

Motueka Aerodrome – investigation

Due to a number of complaints about the operation of the Motueka Aerodrome the Council commissioned an expert review of the buildings and activities being undertaken at that aerodrome.

This review has now concluded.

In summary the vast majority of the buildings and activities being undertaken at the aerodrome are being undertaken in compliance with the Resource Management Act.

However, the review did identify:

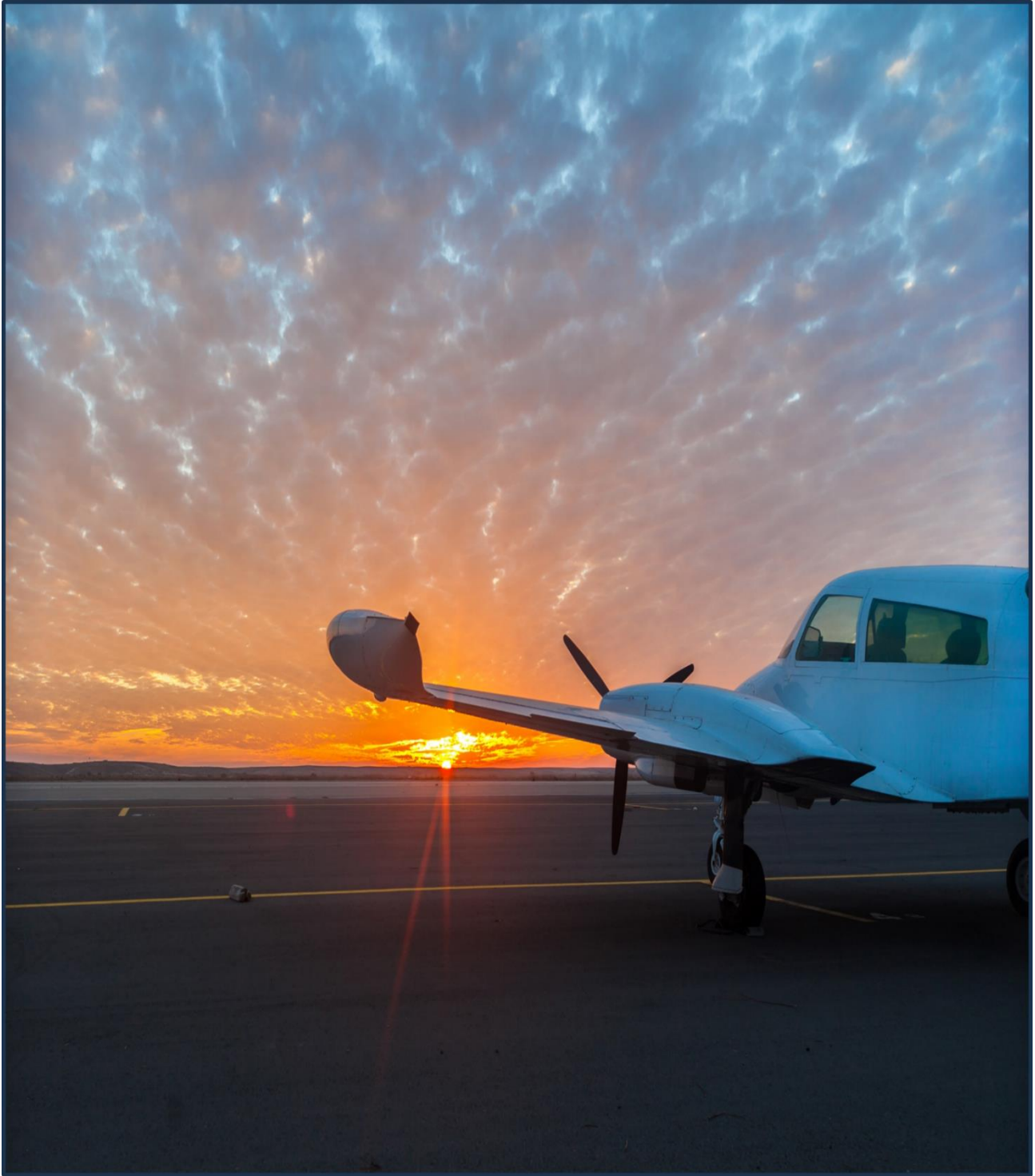
- The Caravan dump station installed by Council requires a resource consent,
- One private hanger requires a resource consent, and
- Four leases on the Aerodrome for greater than 35 years were identified.

Council accepts the findings of this review and is now taking steps to ensure compliance with the Resource Management Act.

The final report has been published on our website.

This report contains a number of redactions in relation to the leases which require action. These redactions are necessary to ensure that the Council is not disadvantaged in negotiations with those leaseholders. Once all of those negotiations are concluded then the redacted parts of the report will be released.

For further information please contact our LGOIMA team.



Findings report on land use and subdivision activities at the Motueka Aerodrome

17 December 2024



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Introduction

This report

- 1 The purpose of this report (**Report**) is to review the activities occurring at the Motueka Aerodrome (**Aerodrome**) against the Resource Management Act 1991 (**RMA**) requirements. The focus of this report is on:
 - 1.1 establishing the activities (including buildings) that are occurring at the Aerodrome and identifying the relevant resource management authorisations, including whether the activity could occur under the Aerodrome designation; and
 - 1.2 the four leases granted by Tasman District Council (the **Council**) for a period greater than 35 years.
- 2 This report is broken into five parts:
 - 2.1 This introduction
 - 2.2 A summary of findings
 - 2.3 General background to the Aerodrome
 - 2.4 The legal framework that applies to planning authorisations at the Aerodrome
 - 2.5 Detailed analysis and findings in respect of the activities occurring at the Aerodrome
- 3 The Council has provided extensive information that has been reviewed and is summarised in Appendix 1 to this Report. Additionally, discussions with key Council officers were undertaken, which are also detailed in Appendix 1. A site visit to the Aerodrome was conducted on 23 July 2024 (**Site Visit**). Unless otherwise stated or referenced, the findings in this Report are based on this information.

General assumptions

- 4 In preparing this Report, the following general assumptions have been made:
 - 4.1 All resource consents and building consents were lawfully granted pursuant to the correct statutory power and under the appropriate delegation.
 - 4.2 Where resource consents and building consents have been granted for activities (and buildings), the activity in place falls within the scope of that consent, including complying with any conditions.
 - 4.3 Where a resource consent or outline plan is in place for a particular land use, it is assumed that land use is not permitted under the relevant district plan rules.
- 5 This report does not assess compliance with the Building Act 2004, however where a building consent has been identified it has been included in this Report. It also does not assess whether any regional resource consents are required, but if any were identified, it has been included in this Report.

Methodology

- 6 An initial review of the information provided by Council was undertaken to associate the resource consents and building consents provided with the activities (including buildings)

occurring at the Aerodrome. This included a high-level review of the leases Council has granted at the Aerodrome to identify the extent of activities occurring. Further information was requested where it was considered appropriate. The association of activities with consents and leases was then enhanced by reviewing historic aerial photographs of the Aerodrome, Companies Register searches and general internet searches.

- 7 The relevant framework was then identified and a deeper analysis was undertaken to identify how that framework applied to activities occurring at the Aerodrome. General activities were identified (such as flying operations). Individual buildings were identified and particular activities associated with those buildings.
- 8 Various assumptions have been made when analysing the information presented where there is no specific information available on the matter. For example, if a resource consent was issued for a building, it was assumed that there was a relevant breach of the land use rules. These assumptions should be reviewed by Council to confirm their accuracy.
- 9 No conclusions have been reached in respect of non-compliance. Instead, the focus of this Report has been to identify what planning authorisations and building consents are in place for an activity (including buildings). Where it has been stated that either a resource consent or a building consent has not been identified, that should not be read as there is none that exist. Further investigation may identify an appropriate planning authorisation or building consent where this Report does not. It is anticipated that the users of the Aerodrome will be approached for comment in respect of the findings in this Report and further information may be provided by them.

Summary

- 10 The Aerodrome was first established in 1934. During the early 1980s through to today the Aerodrome has seen significant development, including a flying school (Nelson Aviation College, est. 1978), skydiving operations, various commercial operations (e.g. Argus Aviation) and a campervan dumpsite. It is also now home to multiple hangars and buildings.
- 11 The Aerodrome is located in the Rural 1 Zone under the Tasman Resource Management Plan (TRMP), which places restrictions on certain activities (including buildings). It is also subject to a designation, Designation D209, which has the stated purpose of 'aerodrome'.
- 12 Where a land use activity (including buildings) contravenes a district rule in the TRMP, it needs to either have a resource consent, existing use rights, or be undertaken pursuant to a designation (namely Designation D209). Where work is to be undertaken pursuant to the designation, it requires an outline plan of works, unless that requirement is waived by the Council.
- 13 The general aerodrome operations (including the Aerodrome itself and aircraft movements on the ground) can occur pursuant to Designation D209. Similarly, the Aero Club (and associated buildings and hangars) and commercial skydiving operations can also occur pursuant to the designation. Nelson Aviation College and the aviation refuelling facility were constructed and operate pursuant to their respective resource consents.¹ Drag racing also occurs at the Aerodrome pursuant to a resource consent.
- 14 In respect of the hangars and buildings at the Aerodrome, there are broadly speaking two activities involved: the construction of the hangar itself and the activity associated with the hangar. Resource consents or outline plans of works were identified for the majority of hangars and other buildings at the Aerodrome. The only building which a resource consent or outline plan was not identified for is Hangar S1 (historical hangar along to the south of the Aerodrome).
- 15 [REDACTED]
- 16 All district land use activities occurring at the hangars and buildings (excluding the campervan dump site) at the Aerodrome were found to either be occurring as of right, or pursuant to either a resource consent or Designation D209.
- 17 The campervan dump station to the north was constructed pursuant to an outline plan waiver. An outline plan waiver is not a planning authorisation itself and for the work to occur it still needs to fall within the designated purpose. On the basis of the information provided, it is unlikely the campervan dump station falls within the purpose of Designation D209. No resource consents were identified in respect of the campervan dump site, nor is it likely that it attracts existing use rights.
- 18 Leases greater than 35 years were identified in relation to **Four privately owned hangars.** [REDACTED] These leases therefore trigger the subdivision requirements under the RMA. No resource consents were identified that would permit a subdivision.
- 19 No other leases trigger the subdivision requirements under the RMA.

¹ Noting a potential non-compliance by Nelson Aviation College detailed in this report that requires further investigation.

