

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under clause 14 of the First Schedule of the Act
BETWEEN	QUEENSTOWN AIRPORT CORPORATION LIMITED (ENV-2018-CHC-152) Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL Respondent

Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 4 December 2020

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed, and Queenstown Lakes District Council is directed to amend the provisions of Chapter 37 (Designations) of the Proposed Queenstown Lakes District Plan regarding Wanaka Airport as set out in Appendix 1, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

Queenstown Airport Corporation Ltd v QLDC – Consent Order



REASONS

Introduction

[1] These proceedings concern an appeal by Queenstown Airport Corporation Limited against part of a decision of the Queenstown Lakes District Council regarding provisions in Chapter 37 (Designations) of the Proposed Queenstown Lakes District Plan – Stage 1, allocated to sub-topic 3 of Topic 21 (Commercial Airports).

[2] The court has now read and considered the consent memorandum of the parties dated 13 October 2020 which proposes to resolve the appeal.

Other relevant matters

[3] Board of Airline Representatives New Zealand Inc and Remarkables Park Limited have both given notice of an intention to become parties under s274 of the Resource Management Act 1991 ('the RMA') and have signed the memorandum setting out the relief sought.

[4] I note the court has amended a minor typographic error in the Appendix 1 provided.¹

Orders

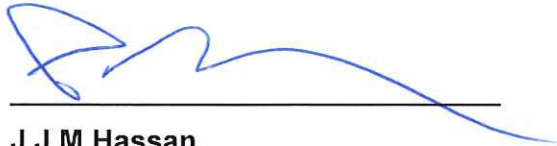
[5] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



¹ The heading "B Wanaka Airport" has been amended to read "E Wanaka Airport".

- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



J J M Hassan

Environment Judge



Appendix 1

Agreed changes shown in underline and ~~strike through~~

37 Designations

Please note: Variations to parts of this chapter have been decided by Council on 7 March 2019 as part of Stage 2 of the PDP. You can view the Stage 2 Decisions, appeals and section 274 notices on our website. The appeal and section 274 periods for the Stage 1 and 2 Decisions have closed.

E Wanaka Airport

The land area covered by the Aerodrome Purposes designation shall include the sites described below:

- a. Lot 2 DP 341605;
- b. Lots 1, 2, 3, 4, 5 DP 18824;
- c. Lot 2 DP 368240;
- d. Lot 1 DP 341605;
- e. Lots 4 – 5 DP 340031;
- f. Lot 6 DP 22636;
- g. Lot 7 and 8 DP22637;
- h. Lots 2, 3, 4, 5 DP 23517;
- i. Lots 10 and 11 DP 24410;
- j. Lot 6 DP 24685;
- k. Lots 1 and 2 DP 26239;
- l. Section 1 Survey Office Plan 24776;
- m. Part of Lot 1 DP 23563;
- n. Legal Road.

E1 Aerodrome Purposes

This designation is defined to protect the operational capability of the airport, while at the same time minimising adverse environmental effects from aircraft noise.



Permitted Activities

1. The nature of the activities authorised by this designation is described as follows:
 - a. aircraft operations, rotary wing aircraft operations, helicopter aprons, and associated touch down and lift off areas, aircraft servicing, general aviation, navigational and safety aids, lighting, aviation schools, facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation;
 - b. runways, taxiways aprons, and other aircraft movement or safety areas;
 - c. terminal buildings, cafeteria, hangars, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, quarantine and incineration facilities, medical facilities, fuel storage and fuelling facilities, and associated offices;
 - d. roads, accessways, stormwater facilities, monitoring activities, site investigation activities, other infrastructure activities, landscaping and all related construction and earthwork activities;
 - e. vehicle parking and storage, rental vehicles, vehicle valet activities, public transport facilities;
 - f. temporary Activities associated with Air Shows, Conferences and Meetings;
 - g. Retail activities, commercial activities and industrial activities, provided they are associated with and principally serve, the function and operation of Wanaka Airport, and passengers.

Restrictions on Aerodrome Purposes Activities

Building Height

2. Maximum height of any building shall not exceed 10 metres except that:
 - a. this restriction does not apply to the control tower, lighting towers or navigation and communication masts and aerials associated with airport operations;
 - b. no permanent buildings, other than a control tower shall infringe the restrictions of the Approach and Land Use Controls designations.

Building Setback

3. Minimum setback for buildings from all boundaries of the designation shall be 5.0 metres.
4. Security fencing around the perimeter of the Airport is not subject to the building setback standards in (a) above.
5. Minimum setback for buildings from the eastern side of the centre line of the main runway (as at 2013) shall be 217 metres.



6. Minimum setback for buildings from the western side of the centre line of the main runway (as at 2013) shall be 124 metres.

Note: The setback in (c) and (d) above provides appropriate protection for the future relocation of the main runway 93m to the north, parallel with the main runway (as at 2013).

Building Location and Appearance

7. Buildings shall comply with the QLDC Guide to Reducing Glare and Reflective Surfaces.
8. Before buildings are constructed on the northern side of the runway the airport operator will undertake a visual impact assessment of development in this area. The purpose of this assessment will be to serve as the guide to future development through the identification of view shafts or other mitigation methods to be implemented through the outline plan process as development occurs.

