

**In the Environment Court
at Christchurch**

In the Matter

of the Resource Management Act
1991

And

In the Matter

of an appeal under Clause 14(1),
Schedule 1 of the Act

Between

**QUEENSTOWN AIRPORT
CORPORATION LIMITED**

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Appeal by Queenstown
Airport Corporation Limited against a
decision on the Proposed Queenstown
Lakes District Plan - Stage 1**

Dated: 19 June 2018

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To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Queenstown Airport Corporation Limited (**QAC**) appeals against parts of decisions of the Queenstown Lakes District Council (**Respondent**) on the Proposed Queenstown Lakes District Plan - Stage 1 (**Proposed Plan**).
2. QAC made a submission and further submission on the Proposed Plan.
3. QAC is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. QAC received notice of the Respondent's decisions on 7 May 2018.
5. The decisions were made by the Respondent by ratifying the recommendations of the Independent Hearings Panel (**Panel**).
6. The parts of the decisions that QAC is appealing (collectively referred to as **Decisions**) are:
 - (a) Report 03 Stream 1B Chapter 3, 4, 6;
 - (b) Report 04A Stream 2 Chapters 21, 22, 23, 33, 34 (as it relates to Chapter 21);
 - (c) Report 08 Stream 5 Chapters 30, 35, 36 (as it relates to Chapters 30 and 36);
 - (d) Report 09A Stream 6 Chapters 7, 8, 9, 10, 11 (as it relates to Chapter 7);
 - (e) Report 11 Stream 8 Chapters 12, 13, 14, 15, 16, 17 (as it relates to Chapters 15 and 17);
 - (f) Report 14 Stream 10 Chapter 2, 28 (as it relates to Chapter 2);
 - (g) Report 17.01 Stream 1 Mapping of Queenstown other than Wakatipu Basin;
 - (h) Report 17.05 Stream 13 Mapping of Queenstown Hill; and

- (i) Report 17.06 Stream 13 Mapping of Frankton.

Reasons for the Appeal

General Reasons

7. Queenstown Airport is an important existing strategic asset to the Queenstown Lakes District and Otago Region. It provides an important national and international transport link for the local, regional and international community and has a major influence on the Region's economy. Queenstown Airport is a fundamental part of the social and economic wellbeing of the community.
8. Queenstown Airport is one of the busiest airports in New Zealand, operating a mixture of scheduled flights, corporate jets, fixed wing aircraft and helicopters. It is New Zealand's fourth busiest airport by passenger numbers. The Airport also provides business and employment opportunities on site with 60 tenant businesses and 700 staff. Queenstown Airport's continuing growth and profitability have made it a strategic national asset and a key driver of the region's tourism industry and broader economy.
9. Queenstown Airport is one of Australasia's fastest growing airports, and as the gateway to southern New Zealand, is a vital part of the national and regional tourism industry. It provides an essential link for domestic and international visitors to New Zealand's premier destinations of Queenstown, the Lakes District, Milford Sound and in general, the lower South Island. Consequently, it is a significant strategic resource and provides direct and indirect benefits to the local and regional economy.
10. Queenstown Airport has been experiencing significant growth in the use of its facilities and infrastructure over recent years, particularly in international and domestic passengers. Passenger numbers have increased by over 38% in the last three years alone. For the 12 month period ending 31 May 2018, the Airport accommodated a record 2,120,964 passengers. Comprised of over 1.52 million domestic passengers and 593,000 international passengers, the Airport observed growth of over 13% when compared to the previous 12 month period.
11. Such growth has been occurring for a number of years, and is forecast to continue into the future, with demand forecasts predicting that passenger

numbers will increase to 3.2 million by 2025, and up to 5.1 million by 2045. Current indications are that Queenstown Airport will likely reach the operative noise boundaries much earlier than predicted.