The Aerodrome

General

- 20 The Aerodrome is situated to the southwest of Motueka and occupies 27.5 hectares of land. It was first established in 1934 at the same time the Motueka Aero Club was established. It is bounded on the south by College Street, on the east by Queen Victoria Street and on the north and west by Marchwood Park and on the north by Marchwood Park Road.
- 21 When the Aerodrome was first established it was mainly bare land. As of 1940 the only building at the Aerodrome was a residence which straddled what is now the boundary with Marchwood Park. Even by 1970 the Aerodrome remained largely undeveloped, with only two buildings situated along the southern boundary.
- 22 By the late 1980's there were the beginnings of development at the Aerodrome with several buildings having been erected along the southern boundary. In 1978 the Nelson Aviation College (the **College**) was established and situated in one of those buildings. In 1996, the College moved to a new complex along the eastern boundary with Queen Victoria Street.
- 23 By 2000, development at the Aerodrome had increased. The 729m long runway had been sealed and hangars were being established around the new Nelson Aviation College site. Throughout the 2000s and into the early 2010s more hangars were built, including along the western and northern boundaries. There was also further development of the buildings along the southern boundary.
- 24 At time of writing this Report there are at least 23 large buildings on the Aerodrome, with a few smaller buildings as well. These house various commercial and recreational uses, including (but not limited to) Nelson Aviation College, aircraft maintenance businesses, the Aero Club, a sky diving business and a volunteer fire brigade. In addition, the runway is occasionally utilised by the Nelson Drag Racing Association.
- 25 It is understood further development is planned for the Aerodrome. This includes various proposals for new hangars, along with a New Zealand Post depot to be located in the southeast corner. This Report addresses the New Zealand Post proposal as information was provided on this proposal. No other information regarding future proposals has been reviewed.
- 26 The land comprising the Aerodrome is owned by Council in two freehold titles. Each title is comprised of one lot.² One lot is a smaller square lot which is leased to the College. The other larger lot comprises the balance of the Aerodrome land and is where the rest of the Aerodrome's activities and buildings are situated.

Increasing development pressure

- 27 The Aerodrome has come under increasing pressure over the years as its activities have increased and the Motueka township has expanded. What used to be a small aerodrome located in sparsely developed rural land is now an increasingly busy aerodrome that is now situated in sensitive land use on neighbouring land.
- 28 Residential development has been established along the south side of College Street. The surrounding extensively grazed farmland is now home to more intensively farmed horticultural

² Certificate of titles NL12C/338 and NL12C/337.

operations. Industrial operations have developed to the northeast of the Aerodrome, which have the potential to disrupt Aerodrome operations.

- 29 This has led to complaints about the Aerodrome. The main complaint is that the Aerodrome generates too much noise (albeit it is understood the complaints about noise relate more to aircraft overflying properties located some distance from the Aerodrome). Others have raised safety concerns with Aerodrome operations, for example if an aircraft were to crash. More recently, complaints have been made regarding the right for the Aerodrome to operate at all.
- 30 Conversely, Aerodrome operations can also be disrupted by the surrounding land use. During the Site Visit it was reported that various local developments can cause turbulence to aircraft through updrafts caused by the sun heating large surfaces.

Governance

- 31 As stated above, the land the Aerodrome is situated on is owned by the Council. The day-to-day operational activities at the Aerodrome are managed by Council's Enterprise Portfolio Manager, who is responsible for coordinating the Aerodrome business directly with users of the Aerodrome and lessees occupying the land. The Enterprise Portfolio Manager also reports regularly to the Commercial Committee of Council and is the 'Aerodrome Operator' for the purposes of the Civil Aviation Rules.
- 32 There is also the Motueka Aerodrome Advisory Group, which is comprised of a mix of elected Council representatives, users of the Aerodrome and the public at large. The function of the Advisory Group is to be a conduit for users to provide advice, recommendations and feedback on the Aerodrome to Council, through the Commercial Committee.
- 33 There are two key governance documents related to the Aerodrome. The Motueka Aerodrome Management Plan, which was first approved in 2014 (and most recently updated and reviewed in 2021). Its stated role is to enable the Council to 'coordinate Motueka Aerodrome's use, operations, maintenance and development safely, efficiently and cooperatively with the aerodrome's users'. The other is the Motueka Aerodrome Development Plan, which enables Council to 'manage Motueka Aerodrome's growth and development while maintaining a safe operational environment'.
- 34 The Development Plan broadly sets out how a user (or potential user) of the Aerodrome would go about establishing a building or new operation on the Aerodrome. A user first needs to become familiar with the Management Plan and it is anticipated some form of dialogue would occur with the Enterprise Portfolio Manager (Aerodrome Operator).
- 35 The user would then submit a 'Hangar Request Form' to Council's Customer Services team. Council's Commercial staff will then contact the user to discuss the application further, including potential lease terms and conditions. If it is deemed appropriate, the Council would then grant a lease to the user.
- 36 If the user intends to construct a hangar (or other building), building consent and planning authorisation needs to be obtained. It is understood that more recently the planning authorisation has taken the form of an 'outline plan' (discussed further in this Report), although the user could instead obtain a resource consent. Regardless, it is understood that Council's expectation is that all regulatory approvals are obtained by the user. The hangar (or other building) may incur development contributions. It is understood that Council considers that any structure built by the user remains the property and responsibility of the user.
- 37 Additionally, there is a memorandum of understanding intended as a best practice guide to pilots and aircraft operators who use Motueka Aerodrome. Its aim is to 'promote safe flight activities and a harmonious relationship between aviation activities and the aerodrome's neighbours.

The legal framework

The Resource Management Act 1991

Restrictions relating to land use

- 38 Section 9(3) of the RMA sets out that no person may use land in a manner that contravenes a district rule unless the use is:
- 38.1 expressly allowed by a resource consent; or
 - 38.2 attracts existing use rights under section 10.
- 39 Further, section 9(3) does not apply to 'a public work or project or work undertaken by a requiring authority under [a] designation'.³
- 40 Fundamentally for the Aerodrome, section 9 'applies to the overflying by aircraft only to the extent to which noise emission controls for airports have been ... set by a territorial authority'.⁴ An airport under the RMA is 'any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft'.⁵ In interpreting this restriction in section 9, the High Court has held that 'after take off or landing ... aircraft and its effects, in my judgement lie outside the ambit of the [RMA] and the resource consent process'.⁶
- 41 For completeness, the RMA provides for controls on 'excessive noise'.⁷ Excessive noise is defined as excluding 'any noise emitted by any ... aircraft being operated during, or immediately before or after, flight'.⁸ The controls on excessive noise are not a control on land use per se and therefore not the subject of this Report. However, it is noteworthy that the operation of aircraft is excluded from the controls of excessive noise.

Existing use rights

- 42 The RMA provides that certain existing land uses are protected from changes to the land use rules (also referred to as 'existing use rights').⁹ This means that when there is a change of a district plan rule an existing activity that would otherwise fall foul of that new rule can continue without the need to obtain resource consent, provided certain criteria are met.
- 43 A district land use activity attracts existing use rights if it contravenes a rule in a district plan or proposed district plan and:¹⁰
- 43.1 the use was lawfully established before the rule became operative or the proposed plan was notified; and
 - 43.2 the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified.

³ RMA, s 176(1)(a).

⁴ RMA, s 9(5).

⁵ RMA, s 2.

⁶ *Dome Valley Residents Society Incorporated v Rodney District Council* [2008] 3 NZLR 821 at [66].

⁷ RMA, ss 326-328.

⁸ RMA, s 326(1)(a).

⁹ RMA, s 10.

¹⁰ RMA, s 10(1)(a).

- 44 Alternatively, a district land use activity attracts existing use rights if it contravenes a rule in a district plan or proposed district plan and:¹¹
- 44.1 the use was lawfully established by way of a designation; and
 - 44.2 the effects of the use are the same or similar in character, intensity, and scale to those which existed before the designation was removed.
- 45 If the existing use has been discontinued for a continuous period of more than 12 months existing use rights fall away (with some limited exceptions).

Designations

- 46 Under section 176(1) of the RMA, a designation included within a district plan authorises the designated activities. Those activities are exempt from the requirements of section 9(3) of the RMA and no district land use consents are required.¹² For that exemption to apply, there must be:
- 46.1 Public works within the designated area;
 - 46.2 Undertaken by the Council as requiring authority (or on its behalf); and
 - 46.3 For the designated purpose.
- 47 Additionally, under section 176(2) of the RMA, once the public work has been constructed, section 9(3) of the RMA does not apply to any use of the land subject to the designation, where it is used for the designated purpose.
- 48 Consequently, the land use provisions of the Plan will apply in respect of:
- 48.1 any works on, or use of, the designated land for a purpose other than the designated purpose;
 - 48.2 any works undertaken by someone other than the requiring authority or not under the control of the requiring authority, regardless of their purpose; and
 - 48.3 any subdivision within the designated area.
- 49 'Public work' is defined under the RMA to have the same meaning as that under the Public Works Act 1981 (**PWA**). Under the PWA 'public work' and 'work' means, among other things:¹³
- every ... local work that ... any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain by or under this or any other Act
- 50 'Local work' is defined under the PWA as 'a work constructed or intended to be constructed by or under the control of a local authority, or for the time being under the control of a local authority'. The Environment Court has held that a local authority is authorised to operate, manage and maintain an airport pursuant to its general competency in the Local Government Act 2002.¹⁴

¹¹ RMA, s 10(1)(b).

¹² Any regional resource consents would still be required.

¹³ Public Works Act 1981, s 2.

¹⁴ *Re Waitaki District Council* [2007] NZRMA 68, at [15].

- 51 Whether a work has been undertaken by Council as requiring authority, or pursuant to the designated purpose, is addressed further below (under the Designation D209 analysis). In summary, in order to take advantage of a designation the land use must be either:
- 51.1 A public work that falls within the purpose of the designation and is undertaken by or under the control of the requiring authority; or
 - 51.2 A use of land (i.e. no physical works are occurring) that is for the designated purpose and the user has written consent from the requiring authority.

Outline plan of works

- 52 Where a public work, project or work is to be constructed on designated land, the requiring authority must submit an 'outline plan' of the work to be undertaken so the territorial authority can request changes before construction commences.¹⁵ However, an outline plan of works is not required if:
- 52.1 the work is otherwise approved under the RMA;
 - 52.2 the detail of the work is already incorporated into the designation; or
 - 52.3 the territorial authority waives the requirement for an outline plan.
- 53 The purpose of an outline plan is to give notice of works to be undertaken pursuant to a designation where a designation does not otherwise expressly provide for the specific works (or it is otherwise approved under the RMA).¹⁶ A territorial authority can request changes to the outline plan, however these do not have to be accepted by the requiring authority.
- 54 Perhaps most importantly, an outline plan does not usurp the requirements relating to district land use set out above, including that any work undertaken pursuant to a designation be a 'public work or project or work undertaken by a requiring authority under the designation'.¹⁷ Neither does the territorial authority waiving an outline plan requirement. Land use that contravenes a district plan rule still needs to be authorised under the RMA – ie, undertaken pursuant to either a resource consent, existing use rights, or as a work undertaken by (or on behalf of) a requiring authority under a designation.

Restrictions on subdivision

- 55 The RMA provides that no person may subdivide land unless the subdivision is, among other things, expressly allowed by a national environmental standard, a rule in a district plan (as well as a rule in a proposed district plan) or a resource consent.¹⁸ The subdivision also needs to be shown on a survey plan.
- 56 'Subdivision of land' is defined under the RMA as:¹⁹
- (a) the division of an allotment—
 - (i) by an application to the Registrar-General of Land for the issue of a separate record of title for any part of the allotment; or

¹⁵ RMA, s 176A(1).

