



Section 32 Evaluation Report

Informal Airports

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Section 32 Evaluation Report: Informal Airports

1. Purpose of the report

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

Accordingly, this report provides an analysis of the key issues, objectives and policy response to manage informal airports within the District Plan.

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
 - o Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
 - o Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
 - identifying other reasonably practicable options for achieving the objectives,
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- Consideration of **Risk**

2. Statutory Context

Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The District's landscapes and natural environment are highly recognised and valued. The Council's Economic Development Strategy 2015 states:

'The outstanding scenery makes the District a highly sought after location as a place to live and visit.' And, 'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'

The Queenstown Lakes District is one of the fastest growing areas in New Zealand and the recent estimates (refer to more detail in the Strategic Directions Section 32 report) predict that the District will continue to experience significant population growth over the coming years, largely off the back of strong forecasted growth in visitors. A strategic policy approach is essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

31 Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of use, development or protection of land and associated natural and physical resources of the district.

Consistent with the intent of Section 31, the proposed informal airport provisions enable an integrated approach to the management of the multiple interests in the District.

Section 6 Matters of National Importance is of direct relevance to the Rural and Landscape chapters.

6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights*

Section 7 Other matters also includes a number of matters directly relevant to these chapters.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

In particular, Section 7(b) requires regard is had to the efficient use and development of natural and physical resources, while section 7(c) requires regard to be had to the maintenance and enhancement of amenity values.

Local Government Act 2002

Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
 - (i) the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) the interests of future as well as current communities; and*
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) in taking a sustainable development approach, a local authority should take into account—*
 - (i) the social, economic, and cultural interests of people and communities; and*
 - (ii) the need to maintain and enhance the quality of the environment; and*
 - (iii) the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

3. Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

3.4.2 High Country Pastoral Farming

Policy 1. Encourage sustainable pastoral farm land management practice whereby impacts on soil, vegetation and water quality are minimised.

3.4.8 Access and Tourism

Policy 2. Development that includes building activity should consider specific landscape and geographical features and the significance of these to Ngāi Tahu Whānui. Activity whereby buildings will protrude above ridgelines or displace site of cultural significance should be avoided.

Part 3.5.10: General Water Policy: includes,
Policies:

- 3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.*
- 4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.*
- 5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.*
- 6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.*
- 16. Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.*
- 17. Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.*

Part 3.5.19: Riparian Zones, includes the following policies:

Policy 6. Avoid stock access to riparian zones and streambeds, except when required for intermittent vegetation control.

Policy 7. Encourage fencing of streams to protect riparian vegetation, and promote healthy riparian establishment.

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

3.5.2 Wastewater

9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production

(e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).

3.5.7 Subdivision and Development

Policies 1- 18 of the MNRMP contain a range of policies that are relevant to Subdivision and Development, and cover iwi involvement in planning processing and plan development, and interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

5.3.4: Bank Erosion:

Policy 43. To discourage activities on riverbanks that have the potential to cause or increase bank erosion.

Policy 44. To encourage the planting of indigenous vegetation from the local environs to help reduce continual erosion of the edge of rivers.

5.3.4: Land Use and management

Policy 54. To promote land use that suits the type of land and climatic conditions.

Policy 55. To encourage the exclusion of stock from waterways.

Policy 56. To oppose the draining of wetlands. All wetlands are to be protected.

Policy 57. To require a programme to monitor the effect of stock and agricultural activity on groundwater quality be established.

Policy 58. To promote integrated riparian management throughout entire catchments.

Policy 59. To oppose the indiscriminate use of chemicals or poisons in or near waterways.

5.6.4 Cultural Landscapes General Policies

Subdivisions:

- 1. To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
- 2. To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
 - i. All consents related to the subdivision to be sought at the same time.*
 - ii. Protection of Kāi Tahu ki Otago cultural values.*
 - iii. Visual amenity.*
 - iv. Water requirements.*
 - v. Wastewater and storm water treatment and disposal.*
 - vi. Landscaping.*
 - vii. Location of building platforms.*
- 3. To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .*

4. To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.
5. To require public foot access along lakeshores and riverbanks within subdivisions.

