

**In the Environment Court
At Christchurch**

Under 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
decisions on the Proposed Queenstown
Lakes District Plan - Stage 2**

Dated: 7 May 2019

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To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Queenstown Airport Corporation Limited (**QAC**) appeals against parts of the decisions of the Queenstown Lakes District Council (**Respondent**) on the Proposed Queenstown Lakes District Plan – Stage 2 (**Proposed Plan**).
2. QAC made a submission (#2618) and further submission (#2759) on the Proposed Plan (together the **Submissions**).
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 decisions on 21 March 2019.
5. The decisions were made by the Respondent. The Respondent ratified the recommendations of the Independent Hearings Panel (**Panel**).
6. The parts of the decisions that QAC is appealing are (together the **Decisions**):
 - (a) Panel Recommendation Report 19.1;
 - (b) Panel Recommendation Report 19.4;
 - (c) Chapter 29 – Transport;
 - (d) Panel Recommendation Report 19.5;
 - (e) Chapter 31 – Signs;
 - (f) Panel Recommendation Report 19.6;
 - (g) Chapter 38 – Open Space and Recreation Zones; and
 - (h) Decisions Version Maps 30 and 31a.

Reasons for the Appeal

General

7. QAC owns and operates the nationally significant Queenstown Airport and manages and operates the regionally significant Wanaka Airport under a long term lease (together the **Airports**).
8. Queenstown Airport is New Zealand's fourth busiest airport by passenger numbers and a strategic national asset. It provides an important local, regional and international transport link, operating daily scheduled flights to and from Auckland, Wellington and Christchurch, as well as direct trans-Tasman services. It is also a base for general aviation activities, including scenic flights, helicopters, corporate jets, search and rescue, and other emergency services.
9. Queenstown Airport has over 60 tenant businesses and 700 staff on site and provides significant business and employment opportunities. It is a key driver of the local and regional economies and plays a fundamental role in the social and economic wellbeing of a range of communities.
10. Wanaka Airport is currently a general aviation airport. Aviation activities at Wanaka Airport include helicopters and helicopter maintenance, flight training, scenic flights, skydiving, private recreational aviation, NASA scientific space balloon testing, and the biennial Warbirds Over Wanaka air show. There are currently no scheduled flights at Wanaka Airport, however these may resume in the future.
11. The use of and demand for QAC's facilities and infrastructure has grown immensely in recent years. For the 12 month period ending 31 May 2019, Queenstown Airport will have accommodated a record 2,295,945 passengers, comprised of over 1.65 million domestic passengers and over 640,000 international passengers. This represents growth of just over 10%, as compared with the preceding 12 month period. Growth is predicted to continue.
12. Given the strategic importance of the Airports, it is imperative that the Proposed Plan appropriately recognises and provides for their safe and efficient operation and growth, including protection from reverse sensitivity

effects. QAC is concerned that in its current form the Proposed Plan does not wholly achieve these imperatives.

Plan Change 35

13. In or around 2010 QAC promulgated Plan Change 35 to the Operative District Plan to enable Queenstown Airport's (then) predicted growth in aircraft activities and put in place an appropriate management regime for land use around the Airport. Plan Change 35 essentially adopted the New Zealand Standard 6805 for airport noise management and land use planning (**NZS 6805**). Plan Change 35 updated the Airport's aircraft noise boundaries and amended various zone provisions relating to land use within the updated boundaries. The approach in NZS 6805 and Plan Change 35 remains relevant and important today, in the context of the Proposed Plan. It is essential that the Proposed Plan safeguards the protection afforded by the operative noise boundaries and planning framework.

Consistency with Stage 1 Chapter 17

14. Stage 1 of the Proposed Plan introduced a new Airport Zone (Chapter 17) that applies to and comprehensively addresses land use and activities at the Airports. Parts of the Stage 2 Decisions duplicate and contradict the management regime for the Airport Zone established by Chapter 17. This is inefficient.