¹⁶ Daniel Minhinnick (ed) *Environmental and Resource Management Law* (online looseleaf ed, LexisNexis) at [4.35].

¹⁷ RMA, 176(1)(a).

¹⁸ RMA, s 11(1)(a).

¹⁹ RMA, s 218(1).

- (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
 - (iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or
 - (v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate record of title for any part of a unit on a unit plan; or
- (b) an application to the Registrar-General of Land for the issue of a separate record of title in circumstances where the issue of that record of title is prohibited by section 226,—

57 'Allotment' is defined to include:²⁰

any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—

- (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
- (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act;

58 For present purposes, it is important to note that a lease over part of an allotment for greater than 35 years (including renewals) would be a 'subdivision of land' under the RMA. Such a subdivision would therefore need to be permitted in a national environmental standard or district plan (including proposed district plan) or approved by a resource consent.

Other RMA restrictions

59 The RMA also places restrictions relating to the taking and use of water and the discharge of contaminants or water.²¹ In the information provided, there is nothing to suggest that there is a taking of water or discharge occurring at the Aerodrome in breach of these restrictions. In particular, a number of resource consents to construct buildings specify that the discharge of stormwater from the roofs of hangars must comply with the permitted discharge rules in the TRMP (or obtain a resource consent).

60 Additionally, there are regional restrictions in respect of land.²² With one exception in respect of the College that has a resource consent for a bore (see more below), there is nothing in the information provided to suggest there are any activities occurring at the Aerodrome that relate to these types of activities.

61 The focus of this Report is therefore on district land use and subdivision.

The relevant district rules

The Transitional District Plan

62 The Transitional District Plan was the immediate predecessor to the TRMP. This plan was notified on 31 August 1991, made operative on 1 November 1995 and provided a bespoke

²⁰ RMA, s 218(2)(a).

²¹ RMA, ss 14 and 15.

²² RMA, s 9(2).

zoning for the Aerodrome. The purpose of the Transitional District Plan was to transition from the previous district schemes under the Town and Country Planning Act 1977 to district plans under the RMA.

- 63 Under the bespoke Aerodrome Zone, the Transitional District Plan made fixed wing aircraft operations, helicopter landings and departures (except for helicopter pilot training), and telephone exchanges permitted activities (subject to standards).²³ Hangars for aircraft storage and maintenance, aeroclub clubrooms, accommodation units accessory to pilot training facilities, and storage facilities for aviation fuels were (among other things) a controlled use.²⁴ Controlled uses were deemed to be controlled activities and therefore, required a resource consent.²⁵

The Tasman Resource Management Plan

- 64 The TRMP was notified on 25 May 1996 and the land use provisions (i.e. Part II) was made operative from 1 November 2008.²⁶ The Aerodrome is zoned Rural 1 under the TRMP and is subject to Designation D209. Additionally, Lot 2 Deposited Plan 18903, which forms the bulk of the Aerodrome is subject to Schedule 16.11A to the Airport Protection provisions (height control provisions). The TRMP sets out that '[i]f the proposed activity is a permitted activity under one rule and a resource consent is required by another rule, then a resource consent is required for the whole activity' (i.e. that to be permitted, all rules need to permit the activity).²⁷

Land use

- 65 There are a number of land uses regulated within the Rural 1 Zone. The starting position is that any land use is a permitted activity, subject to the conditions and further rules of the TRMP.²⁸ Relevantly, the following activities are not permitted as of right:
- 65.1 An industrial activity;²⁹
 - 65.2 A constructed or marked out landing area or pad for helicopters, an aircraft landing strip, aerodrome or airport;³⁰
 - 65.3 A commercial activity;³¹
 - 65.4 An activity which generates noise greater than 55 dBA L_{eq} during the day, or 40 dBA L_{eq} or 70 dBA L_{max} at night when measured at or within the notional boundary of any dwelling;³²
 - 65.5 A temporary activity with public admission that does not meet the permitted standards;³³ or
 - 65.6 A community activity.³⁴

²³ Transitional District Plan, rule 15.4.1.

²⁴ Transitional District Plan, rule 15.4.2 and .3.

²⁵ RMA, s 374(1)(a).

²⁶ TRMP, Section 1.5.3.

²⁷ TRMP, page 1/24, 'Step 6'.

²⁸ TRMP, rule 17.5.2.1.

²⁹ TRMP, rule 17.5.2.1(a)(i).

³⁰ TRMP, rule 17.5.2.1(a)(iii).

³¹ TRMP, rule 17.5.2.1(a)(vi).

³² TRMP, rule 17.5.2.1(c).

³³ TRMP, rule 17.5.2.1(o).

³⁴ TRMP, rule 17.5.2.1(a)(vii).

- 66 In addition, the construction, alteration, or use of a building is permitted as of right subject to various standards.³⁵ Relevant to the Aerodrome:
- 66.1 the building:
- (a) is not a dwelling;³⁶
 - (b) is less than 7.5 metres in height;³⁷
 - (c) observes various setbacks, including being 10m from a road boundary;³⁸ and
- 66.2 the total area of all buildings on the Aerodrome is no greater than 5 percent of the site or 2,000 square metres;³⁹ and
- 66.3 stormwater is disposed of at the site.
- 67 Council recognises that any new buildings (hangars) at the are unlikely to be permitted due to the breach of the standard relating to the total area of buildings for a site.⁴⁰
- 68 The TRMP contains various definitions relevant to the above rules. For brevity, these are not repeated here.
- 69 Additionally, the TRMP sets out that:⁴¹
- Any structure or vegetation which is within an area shown on Schedule 16.11A or 16.11B as subject to Airport Height Control, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:
- (a) The activity does not exceed the height limits shown on Schedule 16.11A or 16.11B.
- Note: The height limits are referenced to zero metres at each end of the runway. The topography of the site will thus affect the interpretation of the height limits shown.
- 70 Where this rule cannot be complied with, the structure or vegetation becomes a restricted discretionary activity. Matters of discretion are limited to:
- (1) The effects on the safe and efficient operation of the airport and airport users.
 - (2) Any physical and visual impact of the structure or vegetation on the matters stated in (1).
 - (3) The duration of the consent.
 - (4) The timing of reviews of conditions and purpose of reviews (Section 128 of the Act).
 - (5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

³⁵ TRMP, rule 17.5.3.1.

³⁶ TRMP, rule 17.5.3.1(b)(i).

³⁷ TRMP, rule 17.5.3.1(f).

³⁸ TRMP, rule 17.5.3.1(h).

³⁹ TRMP, rule 17.5.3.1(l)(ii).

⁴⁰ Motueka Aerodrome Development Plan, June 2021, at [7] ('Planning Strategy').

⁴¹ TRMP, rule 16.11.2.1.

Designation D209

71 The TRMP also includes Designation D209, which covers the Aerodrome site. The TRMP states the purpose of Designation D209 as 'aerodrome'.⁴² Designation D209 was incorporated into the TRMP through the plan change process initiated on 25 May 1996. The stated reason for Designation D209 is:⁴³

The existing aerodromes, Motueka and Puramahoi, are the responsibility of Tasman District Council. The designation provides for the Tasman District Council either itself or through its agents to control, manage and approve planning, design, research, construction and maintenance relating to all land within the designation. Designation of these aerodromes is considered the most appropriate mechanism of protecting Tasman District Council's interest with regard to the safe and efficient functioning of the aerodromes.

72 Designations are interpreted according to what an ordinary member of the public examining the district plan would take from that designation.⁴⁴ That member of the public must be taken to have the level of knowledge about the factual context likely to be possessed by an ordinary and reasonable person who takes the trouble to examine a designation.⁴⁵

73 There is no definition of 'aerodrome' in the RMA or the TRMP, however the Civil Aviation Act 1990 defines aerodrome as:⁴⁶

- (a) means any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, and surface movement of aircraft; and
- (b) includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.

74 Based on what an ordinary member of the public would take from the designation, supported by definition in the Civil Aviation Act 1990, an 'aerodrome' is likely to include the landing, departure and surface movement of aircraft and the areas of land used for the same, along with any areas, buildings or other facilities that are on or adjacent to that area, used in connection with the aerodrome or its administration.

75 Any works or activities undertaken by the Council, or under its control, that fall within that description would be within scope of the activities authorised by Designation D209. Further, any use of the land within Designation D209 that is for the designated purpose is also authorised, regardless of who it is using the land (as long as the user has written consent from the Council as required by section 176(1)(b) of the RMA).

Subdivision

76 The TRMP does not permit subdivision in the Rural 1 Zone as of right. Subdivision in the Rural 1 Zone starts as a controlled activity and cascades through to a prohibited activity, depending on the standards that are triggered. The prohibited activity status does not apply to the Aerodrome. Accordingly, any subdivision at the Aerodrome would require a resource consent.

⁴² TRMP, Part II, App 1/29.

⁴³ TRMP, Part II, App 1/26.

⁴⁴ *Titirangi Protection Group Inc v Watercare Services Ltd* [2018] NZHC 1026, at [41].

⁴⁵ *Titirangi Protection Group Inc v Watercare Services Ltd* [2018] NZHC 1026 at [52].

⁴⁶ Civil Aviation Act 1990, s 2. This Act is set to be repealed by Civil Aviation Act 2023, however for present purposes the definition of 'aerodrome' is materially the same.

Conclusions as to legislative framework

- 77 The RMA provides that no person may contravene a district rule relating to land use, unless they have a resource consent or existing use rights, or the work is undertaken by a requiring authority under a designation. Accordingly, if a land use activity is occurring at the Aerodrome that contravenes the TRMP rules outlined above, it needs to be:
- 77.1 undertaken pursuant to a resource consent or existing use rights; or
 - 77.2 a work undertaken by the Council, or under its control, that falls within the scope of the activities authorised by Designation D209; or
 - 77.3 a use of land within Designation D209 that is for the designated purpose (as long as the user has written consent from the Council as required by section 176(1)(b) of the RMA).
- 78 Additionally, subdivision at the Aerodrome is not permitted as of right. This includes the granting of a lease over part of an allotment at the Aerodrome for a period of greater than 35 years (including rights of renewal).

Activities occurring at the Aerodrome

Introduction

- 79 From the information provided, the key activities occurring at the Aerodrome include general aerodrome operations, the College, skydiving operations and the Aero Club. Appendix 2 to this Report contains a map showing the location of key buildings constructed at the Aerodrome.
- 80 This section of the Report considers what RMA authorisations are in place in respect of these land use activities. A table setting out a summary of these findings is contained in Appendix 3 (rows marked in red where no resource consent or outline plan has been identified).