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.
10. To promote sustainable land use in the Clutha/Mata-au Catchment.
11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

4. Regional Planning Documents

Operative Regional Policy Statement 1998

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago's land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Proposed Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must "have regard to" any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies relevant to the use of informal airports in the District:

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the review of the informal airports
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngāi Tahu Claims Settlement Act 1998 and associated Statutory Acknowledgement Areas in the Queenstown Lakes District are located within the Rural Zone.
Kai Tahu values, rights and customary resources are sustained	1.2	21.2.1, 1.2.2, 1.2.3	Informal airports have the potential to operate on land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	Informal airports would operate in areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource.
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	A large component of informal airport activity is associated with access for persons in remote areas for recreational opportunities.

Sufficient land is managed and protected for economic production.	4.3	4.3.1, 4.3.2, 4.3.6	Informal airports ancillary to farming is relevant to this objective.
Otago's communities can make the most of the natural and built resources available for use.	4.4	4.4.3	Both permitted farming and viticulture and horticulture activities, in addition to other development proposals that seek to locate in the rural areas can degrade ecosystem health and recognition for opportunities to enhance existing areas.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.1, 4.5.4, 4.5.5, 4.5.6, 4.5.7, 4.5.8	People are drawn to the rural areas for a wide range of farming and entrepreneurial opportunities and recreational activities. How these activities are managed will impact the communities' experience of the resource.

5. Resource Management Issues

The resource management issues set out in this section have been identified from the following sources:

- QLDC Research Report entitled Management of Informal Airports¹;
- Public Responses to the QLDC Brochure - Managing Airports in Rural Areas Issues and Options²;
- Meetings with local aircraft operators³.
- Acoustic Review and Advice by Chiles Ltd⁴
- January 9 – February 10 2015 Draft provisions and Section 32 reports placed on the Council's website and circulated to persons on the Council's District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA

The key issues are:

Issue 1: The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

Specifically, many of the informal airports within the Queenstown Lakes District occur on land that is administered by the Department of Conservation or Commissioner of Crown Lands. Robust statutory assessments are undertaken by each of these of these agencies before granting approval (in the form of a Concession under the Conservation Act 1987 or a Recreation Permit under the Crown Pastoral Land Act 1948) for informal airports on these land tenures.

¹ QLDC Research Report – Management of Informal Airports, prepared by Southern Planning Group dated April 2012.

² Publicly Notified for Comment on 4th October 2012

³ Queenstown Meeting 21 July 2014 & WAUG 07 November 2012

⁴ Acoustic Review dated 15 September 2012 of Southern Planning Groups April 2012 Research report and subsequent e-mail correspondence and phone conversations between SPG and Chiles Ltd August 2014

Requiring a land use consent from the Council over and above the approvals described above adds a secondary layer of cost and on-going compliance to the aircraft operators and has resulted in a large number of resource consents for Council staff to process (many of which currently remain 'on hold').

As the effects of most informal airports on these land tenures are internalised and assessed by the government agencies responsible for their administration and management, requiring land use consents from the Council for the same activities is inefficient, expensive and unnecessary.

Issue 2: The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

As described above and in detail in the research report, almost every aircraft arrival and departure is captured by the current definition of airport and subsequently, requires resource consent. However, members of the public often believe the term 'airport' implies a high level of aircraft activity and the physical hall marks of a traditional airport.

Additionally, there has been confusion amongst aircraft operators as to whether a limited number of aircraft landings can occur without triggering the need for resource consent.

6. Purpose and Options

The overarching purpose of the proposed changes to the Operative District Plan provisions is to simplify and streamline the provisions for the management of informal airports, while maintaining amenity values.

This has been undertaken with due regard to the predominant types of informal airport consents sought, the approach taken by other District Council's in managing informal airports and the assessment of effects that are completed by other statutory bodies such as LINZ (Commissioner of Crown Lands) and the Department of Conservation.

Strategic Directions

The objectives and policies of the Strategic Directions chapter of the proposed District Plan are relevant to this assessment.

