

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Stage 3b of the Proposed
District Plan

**SECTION 42A REPORT OF EMILY SUZANNE GRACE AND EMMA JANE TURNER
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

CHAPTER 46 RURAL VISITOR ZONE – LATE SUBMISSIONS 31074 AND 31075

16 July 2020



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1. PROFESSIONAL DETAILS OF EMILY SUZANNE GRACE

- 1.1 My full name is Emily Suzanne Grace. In this section 42A report, I assess and provide recommendations on the late submission by Mr Lloyd Veint (**31074**) in relation to temporary activities on the Rural Visitor Zone (**RVZ**) at Arcadia Station.
- 1.2 My qualifications and experience are set out in Section 42A Report 18 March 2020.¹
- 1.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.

2. PROFESSIONAL DETAILS OF EMMA JANE TURNER

- 2.1 My full name is Emma Jane Turner. In this section 42A Report, I assess and provide recommendations on the late submission by Arthur's Point Protection Society Incorporated (**APPS**) (**31075**) in relation to informal airports and noise standards for the Arthurs Point RVZ.
- 2.2 My qualifications and experience are set out in my section 42A Report dated 18 March 2020.²
- 2.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.

1 Grace, E, Section 42A Report, Chapter 46 Rural Visitor Zone dated 18 March 2020.
2 Turner, E, Section 42A Report, Arthur's Point Rezoning dated 18 March 2020.

3. INTRODUCTION

3.1 The key documents we have used, or referred to, in forming our views and preparing our respective sections of this section 42A report, are:

- (a) Rural Visitor Special Zone Section 32 evaluation (**S32**);
- (b) Emily Grace s42A Report for Chapter 46 Rural Visitor Zone (**RVZ s42A**);
- (c) Emily Grace second statement of rebuttal evidence 19 June 2020;
- (d) Emma Jane Turner s42a Report for Arthurs Point North Rezoning (**Arthurs Point North s42A**);
- (e) Mr Barr's Stage 3 Strategic Evidence (**Strategic Evidence**);
- (f) Queenstown Lakes Proposed District Plan (**PDP**) Stage 1 & 2 Decision Version, as attached to the Strategic Evidence; and
- (g) The Otago Regional Policy Statement as referred to and described in the Strategic Evidence.

3.2 Changes recommended by Ms Emily Grace to the PDP Temporary Activities and Relocated Buildings Chapter 35, in response to the submission of Mr Veint, are included in **Appendix 1**.

3.3 Ms Emma Turner does not recommend any changes to provisions.

3.4 Our recommendations for accepting or rejecting submissions are included in **Appendix 2** alongside a summary of the relief sought in the submissions. Our recommendations for accepting or rejecting further submissions, will stand or fall with the primary submission.

3.5 A draft Consent Order is before the Environment Court for Stage 1 appeals allocated to Topic 11 - Informal Airports, which is referred to as part of Ms Turner's assessment of the submission of APPS and is included as **Appendix 3**.

4. ASSESSMENT OF EMILY GRACE ON LATE SUBMISSION 31074 - LLOYD VEINT

4.1 The submission of Mr Veint seeks to change the temporary filming activity provisions in Chapter 35 of the PDP - Temporary Activities and Relocatable Buildings (**Chapter 35**) as they relate to the RVZ at Arcadia Station. In

summary, the submission requests that temporary filming activities in the RVZ at Arcadia Station are managed in the same way as they are in the Rural Zone.