General aerodrome operations

General aerodrome operations – aircraft movements

- 81 The key activity occurring at the Aerodrome is flight operations by both fixed wing and rotary aircraft. There are no navigational aids (e.g. VOR, DME) at the Aerodrome, which limits flight operations to visual flight rules (or VFR). This means flying occurs only during the day.
- 82 The length of the runway limits the type of aircraft that can take off and land at the Aerodrome. It is understood that most fixed wing aircraft that utilise the Aerodrome are either single engine aircraft (e.g. Cessna 152) or small twin engine aircraft (e.g. Cessna Seminole).
- 83 Council charges for the use of the Aerodrome. A single aircraft movement charge is \$15.00 per aircraft movement (or per day for recreational users). An annual charge of \$375.00 is set for regular recreational users landing charges. There is no flat annual charge for commercial operators, who pay per landing.
- 84 An aerodrome is not permitted as of right in the Rural 1 Zone under the TRMP. Additionally, while the taxiing, taking off and landing of aircraft is not expressly restricted in the Rural 1 Zone, such an activity must still comply with the noise standards while on the ground at the Aerodrome.⁴⁷ Further noise measurements would be required to confirm whether such an activity falls within those restrictions. It was observed during the Site Visit that aircraft noise was minimal during taxiing, take-off and landing, however for the purposes of this Report it is assumed the noise standards are breached.
- 85 Accordingly, the question is whether the general Aerodrome operations have a resource consent, existing use rights, or can be undertaken under the designation. No resource consent was identified for the general Aerodrome operations (i.e. aircraft movements on the ground). Further, it is unlikely Aerodrome operations will attract existing use rights. The changing nature of aircraft operations, as evidenced from the increase in development at the Aerodrome throughout the 1990's through to today (including the expansion of the College), demonstrates that the effects generated by aircraft movements are unlikely to be the same or similar now than when the TRMP was notified. Accordingly, the question is whether the general Aerodrome operations and associated aircraft movements can be undertaken under Designation D209.
- 86 Designation D209 allows for an aerodrome. Aerodrome operations and flying activities are clearly part of the designated purpose. Council is the landowner and Aerodrome Operator under the Civil Aviation Act 1990. Council has control over the Aerodrome. An aerodrome is something that a local authority can operate, manage and maintain pursuant its general

⁴⁷ RMA, s 9(5).

power.⁴⁸ Further, Council collects revenue from the operation of the Aerodrome and is responsible for its maintenance. Accordingly, our view is the general Aerodrome operations and associated aircraft movements can be undertaken under Designation D209.

The Nelson Aviation College

- 87 The main building the College operates out of is the 'X' shaped building along the eastern boundary of the Aerodrome. This building is where ground training for pilots is undertaken, with a number of classrooms within the building. This building also contains accommodation for trainee pilots to live on site during their study at the College. It is understood the College can have up to 16 'live in' students.
- 88 In addition to this main building, the College also occupies an additional classroom immediately to the north-east of the main building. They also operate out of Hangar E2 (addressed below).
- 89 The main building and additional classroom are located on Lot 1 Deposited Plan 18903. Council owns the freehold title to this allotment, with the College having a registered lease over the entire lot.⁴⁹ The lease expires on 30 July 2103 (after rights of renewal). As the lease is for the entire allotment, there is no division of an allotment and therefore no subdivision as defined in the RMA. The permitted use under the lease is 'aviation college (including student accommodation)'.⁵⁰
- 90 On 15 April 1997, resource consent was granted to:⁵⁰
- ... relocate the Nelson Aviation College from the existing site to a new site adjacent to Queen Victoria Street. The development involves the construction of new pilot training facilities (fixed wing and rotary wing) comprising lecture rooms and associated offices together with accommodation facilities consisting of 12 units.
- 91 Additionally, the recommendation of the reporting planner notes the proposal includes 'accommodation facilities consisting of 12 units housing a maximum of 24 students'.
- 92 Around the same time, building consent was issued for the main building, with a code compliance certificate being issued on 19 October 1998.
- 93 On 11 November 2009, resource consent was granted to 'relocate a classroom and use it for training at the Motueka Airport'.⁵¹ Building consent for this classroom was granted 24 November 2009.⁵² These consents relate to the classroom to the north-east of the main building.
- 94 To the extent that the main building and the additional classroom contravene the TRMP, the contravention is allowed by the above resource consents, assuming they are operating within the scope of the consented activity and in accordance with the conditions.
- 95 [REDACTED]

⁴⁸ *Re Waitaki District Council* NZEnvC Christchurch C36/05, 5 April 2006 at [15].

⁴⁹ Lease reference 41111L9.

⁵⁰ RM960432.

⁵¹ RM090703.

⁵² RM091231.

- 96 The College was also granted a bore permit to 'drill a bore for taking groundwater for domestic supply to the new aviation college building'.⁵³

Skydiving operations

- 97 Skydiving operations at the Aerodrome can be divided into two activities:
- 97.1 the aircraft which take off and land at the Aerodrome, and deliver the skydivers to altitude; and
 - 97.2 the skydivers themselves who land at the Aerodrome.
- 98 The hangars, buildings and commercial activity associated with the skydiving activity are considered elsewhere in this Report (Buildings S5 and S6, and Hangar E6 below).
- 99 The aircraft which take-off and land fall within the general Aerodrome operations (as outlined above) and therefore, can be undertaken under Designation D209. In respect of the skydivers themselves, there is nothing identified within the TRMP which would mean skydiving itself contravenes a district rule.
- 100 For completeness, Inflight Able Tasman Limited has a licence for the area where skydivers land. This is the area immediately to the north of Building S6 and marked '4' on the Aerodrome Charts (AIP).

The Aero Club

- 101 The Aero Club operates out of Building S4 along the southern boundary of the Aerodrome. Building S4 is comprised of club rooms and a hangar. It is understood the Aero Club itself was first established in 1934.⁵⁴ It is unclear when the first building associated with the Aero Club was constructed at the Aerodrome. From aerial photographs, the first building identified where the Aero Club is now located was established on or before 1970 (although it is unclear if this was occupied by the Aero Club at that time).
- 102 It is understood the Aero Club offers various facilities to its members. This ranges from flight training to enable a person to obtain a pilot's licence (private or commercial) through to a young members group called the 'Young Eagles' (a division of the Aero Club for teenagers interested in aviation). The Aero Club website lists trial flights from \$189 (30 minutes in a 'PA-38').
- 103 The Aero Club comprises a building, being their club rooms and a hangar, and the operation of the Aero Club itself. In respect of the building, from aerial photography it is understood the club rooms (being the western part of the building) were established sometime prior to 1989. The hangar part of the building was replaced sometime between 2010 and 2012. The club itself was established in 1934.
- 104 Because of the historic nature of the Aero Club and associated buildings it is difficult to say with certainty what planning authorisations, if any, were required prior to the enactment of the RMA. However, from the information reviewed, there is nothing to suggest that these were not lawfully established at the time.
- 105 Post the enactment of the RMA, the Aero Club replaced its hangar and expanded to include the Young Eagles. On 17 April 2012, resource consent was granted to:⁵⁵
- ...replace an existing hangar with a larger hangar and to use the aircraft hangar for a recreational and storage activity (Club member's aircraft), community activity (Young Eagles Club) and aerodrome use at the Motueka

⁵³ NN980292.

⁵⁴ <https://motuekaaeroclub.com/our-club/>

⁵⁵ RM110667.

Airport, where the building coverage and setback from the road boundary are not met in the Rural 1 Zone. No on-site parking is proposed for the hangar.

- 106 On 10 November 2016, a code compliance certificate was issued in respect of the new hangar.⁵⁶ The new hangar is subject to a building warrant of fitness.
- 107 It is therefore considered that, to the extent that the new hangar and addition of Young Eagles contravened a rule in the TRMP, that contravention was authorised by a resource consent. Additionally, it is observed that the operation of the Aero Club is consistent with the Designation D209's designated purpose.

The buildings

Hangar N1

- 108 Hangar N1 is the northern most hangar at the Aerodrome and is accessed off Marchwood Park Road. It is adjacent to Hangar N2. On 20 January 2017 the land Hangar N1 is situated on was leased to the Argus Trust for a period of 25 years, with 1 right of renewal of 5 years less 1 day.⁵⁷ The lease was backdated to commence on 16 December 2016. The permitted use of the land under the lease is 'helicopter storage and repairs, reception and administration area'.
- 109 By deed dated 20 November 2017, the property description in the lease was varied to be 1002m², with a maximum area for Hangar N1 of 510m². The lease does not trigger the subdivision requirements in the RMA.
- 110 On 8 September 2004, resource consent was granted to private individuals in relation to Hangar N1 'to erect an aircraft hangar with associated offices and temporary accommodation at the Motueka Aerodrome'.⁵⁸ Comparing the plans that accompanied this resource consent with aerial photos and photos taken during the Site Visit, it does not appear this resource consent was implemented.
- 111 On 28 February 2011 a further resource consent was granted to Coast to Coast Helicopters:⁵⁹
- To undertake a commercial activity in the Rural 1 Zone and construct an aircraft hangar at the Motueka Airport where the site has more than one vehicle crossing, the gates will be hung so a vehicle cannot stop completely off the carriageway while the gates are being opened, the access is not sealed 10 metres onto the site, and the road setback and building coverage are not met.
- 112 Comparing the plans that accompanied this resource consent with aerial photos and photos taken during the Site Visit, it appears this was an earlier iteration of Hangar N1. Specifically, aerial photographs from 2013 and 2016 demonstrate a smaller hangar than what is currently located at the site.
- 113 Building consent for the initial build of Hangar N1 was issued on 19 November 2009.⁶⁰ As at 7 June 2024 no code compliance certificate has been issued in respect of this building consent.

⁵⁶ RM110899.

⁵⁷ Lease reference 41111L19.

⁵⁸ RM040167.

⁵⁹ RM100951.

⁶⁰ RM090682.

- 114 Subsequently, Council, as requiring authority, submitted an outline plan in respect of Hangar N1.⁶¹ The outline plan described the work to be undertaken as:
- To extend an existing aircraft hangar at Motueka Aerodrome leased to Argus Aviation to include an additional 150m² of hangar space and 40 m² of 'clean' workshop space.
- 115 On 3 October 2017, Council as territorial authority accepted this outline plan and requested no changes. Council's decision to accept the outline plan details how the works will comply with the reason for D209 as contained in the TRMP. The decision goes on to state:
- The hangar is also in accordance with the Motueka Aerodrome Development Plan and where necessary it has been approved by the Council's Corporate Services Manager (as representative for the Requiring Authority). This is further discussed in the Outline Plan application and the assessment relating to the consistency with the purpose of the designation is adopted. The construction and use of an aircraft hangar and associated storage, concrete pad and parking area is an expected use at an airport and is considered to fit within the purpose of the designation.
- 116 Building consent for the extension to Hangar N1 was granted on 23 February 2018.⁶²
- 117 The RMA authorisations relating to Hangar N1 are therefore twofold. The initial build was done pursuant to a resource consent. The subsequent modification was done pursuant to an outline plan under Designation D209.
- 118 To the extent that the initial build of Hangar N1 contravened a district rule in the TRMP that contravention is allowed by the 2011 resource consent. The question is whether the extension could be undertaken pursuant to Designation D209 and the outline plan.
- 119 Construction of a hangar is something that is for an 'aerodrome' purpose (as it relates to land and ground facilities associated with aircraft operations). Accordingly, the extension to Hangar N1 falls within the scope of Designation D209. It is understood that Council did not construct the extension to Hangar N1. Consideration is therefore given to whether Council retained sufficient control for the extension to Hangar N1 for it to be considered undertaken by or on behalf of the Council as requiring authority.
- 120 Council is the owner of the Aerodrome land and leases the area Hangar N1 is situated on to Argus Trust. The lease specifies the permitted use of that area (which is a use consistent with the designated purpose). Additionally, it was Council as requiring authority that submitted the outline plan for the extension to Hangar N1 and as a result, it retained control as to what was constructed.
- 121 It is therefore considered this reflects enough control over the extension to Hangar N1 and therefore, it is within the scope of activities authorised by Designation D209.
- 122 It is understood that commercial helicopter flights and maintenance is occurring from Hangar N1. This is a commercial activity and therefore, contravenes the land use rules in the Rural 1 Zone under the TRMP.
- 123 Commercial helicopter flights and maintenance is a use of land that can reasonably be expected at an aerodrome. This commercial activity is a land use that fits within the purpose of Designation D209. Council provided consent for this activity through its lease. Accordingly, commercial helicopter flights and maintenance can occur under Designation D209.