In general terms, and within the context of this review, these goals and objectives are met by:

- Reducing the doubling up of statutory approvals that are required for informal airports on Crown Pastoral Lease and Public Conservation Land to reduce the financial implications on aircraft operators / tourism providers;
- Enabling aerial transportation of sightseers, recreationists and adventurers into the back country and natural areas of the District on Crown Pastoral Lease and Public Conservation Land where it has been authorised by the relevant administrators;

Determining the most appropriate methods to resolve the issues highlighted for the management of informal airports will enable the Plan to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the Act.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

Broad options considered to address issues

Issue 1: The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

Issue 2: The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

Option 1: Retain the operative provisions;

Option 2: Retain and improve the operative provisions;

Option 3: Undertake a comprehensive review.

	Option 1: Status quo/ No change	Option 2:	Option 3:
Costs	- The 2012 research report identifies a number of costs associated with the existing provisions, including the triggering of a high number resource consent applications. This option fails to address new Central Government policy direction to simplify and streamline Resource Management Act processes. - Aircraft operators / landowners are required to lodge and pay for the processing of resource consents for tens if not hundreds of individual 'informal airports' throughout the District; - Costs incurred in obtaining resource consents will either be passed on to consumers and / or aircraft operators will	- Existing airport rule and definition are 'all encapsulating'. Improving the existing provisions is unlikely to resolve the 'double dipping' issue of statutory assessment and subsequently the resource consent costs imposed on the aircraft operators; - This approach would not deal with other related issues such as the ambiguity / debate with the assessment of noise from informal airports; - Time and cost involved to research and consider alternatives; - Potential for Environment Court appeals against amended provisions.	- A greater level of time and cost would be incurred by Council to comprehensively review and subsequently create new provisions for informal airports; - Greater potential for Environment Court appeals to be lodged against any new plan provisions that are more comprehensive than just the existing airport rule.

	cease using some sites to save costs; • Council will need the staff capacity to process all the resource consents that have been and/or will be lodged if the current provisions remain;		
Benefits	• Council staff are already familiar with the existing provisions and processes for assessing informal airports.	• Retaining but improving the existing provisions may reduce some of the current ambiguity with the application of the existing rules; • Council has already budgeted for a complete review of the District Plan so there are no significantly greater costs imposed upon the Council to undertake this process.	• A more comprehensive review with better quality information, including technical input, would enable the rules to be more appropriately refined. Better quality information may reduce the number of future resource consent triggers and prevent unnecessary 'double dipping' of statutory assessment and approvals; • Removing the 'double dipping' situation will have economic benefits for the aircraft operators by not requiring resource consents for every single landing site they utilise; • Council staff will not have to process and monitor hundreds of resource consents of which the environmental effects are less than minor; • A comprehensive review will remove all ambiguity and incorrect perceptions around what an informal airport is and what level of aircraft activity requires consent. • A comprehensive review will enable other relevant provisions to be considered

			holistically i.e. applicable acoustic standards, temporary activities etc. • Council has already budgeted for a comprehensive review of the District Plan so there are no significantly greater costs incurred by the Council in undertaking this process.
Ranking	3	2	1

The principal aims of the District Plan review is to simplify the plan where appropriate and to provide greater clarity and certainty around development matters in the District. It is anticipated that this will remove some of the uncertainties that can restrict potential economic growth and associated employment provision.

In accordance with these aims and based on the assessment above, Option 3 is considered the most practicable option.

7. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions for informal airports in the District Plan. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline;
- Have effects on matters of national importance;
- Adversely affect those with specific interests, e.g., Tangata Whenua;
- Involve effects that have been considered implicitly or explicitly by higher order documents;
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. Informal airports are an important method of transport and are the core business for businesses established in the District. Informal Airports can also have nuisance effects on persons, particularly those who reside near to rural areas.