Incompatible Activities

15. Through the Proposed Plan areas of land have been rezoned from Rural Zone to the newly established Open Space and Recreation Zones, including the Queenstown Events Centre, Frankton Camping Ground, the Shotover River Delta and esplanade areas of Lake Wakatipu. Activities enabled in these areas under the new zonings have the potential to cause adverse effects on Queenstown Airport, including in terms of reverse sensitivity, and effects on aircraft operations and safety.
16. The provisions of the Open Space and Recreation Zones therefore require amendment to ensure they appropriately recognise and protect Queenstown Airport's functional, technical and operational requirements, including safety requirements, and so that they maintain consistency with the operative

planning framework established by Plan Change 35 and do not give rise to reverse sensitivity effects.

Transportation

17. Land-based transportation to and from airports for both passengers and staff is an essential part of airport activities. The dynamic nature of airport operations and their surrounding environments means QAC needs to be able to adapt and respond quickly to changes in the aviation sector and land transport links.
18. Chapter 17 – Airport Zone of the Proposed Plan (Stage 1) contains bespoke controls for activities such as parking and rental cars. Issues such as traffic generation, which are wholly anticipated in an airport context, were considered during the Stage 1 deliberations for Chapter 17. In places Chapter 29 duplicates or conflicts with Chapter 17. This is inefficient and needs to be rectified.

Lighting

19. Inappropriately managed lighting in close proximity to the Airports has the potential to cause adverse lighting and glare effects, particularly for pilots on approach and departure from Queenstown Airport. This has been recognised in the provisions of Chapter 29 in relation to Wanaka Airport, but not for Queenstown Airport. This needs to be rectified.

Signage

20. Signage is an important and common feature within any airport environment for the safe and efficient movement of people, aircraft and land-based traffic. It also provides a key means of showcasing activities and services within District and accordingly has associated social and economic benefits.
21. Part of Queenstown Airport is located within the Rural Zone. The Rural Zone provisions pertaining to signage are unduly restrictive in so far as they relate to the Airport land. This needs to be rectified.

Summary

22. In light of the matters outlined above, QAC is broadly concerned that the Decisions:
- (a) fail to recognise the unique and essential functional, technical and operational requirements of the Airports;
 - (b) do not provide adequate protection for the Airports from reverse sensitivity effects;
 - (c) may impose undue constraints on legitimate and necessary activities undertaken at the Airports; and
 - (d) are inconsistent with the Respondent's earlier decisions on Stage 1 of the Proposed Plan, which may result in a lack of clarity and inappropriate outcomes for activities within the Airport precincts, as well as surrounding land uses.
23. In terms of the relevant statutory framework, QAC considers that the Decisions:
- (a) fail to achieve the Respondent's functions under section 31 of the Act;
 - (b) do not meet the requirements of sections 32 and 72-76 of the Act;
 - (c) do not represent an efficient use of physical resources under section 7(b); and
 - (d) fail to promote the Act's sustainable management purpose.

Relief Sought

24. QAC seeks the following relief:

Chapter 29 – Transport

- (a) That Chapter 29 – Transport of the Proposed Plan be amended as follows:

- (i) Amend clause 29.3.2 Interpreting and Applying the Rules to insert the following new clause:

Where inconsistency arises between the transport provisions of Chapter 17 and Chapter 29, Chapter 17 shall prevail.

- (ii) Amend Rule 29.4.10 as follows:

Rental vehicle businesses in those zones, excluding the Airport Zone, where commercial activities are permitted...

- (iii) Amend Rule 29.4.11 to exempt Airport Activities and Airport Related Activities in the Airport Zone and in the Rural Zone that applies to QAC's land at Queenstown Airport (as shown in **Appendix A**) from the application of the Rule or insert a new clause in section 29.3.2 or 29.3.3 to clarify that the thresholds for new high traffic generating activities in Table 29.5 apply for each independent activity, rather than as a cumulative total.

- (iv) Amend Standard 29.5.12 as follows:

...