⁶¹ RM171066.

⁶² RM171223.

Hangar N2

124

This hangar has a lease of more than 35 years meaning further action is required.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

⁶³ Lease reference 41111L28.
⁶⁴ RM191400.
⁶⁵ RM200845.
⁶⁶ RM210204.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Hangar E1

136 This hangar has a lease of more than 35 years meaning that further action is required.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

⁶⁷ Lease reference 41111L27.

⁶⁸ RM201540.

⁶⁹ RM200861.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hangar E2

147 Hangar E2 is situated along the eastern boundary of the Aerodrome, between Hangars E1 and E3. The land Hangar E2 is located on is subject to an original lease to Abel Tasman Helicopters, granted on 8 May 2002.⁷¹ On 15 December 2012, the lease was assigned to NAC Holdings Limited and Hangar E2 is currently being used by the College.

148 On 26 June 2024, the lease was varied to exercise the rights of renewal and in respect of rent review. The conditions of the 2002 lease otherwise remain the same. Additionally, the variation gave NAC Holdings Limited a first right of refusal over the area immediately to the north of Hangar E2.

149 The lease was for an initial term of 5 years, with two rights of renewal of 5 years and one right of renewal of 5 years less one day. With the variation, the lease expires on 31 August 2026. Therefore, the lease does not trigger the subdivision requirements under the RMA. The permitted use of the property is 'hangar for aircraft including maintenance'.

150 Given the use of Hangar E2 is associated with the College, it is considered a commercial activity is occurring at the hangar in contravention of the land use rules in the Rural 1 Zone under the TRMP. It is assumed the construction of Hangar E2 also contravened land use rules for the Rural 1 Zone in the TRMP.

⁷⁰ RM201540.

⁷¹ Lease reference 41111L2.

- 151 On 31 October 2006, resource consent was granted to Abel Tasman Helicopters:⁷²
- To construct a commercial building that exceeds the site coverage and to operate a commercial activity (helicopter flights) from a Rural 1 zoned property.
- 152 Land use consents attach to the land and permit the same activity to continue after the original holder has moved on (unless the resource consent otherwise states, which it does not here).⁷³ On 21 November 2006 building consent was granted for Hangar E2.⁷⁴
- 153 Accordingly, the construction of Hangar E2 was authorised by the resource consent. Given the resource consent expressly detailed helicopter flights, it is unclear whether the College, which operates fixed wing aircraft, can take advantage of the resource consent in respect of the commercial activity. Regardless, this commercial activity is a land use that fits within the purpose of Designation D209. Council provided consent for this activity through its lease. Accordingly, the commercial activity of pilot training can occur under Designation D209.

Hangar E3

- 154 Hangar E3 is situated in between Hangar E2 and the College. The land Hangar E3 is located on is subject to a lease to two private individuals, granted on 22 July 2021.⁷⁵ The term of the lease is 15 years, with 3 rights of renewal of 5 years each. The permitted use of the property is 'aircraft storage, workshop and parking area for recreational use'. The lease does not trigger the subdivision requirements under the RMA.
- 155 The permitted use under the lease is 'recreational use'. Therefore, it is not considered that the activity at Hangar E3 contravenes a land use rule in the Rural 1 Zone under the TRMP. It is assumed the construction of Hangar E3 contravened a land use rule in the Rural 1 Zone under the TRMP.
- 156 On 17 July 2002 resource consent was granted to two private individuals (not the current lessees):⁷⁶
- To erect an aircraft hangar for private use at Motueka Aerodrome. Once erected, the hangar will be used for aircraft storage and related items.
- 157 Accordingly, to the extent that the construction of Hangar E3 contravened a land use rule in the TRMP, it was allowed by a resource consent.
- 158 No building consent was identified in respect of Hangar E3.

Hangar E5

- 159 Hangar E5 is the hangar immediately south of the College, on the eastern side of the Aerodrome. The land Hangar E5 is located on is subject to a lease to a private individual that commenced on 1 March 2023.⁷⁷ The term of the lease is 20 years, with no rights of renewal. The business use specified in the lease is 'aviation use and hangar'. The lease does not trigger the subdivision requirements under the RMA.
- 160 It is not clear from the use permitted under the lease whether the activity occurring at Hangar E5 is commercial or recreational (private). It was noted that during the Site Visit the College was using Hangar E5 to store an aircraft that was damaged. However, it is understood the storage of the damaged aircraft was an irregular occurrence, therefore it is not considered

⁷² RM060864.

⁷³ RMA, s 134.

⁷⁴ RM0601421.

⁷⁵ Lease reference 41111L5.

⁷⁶ RM020399.

⁷⁷ Lease reference 41111L13.

that the 'primary purpose' of Hangar E5 is the 'display, offering, provision or the sale or hire of goods, equipment or services' (per the 'commercial activity' definition in the TRMP). For these reasons, it is not considered that the use of Hangar E5 contravenes a district plan rule in the Rural 1 Zone under the TRMP.⁷⁸

161 It is assumed the construction of Hangar E5 contravened a district plan rule in the Rural 1 Zone under the TRMP. On 1 May 2002, resource consent was granted to two private individuals:⁷⁹

To erect an aircraft hanger for private use at Motueka Aerodrome. Once erected, the hanger will be used for aircraft storage and related items.

162 It is therefore considered that, to the extent that the construction of Hangar E5 contravened a land use rule in the TRMP, it was allowed by a resource consent.

163 On 3 May 2002 building consent was issued for Hangar E5.⁸⁰

Hangar E6

164 Hangar E6 is the southernmost hangar on the eastern boundary of the Aerodrome and is where Skydive Abel Tasman Limited operates its aircraft for skydiving. The land Hangar E6 is located on was first leased to Skydive Abel Tasman Limited on 18 July 2003 for a term of 20 years. On 6 December 2018, another lease was granted to Skydive Abel Tasman Limited.⁸¹ It is unclear why another lease was granted during the term of the previous lease, however it is assumed the previous lease was surrendered. On 9 August 2019 the 2018 lease was assigned to Inflight Abel Tasman Limited. The term of the 2018 lease is 10 years with 3 rights of renewal of 5 years. The permitted use of the property is 'storage, parking and light maintenance of aircraft'. The lease does not trigger the subdivision requirements under the RMA.

165 As the use of Hangar E6 is associated with commercial skydiving, it is considered a commercial activity is occurring at the hangar in contravention of the Rural 1 Zone land use rules in the TRMP.

166 From aerial photographs, it appears that Hangar E6 was built between 2001 and 2004. Building consent for Hangar E6 was granted on 31 July 2003.⁸² It is assumed that the construction of Hangar E6 was in contravention of the Rural 1 Zone land use rules in the TRMP and/or the Transitional District Plan.

167 On 20 May 2003 resource consent was granted to Skydive Nelson Limited:⁸³

To erect an aircraft hangar at Motueka Aerodrome. Once erected the hanger [sic] will be used for aircraft storage and related items.

168 Accordingly, to the extent the construction of Hangar E6 contravened a land use rule in the TRMP, it was allowed by a resource consent. A query remains as to whether the commercial activity occurring at Hangar E6 can occur pursuant to this resource consent as it makes no reference to commercial activity. However, it is noted that the resource consent was granted to Skydive Nelson Limited, so must have been granted in contemplation with commercial skydiving operations.

⁷⁸ Even if the use of Hangar E5 did contravene a rule in the TRMP, it is likely that use would be covered by Designation D209 anyway.

⁷⁹ RM020202.

⁸⁰ RM020612.

⁸¹ Lease reference 41111L12.

⁸² RM031322.

⁸³ RM030435. This resource consent was provided by Inflight Able Tasman Limited in response to feedback on the preliminary findings made for Hangar E6.

- 169 Regardless, commercial skydiving is a use of land that can reasonably be expected at an aerodrome. This commercial activity is a land use that fits within the purpose of Designation D209. Council provided consent for this activity through its lease. Accordingly, the commercial activity of skydiving can occur under Designation D209.

New building to the south of Hangar E6

- 170 There is a proposal for a new building to the south of Hangar E6 to house a New Zealand Post distribution centre. Council has entered into an agreement to lease this area to New Zealand Post (note, not yet a lease). As part of the agreement to lease, Council will be constructing a building to be leased to New Zealand Post. The initial term of the lease will be for 10 years, with 2 rights of renewal of 4 years each. The permitted use of the premises will be:

Logistics, distribution, office and warehousing, the business of New Zealand Post Limited (or any of its Associated Entities) from time to time and/ or any other use permitted under the operative district plan of the territorial authority having jurisdiction of the Premises.

- 171 It is assumed that the construction of the building and the activity to be undertaken will contravene district rules in Rural Zone 1 of the TRMP. On 26 March 2024, resource consent was granted to:

...operate a commercial activity in the Rural 1 Zone, to construct a building that exceeds the permitted building coverage, and to create an additional vehicle crossing off College Street, Motueka.

- 172 On 1 May 2024, a variation to this resource consent was granted to amend the conditions so that 'all loading and unloading associated with the commercial activity before 7am and after 9pm shall occur inside the building only'.

- 173 It is understood that a building consent has been sought in respect of the proposed building, but has yet to be granted.

Building E7

- 174 Building E7 is located to the east of Hangar E6, closer to Queen Victoria Street. The land Building E7 is located on is subject to a lease to Fire and Emergency New Zealand, granted on 21 June 2024.⁸⁴ The lease is for an initial term of 5 years, with 2 rights of renewal of 2 years each. The permitted use of the property is 'fire and emergency station (including fire station and training purposes) and associated office purposes'. The lease does not trigger the subdivision requirements under the RMA.

- 175 Given the lessee and the permitted use of a fire station, it is considered a community activity is occurring at Building E7, which contravenes a land use rule in the Rural 1 Zone under the TRMP. It is assumed the construction of Building E7 also contravened a land use rule in the Rural 1 Zone under the TRMP.