Proposed Objective	Appropriateness
Objective 11 Manage the location, scale and intensity of informal airports.	The objective is the most appropriate way to meet the purpose of the RMA because it provides a framework to permit informal airports providing they comply with a set of parameters to ensure sustainable management in terms of (S5(2)(c) RMA). The objective has regard to section 7(b) and 7(c) of the RMA. Strategic Directions: • Relevant to 3.2.1.4 - Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character and healthy ecosystems. Section 74 of the Act requires that a district plan prepared by a territorial authority must “<i>give effect to</i>” any operative Regional Policy Statement. The operative <i>Otago Regional Policy Statement 1998</i> is the relevant regional policy statement to be given effect to within the District Plan. Gives effect to the Operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by: • Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources; • Avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource; Has regard to the Proposed RPS 2015: • Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained • Objective 4.2 - Public access to areas of value to the community is maintained or enhanced.

8. Evaluation of proposed Objectives Section 32 (1) (a)

Section 32(1) of the RMA requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the Act.

Specifically, the proposed Objective for informal airports has been developed to set a clear direction for the establishment, operation and management of informal airports in the Rural General Zone which balances the environmental, social, economic and cultural needs of the District.

The proposed Objective is considered the most appropriate way to achieve the Act because it addresses the fundamental matters identified in the Research Report⁵.

Specifically, location or perhaps more correctly, separation of informal airports from noise sensitive receivers was identified as the key attribute in mitigating the variety of adverse environmental effects that may arise from the operation of informal airports.

Accordingly, managing the location of informal airports (including directing where they may be appropriate) is a key determinant in achieving the purpose of the Act.

Similarly, the scale and intensity of informal airports has been identified as a matter that warrants higher level direction because increasing scale and intensity can decrease people's amenity and potentially breach the District Plan noise limits.

The proposed Objective is therefore considered to provide for the economic well-being of a prosperous tourism industry whilst also protecting the social and cultural wellbeing, health and safety of the Districts residents.

Accordingly, the proposed Objective is considered to be the most appropriate method of achieving the purpose of the Act.

⁵ Management of Informal Airports by Southern Planning Group dated April 2012, Section 3.2, page 20.

9. Evaluation of the proposed provisions Section 32 (1) (b)

The following table considers whether the proposed provisions are the most appropriate way to achieve the relevant Objective. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient.

Issue 1: The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

Issue 2: The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

Objective 21.2.11: Manage the location, scale and intensity of informal airports

Summary of proposed provisions that give effect to the objective:

<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
<u>Policy 21.2.11.1</u> <i>Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.</i>	It is considered that there are no costs associated with this proposed Policy.	This proposed Policy promotes informal airports as an important part of recreational activities within the District as opposed to the current plan provisions which are silent regarding this activity. While promoting the operation and management of informal airports the policy also directs recognition of the effects that can be generated and to adequately mitigate these.	The recognition of mitigating adverse effects on rural residents and visitors directly links with the proposed Permitted Activity Rule which sets appropriate setbacks and limits on the scale of Permitted Activities to mitigate / avoid significant conflict with rural residents and visitors.

	Promotes the use of the Rural General Zone for informal airports. This could increase proposals for informal airports in this Zone with a decrease in rural amenity if incorrectly managed.	The Rural General Zone has historically been the location for most informal airports to date. Recognising the appropriateness of this Zone for informal airports will send a clear direction that this is where the Council and the Districts residents would prefer to see such activity occur. The proposed Policy still emphasises the need to minimise adverse effects on rural amenity so is considered to be appropriately balanced between providing for informal airports in an appropriate rural location and on a limited scale whilst protecting the Districts residents from potential adverse effects.	The proposed Policy is considered effective and efficient. It is a logical means of achieving the proposed Objective as it confirms the Rural General Zone as an appropriate location for informal airports but, also directs decision makers to minimise effects on rural amenity. The potential effects on rural amenity are ultimately a result of the scale and intensity of an informal airport and the proposed Policy acknowledges this by requiring amenity effects to be minimised. The proposed Policy directly informs proposed Rule 21.4.25 in Table 1 that permits informal airports subject to qualifiers in Table 6 to be met for informal airports that will have minimal effects and which are considered appropriate as Permitted Activities in the Rural Zone.
Proposed Policy 21.2.11.2 <i>Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.</i>	Provides direction that not all areas in the Rural General Zone will be appropriate for informal airports. This potentially reduces the locations at which informal airports may be operated.	The proposed Policy will provide protection of adverse effects from informal airports that operate at a scale and intensity above that which is determined appropriate for Permitted Activities. The Policy enables a case by case assessment of adverse effects from informal airports that seek a higher level of use than provided for as a permitted activity.	The proposed Policy is considered effective and efficient. It provides a robust directive in support of the overarching Objective by requiring that informal airports for which resource consent is required must assess and protect rural amenity from the inappropriate siting, scale and intensity of their operation. The proposed Policy is directly relevant to the management of informal airports that