Operations at Night

9. No aircraft operations, other than emergency aircraft operations, shall occur between 10 pm and 7 am.

Wanaka Airport Liaison Committee

10. Within one year of this designation being confirmed by the Requiring Authority, the airport operator shall establish and maintain at its cost a Wanaka Airport Liaison Committee ('WALC'). The WALC shall include (but not be limited to) membership from:
- a. an independent chair appointed by the airport operator,
 - b. the airport operator;
 - c. Queenstown Lakes District Council;
 - d. Wanaka Airport Users Group;
 - e. commercial airlines;
 - f. Airways Corporation; and
 - g. The Wanaka Community Board.
11. The WALC shall meet at least once every six months with a quorum of four members including the chair and at least one representative of each of the airport operator, Queenstown Lakes District Council (as the Consent Authority) and the Wanaka Community Board. The WALC shall:
- a. review any complaints or issues relating to the operation of the airport, and responses by the airport operator;
 - b. assist the airport operator develop procedures to minimise adverse environmental effects on the community;



- c. assist the airport operator to communicate and engage with the community;
- d. develop noise management procedures for unplanned engine testing of aircraft for scheduled passenger services, and review any such occurrences;
- e. review progress on airport development and the master plan; and
- f. encourage parties to work together co-operatively, sharing information and making recommendations by consensus and agreement.

Airport Noise

- 12. Airport noise shall be measured, predicted and assessed in accordance with NZS 6805:1992 "Airport Noise Management and Land Use Planning", by an acoustics specialist.
- 13. The Airport shall be managed so airport noise does not exceed a day/night level of 55 dB Ldn outside the Outer Control Boundary.
- 14. Compliance with the 55 dB Ldn noise limit at the OCB shall be determined every two years by the calculation of noise contours using the IMNv7b acoustics computer model and records of actual aircraft activity at the Airport. A report shall be provided every two years to the WALC, including the noise contour results and the methodology used in the preparation of the contours.
- 15. Once the calculated noise levels at any point on the Outer Control Boundary shown on the Planning Maps is 54 dB Ldn or greater, noise level measurements shall be carried out for a minimum of one month in the summer and one month in the winter at each of two measurement locations every two years. The noise measurement locations should be selected to allow confirmation of compliance with the 55 dB Ldn limit at the OCB. The measurement locations do not need to be on the OCB. The difference between the measured sound level and the calculated sound level at a measurement location shall be added to the calculated sound level at the OCB to determine compliance. A report on the results of such monitoring shall be forwarded to the WALC within two months of the monitoring being undertaken.
- 16. Note: This designation does not provide for an Air Noise Boundary at the 65 dB Ldn contour as the provisions and extent of the OCB render this unnecessary at Wanaka Airport at this time.
- 17. Noise from the following Aircraft Operations shall be excluded from the compliance calculations set out above:
 - a. aircraft landing or taking off in an emergency; and
 - b. emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency;



- c. aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at another scheduled airport;
- d. flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983;
- e. flights certified by the Minister of Defence as necessary for reasons of National Security in accordance with Section 4 of the Act; and
- f. aircraft undertaking fire fighting duties;
- g. aircraft using the airport in preparation for and participation in the biennial Warbirds Over Wanaka air shows (this applies 5 days prior to and 3 days after the air show).

Other Noise

- 18. Sound from activities operating in this designation, which is outside the scope of NZS 6805:1992, shall comply with the District Plan noise limits set in the zone standards for each zone in which the sound is received. This requirement includes engine testing other than for essential unplanned engine testing of aircraft for scheduled passenger services.
- 19. No noise limits shall apply to essential unplanned engine testing of aircraft for scheduled passenger services. The WALC shall determine noise management practices for unplanned engine testing including preferred locations and times. Following each unplanned engine test the airport operator shall report to the next meeting of the WALC why the testing was required and what noise management practices were followed.

Proposed Parallel Runway

Note: The conditions apply to the potential future relocation of the main runway.

- 1. Prior to the commencement of construction of the proposed parallel runway, and in conjunction with the outline plan of works required by Section 176A, a Construction Management Plan shall be submitted to the Council for review and approval. The purpose of the Construction Management Plan shall be to:
 - a. describe the methods proposed for the construction of the runway;
 - b. describe what actions will be taken to manage the actual or potential effects of construction activities associated with the runway constructions;
 - c. ensure compliance with the conditions of the designation as they relate to construction of the parallel runway.
- 2. The Construction Management Plan shall include the following information:
 - a. description of all the runway construction works including identification of fill sources, access roads and tracks, identification of areas for storing plant and machinery, mitigation measures, monitoring and reporting to be undertaken.



3. If fill is to be transported from off-site a Construction Traffic Management Plan shall be prepared in conjunction with the New Zealand Transport Agency and submitted to Council for approval. The Construction Traffic Management Plan shall incorporate:
 - a. proposed construction haulage routes;
 - b. construction traffic volumes over haulage routes.

E.2 Airport Approach and Land Use Controls

This designation applies in respect of the airspace in the vicinity of the Wanaka Airport. It defines essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances as defined below and as shown on District Plan Maps.