- 176 On 1 March 2016, resource consent was granted:⁸⁵

...to construct and operate Tasman Volunteer Rural Fire Force fire shed in the Rural 1 Zone that contravenes standards relating to permitted zone activity and building coverage.

- 177 Accordingly, to the extent that the construction and use of Building E7 contravened a land use rule in the TRMP, it was allowed by a resource consent.

⁸⁴ Lease reference 41111L25.

⁸⁵ RM160120.

Hangar S1

- 178 Hangar S1 is the western most hangar in a line of hangars and buildings on the southern boundary of the Aerodrome and is located next to the aviation refuelling tanks. The land Hangar S1 is located on is subject to an original lease to a private individual, granted on 28 November 2016. By deed dated 14 November 2017, the lease was assigned to another private individual. The lease is for an initial term of 5 years with 3 rights of renewal of 5 years. The permitted use of the property is 'aircraft hangar'. The lease does not trigger the subdivision requirements in the RMA.
- 179 From aerial photography it appears Hangar S1 was constructed sometime after 1989. Documentation that accompanied the College's resource consent application for their current training facility shows that Hangar S1 existed around May 1996.⁸⁶ It is therefore considered that Hangar S1 was constructed at a point between 1989 and May 1996. A building permit to 'erect [a] hangar' was granted in respect of the Aerodrome on 24 June 1991.⁸⁷ While this was unable to be directly associated with Hangar S1, it was the only building permit to erect a hangar issued for the Aerodrome between 1989 and May 1996.
- 180 It is unclear what the planning regime was in place when Hangar S1 was constructed. However, no resource consent was identified in respect of the hangar and there is insufficient information to establish whether it attracted existing use rights. As the construction of Hangar S1 is likely to predate Designation D209, it could not have been constructed under the designation. For completeness, no information was identified that would suggest the activity occurring at Hangar S1 is in contravention of the TRMP.⁸⁸
- 181 Further investigation is required for Hangar S1.

Hangar S2

- 182 Hangar S2 is located along the southern boundary of the Aerodrome, between Hangars S1 and S3. The land Hangar S2 is located on is subject to a lease to Boeing Home Company Limited granted on 9 October 2019.⁸⁹ The initial term of the lease is 10 years, with two rights of renewal each of 10 years. The permitted use of the property is 'parking for aircraft, and commercial and private aircraft maintenance'. The lease does not trigger the subdivision requirements under the RMA.
- 183 Aerial photographs show some form of building located where Hangar S2 is as far back as 1989. Between 1989 and 2002, it appears that building underwent modifications. A further modification to the building occurred circa 2004. It is assumed the 2004 modification contravened a land use rule in the Rural 1 Zone under the TRMP. On the basis of the permitted use of the property under the lease, it is considered a commercial activity is occurring at Hangar S2 in contravention of the land use rules relating to the Rural 1 Zone under the TRMP.
- 184 On 14 June 2004 resource consent was granted to a private individual:⁹⁰
- To upgrade and extend an existing aircraft hangar for private use at Motueka Aerodrome. Once erected the hangar will be used for aircraft storage and related items.
- 185 The resource consent decision records that 'the proposal is an extension of an existing hangar therefore the effects are limited to the propose[d] extension work only'. This presupposes the earlier iteration of Hangar S2 had been lawfully established, otherwise the

⁸⁶ RM960432.

⁸⁷ J038198.

⁸⁸ Even if the use of Hangar S1 did contravene a rule in the TRMP, it is likely that use would be covered by Designation D209 anyway.

⁸⁹ Lease reference 41111L8.

⁹⁰ RM040679.

decision could not limit itself to the effects of the proposed work only. This suggests that the Council as territorial authority considered earlier iterations of Hangar S2 were lawfully established pursuant either to a resource consent or as of right. Additionally, it is considered that, to the extent that the upgrade and extension of Hangar S2 in 2004 contravened a district rule in the TRMP, it was allowed by the resource consent.

- 186 No resource consent was identified in respect of the commercial activity (the other activities under the permitted use are not considered to contravene the TRMP). It is unlikely the commercial activity attracts existing use rights as the lease was granted on 2019, therefore the commercial activity is assumed to have commenced while the TRMP was operative. Therefore, the question is whether the commercial activity can occur under Designation D209.
- 187 Commercial aircraft maintenance is a use of land that can reasonably be expected at an aerodrome. This commercial activity is a land use that fits within the purpose of Designation D209. Council provided consent for this activity through its lease. Accordingly, commercial aircraft maintenance can occur under Designation D209.
- 188 On 18 June 2018 building consent was issued for the upgrade and extension of Hangar S2.⁹¹

Hangar S3

- 189 Hangar S3 is located along the southern boundary of the Aerodrome, adjacent to the Aero Club building. The land Hangar S3 is located on is subject to a lease initially granted to the trustee of the Titirangi Trust on 9 October 2018.⁹² By deed dated 22 May 2023, the lease was assigned to two private individuals. The term of the lease is for 20 years, with no rights of renewal. The permitted use of the property is 'parking for aircraft'.
- 190 Aerial photographs show a previous iteration of Hangar S3 as far back as 1989. This iteration of Hangar S3 was a 'T' shape. It is therefore difficult to identify exactly what planning restrictions applied when this building was first constructed (if any). Building consent was issued circa 2005 to 'square up tee shaped aircraft hangar' that was first constructed in 'late 1980-5'.⁹³ It is therefore likely the first iteration of Hangar S3 was constructed in the early 1980's. It is assumed that the extension in 2005 contravened a land use rule in the Rural 1 Zone of the TRMP.
- 191 On 9 May 2005 resource consent was granted to a private individual:⁹⁴
- To upgrade and extend an existing aircraft hangar for private use at Motueka Aerodrome. Once erected the hangar will be used for aircraft storage and related items.
- 192 The resource consent decision records that 'the proposal is an extension of an existing hangar that has been on site for a number of years therefore the effects are limited to the propose[d] extension work only'. This presupposes the Council as territorial authority considered the earlier iteration of Hangar S3 had been lawfully established, otherwise the decision could not limit itself to the effects of the proposed work only. This suggests that the earlier iterations of Hangar S3 were lawfully established pursuant either as of right or pursuant to an appropriate planning authorisation. Additionally, it is considered that, to the extent that the upgrade and extension of Hangar S3 in 2005 contravened a district rule in the TRMP, it was allowed by the resource consent.
- 193 For completeness, no information was identified that suggests any activity occurring at Hangar S3 contravenes a land use rule in the Rural 1 Zone of the TRMP.

⁹¹ RM041011.

⁹² Lease reference 41111L3.

⁹³ RM055161.

⁹⁴ RM050339.

Hangar S4

194 See Aero Club analysis above.

Building S5

195 Building S5 is located along the southern boundary of the Aerodrome between Hangar S4 (Aero Club) and Building S6. Building S5 is located on land subject to a lease to Inflight Abel Tasman Limited, granted on 19 August 2019.⁹⁵ The term of the lease is for an initial period of 10 years, with 3 rights of renewal of 5 years each. The permitted use of the property is:

Fixed wing and helicopter scenic flights operational base, reception and administration area, and a modified container coffee shop.

196 The lease does not trigger the subdivision requirements under the RMA.

197 The use permitted under the lease suggests a commercial activity is occurring at Building S5 in contravention of the land use rules for the Rural 1 zone under the TRMP. In addition, it is assumed that the construction of Building S5 was also in contravention of the land use rules in the Rural 1 Zone of the TRMP.

198 On 16 December 2008, resource consent was granted to Abel Tasman Aviation Nelson Limited:⁹⁶

To construct a building (hangar) to relocate an existing commercial activity (aircraft flights) into.

199 It is understood that Building S5 is not a hangar. However, the plans attached to the resource consent align with the Building S5. It is therefore considered the reference to 'hangar' in the activity is an error.

200 It is unclear what the 'existing commercial activity' was. However, the decision does appear to consider the effects of aircraft activity, therefore it is considered the commercial activity relating to commercial aviation. This is consistent with the current use of the property as outlined by the lease.

201 Therefore, to the extent that the construction of Building S5 and associated commercial activity contravened a district rule in the TRMP, that contravention is authorised by the resource consent.

202 On 8 January 2009, building consent was issued for Building S5.⁹⁷

Coffee shop associated with Building S5

203 There is a coffee shop immediately to the north of Building S5. The land relating to the coffee shop is covered by the same lease relating to Building S5 detailed above. It is understood that the coffee shop is run by 'Hangar Round', which is a company of Inflight.⁹⁸

204 The activity at the coffee shop is a commercial activity, therefore contravenes a land use rule in the Rural 1 Zone under the TRMP. It is assumed that the construction of the building (shipping container) the coffee shop is located in also contravened a land use rule in the Rural 1 Zone under the TRMP.

205 No resource consent was identified in respect of the coffee shop. It is unlikely the coffee shop attracts existing use rights as it was established after the TRMP become operative. Therefore,

⁹⁵ Lease reference 41111L18.

⁹⁶ RM081091.

⁹⁷ RM081453.

⁹⁸ <https://inflight.nz/hangar-round-cafe/>

the question is whether the construction of the coffee shop and the associated commercial activity can be undertaken under Designation D209.

- 206 At the end of 2017, Council as requiring authority submitted an outline plan in respect of the coffee shop.⁹⁹ The outline plan detailed the work to be undertaken as:

To construct a modified container coffee shop containing approximately 14.75 square metres to be located at Motueka Aerodrome in an area to be leased to Nelson Tasman Helicopters.

- 207 On 17 November 2017, Council as territorial authority accepted the outline plan and requested no changes. Council's decision to accept the outline plan details how the works will comply with the reason for Designation D209 as contained in the TRMP. The decision goes on to state that:

The small coffee shop is also in accordance with the Motueka Aerodrome Development Plan and where necessary it has been approved by the Council's Corporate Services Manager (as representative for the Requiring Authority). This is further discussed in the Outline Plan application and the assessment relating to the consistency with the purpose of the designation is adopted. The construction and use of a small coffee shop and associated parking area is an expected use at an airport and is considered to fit within the purpose of the designation.

- 208 On 8 January 2018 building consent was issued for the coffee shop.¹⁰⁰

- 209 The construction of a coffee shop is something that could be considered ancillary to the Aerodrome. An ordinary member of the public looking at 'aerodrome purposes' could expect that this includes food and drink facilities to service those using the aerodrome. The coffee shop is used in conjunction with other Aerodrome related activities, mainly the skydiving business. The coffee shop could therefore be considered something that is for an 'aerodrome' purpose and within the scope of Designation D209.

- 210 It is understood that Council did not construct the coffee shop. Consideration is therefore given to whether Council retained sufficient control of the construction of the coffee shop for it to be considered undertaken by or on behalf of the Council as requiring authority.

- 211 Council is the owner of the Aerodrome land and leases the area the coffee shop is located on to Inflight Abel Tasman Limited. The lease specifies the permitted use of that area, which include a modified container coffee shop (which is a use associated with the designated purpose). Additionally, it was Council as requiring authority that submitted the outline plan for the coffee shop and as a result, it retained control as to what was constructed.

