission, and given proposed changes to 12-3, we wish to make no further comments in regards to these submission points we supported in our further submission.

6.3 Rules 12-3 to 12-6

In our original submission Airways stated that:

“The Rules (Rules 12-3 to 12-6) and Policies of the Proposed One Plan require consent for vegetation clearance in the hill country highly erodible area and any vegetation clearance and land disturbance within 10m of a waterway. This distance is greater than the current 5m performance condition in the Land and Water Regional Plan. These proposed provisions may have implications for radar and navigational aid maintenance, and therefore Airways opposes Rules 12-3 to 12-6.”

Airways sought the retention of Policy 5-3 as per the Proposed One Plan and requested that “this policy be carried through to Rules in the Plan, by including a rule that allows maintenance activities, such as vegetation clearance, around its infrastructure (such as navigational aids) a permitted activity.”

Suggested wording for this Rule was as follows:

“The maintenance of existing infrastructure, including the trimming and removal of plants where these pose a risk to the continuation of operations, is a permitted activity provided

- a) *vegetation is not left in a position where it may enter a waterbody;*
- b) *there shall be no discharge of contaminants, other than sediment, into any waterbody.*

The Officer's Report (page 87) accepted in part our request that this policy be carried through to Rules in the Plan, by inclusion of a rule that allows for maintenance activities, such as vegetation clearance around its infrastructure (such as navigational aids) as a permitted activity.

The Officer's Report does not acknowledge our opposition to Rules 12-3 to 12-6, but agrees that, in the case of highly erodible land, land disturbance under Rule 12-3 (page 266) and vegetation clearance under Rule 12-4 (page 277) in relation to the maintenance of existing infrastructure should be permitted. Control of sediment run-off and erosion is addressed through the permitted activity standards in Rule 12-1. Therefore, the Officers' Report makes the recommendation that Rule's 12-3 and 12-4 be amended to include an additional exclusion as follows:

- (f) for the purposes of maintaining existing infrastructure (this is a permitted activity under Rule 12-1).

I note that "Infrastructure", as defined in the Glossary, includes:

- (i) an airport as defined in section 2 of the Airport Authorities Act 1966
- (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990.

Airways supports the additional exclusion proposed by the Officers Report as this change to the POP allows for the maintenance of infrastructure. However, the exclusion of air navigational aids and other airport-related infrastructure from Policy 3-1 is still a concern. Also, Airways seeks confirmation that "existing infrastructure" means any infrastructure that is legally established; otherwise any new infrastructure would not be provided for under this Rule.

Providing the recommended amendments are made to Policy 3-1 and providing Horizons supports the inclusion of other Airways infrastructure within the definition of infrastructure of Regional and national importance in Policy 3-1, then the recommendations made in the Officers' Report in regards to land disturbance and vegetation clearance (Rules 12-3 and 12-4) for the purposes of maintaining existing infrastructure are supported and should be retained as written in the Officer's Report.

6.3.1 Rule 12-5

The evaluation of Rule 12-5 in the Officers' Recommendation Report proposes the addition of an exclusion relating to the maintenance of existing infrastructure, as with Rules 12-3 and 12-4 above. The Officer's Report also recommends an additional setback provision be added to Rule 12-5 to enable land disturbance on generally flat land (up to 5 degrees of slope) to occur up to 5 metres from the bank of the waterbody as a permitted activity. The Officer's Report recommends that the 10 metre setback distance, as stated in the Proposed One Plan, be retained for areas where the land slope is between 5 and 15 degrees.

While provision for this reduced setback distance for generally flat land is considered preferable to what is currently included in the Proposed One Plan, these regulations are still more restrictive than the currently operative Land and Water Regional Plan. Airways therefore stands by the comments they made in their original submission on the Proposed One Plan, stating their opposition to the 10m minimum setback for vegetation clearance

and land disturbance on land with a 0 to 15 degree slope. This change in performance condition from 5 metres to 10 metres is unjustified and may have implications for radar and navigational aid maintenance. Airways therefore opposes Rule 12-5 in its current form and requests the reinstatement of the 5 metre separation distance as contained in the Land and Water Regional Plan.

6.3.2 Rule 12-6

This is the Discretionary Activity default rule for all activities that do not comply with permitted and controlled activity rules. No changes have been recommended in the Officers Report in regards to Rule 12-6 of the Proposed One Plan. Should our recommendations for Rules 12-3 to 12-5 be rejected, then maintenance activities would fall under this rule as Discretionary Activities. Airways does not propose any further changes to this Rule at present.

7 Airways' requested Amendments

1. Airways thanks Horizons Regional Council for the comprehensive Planning Evidence and Recommendations Report.
2. Airways requests that those provisions outlined above be included in the One Plan, notably: Policy 5-3, Policy 3-1 and Rules 12-3, 12-4, 12-5 and 12-6.
3. Airways requests that Policy 3-1 be amended to include all infrastructure of importance to Airways.
4. Should Horizons accept this amendment to Policy 3-1, then Airways is supportive of the retention of Policy 5-3 as written.
5. Airways seeks that Policy 3-1 be clarified to ensure that "existing infrastructure" includes all infrastructure legally established, not just infrastructure that exists at the time this Plan becomes operative.
6. Airways supports the intention of Horizons Regional Council to amend the glossary definition of "vegetation clearance" to include provision for the maintenance of infrastructure of Regional and National significance. However, the definition of "infrastructure of Regional and National importance" as stated in Policy 3-1 must first be amended to include all of Airways infrastructure including navigational installations (as defined in the Civil Aviation Act).
7. Airways supports the recommendation in the Officer's Report to amend the definitions of vegetation clearance and land disturbance to allow for the maintenance of infrastructure. Again, this support is dependent on the definition of "infrastructure of regional and national importance" first being amended to include all of Airways infrastructure. This change has implications for Rules 12-3, 12-4 and 12-5.
8. Airways supports the recommendations of the Officers report in regards to setback distances for vegetation clearance around waterbodies in part. While Airways considers the proposed amendments to reduce the minimum setback distance to 5 metres from land with a slope between 0 and 5 degrees are favourable to the current provisions in

Rule 12-5 of the Proposed One Plan, Airways considers that this 5 metre setback should be reinstated for all land with a slope less than 15 degrees, as is currently contained in the Operative Land and Water Regional Plan.

Signed



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