

BEFORE THE WAIPĀ DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 20 – Airport Northern
Precinct Extension to the Operative Waipā District
Plan

STATEMENT OF EVIDENCE OF KATHRYN ANNE DREW

(PLANNING) ON BEHALF OF WAIKATO REGIONAL AIRPORT LTD

7 MARCH 2023

INTRODUCTION

Qualifications and experience

1. My name is Kathryn Anne Drew. I am a Principal Planner at Bloxam Burnett & Olliver Ltd (“BBO”), a firm of consulting engineers, planners and surveyors, based in Hamilton and Tauranga.
2. I have been employed in resource management and planning related position in local government and the private sector for 20 years, with the last 15 of those being at BBO.
3. My qualifications are a Bachelor of Resource and Environmental Planning (Hons) from Massey University. I am also a full member of the New Zealand Planning Institute.
4. My planning experience has included the preparation and processing of consent applications for both Council’s and private clients. I have also prepared and processed Plan Changes, prepared submissions on Plan Changes and on District Plan reviews.
5. In relation to this hearing, I am authorised to give evidence on behalf of Waikato Regional Airport Limited (“WRAL”) in relation to Proposed Plan Change 20 (“PC20”). I am the author of the further submissions prepared on behalf of WRAL, dated 25 November 2022.
6. Along with my colleague, Mr John Olliver, I have been providing planning advice to WRAL for the last 15 years. I consequently have an extensive working knowledge of Hamilton Airport, the planning provisions that currently apply to it and the planning challenges associated with the airport and its surrounds. Statements I make in this evidence fall back on that knowledge.
7. I have read the relevant parts of the application; submissions; the Section 42A Report and the Applicants evidence, as relevant to WRAL’s further submission.

Code of Conduct

8. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

9. This evidence relates to the submission points lodged by WRAL, as a further submission, on PC20. Those submission points relate to the aeronautical operational and safety matters that could arise for the Hamilton Airport (“Airport”) in relation to the protection and/or creation of bat corridors or habitat areas within and beyond the PC20 site¹.
10. My evidence looks at this issue from a planning perspective by specifically identifying the significance the Airport is given in existing planning documents and the relevance that documentation has in the consideration of the built environment near the Airport, such as the rezoning proposed in PC20.
11. After setting out the framework, my evidence considers the submitters’ requests and the relief proposed by the Applicant, making a conclusion as to whether the relief maintains the viability of the Airport and is therefore consistent with the higher order planning framework.

RELEVANCE OF THE HIGHER ORDER PLANNING CONTEXT FOR HAMILTON AIRPORT

12. The Hamilton Airport (“Airport”) is a vital component of the Waikato Regions transport infrastructure. It is the only commercial Airport within the region and is a key regional transport hub, being well connected to the State Highway network².
13. In recognition of this importance, the Airport is defined as ‘Regionally Significant Infrastructure³’ in the Waikato Regional Policy Statement (“WRPS”) and similarly the same in the Waipa District Plan (“WDP”). There is no definition of “significant” in either document but is commonly understood to mean important and deserving of attention⁴.

Waikato Regional Policy Statement

14. District Plans are required to “give effect” to the WRPS⁵. In relation to giving effect to the WRPS, there are two specific sections of the WRPS that address regionally significant infrastructure. They are EIT – Energy, infrastructure and transport and UFD – Urban form and development.
15. Under EIT, there is a specific policy (EIT-P1 – Significant infrastructure and energy resources) that requires regard is given to:

¹ Director - General of Conservation submission (pg 8) sought unspecified Significant Natural Areas (SNA’s) within the operative Airport Business Zones and Possible Airport Future Growth Areas.

² Access to the Airport is off State Highway 21. State Highway 3 is located to the south and State Highway 1 to the north.

³ Regionally significant infrastructure, as defined in section 1.6 of the WRPS, includes at clause (l) the Hamilton International Airport.

⁴ <https://www.dictionary.com/browse/significant>

⁵ Section 75(3)(a) Resource Management Act 1991.