- 212 It is therefore considered this reflects enough control over the construction of the coffee shop and therefore, is within the scope of activities authorised by Designation D209.

- 213 As outlined above, the coffee shop is something that can be considered as part of 'aerodrome' purposes and that fits within the purpose of Designation D209. Council provided consent for this activity through its lease. Accordingly, the commercial activity of selling coffee can occur under Designation D209.

Building S6

- 214 Building S6 is the eastern most building along the southern boundary of the Aerodrome. The land Building S6 is located on was subject to an original lease to Skydive Abel Tasman Limited, granted on 6 December 2018.¹⁰¹ By deed dated 9 August 2019, this lease was

⁹⁹ RM171064.

¹⁰⁰ RM151051.

¹⁰¹ Lease reference 41111L1.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hangar W2

- 229 Hangar W2 is located along the western side of the Aerodrome between Hangars W1 and W3. The land Hangar W2 is located on is subject to a lease to the trustees of a trust and two private individuals.
- 230 The lease was granted on 20 September 2016. The term of the lease is 21 years with no right of renewals. The permitted use of the property is 'storage and light maintenance of fixed wing aircraft'. The lease does not trigger the subdivision requirements under the RMA.
- 231 No information was identified that suggests an activity is occurring at Hangar W2 that contravenes a land use rule in the Rural 1 Zone of the TRMP. It is assumed the construction of Hangar W2 contravened a land use rule in the Rural 1 Zone of the TRMP.

¹⁰⁴ RM211540.

¹⁰⁵ A preliminary version of this report stated that it was understood that commercial aircraft were being stored at Hangar W1. The preliminary findings were provided to the director of Deltag Limited for comment. They queried whether storage of commercial aircraft was occurring at Hangar W1. The report was subsequently amended to reflect that it is understood a commercial activity relating to aircraft is being undertaken at Hangar W1.

- 232 No resource consent was identified in respect of the construction of Hangar W2. It is not considered Hangar W1 attracts existing use rights as it was constructed under the operative TRMP. Therefore, the question becomes whether the construction of Hangar W2 could be undertaken pursuant to Designation D209.
- 233 On 21 December 2015, Council, as requiring authority, submitted an outline plan in respect of the area where Hangar W2 is located.¹⁰⁶ The outline plan described the work to be undertaken as:
- To construct a private Aircraft Hangar at the Southern end of Motueka Aerodrome for the storage of private aircraft. The Hangar will be owned by [a private individual] and will be subject to a ground lease from the Tasman District Council for an initial period of 21 years.
- 234 On 19 January 2016, Council, as territorial authority, accepted this outline plan and requested no changes. Council's decision to accept the outline plan details how the works will comply with the reason for Designation D209 as contained in the TRMP. The decision goes on to state:
- The hangar is also in accordance with the Motueka Aerodrome Development Plan. The construction and use of an aircraft hangar is an expected use at an airport and is considered to fit within the purpose of the designation.
- 235 On 9 June 2016 building consent was granted for Hangar W2.¹⁰⁷
- 236 Construction of a hangar is something that is for an 'aerodrome' purpose (as it relates to land and ground facilities associated with aircraft operations). Accordingly, the construction of Hangar W2 falls within the scope of Designation D209. It is understood that Council did not construct the extension to Hangar W2. Consideration is therefore given to whether Council retained sufficient control over the construction of Hangar W2 for it to be considered undertaken by or on behalf of the Council as requiring authority.
- 237 Council is the owner of the Aerodrome land and leases the area Hangar W2 is situated on to the trustees of a trust and two private individuals. The lease specifies the permitted use of that area (which is a use consistent with the designated purpose). Additionally, it was Council as requiring authority that submitted the outline plan for the construction of Hangar W2 and as a result, it retained control as to what was constructed.
- 238 It is therefore considered this reflects enough control over the construction of Hangar W2 and therefore, it is within the scope of activities authorised by Designation D209.

Hangar W3

- 239 Hangar W3 is the middle hangar in a row of five hangars along the western boundary of the Aerodrome. The land Hangar W3 is located on is subject to a lease to two individuals that commenced on 1 November 2011.¹⁰⁸ The lease is for an initial term of 21 years, with an option of renewal of 14 years less on day.¹⁰⁹ The permitted use of the property is 'aircraft hangar'. The lease does not trigger the subdivision requirements under the RMA.
- 240 No information was identified to suggest the use of Hangar W3 contravenes a land use rule in the Rural 1 Zone under the TRMP. It is assumed the construction of Hangar W3 contravened a land use rule in the Rural 1 Zone under the TRMP. On 7 October 2011 resource consent was granted to:¹¹⁰

¹⁰⁶ RM151077.

¹⁰⁷ RM160178.

¹⁰⁸ Lease reference 41111L21.

¹⁰⁹ Bringing it one day short of falling within the 35 year period to be considered a subdivision.

¹¹⁰ RM110671.

To construct and use an aircraft hangar at the Motueka Airport where the on-site parking numbers and surface and building coverage are not met in the Rural 1 Zone.

241 It is therefore considered that, to the extent the construction of Hangar W3 contravened a land use rule in the TRMP, that contravention was authorised by the resource consent.

242 Building consent was granted for Hangar W3 on 28 October 2011.¹¹¹

Hangar W4

243 **This hangar has a lease of more than 35 years meaning that further action is required.**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Hangar W5

251 Hangar W5 is the southern most hangar in the line of hangars along the western boundary of the Aerodrome. The land Hangar W5 is located on is subject to a lease to the trustees of a

¹¹¹ RM110908.

¹¹² Lease reference 41111L20.

¹¹³ Feedback from Waypoints Aviation Limited was provided in response to the preliminary findings which proceeded on the basis that a commercial activity was occurring at Hangar W4.

¹¹⁴ RM110732.

¹¹⁵ Per the assumptions outlined in the introduction above.

¹¹⁶ RM110310.

¹¹⁷ RM110732.

trust that was granted on 2 August 2018.¹¹⁸ The lease is for a term of 25 years, with no rights of renewal. The permitted use of the property is 'aircraft storage, repairs and parking area'. The lease does not trigger the subdivision requirements under the RMA.

- 252 It is understood that the use of Hangar W5 is associated with the use of Hangars N1 and N2 and therefore, a commercial activity relating to commercial helicopter flights and maintenance is occurring at Hangar W5 in contravention of the land use rules in the Rural 1 Zone under the TRMP (although this should be verified). Additionally, it is assumed the construction of Hangar W5 contravened a land use rule in the Rural 1 Zone under the TRMP.
- 253 On 8 August 2006 resource consent was granted to Blue Sky Microlight 2006 Ltd:¹¹⁹
- Establish and operate a microlight adventure ride commercial activity at Motueka Airport
- Construct a new hangar to be located on the College Street side of the aerodrome.
- 254 Land use consents attach to the land and permit the same activity to continue after the original holder has moved on (unless the resource consent otherwise states, which it does not here).¹²⁰ It is therefore considered that, to the extent that the construction of Hangar W5 contravened the land use rules in the TRMP, it was allowed by a resource consent.
- 255 On 22 September 2006 building consent was issued for Hangar W5.¹²¹
- 256 The resource consent allowed for a commercial microlight activity. Condition 9 of the resource consent specifies that 'the microlights shall be any mix of Airborne Trikes and Moyes Bailey Dragonflies'. This does not relate to commercial helicopter flights and repairs. Accordingly, commercial activity occurring at Hangar W5 is not authorised by the resource consent.
- 257 No other resource consents were identified in respect of Hangar W5. It is not considered any commercial activity at Hangar W5 would attract existing use rights as the activity would have been established after the TRMP was made operative. Therefore, the question becomes whether the commercial activity could occur pursuant to Designation D209.
- 258 As for Hangars N1 and N2, commercial helicopter flights and maintenance is a use of land that can reasonably be expected at an aerodrome. This commercial activity is a land use that fits within the purpose of Designation D209. Council provided consent for this activity through its lease. Accordingly, commercial helicopter flights and maintenance can occur under Designation D209.

Other activities

The campervan dumpsite

- 259 On 1 July 2019 Council entered into a lease with Council's utilities and engineering services arm. It was for an area of 1200m² at the northern end of the Aerodrome, along Marchwood Road.¹²² The use permitted by the lease was a 'dump station'. The lease is for a term of approximately 30 years, expiring on 30 June 2049.

¹¹⁸ Lease reference 41111L16.

¹¹⁹ RM060552.

¹²⁰ RMA, s 134.

¹²¹ RM061182.

¹²² Lease reference 41111L26.

- 260 From Council's website, it is understood the purpose of the Dump Site is to 'dispose of any sewage, toilet waste, or grey water' generated by camping.¹²³
- 261 The Dump Station is considered a community activity under the TRMP and therefore contravenes the land use rules in the Rural 1 Zone. It is also assumed that the construction of the Dump Station contravened the land use rules in the Rural 1 Zone under the TRMP.
- 262 No record of a resource consent relating to the Dump Station was located. It is unlikely the Dump Station attracts existing use rights as it was established while the TRMP was operative. Therefore, the question becomes whether the construction and operation of the Dump Station could occur pursuant to Designation D209.
- 263 On 7 May 2019 the Council granted an outline plan waiver in respect of the Dump Station.¹²⁴ The outline plan waiver details that the establishment of the Dump Station will include the 'installation of wastewater service'. The reason provided in the decision states:
- The Airport Manager (Requiring Authority) considers that the works will assist to achieve the purpose of the Designation for aerodrome use. The development of a dump station on this site will include the allowance for electricity and wastewater for the existing hangar and future development of the hangar area along the eastern side of the site, adjacent to the existing hangar.
- The dump station will be mostly below ground, it will be consistent with the purpose of the designation, will be of a small scale in keeping with the surrounding area and is minor in nature. The nearest dwelling is separated by a large distance.
- 264 As detailed under 'Legislative framework' above, outline plan waivers are issued by a territorial authority to waive the requirement for a requiring authority to submit an outline plan. Outline plans are required when a requiring authority intends to undertake a 'public work, project, or work to be constructed on designated land'. Regardless of whether there is an outline plan or a waiver, the public work, project, or work must still be undertaken under the overarching designation.
- 265 The Dump Station is a public work that has been undertaken by Council. It appears from the application documentation that the justification for the Dump Station being within the purpose of Designation D209 is that it would allow for electricity and wastewater to the Aerodrome, which would support development. While this may be true, the primary purpose of the Dump Station appears to be to service campervans unrelated to the Aerodrome. It is therefore not considered that the Dump Station can be undertaken under Designation D209.
- 266 We also expect that the Dump Station is likely to require some form of discharge permit pursuant to section 15 of the RMA. This is particularly so, given the report presented to Council on 28 March 2019 seeking approval for the construction of the Dump Station references 'effluent overspill' and the provision of 'wash down water'. A designation cannot be used to contravene section 15 of the RMA. No resource consent under section 15 was identified. Further investigation is recommended in this regard.