12. QAC has developed masterplanning options for Queenstown Airport to help manage growth and identify infrastructure requirements at the Airport to 2045. As part of this work, QAC is reviewing the current aircraft noise boundaries in relation to its growth forecasts and will propose changes to the noise planning framework imminently, in accordance with any relevant statutory planning process.
13. QAC has recently secured a long term lease for Wanaka Airport under which it is responsible for the planning, development and governance of the Airport. QAC has managed the day to day operations of Wanaka Airport since 2010.
14. Functional, technical, operational and/or safety related constraints can influence the location of important infrastructure, such as airports. Such constraints may also necessitate the location of infrastructure in areas that are recognised for their landscape, amenity or significant natural values. The adverse effects of infrastructure can not always be avoided, remedied or mitigated in these locations.
15. Accordingly, through this appeal QAC is concerned to ensure that the Proposed Plan appropriately recognises and provides for the ongoing operation and growth of Queenstown and Wanaka Airports, in a safe and efficient manner, whilst ensuring that potential reverse sensitivity effects are avoided.

Particular Reasons

16. The particular reasons for QAC's appeal are that the Decisions on the Proposed Plan fail to appropriately or adequately recognise and provide for Queenstown and Wanaka Airports, including in respect of the matters described above, in that the Decisions:
 - (a) do not recognise or provide for the Queenstown and Wanaka Airports as regionally significant infrastructure;
 - (b) do not recognise or provide for the ongoing predicted or likely growth in operations and passenger numbers at the Airports;

- (c) do not make adequate provision for the ongoing operation, maintenance, upgrading and development of the Airports;
- (d) impose undue constraints on the legitimate and necessary activities of the Airports;
- (e) do not adequately recognise the locational, functional, technical and operational requirements of the Airports, as regionally significant infrastructure, and that such requirements can mean that not all adverse effects can be avoided or mitigated;
- (f) do not provide adequate protection for the Airports from reverse sensitivity effects;
- (g) do not give effect or have sufficient regard (as the case requires) to the provisions of the Operative and Proposed Otago Regional Policy Statements (**RPS**), in particular the extent to which the RPS recognises and provides for regionally significant infrastructure;
- (h) in the case of the lower order provisions, are not the most appropriate to achieve the higher order objectives and policies of the Proposed Plan;
- (i) are ambiguous or unclear in parts, which may result in inefficiencies and/or unintended outcomes;
- (j) are unclear as to provenance or jurisdiction in parts, potentially raising issues of scope;
- (k) are inconsistent in parts, as between the Decision reports and chapters of the Proposed Plan; and
- (l) inappropriately conflate Part 2 matters, in parts.

17. Additionally, the Decisions:

- (a) fail to achieve the functions of the Respondent under section 31 of the Act in respect of the integrated management of the effects of the use and development of land and physical resources;
- (b) fail to meet the requirements of section 32;

- (c) do not represent an efficient use of land under section 7(a); and
- (d) fail to promote sustainable management of resources and will not achieve the purpose of the Act.

Relief Sought

18. QAC seeks the following relief:

Chapter 2 - Definitions

- (a) That the definitions contained in the Proposed Plan are amended as follows:
 - (i) Amend the definition of “Activity Sensitive to Aircraft Noise” by deleting the reference to “educational facility” and replacing it with “educational activity”.
 - (ii) Amend the definition of “Airport Activity” to include quarantine and incineration facilities, boarder control and immigration facilities.
 - (iii) Amend the definition of “Airport” or “Airport Related Activity” to include freight facilities.
 - (iv) Amend the definition of “Airport Related Activity”, insofar as it relates to Queenstown Airport, to include Visitor Accommodation.
 - (v) Reinsert the notified definition of “Airport Operator”.
 - (vi) Amend the definition of “Projected Annual Aircraft Noise Contour (AANC)” so that the condition reference contained in the definition reflects and is consistent with the recently modified the Aerodrome Purposes Designation (Designation 2).