(a) *the protection of the effectiveness and efficiency of existing regionally significant infrastructure; and*

(b) *the benefits that can be gained from the development and use of regionally significant infrastructure.*

16. To give effect to this policy framework, development of the built environment, including the rezoning of land for urban development adjacent to the Airport and any resulting rule framework needs to protect the Airport’s effectiveness and efficiency, which in my opinion means not constraining or adversely affecting its day-to-day operations.

17. This position is corroborated by the UFD objectives and policies. More specifically UFD-O1 and UFD-P2 required development of the built environment and associated land use to occur in an integrated, sustainable and planner manner which *“recognised and protects the value and long-term benefits of regionally significant infrastructure⁶”* and *“ensures the efficient and effective functioning of infrastructure”⁷*.

18. The supporting implementation method (UFD-M8) specifies that District Plan zoning for new development for urban development, shall be supported by information which identifies how the safe, efficient functioning of regionally significant infrastructure will be protected and enhanced⁸.

19. PC20, and any subsequent decisions on it need to “give effect” to the above policy framework and ensure that the ongoing operation of the Airport, as regionally significant infrastructure and key transportation hub, is not compromised by the rezoning sought in PC20 and any relief associated with that rezoning.

Waipa District Plan

20. Section 1 of the WDP identifies that one of the resource management issues⁹ for the future settlement pattern of the district is *“the continued operation and development of ... regionally and nationally significant infrastructure.... New development can also compromise the ongoing operation of regionally important facilities and regionally and nationally significant*

⁶ WRPS – Objective UFD-O1 – Built Environment, clause 5

⁷ WRPS – Policy UFD-P2 – Co-ordinating growth and infrastructure

⁸ WRPS – Method UFD-M8 – Information to support new urban development and subdivision, clause 3.

⁹ Section 75(2)(a) requires District Plans to state the significant resource management issues for the district.

*infrastructure*¹⁰.” This issue informs objective 1.3.1 – Settlement pattern, which seeks to achieve a consolidated settlement pattern that:

“(b) supports the continued operation, maintenance, upgrading and development of regionally important sites and regionally significant infrastructure and nationally significant infrastructure, and provides for on-going access to mineral resources.”

21. PC20 does not propose to change the Resource Management Issues in the WDP, so this issue is not challenged.

22. The supporting policy is 1.3.1.8 – Regionally significant and nationally significant infrastructure, which reads:

“To ensure that new development does not adversely affect the ongoing operation, maintenance, upgrading and development of existing and planned regionally significant infrastructure and nationally significant infrastructure.”

23. No changes to these objectives and policies are proposed by PC20.

24. The importance of the Airport is also acknowledged in the Airport Business Zone. Specifically, section 10.1.1 and 10.2.1 recognised the Airport as a *“facility of economic and social importance”* and *“regionally significant physical resource.”* PC20 proposes to strengthen this statement by adding that the Airport is also *“a regionally significant transport hub¹¹”*.

25. The supporting objectives and policies are 10.3.1 – Strategic physical resource and 10.3.1.4 – Managing effects on Airport operations, as replicated below.

Objective 10.3.1 – “To support the economic and social well-being of the Waikato Region through providing for the integrated future development of the Airport and surrounding land as a transport hub and business location, taking advantage of its strategic location and infrastructure while managing adverse effects on Airport operations.”

Policy 10.3.1.4 – “To ensure that activities within the Airport Business Zone are located and developed in a manner that manages adverse effects on the Airport and its operations.”

26. As no changes are proposed to any of the above objectives or policies by PC20 they are not challenged. It is accordingly my opinion that the issues, objectives and policies in the WDP, as

¹⁰ Waipa District Plan – Section 1 – Strategic Policy Framework, paragraph 1.2.6.

¹¹ See Section 10.1 of the WDP as included in Annexure 2 to Mr Grala’s evidence.

currently provided for, give effect to the WRPS objectives and policies I have identified above. The question thereafter is does the specific relief sought by the Applicant and submitters give effect to this framework.