		This will ensure that despite the District Plan acknowledging the Rural General Zone as an appropriate location for informal airports, adjoining residents, visitors and landowners are assured that the effects of high use informal airports will be avoided or appropriately mitigated.	require resource consent pursuant to proposed Rules in Table 6.
<u>Proposed Rules</u> Rule 21.4.25 – Table 1 Informal Airports which comply with Table 6 are permitted.	The proposed Permitted Activity Rule will enable the majority of informal airports to operate without requiring resource consent from the Council. This rule requires Council to relinquish the assessment of effects and control of a large number of informal airports to the Statutory bodies who administer Public Conservation Land and Crown Pastoral Land.	The Permitted Activity rule will remove the need for aircraft operators to obtain both a resource consent and a DOC Concession or Recreation Permit for a large number of informal airports. This will result in significant cost savings to aircraft operators. The Permitted Activity Rule will also establish set parameters in terms of location/separation distance and scale of informal airport activity that is appropriate on other Rural General Zone land. This will enable some sites to be used for limited private aircraft landings or infrequent commercial use. Again this will result in significant cost savings to aircraft operators. This proposed Rule directly addresses the new Central Government policy direction to simplify and streamline Resource Management Act processes.	The proposed Rule is considered very effective and efficient. It directly supports proposed Objective 21.2.11 and implements proposed Policy 21.2.11.1 by acknowledging the Rural General Zone as the appropriate location for informal airports subject to set standards that adequately minimise any potential adverse effects on rural amenity.
Rule 21.5.25 and 21.5.26 in Table 6	The standards of the proposed Rules and in particular the required separation distances mean that in some locations i.e. the	Maintaining the Discretionary Activity status for these informal airports is considered more beneficial than a Non-Complying	Higher level use or locations that are likely to be more sensitive will require an application for resource consent.

	Wakatipu Basin where the rural environment is more heavily domesticated, it is unlikely informal airports could meet the Permitted Activity rules. In this instance the proposed Rules provide for a Discretionary Activity status for informal airports that fail to meet the Permitted Activity provisions. This essentially maintains the status quo for assessment of informal airports and will result in a case by case assessment of effects. This may create uncertainty regarding the approval process (I.E. notification) for aircraft operators and tourism providers that wish to seek resource consent for informal airports that breach the Permitted Activity standards.	Activity Status. A Discretionary Activity status more accurately represents the intent of the proposed Rules that the Rural General Zone is the appropriate Zone for informal airport activity albeit recognising that the activity may not be acceptable in all parts of the Rural General Zone. The Discretionary Activity status of this Rule therefore provides the Council the ability to undertake a robust case by case assessment of informal airport proposals and any adverse environmental effects that may arise from their establishment and operation in each specific location. The Discretionary Activity status provides the Council with the ability to notify any proposals with significant adverse effects. However, this activity status is no more restrictive than the existing blanket provisions for informal airports.	
Noise Rule in Proposed Noise Chapter	There are not considered to be any costs associated with the proposed change to the existing Zone Standard for noise and specifically, the reference to assessment of helicopter noise pursuant to NZS 6807:1994. Acoustic advice provided to the Council confirms that the existing Zone Standard for	Inclusion of NZS 6807:1994 into the noise conditions removes all ambiguity over the appropriate assessment of noise for helicopter landings that occurs via the existing Rural General Zone Standard 5.3.5.2(v) and references to portions of NZS 6807:1994 in Assessment Matter 5.4.2.3(xvi).	The proposed amendments to the noise provisions are considered to be very effective and efficient. There is often a lot of ambiguity and debate as to what acoustic standards should be used to assess applications for informal airports and particularly those for helicopters. The inclusion of NZS 6807:1994 into the