- 4.2** The submission correctly outlines the way Chapter 35 currently applies to the RVZ. To summarise, the RVZ is not specifically identified in the Chapter 35 rules relating to temporary filming, and as such, the ‘any other zone’ qualifiers in Rule 35.4.7 apply to temporary filming within the RVZ. This means tighter restrictions in the RVZ as compared to temporary filming undertaken in the Rural Zone, including on the number of people participating³, the duration of shooting⁴, and the use of land as an informal airport⁵.
- 4.3** The key matter for consideration is whether the Rural Zone provisions for managing the effects of temporary filming activities are more appropriate at Arcadia Station, than the RVZ temporary filming provisions.
- 4.4** The RVZ at Arcadia Station is surrounded by Rural-zoned land. There are no urban areas in close proximity. The RVZ zoning effectively creates an island within which temporary filming activities are managed in a more restrictive manner than the surrounding land. When considering the environmental effects of temporary filming activities within the RVZ at Arcadia Station **extending beyond** the zone into the Rural Zone, I consider it is appropriate for the provisions to be the same as they are in the surrounding rural environment.
- 4.5** Consideration should also be given to the environmental effects of temporary filming activities **within** the RVZ. Although the RVZ at Arcadia Station is currently held in single ownership, this may not be the case in the future. I note that there is an 11-lot subdivision within the zone that has s223 approval, indicating a change in ownership patterns within the RVZ at Arcadia Station in the future. The RVZ at Arcadia Station has more permissive development controls than the Rural Zone, in terms of visitor accommodation and commercial recreation activities. For buildings, this is only the case within the lower landscape sensitivity area, which is a small proportion of the RVZ at Arcadia Station. These activities could be considered to be sensitive to the environmental effects of temporary filming activities that involve up to 200 people and use of land as an informal airport, without restriction on the number of flights, as is sought in the submission.

3 Rule 35.4.7(a).
4 Rule 35.4.7(c).
5 Rule 35.4.7(e).

- 4.6** I note that Rule 35.4.8 states that zone noise standards do not apply to temporary filming and the associated use of the site as an informal airport. I consider there is potential for effects on amenity values within the RVZ at Arcadia Station from temporary filming activities managed in accordance with the Rural Zone provisions, for visitor accommodation and commercial recreation activities.
- 4.7** One method for mitigating these potential adverse amenity effects is to apply the limit of 30 days in a calendar year for permitted filming (as per Rule 35.4.8(b)), ensuring that any effects arising from such activities are temporary in nature. In addition, the area in which buildings associated with visitor accommodation and commercial recreation activities are controlled activities is small within the RVZ at Arcadia Station as notified and recommended in my second rebuttal statement⁶ (ie. within the area shown on the plan maps as not being within the moderate-high or high landscape sensitivity areas).
- 4.8** The Rural Zone temporary filming provisions would apply to the whole of the RVZ at Arcadia Station, including the areas identified as moderate-high and high landscape sensitivity. This means there is a large area of the zone where temporary filming could be undertaken as a permitted activity without overlapping with the area where visitor accommodation and commercial recreation activities are controlled activities. This allows for a degree of separation between the two activities. I consider these mitigating factors will result in any adverse environmental effects, arising from the application of the Rural Zone provisions for temporary filming, to the RVZ at Arcadia Station, being low.
- 4.9** I note that residential activity, which could also be considered sensitive to the effects of temporary filming, is a non-complying activity within the RVZ at Arcadia Station, as notified and recommended in my second rebuttal statement⁷. This is a more restrictive control than in the Rural Zone. As a result, in my view there is no need for restrictive controls on temporary filming activities in order to manage effects on residential activities.

⁶ Second statement of rebuttal evidence of Emily Grace, 19 June 2020.

⁷ Second statement of rebuttal evidence of Emily Grace, 19 June 2020.

- 4.10** I do note however, that Mr Veint’s primary submission on Stage 3b (31008) (**primary submission**) seeks permitted activity status for residential activity⁸ at the Arcadia RVZ. If this relief was accepted by the Hearings Panel, there would be a need to consider the potential adverse effects on residential amenity from temporary filming activities within the RVZ at Arcadia Station. In addition, Mr Veint’s primary submission also seeks that buildings for visitor accommodation and commercial recreation have a more permissive activity status within areas notified as moderate-high and high landscape sensitivity⁹. Again, if this request is accepted by the Hearings Panel, my assessment that there is a large area of the zone where temporary filming would not overlap with visitor accommodation and commercial recreation activities, would not hold.
- 4.11** I consider that applying the current Rural Zone temporary filming provisions to the RVZ at Arcadia Station is likely to give rise to positive social, cultural and economic effects. Arcadia Station is well known as a filming location. As well as the filming itself, there is a flow-on cultural and economic impact, evidenced by the tours available in the area to see iconic filming locations. While I am not an economist, I expect there is likely to be some benefit for economic growth and employment. Applying the Rural Zone temporary filming provisions would allow a greater scale of filming activities to be undertaken at Arcadia Station before a resource consent was required, lowering compliance costs.
- 4.12** In summary, I consider that there is likely to be a low level of adverse environmental effects from applying the Rural Zone provisions for temporary filming activities within the RVZ at Arcadia Station, which would be off-set by the moderate level of positive social, cultural and economic effects from the more enabling provisions. Overall, I consider the provisions would be an efficient way to manage temporary filming activities within the RVZ at Arcadia Station.
- 4.13** Turning to the objectives and policies, I consider that applying the Rural Zone temporary filming provisions to the RVZ at Arcadia Station is an effective way to achieve Objective 35.2.1 of Chapter 35 which provides:

Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.

