

# Airfields need protection: Bridge Pa wins Environment Court battle

Report by Bruce Govenlock  
Photographs by Graeme Claridge

Common sense has prevailed in the long-running battle to stop residential housing development encroaching on Bridge Pa aerodrome at Hastings.

On 15 April 2008 the Environment Court ruled in favour of the Bridge Pa Aviation Group and other appellants and completely overturned a previously granted resource consent for up to 113 dwellings on land adjacent to Bridge Pa aerodrome, 5km from Hastings.

Originally publicly notified in August 2006, the development proposal progressed through the public submission process in January 2007 when an independent Commissioner ruled in favour of the developer, Ngatarawa Developments Trust Ltd, and the landowners, Hawkes Bay Golf Club.

This surprised many at the time as the land is zoned Plains Zone in the Hastings District Plan, with a minimum new-lot size of 12ha due to the council's rural resource strategy. The site also bordered the aerodrome, lying directly across the approach/departure of the main runway and extending under the circuit.

Aerodrome traffic includes a busy air ambulance service, extensive helicopter operations, agricultural aircraft, a gliding club, maintenance businesses, NZ Aerial Mapping, skydiving, an aero club, many recreational aircraft and a major commercial flight training school — Air Hawke's Bay Ltd.

As well as the many turboprop aircraft, the aerodrome also hosts jet operations with a Cessna Mustang based on the field. Flight paths, noise effects, safety and the effect on aerodrome operations became major issues for the Environment Court.

The Hastings District Council opposed the original resource consent application but did not appeal to the Environment Court. Due to a potential conflict of interest the council had hired independent planners to make its case and sent the proposal to an independent hearing commissioner. A senior council resource management staff member was also chairman of the Hawkes Bay Golf Club and an advocate for the development proposal.

The Bridge Pa Aviation Group was formed in March 2007 to appeal the commissioner's decision to the Environment Court. The group's legal advice from Hugh Hamilton at DAC Legal was that the decision was incorrect and highly likely to be overturned on review by the Court.

At the original council hearing the appellants had placed a lot of faith in the council planner's opposition and the provisions of the District Plan and had conducted a layman's case which was largely disregarded. For the Environment Court case expert representation was required and DAC Legal was contracted as counsel.

Norman Disney & Young Ltd was hired to create a New Zealand Standard 6805 noise map for the aerodrome operations, while Zomac Planning Solutions Ltd and Astral Ltd

were hired to present district planning and aviation safety arguments.

The developer interests also own and operate a commercial air ambulance service from Bridge Pa, so a vigorous court argument ensued over the likely effects of the development on the aerodrome and the effects of the aerodrome on the future residents. The use of No Complaints noise covenants tied to property titles to gag the residents were trumpeted by the developer as mitigating many of the issues.

Another major issue was the location of an internal access road within the development on the boundary with the aerodrome property. The proposed road crossed in front of the main sealed runway approach and would impact on the position of the threshold for the current operations and future runway extension. The displaced threshold requirements of AC139-06/07 were highlighted by the appellants while the developer's aviation expert argued AC139-06/07 did not apply to private roads. Ultimately, during the Court hearing, the developer agreed to move the road to any position within the golf course so as to avoid affecting the runway and comply with AC139-06/07.

In their 25-page decision W017/2008 the Environment Court judge and commissioners found that the aerodrome was a regional and district resource and that the adjacent development proposal was so irreconcilably at conflict with, and contrary to, the District Plan that to allow it would call into question the integrity of the District Plan itself as a planning tool.

Specifically with regard to the aerodrome they found that:

- There is undoubtedly a potential for noise complaints.
- Such covenants do not avoid, remedy or mitigate the primary effects — nothing becomes quieter, less smelly or otherwise unpleasant simply because a covenant exists.....there are issues about such covenants which have not, to our knowledge, been tested under battle conditions. We are not to be understood as agreeing that they are a panacea for reverse sensitivity issues.
- There would be likely demands by residents and visitors for the restriction of rather than the continued use and development of the Bridge Pa Aerodrome.
- The result would be an inappropriate interface between rural land uses, aerodrome activities



Bruce Govenlock looks down the Bridge Pa runway he has helped preserve.

and intensive residential development.

• The proposal would be contrary to the objectives and policies [of the District Plan] on the Bridge Pa Aerodrome, in introducing urban-style residential uses which would be subject to unreasonable noise effects.

The Bridge Pa Aviation Group is a little wiser and somewhat poorer, having spent over \$100,000 on the appeal, but is very happy that the aerodrome has been protected from the effects of inappropriate ad-hoc residential development.

But rust never sleeps, and already a new resource consent application is proceeding for another 155-house development at a second golf course on the eastern side of the

aerodrome. This one is a proposal to change the District Plan zoning of the land to enable the development. At least with an Environment Court ruling fresh in everyone's minds, perhaps this process should be a little more robust.

Lessons for airfield owners! NZS6805 can be a powerful tool for the protection of airfield operations from encroaching residential development. It has even more weight if an associated noise map and specific planning provisions are incorporated into the District Plan document.

When your District Plan comes up for review — participate — get advice and seek changes to increase your airfield's protection.



Land at the end of the Bridge Pa runway is occupied by one of the two neighbouring golf courses. Should this be built on, lengthening the runway would not be possible.

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