	noise is not suitable for assessing helicopter noise (and in fact NZS 6802:2008 was never intended to be applied to assessment of helicopter noise. This is explicit in the scope of the standard.) The recommendation to use NZS 6807:1994 for assessment of helicopter noise will not exacerbate the number of compliant informal airports for helicopters in the District. This is because the proposed rule relies on setbacks and set limits for flights per week as well as requiring compliance with the proposed noise rule. Any informal airport that triggers resource consent pursuant to the proposed rules should still be assessed in accordance with the proposed Objective, Policies and Assessment Matters that consider all effects of informal airports regardless of whether the noise complies with the proposed noise rule.	The proposed amendments to the noise rules and the associated noise levels are considered to be conservative. Specifically, for an informal airport containing both helicopter and fixed wing aircraft the noise level is 5dB Ldn lower than NZS 6805:1992 recommends. This is to ensure that in the unlikely event that helicopters are more dominant than fixed wing aircraft; the lower noise limit for helicopters is always the controlling factor.	noise rules will remove this ambiguity and debate. Further, based on acoustic advice provided to the Council, it is understood that the proposed noise limits for informal airports are capable of being complied with by those informal airports permitted pursuant to Table 1.. Accordingly, the proposed provisions are considered to be an effective means of implementing the proposed Objective and Policies.
<i>Alternative options considered less appropriate to achieve the relevant objectives and policies:</i>			
<i>Option 1: Status quo - retain the operative airport Rule.</i>	• <i>Maintaining the operative Rule would be incredibly inefficient. As research has confirmed, in this scenario every single informal airport (other than for emergencies, fire-fighting or farming purposes) in the Rural General Zone would require resource consent.</i> • <i>Many of these informal airports can be undertaken without generating significant adverse</i>		

	<i>effects on the environment due to significant separation distances from sensitive receivers and thorough assessment by other governing agencies.</i> <i>• The costs associated with still having to obtain a resource consent in these circumstances are significant to aircraft operators and will utilise a lot of time of Council processing planners.</i> <i>• In addition, retaining the operative rule does not address the existing issues of the ambiguity of the noise provisions and their inability to appropriately assess helicopter noise.</i> <i>• Collectively the abovementioned matters mean that retaining the operative airport rule is a highly inefficient approach.</i>
<i>Option 2: Amend / create new rules for the management of informal airports and retain existing noise provisions.</i>	<i>• Amending and/or creating new rules for the management of informal airports would not be efficient without looking at the other provisions of the Rural General Zone which currently affect their assessment and overall activity status.</i> <i>• Specifically, the key effect of informal airports is the noise emitted. It is understood from research and acoustic advice provided to the Council that the existing noise rules are ambiguous at best and incapable of assessing some aircraft (helicopter) noise.</i> <i>• Amending and/or creating new rules for informal airports would not be particularly efficient or effective if they were not considered holistically with the noise provisions.</i>

10. Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well.

By adding Objectives, Policies and Rules (the provisions) that are specific to the management of informal airports, the intent for management of informal airports in the Rural General Zone becomes easier to understand for users of the Plan inclusive of applicants and processing planners.

Removal of technical errors and ambiguous references to the assessment of noise from informal airports also enables correct assessments in accordance with industry best practise and associated standards.

With a clearer understanding and direction, the proposed provisions for informal airports create a more efficient consent process by reducing the number of resource consents required and by clarifying the appropriate form of assessment when processing resource consents received for informal airports.

1. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

Attachments

1. Management of Informal Airports Research Report April 2012; - [link](#)
2. Acoustic Advice from Stephen Chiles dated 15 September 2012. - [link](#)