Chapter 3 - Strategic Directions

- (b) That Chapter 3 - Strategic Directions of the Proposed District Plan is amended as follows:

- (i) Amend Policy 3.2.1.3 to recognise Queenstown Airport's functions and role in the Frankton Area.
- (ii) Amend Policy 3.2.1.9 or insert new objectives and policies into Chapters 3, 4, 6, 21 and 30 of the Proposed Plan which:
 - (A) enable the continued operation, maintenance and upgrading of regionally significant infrastructure;
 - (B) provide for future development of regionally significant infrastructure;
 - (C) protect existing regionally significant infrastructure from reverse sensitivity effects;
 - (D) recognise and provide for the operational and functional requirements of regionally significant infrastructure; and
 - (E) Recognise that not all effects associated with regionally significant infrastructure can be avoided, remedied or mitigated.
- (iii) Insert a new subparagraph (i) into Policy 3.2.2.1 that seeks to restrict development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed (as per the Proposed Regional Policy Statement).
- (iv) Amend Objective 3.2.4, Objective 3.2.5, Objective 3.2.5.1, Objective 3.2.5.2, Policy 3.3.25, Policy 3.3.30 and Policy 3.3.32 to:
 - (A) better recognise the hierarchy and terminology set out in Part 2 of the Act; and
 - (B) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.

Chapter 4 – Urban Development

- (c) That Chapter 4 – Urban Development of the Proposed Plan is amended as follows:
- (i) Amend the Chapter's purpose statement so as to acknowledge the potential for reverse sensitive effects on regionally significant infrastructure as a result of urban development and to seek to manage this effect.
 - (ii) Amend Policies 4.2.1.3 and 4.2.1.5 or insert new objectives and policies into Chapters 3, 4, 6, 21 and 30 of the Proposed Plan which:
 - (A) enable the continued operation, maintenance and upgrading of regionally significant infrastructure;
 - (B) provide for future development of regionally significant infrastructure;
 - (C) protect existing regionally significant infrastructure from reverse sensitivity effects;
 - (D) recognise and provide for the operational and functional requirements of regionally significant infrastructure;
 - (E) recognise that not all effects can be avoided, remedied or mitigated;
 - (F) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework it establishes for Regionally Significant Infrastructure; and
 - (G) better recognise the hierarchy and terminology set out in Part 2 of the Act.
 - (iii) Add the following new objectives, or objectives with a similar intent, into Chapter 3 or into Chapter 4 of the Proposed Plan:

“Manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.”

“Maintain and promote the efficient operation of Queenstown Airport and set appropriate noise limits in order to protect airport operations and to manage the adverse effects of aircraft noise on any Activity Sensitive to Aircraft Noise.”

- (iv) Amend Policy 4.2.2.17 as follows:

“Protect the airport from reverse sensitivity effects of Activity Sensitive to Aircraft Noise via a range of zoning methods, including where appropriate the use of prohibited activity status”

Chapter 6 – Landscape

- (d) That Chapter 6 – Landscape of the Proposed Plan is amended as follows:

- (i) Amend Policies 6.3.12, 6.3.17, 6.3.18, 6.3.19, 6.3.24, 6.2.25, 6.2.26 to:
- (A) better recognise the hierarchy and terminology set out in Part 2 of the Act; and
- (B) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.

Chapter 7 – Low Density Suburban Residential Zone

- (e) That Chapter 7 – Low Density Suburban Residential Zone of the Proposed Plan is amended as follows:

- (i) Amend Objective 7.2.2 as follows:

“Development of Activities Sensitive to Aircraft Noise is limited within the Queenstown Airport Air Noise Boundary and Outer Control Boundary in recognition of the severe

amenity (noise) constraints now and also likely in the foreseeable future as a result of its increasing intensity of operation and use.”

- (ii) Amend Rule 7.5.11 Density, as follows:

“The Maximum site density shall be one residential unit or dwelling per 300m² net site area”.

Chapter 15 – Local Shopping Centre Zone

- (f) That Chapter 15 – Local Shopping Centre Zone of the Proposed Plan is amended as follows:

- (i) Amend Policy 15.2.3.2(b) to clarify it relates to buildings containing Activities Sensitive to Aircraft Noise.