8 See section 6, Section 42A Report of Emily Grace, 18 March 2020.

9 See paragraphs 6.13 to 6.15, Section 42A Report of Emily Grace, 18 March 2020.

- 4.14** The more enabling Rural Zone temporary filming provisions would encourage temporary filming activities to a greater extent than the ‘any other zone’ provisions. The controls within Rule 35.4.8 for the Rural Zone, if they were extended to the RVZ at Arcadia Station, would manage the scale of temporary filming activities and minimise adverse effects.
- 4.15** Additionally, applying the Rural Zone temporary filming provisions to the RVZ at Arcadia Station has support from the policies associated with Objective 35.2.1. In particular, it would recognise and encourage the contribution that temporary filming makes to the social, economic and cultural wellbeing of the District’s people and communities, in accordance with Policy 35.2.1.1.
- 4.16** Policy 35.2.1.7 relates to noise from temporary filming, and requires residential amenity to be protected from undue noise during night-time hours. Similarly, Policy 35.2.1.8 requires the minimising of adverse effects on adjacent properties from the operation of informal airports associated with filming. In my opinion, allowing residential activity as a permitted activity within the RVZ at Arcadia Station, as requested in Mr Veint’s primary submission, would be contrary to these policies. The ‘any other zone’ provisions for temporary filming would be a more effective and appropriate means of achieving these policies and Objective 35.2.1 than the Rural Zone provisions.
- 4.17** Overall, having considered the costs and benefits of the economic, social, cultural, and environmental effects, I consider that it would be appropriate to apply the Rural Zone provisions for managing temporary filming to the RVZ at Arcadia Station. The changes I recommend to Rule 35.4.8 to achieve this are set out in **Appendix 1**. I note that this recommendation is based on the RVZ at Arcadia Station as recommended in my second statement of rebuttal evidence¹⁰, and not on the RVZ at Arcadia Station as requested by Mr Veint’s primary submission.
- 4.18** I note that the RVZ at Arcadia Station is not specifically labelled as the “Arcadia Rural Visitor Zone” on the PDP maps. To ensure there is a clear link between

¹⁰ Second statement of rebuttal evidence of Emily Grace, 19 June 2020.

the changes I proposed to Rule 35.4.8 and the maps, I recommend an annotation is added to the PDP maps to clearly identify the Arcadia RVZ.



Emily Grace
16 July 2020

5. ASSESSMENT OF EMMA TURNER ON LATE SUBMISSION 31075 - ARTHURS POINT PROTECTION SOCIETY

5.1 The late submission of Arthurs Point Protection Society (**APPS**) opposes Rule 46.4.5 and seeks that Informal Airports within the RVZ at Arthurs Point be a non-complying activity rather than a discretionary activity. Additionally, in relation to the Arthurs Point land being reviewed in Stage 3b of the PDP (**Arthurs Point North**), APPS request the retention of the current (ODP RVZ) 50 Dba Leq 15 minutes noise standard¹¹, rather than the 50 Ldn noise standard for helicopters and opposes Rule 46.5.7 which allows for 15 flights per week as a permitted activity.

5.2 Informal airports are defined in Chapter 2 PDP as:

... any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft and specifically excludes the designated 'Aerodromes', shown as designations 2, 64, and 239 in the District Plan. This excludes the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport.

5.3 I note that the Arthurs Point North land was not notified as RVZ rather it was notified Medium Density Residential Zone (**MDRZ**). Subsequently, there was a request from a different submitter¹² to rezone Arthurs Point North to the ODP RVZ. I consider ODP RVZ an inappropriate zone for Arthurs Point North and I agree with the assessment outlined in the s32a Report in relation to this. My

11 Queenstown-Lakes Operative District Plan, Standard 12.4.5.2.iii (a).
12 Goldstream Properties (31028).

recommended zoning for the Arthur's Point North land is a mixed zone approach of MDRZ, High Density Residential Zone (HDRZ) and Rural Zone, and no RVZ (or ODP RVZ), as outlined in my s42a Report¹³. Therefore, the relief sought is, based on Council's position on the zoning of Arthurs Point North, somewhat moot.