27. As set out in the evidence of Mr Langley, on behalf of WRAL, the protection and/or creation of bat corridors or habitat areas, as sought by submitters, may indirectly create additional habitat for birds near the Airport and increases the potential and probably of bird strike risks for the Airport, which in turn effects their aeronautical operations. The consequences of such whilst low probability could have high consequences. Secondly and perhaps more importantly is that the relief sought by the Director-General Conservation is that there should be additional SNA's or reserve zoning for bat commuting that applies to the WRAL land, which would have a direct operational effect on the Airport. As such, the appropriateness, location, size and scale of any habitat areas or corridors needs to be considered in the context of the wider Airport operations and the importance of those to the region.

REASON FOR FURTHER SUBMISSION

28. There are five submitters¹² that have requested in some way or another additional protection for the Threatened – Nationally Critical long-tailed bat (bat) and/or the provision of bat habitat area and/or corridors. These submissions did not provide any specific solutions or locations for these bat corridors or habitat areas although the Director-General's submission in purporting to apply to all Airport Business Zoned land including Airport operational land.
29. Given the above policy framework, the further submission lodged on behalf of WRAL sought to bring to attention that the provision of bat corridors or protection areas within or outside of the PC20 footprint may have unintended consequences of funnelling birds or increasing bird activity near or across the Airport footprint through increased habitat and feeding opportunities. Such activity could as a result in adverse effects the ongoing operation of regionally significant infrastructure.
30. For these reasons, and to meet the objectives of the WRPS and the WDP around protecting the ongoing effectiveness and efficiency of regionally significant infrastructure, the design of bat habitat corridor or habitat areas needs to ensure that they are minimising additional habitat opportunities for birds and/or moving both birds and bats away from the Airport environs.

¹² Royal Forest and Bird, Waikato Regional Council, Director General of Conservation/Department of Conservation, Hamilton City Council and GHA (Gerry) Kessels.

APPLICANTS EVIDENCE

31. In response to the above listed submissions, the Applicant is proposing a bat habitat area (“BHA”) within the PC20 footprint and a compensation area to the north of the PC20 footprint. The location of these areas set out in Annexure 2 of the evidence of Ms Cummings EIC, with the BHA within the PC20 area being the closest of the two sites to the operational area of the Airport.
32. For the reasons, set out in Mr Langley’s evidence, it is my opinion that the BHA and compensation area, proposed by the Applicant, have been establishing having due regard to the relevant WRPS and WDP objectives that recognise and protect the long-term benefits of regionally significant infrastructure and ensures that it can continue to operate efficiently and effectively functioning. This is because both sites are located to the west of the Airport operations area, connect with or provide connections to other habitat areas to the west and north (such as the Waikato River and three kahikatea remnants), do not encourage movements across the Airport, do not abut the airport land, and provide for navigation lighting with the areas (as needed).
33. It is also my opinion that the PC20 provisions must be limited to the PC20 footprint only. Any expansion of these areas could exacerbate these operational issues for the airport and be in conflict with the WRPS policy framework. For the record, I record that this position, aligns with that of Mr Inger on behalf of the Applicant too¹³.
34. Should the size, scale and location of these bat habitat areas or corridors increase or change, there would be a need to consider the impact from an aeronautical perspective, and thereafter consistency with the WRPS framework for regionally significant infrastructure.

CONCLUSION

35. Recognising the importance placed on the Airport under the WRPS and supported by the WDP and having due regard to the operational evidence of Mr Langley, it is my opinion that the extent of the BHA proposed within the PC20 footprint will not give rise to adverse effects on aeronautical operations at the Airport. PC20 is therefore, in my opinion, not in conflict with the WRPS provisions and supporting WDP framework that seek to protect the effectiveness and efficiency of regionally significant infrastructure.

¹³ Mr Inger’s EIC, paragraph 146.

36. Should submitters seek alternative outcomes to that set out in the Applicant's evidence, there will be a need to consider that relief against the identified WRPS objectives and policies. Furthermore, any additional BHA or corridors on WRAL land would likely be incompatible with their ongoing operations and the viability of the Airport as regionally significant infrastructure.

Kathryn Drew
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Bloxam Burnett & Olliver

7 March 2023