Chapter 17 – Airport Zone

- (g) That Chapter 17 – Airport Zone of the Proposed Plan is amended as follows:

- (i) That the following paragraphs of the zone purpose statement are amended as follows:

“...

Wanaka Airport is Regionally Significant Infrastructure to the District and is an important commercial and recreational aviation hub for the Upper Clutha. Wanaka Airport has capacity for ~~may one day accommodate~~ scheduled and chartered air transport services.

....

The objectives and provisions for Wanaka Airport reflect the more remote location of Wanaka Airport outside of the Wanaka Urban Growth Boundary and ~~seek to avoid adverse effects from inappropriate commercial activities locating at the Airport.~~ The strategic importance to the District of both airports and the finite nature of the land resource for both airports is also recognised in the Airport Zone provisions.”

- (ii) Reinsert notified Policy 17.2.1.3 as follows:

“Zone sufficient land to meet the foreseeable future requirements of activities that support or complement the functioning of Queenstown Airport”

- (iii) Delete Policies 17.2.2.2 and 17.2.2.3 and insert the following new policies (or policies with a similar intent):

“Policy 17.2.2.2

Enable a range of airport related activities provided they are ancillary to the use of the Airport.”

“Policy 17.2.2.3

Avoid the establishment or intensification of activities that are incompatible with the ongoing operation and functioning of Wanaka Airport.”

- (iv) Amend Objective 17.2.3 as follows:

“Airport Activities and Airport Related Activities are provided for at Queenstown and Wanaka Airports while maintaining an acceptable ~~level level of noise amenity, and high levels of~~ general amenity for those using the airports and for those residing on neighbouring land.”

- (v) Amend Policy 17.2.3.2 to include Wanaka Airport as follows:

“Avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown or Wanaka Airports.”

- (vi) Insert a new clarification note to 17.3.2 Interpreting and Applying the Rules which clarifies that provision for Airport and Airport Related Activities with the Airport Zone takes precedence and prevails over general provisions set out in Chapter 30.

- (vii) Insert a new rule in Table 1 which provides for farming as a permitted activity at Queenstown Airport.

- (viii) Delete Rule 17.4.3 provided the definition of Airport or Airport Related Activity is amended to include freight facilities.
- (ix) Delete Rule 17.4.13 Visitor Accommodation.
- (x) Reinsert notified Rule 17.5.8 relating to the acoustic treatment of Visitor Accommodation.
- (xi) Delete Rule 17.6.5 Wholesaling or Commercial Storage Activity.
- (xii) Delete Rule 17.7.4 Identified Airport Related Activities - Maximum Gross Floor Area.
- (xiii) Amend Rule 17.7.5 Hours of Operation for Airport Related Activities as follows:

"The hours of operation for the following Airport Related Activities may only fall between 6.00 5.00am and 40.00 10.30pm:"

Chapter 21 – Rural Zone

- (h) That Chapter 21 – Rural Zone of the Proposed Plan is amended as follows:
 - (i) Amend Assessment Matters 21.21.1 to:
 - (A) better recognise the hierarchy and terminology set out in Part 2 of the Act; and
 - (B) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.

Chapter 30 – Energy and Utilities

- (i) That Chapter 30 – Energy and Utilities of the Proposed Plan is amended as follows:
 - (i) Amend Policy 30.2.6.1 as follows:

"Provide for the need for maintenance or upgrading of utilities including regionally significant infrastructure to ensure its on-going viability and efficiency ~~subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.~~"

- (ii) Amend Objective 30.2.7 and Policy 30.2.7.1 or insert new objectives and policies into Chapters 3, 4, 6, 21 and 30 of the Proposed Plan which:
 - (A) enable the continued operation, maintenance and upgrading of regionally significant infrastructure;
 - (B) provide for future development of regionally significant infrastructure;
 - (C) protect existing regionally significant infrastructure from reverse sensitivity effects;
 - (D) recognise and provide for the operational and functional requirements of regionally significant infrastructure; and
 - (E) recognise that not all effects can be avoided, remedied or mitigated.
- (iii) Amend Rule 30.3.3.3 to ensure that Chapter 30 does not take precedence or prevail over the provision for Airport and Airport Related Activities within the Airport Zones.