5.4 In terms of the RVZ, I note that Ms Grace's S42a Report for the RVZ¹⁴ addresses a submission¹⁵ with similar relief sought at paragraph 16.8. I agree with Ms Grace's assessment in relation to this relief and consider that the RVZ is an appropriate location for Informal Airports. I agree there is no strong policy direction that Informal Airports should be avoided in the RVZ. In my view, a discretionary activity status for Informal Airports that exceed 15 flights per week is an appropriate activity status. Discretionary activity status allows the effects of a proposal to be fully considered and assessed against the RVZ policy framework.

5.5 I now consider the relief sought in terms of the specific rules/standards sought, as they would apply with the mixed approach to residential zoning I have recommended. The MDRZ and HDRZ have a prohibited activity status, which is more restrictive than the RVZ, for Informal Airports that are not for emergency landings, rescues and firefighting¹⁶. As a result, in my view, the concerns of the submitter are addressed through the application of the MDRZ and HDRZ at Arthurs Point North. I therefore, recommend that the relief sought be rejected (although noting the substance of what they request is already provided for).

5.6 APPS requests retention of the current 50 Dba Leq 15 minute noise standard (Rule 36.5.2 (varied to include the RVZ as part of Stage 3b¹⁷)) and opposes the 50 Ldn noise standard for Helicopters at Arthurs Point (Rule 36.5.10). This matter was also assessed by Ms Grace in her RVZ s42a Report at paragraph 16.3¹⁸. I note the noise controls relating to helicopters and aircraft in PDP Chapter 36 (Noise) were not varied as part of stage 3b of the PDP. Instead, these formed part of Stage 1 of the PDP review.

13 <https://www.qldc.govt.nz/media/kv5amjwk/qldc-pdp-s42a-report-arthurs-point-rezoning-turner-e-18-03-2020.pdf>.
14 <https://www.qldc.govt.nz/media/rulhdbt4/qldc-pdp-s42a-report-chapter-46-rural-visitor-zone-grace-e-18-03-2020.pdf>.
15 Christine Byrch (31030).
16 MDRZ – 8.4.18 and HDRZ – 9.4.19 both have a prohibited activity status.
17 As recommended by the panel in recommendation Report 8 para 616 *“when a variation or plan change is initiated to include an additional geographic area in the PDP, where applicable references to the zones applied can be included in these rules as appropriate.”*
18 In relation to the submission of Michael Clarke (31001).

- 5.7** Through Stage 1 of the PDP, the Chapter 36 noise standards were established. These standards are considered to be industry standard measurement and averages the noise emissions over a longer timeframe. The noise measurement APPS seek is not supported in the PDP zones and have not been included through the appeals process. I note there is a Draft Consent Order before the Environment Court for Topic 11 - Informal Airports, which Council, and the other interested parties support (attached as **Appendix 3**). This Draft Consent Order relates to informal Airports in the Rural Zone and changes to Helicopter Noise Standards.
- 5.8** The variation to Rule 36.5.2 merely applies the same noise standard that applies within most rural and residential zones, to the RVZ. Further, these standards are consistent with the wider Arthurs Point residential area. I consider that my recommendation of a mixed zoning approach of MDRZ, HDRZ and Rural Zone at Arthurs Point North (as per my s42A for Arthur's Point), with more restrictive standards on Informal Airports, will mean that noise is able to be appropriately assessed. As such, I recommend that the relief sought, be rejected.



Emma Turner
16 July 2020

APPENDIX 1

Recommended amendments to Rule 35.4.8

Recommended amendments to Rule 35.4.8 (in the PDP Temporary Activities and Relocated Buildings chapter)

Stage 1 Chapter 35 text shown in black text.

Emily Grace S42A (16/07/2020) recommended changes shown in red underline for additions and ~~red strike through~~ text for deletions.