Airport Protection

1. The airport protection surfaces are described as
 - a. Take-off Climb and Approach Surfaces.

General

2. In order to provide the maximum flexibility for the existing and future development of the runway layout, the protection surfaces and associated height controls extend laterally to include the existing sealed runway as well as the proposed replacement sealed runway. This requires the length of the origin points of the OLS (referred to as 'inner edges') to be 243.0m being 121.5m either side of the inner edge centreline position defined in Table 1 below.
3. The nominal centreline of this enlarged inner edge arrangement is 46.50m north east of the existing runway centreline and the ends of the inner edges and 121.50m either side of the centreline.
4. Table 1: Location of inner edge centre points

Inner Edge	Co-ordinates (NZMG)	
	X	Y
South east end	5602375.47	2213155.92
North west end	5603676.22	2211881.18

5. The runway strip edges are 75m south west of and parallel to the existing runway centreline and 75m north east of and parallel to the future replacement runway centreline. For height control purposes the strip edges end where they intersect the inner edges of the approach surfaces.
6. The runway strip edges are 75cm south west of and parallel to the existing runway centreline and 75m north east of and parallel to the future replacement runway centreline. For height control purposes the strip edges end where they intersect the inner edges of the approach surfaces.



South East End of Existing and Future Main Runways

7. Inner edge location
 - a. the south east takeoff and approach surfaces are combined into a single takeoff/approach surface;
 - b. the takeoff and approach surfaces have the same inner edge location (as defined in table 1) and length of 243.0m;
 - c. the inner edge commences at a height of 339.4m AMSL at the south east end.
8. Takeoff/Approach Surface
 - a. the take-off/approach surface at the south eastern end commences at the inner edge and rises at a gradient of 2.0% with its centreline on a bearing of 135.6° grid. The surface continues on a bearing of 135.6° until a distance of 15,000m from the inner edge;
 - b. the edges of the approach surface commence at the inner edge end point locations and expand outward at 15% of the distance along the centreline until the end of the surface;
 - c. the final total width of the approach surface is 4743.0m at 15,000m from its inner edge.

North West End of Future Main Runway

9. Inner edge location
 - a. the north west takeoff and approach surfaces are combined into a single takeoff/approach surface;
 - b. the takeoff/approach surface inner edge location is defined in table 2 and its length is 243.0m;
 - c. the inner edge commences at a height of 347.84m AMSL at the north west end;
10. Takeoff/approach Surface
 - a. The combined takeoff/approach surface at the north west end commences at the inner edge and rises at a gradient of 2.0% with its centreline on a bearing of 315.6° grid. The surface continues on a bearing of 315.6° until a distance of 4,780m from the inner edge. At that point the surface turns 195° north with a radius of 2400m and continues on a bearing of 150.6°;
 - b. The edges of the surface commence at the inner edge end point location and expand outward at 15% of the distance along the centreline until the end of the surface 15,000m from the inner edge;
 - c. The final total width of the surface is 4743.0m at 15,000m from its inner edge.



Transitional, Inner Horizontal and Conical Surfaces

11. The transitional, inner horizontal and conical surfaces described below are based on the extremities of the runway strip edges for the combined existing and future parallel runways. The strip edge on the north east is 75m to the north east of and parallel to the proposed alternative runway centreline. The strip edge on the south west side is 75m to the south west of and parallel to the existing runway centreline.
12. For height control purposes the strip edges end where they meet the inner edges of the approach surfaces.
13. Transitional Side Surfaces
 - a. the transitional side surfaces extend from the sides of the strip and the approach surfaces, upwards and outwards at a gradient of 1v:7h (14.3%) extending until they reach the inner horizontal surface.
14. Inner Horizontal Surface
 - a. the inner horizontal plane is located at a height of 393m AMSL (45m above the runway reference height) and extends out to a distance of 4000m measured from the periphery of the runway strip.
15. Conical Surface
 - a. the conical surface slopes upward and outward from the periphery of the inner horizontal surface rising at a gradient of 5% to a height of 498m AMSL (150m above the aerodrome reference height).

Penetration of airport protection surfaces

16. No object, including any building, structure, mast, pole or tree, but excluding a control tower, shall penetrate the takeoff/approach or transitional surfaces without prior approval of the requiring authority.
17. No object, including any building, structure, mast, pole, or tree shall penetrate the horizontal and conical surfaces except with prior approval of the requiring authority, or where the object is determined to be shielded by an existing immovable object in accordance with recognised aeronautical practice.
18. If requested by a landowner with a site specific development proposal affected by the obstacle limitation surfaces, the requiring authority shall provide them with a terrain shielding drawing for that portion of their site.

Note: Any person proposing to construct or alter a structure that penetrates the airspace protection surfaces described in this designation is subject to the requirements of Part 77 of the Civil Aviation Rules and must notify the director of Civil Aviation Rules and must notify the director of Civil Aviation 90 days before the proposed date of commencement of construction or alteration. Notification must be in the form specified in Rule 77-13 and be submitted at least 90 days before the proposed date of commencement of construction or alteration.