Chapter 36 – Noise

- (j) That Chapter 36 – Noise of the Proposed Plan is amended as follows:
 - (i) Amend Rule 36.6.1 Sound Insulation Requirements for the Queenstown and Wanaka Airport – Acceptable Construction Materials (Table 4) as follows:

"Minimum Construction Ceiling: 1 layer ~~4mm~~ 9mm gypsum or plasterboard"

Planning Maps

- (k) Amend Planning Maps 31a, 33 and 37 to show the Outer Control Boundary (**OCB**) and the Air Noise Boundary (**ANB**) in the locations shown on the Plan **attached** as **Annexure A**, as confirmed by the Environment Court in Decision No. [2018] NZEnvC63.
- (l) Amend the Planning Maps to include in the Airport Zone all of the land notified as Airport Mixed Use Zone, as shown on the plan **attached** as **Annexure B**, but excluding Lot 1 DP501603 (CT 750068), Lot 2 DP501603 (CT 750069) and Lot 3 DP501603 (CT 750070).

Planning Maps – Rezoning Requests

- (m) That the decisions to rezone land addressed by the following submitters and shown in the plans **attached** as **Annexure C** are reversed and the notified zoning is retained:
 - (i) Mount Crystal Limited (Submitter 150) (Lot 1 DP9121 (OT 400/173)) – Retain notified Low Density Residential Zoning.
 - (ii) Bruce Grant (submitter 318 and 434) – Retain notified Rural General zoning.
 - (iii) Middleton Family Trust (submitter 336) (Lot 1 DP411971) – Retain notified Queenstown Heights Overlay Area.
 - (iv) Remarkables Heights Limited (submitter 347) – Retain notified Rural General zoning.
 - (v) Body Corporate 22362 (submitter 389) – Retain notified Low Density Residential zoning.
 - (vi) Sam and Jane McLeod (submitter 391) – Retain notified Low Density Residential zoning.
 - (vii) In relation to The Hansen Family Partnership submission (submitter 751) that the notified Rural zoning over Lot 1 DP24553 (OT 16C/178), Lot 2 DP 383378 (CT 332749) and Section 127 Shotover Survey District (OT12 C/418) is reinstated or the adjacent Business Mixed Use zoning is extended over these Lots.

General Relief

- (n) That the Proposed Plan be amended in a similar or such other way as may be appropriate to address the matters raised in this appeal;
- (o) Any other similar, consequential, or other relief as is necessary to address the issues raised in QAC's appeal or otherwise raised in QAC's submission and further submission.

Attached Documents

19. The following documents are **attached** to this notice:
- (a) a plan showing the OCB and ANB for Queenstown Airport (**Annexure A**);
 - (b) notified Map 31a showing the extent of the Airport Zone sought by this appeal (**Annexure B**);
 - (c) plans showing the rezoning decisions that are appealed (**Annexure C**);
 - (d) a copy of QAC's submission (**Annexure D**);
 - (e) a copy of QAC's further submissions (**Annexure E**);
 - (f) the relevant parts of the Respondent's decisions (**Annexure F**); and
 - (g) a list of the names and addresses of the persons to be served with a copy of this notice of appeal (**Annexure G**).

Dated this 19th day of June 2018



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Advice to Recipients of Copy of Notice of Appeal

How to become a Party to Proceedings

You may be a party to the appeal if:

Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties in accordance with the requirements below.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Service Requirements in Accordance with ENV-2018-CHC-24

Section 274 notices must be lodged with the court electronically by email to Christine.McKee@justive.govt.nz in accordance with the standard requirements set out in the Resource Management Act 1991 and the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

The requirement relating to the service of section 274 notices have been altered to the effect that:

- Section 274 notices must be served on the Council electronically by email to dppappeals@qldc.govt.nz and on the appellant; and

- Service of section 274 notices on “all other parties” will be deemed to be effected to the Council uploading copies of section 274 notices received onto its website.