35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.8	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ul style="list-style-type: none"> a. the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone; b. within the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year; c. in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year; d. all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated; e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>. <p>For the purpose of this Rule: The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	P

APPENDIX 2

Summary of submissions and recommended decision

Original Submission No	Submitter First Name	Submitter Last Name	Submitter Org	Submitter Behalf Of	Provision	Position	Submission Summary	Planner Recommendation
OS31074.1	Vanessa	Robb	Anderson Lloyd	Lloyd James Veint	1-46 Rural Visitor Zone	Oppose	That the provisions of Chapter 35 be amended to be more enabling of temporary filming activities in the Arcadia RVZ, to the same extent that temporary filming activities are enabled in the Rural Zone:	Accept
OS31074.2	Vanessa	Robb	Anderson Lloyd	Lloyd James Veint	1-46 Rural Visitor Zone	Oppose	That Rule 35.4.7(a) be amended so that the permitted number of persons participating in temporary filming activities at any one time is increased from 50 to 200 for the Arcadia RVZ:	Accept
OS31074.3	Vanessa	Robb	Anderson Lloyd	Lloyd James Veint	1-46 Rural Visitor Zone	Oppose	That Rule 35.4.7(b) and/or (c) be amended so that the limit on the duration of temporary filming activities in the Arcadia RVZ is as permissive as for the Rural Zone	Accept
OS31074.4	Vanessa	Robb	Anderson Lloyd	Lloyd James Veint	1-46 Rural Visitor Zone	Oppose	That Rule 35.4.7(e) be amended to allow for the use of land as an informal airport as part of a filming activity in the Arcadia RVZ.	Accept
OS31074.5	Vanessa	Robb	Anderson Lloyd	Lloyd James Veint	1-46 Rural Visitor Zone	Oppose	For alternative, consequential, or necessary additional relief to promote and encourage temporary filming activities in the Arcadia RVZ where effects on landscape are appropriately mitigated, or to otherwise give effect to the matters raised generally in this submission	Accept
OS31075.1	Chris	Streat		Arthurs Point Protection Society Inc (APPS)	3-Variations to Chapter 38,36,29 Open Space and Recreation Zone > 3.2-VARIATION TO CHAPTER 36 NOISE	Oppose	That in the Rural Visitor Zone at Arthurs Point, retain the current 50 Dba Leq 15 minutes noise standard, rather than the 50 Ldn noise standard for helicopters.	Reject
OS31075.2	Chris	Streat		Arthurs Point Protection Society Inc (APPS)	4-Arthurs Point Rural Visitor Zone Review	Oppose	That in the Arthurs Point Rural Visitor Zone, informal airports be made a non-complying activity, with the removal of 15 flights per week as a permitted activity.	Reject

APPENDIX 3

Draft Consent Order – Topic 11, Informal Airport

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2018-CHC-057
ENV-2018-CHC-067
ENV-2018-CHC-096
ENV-2018-CHC-106
ENV-2018-CHC-117
ENV-2018-CHC-132
ENV-2018-CHC-135

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of appeals under clause 14 of
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council on Stage
1 of the Proposed Queenstown
Lakes District Plan

BETWEEN **AIRCRAFT OWNERS AND
PILOTS ASSOCIATION (NZ)
INCORPORATED
ANDREW FAIRFAX AND I & P
MACAULEY
ARTHURS POINT
PROTECTION SOCIETY
INCORPORATED
CARDRONA ALPINE RESORT
LIMITED
CLIVE MANNERS WOOD
TE ANAU DEVELOPMENTS
LIMITED**

Appellants

....
(parties continued on next
page)

BEFORE THE ENVIRONMENT COURT

Environment Judge
of the Act **IN CHAMBERS** at

sitting alone under section 279

DRAFT CONSENT ORDER

AND

**AIRCRAFT OWNERS &
PILOTS ASSOCIATION (NZ)
INCORPORATED
ALLISTER SAVILLE
ANDREW FAIRFAX AND I & P
MACAULEY
AVIATION NEW ZEALAND
LIMITED
CARDRONA ALPINE RESORT
LIMITED
CLIVE MANNERS WOOD
CHRISTINE BYRCH
DARBY PLANNING LP
JULES TAPPER
PETER CHARLES FAUL
QUEENSTOWN PARK
LIMITED
REAL JOURNEYS LIMITED
REVELL AND VICOTRIA
BUCKHAM
REMARKABLES PARK
LIMITED
SOHO SKI AREA LIMITED
AND BLACKMANS CREEK
NO.1
TE ANAU DEVELOPMENTS
LIMITED
TREBLE CONE
INVESTMENTS LIMITED
TOTALLY TOURISM LIMITED**

Section 274 Parties

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

Introduction

- 1.** The Court has read and considered the notices of appeal from all Appellants against decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**).
- 2.** 18 parties gave notice of their intention to become parties to the appeals under section 274.

