

**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(3),
First Schedule of the Act

Between

**QUEENSTOWN AIRPORT
CORPORATION LIMITED**

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Appeal by **Queenstown
Airport Corporation Limited** Against
Decision of Requiring Authority on
Proposed Queenstown Lakes District
Plan - Stage 1**

Dated: 19 June 2018

To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. **Queenstown Airport Corporation Limited (Appellant)** appeals against part of a decision of the Queenstown Lakes District Council (**Respondent**) on the Proposed Queenstown Lakes District Plan - Stage 1 (**PDP**).
2. The Appellant made a submission on the PDP.
3. The Appellant is not a trade competitor for the purposes of section 308D of the Act.
4. The Appellant received notice of the Respondent's decisions on 7 May 2018.
5. The decisions were made by the Respondent.
6. The parts of the decision that the Appellant is appealing are:
 - (a) Report 10, Stream 7 Chapter 37 – Designations, in relation to Designation 64 and Designation 29. Specifically:
 - (i) Designation 64 - Wanaka Airport Aerodrome Purposes Designation, in so far as the designation fails to provide for, as permitted activities, retail activities, restaurants and other food and beverage facilities including takeaway food facilities, and industrial and commercial activities, provided they are connected with and ancillary to the use of Wanaka Airport;
 - (ii) Designation 29 - Queenstown Events Centre:
 - (A) Condition 6; and
 - (B) Condition 8.

Reasons for the Appeal

7. The reasons for the appeal include the following:

- (a) Designation 64 - Wanaka Airport Aerodrome Purposes Designation:
- (i) The activities listed in paragraph 6(a)(i) above are legitimate airport related activities and an expected part of a modern commercial airport such as Wanaka Airport. The failure to provide for them in the designation significantly limits the activities that can occur at the Airport.
 - (ii) The failure to provide for the activities negates the purpose and effect of the designation in that in order for the activities to be undertaken, the airport operator will need to obtain a resource consent, notwithstanding the activities are legitimate airport activities expected to be found at a modern commercial airport such as Wanaka Airport. Given the Airport zoning that underlies the designated area at Wanaka Airport, some industrial and commercial storage activities would require resource consent as non-complying activities, while retail activities, restaurants and other food and beverage facilities including takeaway food facilities are subject to restrictive limits on gross floor area, which if breached, would trigger discretionary activity status. This is neither appropriate, nor efficient.
- (b) Designation 29 - Queenstown Events Centre:
- (i) Condition 6: The condition is too broadly framed and may allow the intensification of activities sensitive to aircraft noise at the Events Centre site, which is inappropriate given its proximity to Queenstown Airport. The condition fails to adequately address potential adverse amenity effects on users of the Events Centre, and reverse sensitivity effects on Queenstown Airport, which may arise due to aircraft noise generated at Queenstown Airport.
 - (ii) Condition 8: The condition incorrectly refers to "Table 5". This is an error and should be corrected to read "Rule 36.6.2".
- (c) The reasons stated in the Appellant's submission on the PDP in respect of the designations; and

- (d) For the further reasons that, without the amendments sought by this appeal:
- (i) The decision fails to give effect to the objectives and policies of the Operative and Proposed Regional Policy Statements; and
 - (ii) The decision fails to promote the sustainable management of resources and will not achieve the section 5 purpose of the Act.

Relief Sought

8. QAC seeks the following relief:
- (a) That Designation 64 is amended so as to include in the list of permitted activities contained in condition 1 of the designation a new sub-condition as follows:

“Retail activities, restaurants and other food and beverage facilities including takeaway food facilities, and industrial and commercial activities, provided they are connected with and ancillary to the use of Wanaka Airport”;
 - (b) That Designation 29, Condition 6 is amended as follows:

“The provision of community activities that ~~support the overall~~ are directly related or ancillary to the operation of the QEC”;
 - (c) The Designation 29, Condition 8 is amended by deleting the reference to “Table 5” and replacing it with “Rule 36.6.2”.
 - (d) Any other similar, consequential, or other relief as is necessary to address the issues raised in this appeal or otherwise raised in the Appellant’s submission and further submission in respect of the designations.

Attached Documents

9. The following documents are attached to this appeal:
- (a) The Appellant's submission (**Annexure A**);
 - (b) The relevant part of the Respondent's decision (**Annexure B**); and
 - (c) A list of the names and addresses of the persons to be served with a copy of this notice of appeal (**Annexure C**).

Dated this 19th day of June 2018



R M Wolt

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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.