Aviation refuelling

- 267 BP Oil New Zealand Limited operates an aviation refuelling station at the Aerodrome. The fuel, which is understood to be av-gas and jet fuel, is stored in tanks located along the southern boundary of the Aerodrome. The bowser is located approximately 100m in front of the Aero Club.

¹²³ <https://www.tasman.govt.nz/my-region/recreation/responsible-camping/>

¹²⁴ RM190475.

- 268 On 14 February 2011, Council granted a lease to Z Energy Limited. This lease was renewed in 2019 with no variation to the terms.¹²⁵ The original lease to Z Energy Limited was not identified, however there is no reason to suspect it does not cover or enable the aviation refuelling set up at the Aerodrome. This lease was assigned to BP Oil New Zealand Limited on 10 March 2023. The lease does not trigger the subdivision requirements under the RMA.
- 269 It is assumed the construction and operation of the aviation refuelling set up at the Aerodrome was in contravention of the TRMP. On 25 November 2005, resource consent was granted to:¹²⁶
- 269.1 Remove an existing underground tank and replace it with two above ground tanks;
 - 269.2 Construct four new concrete dispensing slabs to protect soil and groundwater from contamination;
 - 269.3 Establish two new vehicle crossings; and
 - 269.4 Erect signage.
- 270 The resource consent decision refers to the fact that the subsequent operation of the aviation refuelling facility will be a commercial activity.
- 271 From the resource consent it appears a prior aviation refuelling facility was in place. It is unclear whether this previous facility had the relevant RMA authorisations in place. However, it appears the works to be undertaken pursuant to the above resource consent replaced the previous facility. Accordingly, to the extent that the aviation refuelling station contravened a land use rule in the TRMP, that contravention is authorised pursuant to the resource consent.
- 272 It is expected that the aviation refuelling facility might require some form of discharge permit pursuant to section 15 of the RMA. A designation cannot be used to contravene section 15 of the RMA. No resource consent under section 15 was identified. Further investigation is recommended in this regard.

Drag racing

- 273 Drag racing occurs from time to time at the Aerodrome. This occurs with permission of Council as landowner. It is assumed that drag racing at the Aerodrome contravenes a land use rule in the Rural 1 Zone under the TRMP.
- 274 On 5 November 2020 resource consent was granted to:¹²⁷
- ... operate four drag racing events per year on Saturdays and/or Sundays, for a period of 10 years at the Motueka Airport in the Rural 1 Zone.
- 275 The expiry for this resource consent is 5 November 2030. Accordingly, this activity is authorised by a resource consent.

ENDS

¹²⁵ Lease reference 41111L14.

¹²⁶ RM050910.

¹²⁷ RM190119.

Appendix 1 – information reviewed

Resource Consents:

020202	110310
020399	110671
040167	140298
040679	160120
050339	180719
050619	190119
050734	240027
050910	240027V1
060552	960081
060864	960432
080583	970235
081091	980181
090349	980195
090349V1	990240
090703	030435 ¹²⁸
100951	

Building Consents:

020612	110908
021188	160178
031322	170130
041044	171051
041305	171223
055161	201540
056358	210204
061182	211540
061421	231008
081453	940441
090682	960073
091231	961425
101393	971480
110732	980955
110899	

Outline Plans:

151077	191400
171064	200845
171066	200861
191295	200962

Outline Plan Waivers:

190475

Leases:

41111L1	41111L5	41111L10	41111L14
41111L3	41111L6	41111L12	41111L16
41111L4	41111L8	41111L13	41111L18
41111L19	41111L22	41111L27	41111L26
41111L20	41111L24	41111L28	41111L31
41111L21	41111L25	41111L29	

¹²⁸ Provided by Inflight Aviation Limited post preliminary report.

Documents reviewed:

Motueka Aerodrome management Plan (including Motueka Aerodrome Development Plan) (June 2021)

Motueka Aerodrome Memorandum of Understanding (Revised April 2018)

Motueka Transitional District plan 1995 (extracts)

Motueka Aerodrome – Guide for persons wishing to construct hangars or other buildings (undated)

Property Summary for 124 Queen Victoria Street (Valuation: 1956054000) (12 August 2024)

Staff spoken with:

Phil Doole – Principal Planner (Resource consents)

Paul Gibson – Team Leader (Land Use Consents)

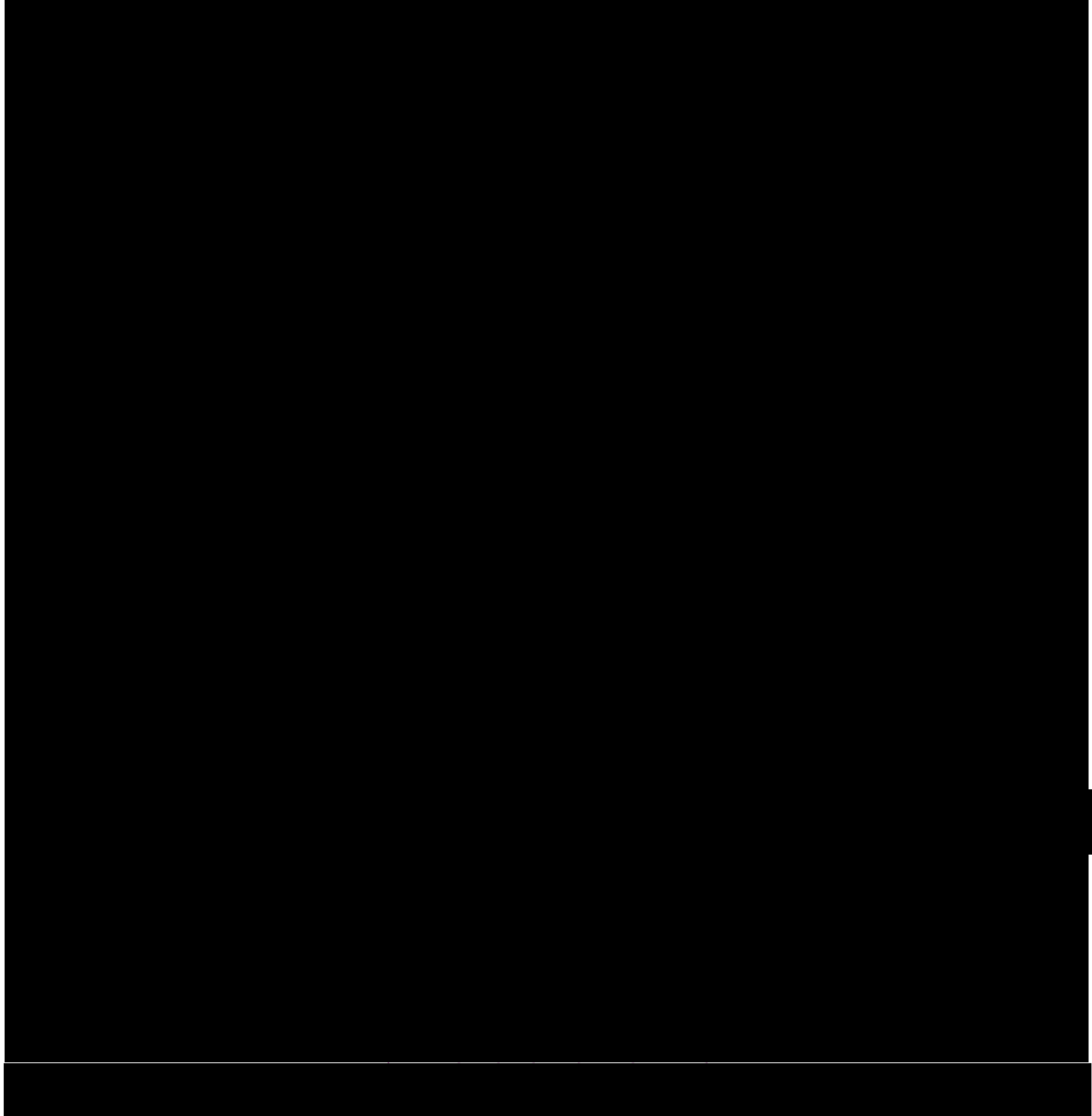
Stephen Batt – Senior Enterprise Portfolio Officer

Nick Chin – Enterprise and Property Services Manager

Aerial Photographs relied on (email from Martin Brown):

1940s, 1970, 1989, 2001/2, 2004, 2007, 2011, 2013, 2016, 2019, 2022.

Redacted to prevent identification of the leases requiring further work.



Appendix 3 – Summary Table

Location	Land Use	Likely to contravene a district rule	Resource Consent	Existing Use Rights	Designation
General aerodrome operations	Aerodrome	Y			Y
	Aircraft movements	Y (likely due noise)			Y
The College	Assorted	Y ¹²⁹	Y		
Skydiving (excl. buildings)	Aircraft movements	Y (likely due noise)			Y
	Parachute landings	N			
Aero Club	Building	Y	Y		Y
	Club	Y	Y		Y
Hangar N1	Building	Y	Y (initial build)		Y (extension)
	Activity	Y	Y (initial build)		Y (extension)
	Lease	N			
██████	Building	Y			
	Activity	Y			
	██████	█			
██████	Building	Y			Y
	Activity	N			
	██████	█			
Hangar E2	Building	Y	Y		
	Activity	Y			Y
	Lease	N			
Hangar E3	Building	Y	Y		
	Activity	N			
	Lease	N			
Hangar E5	Building	Y	Y		
	Activity	N			
	Lease	N			

¹²⁹ Note, it is unclear whether the addition of 4 cabins in 2016 contravened a ruled in the TRMP.

Location	Land Use	Likely to contravene a district rule	Resource Consent	Existing Use Rights	Designation
Hangar E6	Building	Y	Y		
	Activity	Y			Y
	Lease	N			
New building to south of Hangar E6	Building	Y	Y		
	Activity	Y	Y		
Building E7 (fire station)	Building	Y	Y		
	Activity	Y			Y
	Lease	N			
Hangar S1	Building	Further investigation required.			
	Activity	N			
	Lease	N			
Hangar S2	Building	Y	Y		
	Activity	Y			Y
	Lease	N			
Hangar S3	Building	Y	Y		
	Activity	N			
	Lease	N			
Building S5	Building	Y	Y		
	Activity	Y	Y		
	Lease	N			
Coffee shop	Building	Y			Y
	Activity	Y			Y
Building S6	Building	N			
	Activity	Y			Y
	Lease	N			
██████	Building	Y			Y
	Activity	Y			Y
	██████	█			
Hangar W2	Building	Y			Y
	Activity	N			

Location	Land Use	Likely to contravene a district rule	Resource Consent	Existing Use Rights	Designation
	Lease	N			
Hangar W3	Building	Y	Y		
	Activity	N			
	Lease	N			
██████	Building	Y	Y		
	Activity	Y			Y
	██████	█			
Hangar W5	Building	Y	Y		
	Activity	Y			Y
	Lease	N			
Campervan Dumpsite	Various	Y			
Aviation refuelling	Various	Y	Y		
Drag racing	Activity	Y	Y		