3. The Court has now considered the memorandum dated day of 2020 in which the parties respectfully requested that the Court approve the draft provisions attached to that memorandum.
4. The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - 4.1 all parties to the proceeding have executed the memorandum requesting this order; and
 - 4.2 all parties agree that proposed amendments to the draft provisions resolve the appeal in full;
 - 4.3 all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

Order

5. Therefore, the Court orders, by consent, that the provisions of Chapters 21 and 36 of the Queenstown Lakes District Council District Plan, as set out in **Appendix A**, are approved.
6. There is no order for costs.

DATED at this day of 2020

Environment Judge

APPENDIX A

21 Rural Zone

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. Please view the Stage 2 Decisions on our website if you are contemplating appealing the Stage 2 decisions. The appeal period for the Stage 1 Decisions has closed.

21.2 Objectives and Policies

21.2.11 Objective - The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.

Policies

21.2.11.X Provide for informal airports as an appropriate activity within the Rural Zone, provided the informal airport is located, operated and managed to maintain the surrounding rural amenity.

21.2.11.1 Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity including through managing frequency of flights, separation distance, flight paths, reverse sensitivity and cumulative effects.

21.2.11.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

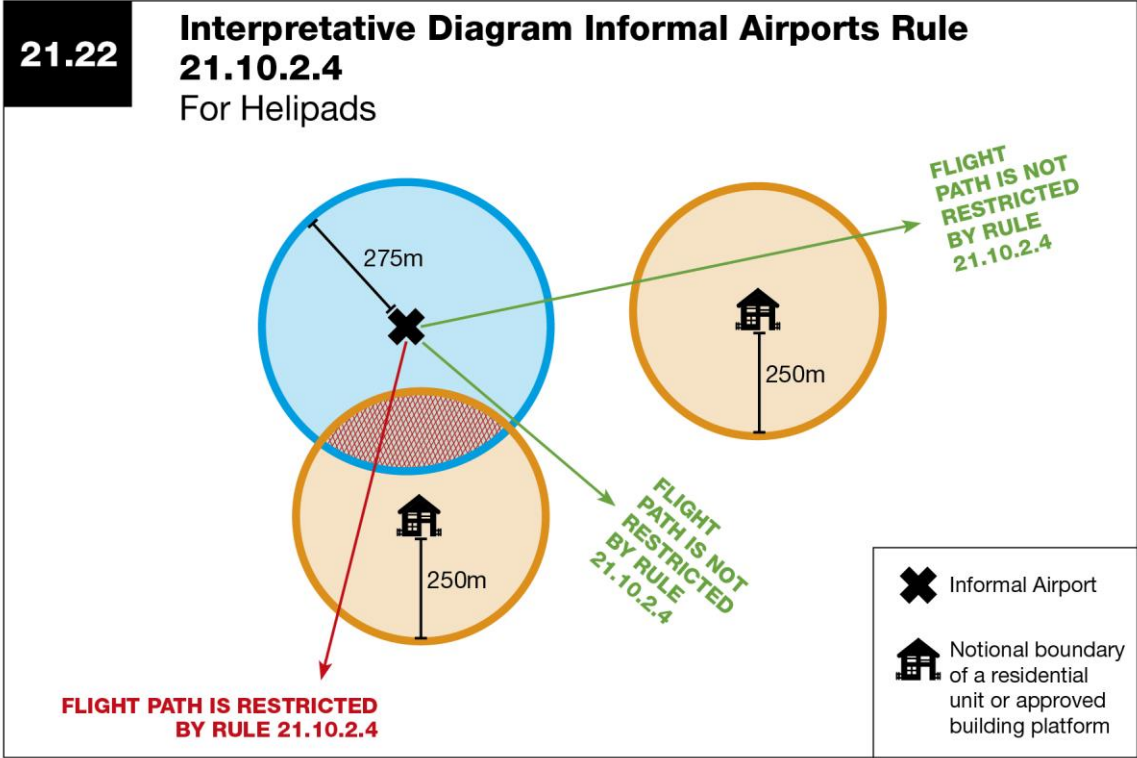
21.2.11.3 Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.