- d. *Such lighting shall not result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining site that is zoned High Density Residential, Medium Density Residential, Low Density Residential, ~~or Airport Zone, or Rural Zone at Queenstown Airport (as shown in **Appendix A**) (Wanaka)~~ measured at any point more than 2m inside the boundary of the adjoining site.*

Chapter 31 – Signs

- (b) That Chapter 31 – Signs of the Proposed Plan be amended so as to exempt Rural zoned land at Queenstown Airport (as per **Appendix A**) from its application and to clarify that the signage rules in Chapter 17 apply to this land.

Chapter 38 – Open Space and Recreation Zones

- (c) That Chapter 38 – Open Space and Recreation Zones of the Proposed Plan be amended as follows:

- (i) Amend Objective 38.2.5 as follows:

Activities ~~S~~sensitive ~~T~~to ~~A~~ircraft ~~N~~oise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary ~~are avoided or managed to mitigate noise and reverse sensitivity effects.~~

- (ii) Amend Policy 38.2.5.1 as follows:

~~Require buildings that contain~~ Prohibit the establishment of any Activity Sensitive to Aircraft Noise and are located on land in the Open Space and Recreation zones located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed or built to achieve an internal design sound level of 40 dB Ldn.

- (iii) Amend Rules 38.9 and 38.10 so as to prohibit in all Open Space and Recreation Zones the establishment of Activities Sensitive to Aircraft Noise within the Air Noise Boundary and Outer Control Boundary at Queenstown Airport.

- (iv) Delete the Open Space and Recreation (Informal Recreation) Zone in so far as it applies to land within the Shotover Delta and reinstate the operative Rural zoning or create a new Shotover Delta Open Space and Recreation subzone in which:

- (A) Activities are restricted to the following:

- (1) Informal recreation;
- (2) Public amenities;
- (3) Parks maintenance;
- (4) New buildings associated with a permitted activity, not otherwise listed in Table 38.1;
- (5) Recreation tracks (walking, horse and cycling trails);
- (6) Construction of vehicle access and car parking areas, accessory to permitted activities, up to 200m²;

- (B) All other activities within the Shotover Delta Open Space and Recreation subzone shall be non-complying, except for Activities Sensitive to Aircraft Noise, or the parking or placing of any motor vehicle, boat, caravan, trailer or material for the purposes of sale or lease, or any mining activities, all of which shall be prohibited.

General Relief

- (d) 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 and in QAC's Submissions; and
- (e) Any consequential or other relief that is necessary to address the matters raised in this appeal or generally in QAC's Submissions.

Attached Documents

- 25. The following documents are **attached** to this notice:
 - (a) a plan showing the Rural Zoned Queenstown Airport land (in mustard yellow) (**Appendix A**);
 - (b) a copy of QAC's submission (**Appendix B**);
 - (c) a copy of QAC's further submission (**Appendix C**);
 - (d) a copy of the relevant parts of the decisions (**Appendix D**); and
 - (e) a list of the names and addresses of the persons to be served with a copy of this notice (**Appendix E**).

Dated this 7th day of May 2019



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Advice to Recipients of Copy of Notice of Appeal

A copy of the documents referred to in paragraph 25 of this notice may be obtained, on request, from QAC.

How to become a Party to Proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, in accordance with the amended filing and service requirements set out below.

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

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

Service requirements in accordance with ENV-2019-CHC-009

The requirements relating to filing and service of section 274 notices have been amended so that section 274 notices must be, within 20 working days after the period for lodging a notice of appeal ends:

- lodged with the Environment Court electronically by email to **christine.mckee@justice.govt.nz**;
- served on the Council at **dpappeals@qldc.govt.nz**; and
- served on QAC at **rebecca.wolt@laneneave.co.nz** and **annabel.linterman@laneneave.co.nz**.

Service of section 274 notices on all other parties will be deemed to be effected by the Council uploading copies of the section 274 notices onto its website within 15 working days after the section 274 period closes.