21.10 Rules – Standards for Informal Airports

	Table 7 - Standards for Informal Airports	Non-compliance Status
21.10.1	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p><u>21.10.1.1 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents are permitted activities and rules 21.10.1.2 to 21.10.1.4 do not apply.</u></p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.10.1.2 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987.</p>	D

	Table 7 - Standards for Informal Airports	Non-compliance Status
	<p>21.10.1.3 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948.</p> <p>21.10.1.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents.</p> <p>21.10.1.4 In relation to Rules 21.10.1.12 and 21.10.1.23, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</p>	
21.10.2	<p>Informal Airports Located on other Rural Zoned Land</p> <p><u>21.10.2.1 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities are permitted activities and Rules 21.10.2.2 to 21.10.2.4 do not apply.</u></p> <p>Informal airports that comply with the following standards shall be permitted activities and Rule 36.5.10 shall not apply:</p> <p><u>21.10.2.2 Use of the informal airport must not exceed any of the following:¹</u></p> <p style="padding-left: 40px;"><u>(a) 2 flights per day;</u></p> <p style="padding-left: 40px;"><u>(b) 5 flights per week; or</u></p> <p style="padding-left: 40px;"><u>(c) 12 flights per month.</u></p> <p><u>21.10.2.3 The informal airport must be located a minimum distance of 275 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</u></p> <p><u>21.10.2.4 Within 275 metres of the informal airport, flight paths must be a minimum of 250 metres from the notional boundary of any residential unit or approved building platform not located on the same site.²</u></p> <p>Notes:</p> <p><u>1 For the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</u></p> <p><u>2 Refer to the interpretative diagram in Schedule 21.22.</u></p>	D

	Table 7 - Standards for Informal Airports	Non-compliance Status
	<p>21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;</p> <p>21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.10.2.3 In relation to point Rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	
<p>21.10.3</p>	<p><u>Informal Airports associated with ‘Fly-in’ Events</u></p> <p><u>Informal airports that comply with the following standard are permitted activities and are not subject to Rules 21.10.1, 21.10.2 and 36.5.10:</u></p> <p><u>21.10.3.1 Informal airports associated with “fly-in” events¹ administered by the Aircraft Owners and Pilots Association of New Zealand (AOPA) provided the following standards are met:</u></p> <ul style="list-style-type: none"> <u>(a) there are not more than 6 events per calendar year;</u> <u>(b) there is not more than 1 event at any Informal Airport per month;</u> <u>(c) the AOPA has notified the Council’s Planning Department of the event;² and</u> <u>(d) Informal airports are located within the Outstanding Natural Landscape as identified on the Plan Maps.</u> <p><u>Notes:</u></p> <p><u>1 An event can include informal airports at more than one location.</u></p> <p><u>2 AOPA must notify the Council at least 10 working days before each fly-in event.</u></p>	



36 Noise

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. Please view the Stage 2 Decisions on our website if you are contemplating appealing the Stage 2 decisions. The appeal period for the Stage 1 Decisions has closed.

36.5 Rules- Standards

Table 3: Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.10	<p>Helicopters</p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown Airport and Wanaka Airport.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.11 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p>			

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
	<p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1, and 21.10.2 and 21.10.3.</p> <p><u>36.5.10.1 All locations except identified in 36.5.10.2</u></p> <p><u>36.5.10.2 Lower Density Suburban Residential Zone, Medium Density Residential Zone, High Density Residential Zone, Arrowtown Residential Historic Management Zone, Large Lot Residential Zone, Rural Zone, Rural Residential Zone and Rural Lifestyle Zone.</u></p> <p>Advice Note: Rule 36.5.10.2 shall not apply to <u>helicopter noise associated with use of an informal airport permitted under Rules 21.10.2 and 21.10.3.</u></p>				
			At all times	50 dB L _{dn}	NC
			<u>At all times</u>	<u>40 dB L_{dn}</u>	<u>NC</u>
36.5.11	<p>Fixed Wing Aircraft</p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown and Wanaka Airports.</p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.10 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be</p>	At all times	55 dB L _{dn}	NC

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Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
	Advice Note: See additional rules in Rural Zone Chapter at <u>21.10.1</u> , <u>21.10.2</u> and <u>21.10.3</u> .	determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.			