

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-

IN THE MATTER of the Resource
Management Act 1991
("Act")

AND

IN THE MATTER of an appeal pursuant to
Clause 14(1) to Schedule
1 of the Act

BETWEEN **ARTHURS POINT
PROTECTION
SOCIETY**

Appellant

AND

**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISION ON PROPOSED PLAN UNDER CLAUSE 14(1)
SCHEDULE 1**

Dated 15 June 2018

NOTICE OF APPEAL

To: The Registrar
Environment Court
Christchurch

1. Name and address of appellant:

Arthurs Point Protection Society (“Appellant”)
89 Arthurs Point Road, RD 1, Queenstown 9371
Attn: Chris Streat

2. Arthurs Point Protection Society (“Appellant”) appeals the decision (“Decision”) of the Queenstown Lakes District Council (“Respondent”) on the Queenstown Lakes Proposed District Plan (“Plan”).
3. The Appellant is a person who made a submission on the Plan. The Appellant’s submission opposes the introduction of Table 1 of NZ6807: 1994 NZS Noise Management and Land Use Planning for Helicopter Landing in Rule 36.5.10 of the Proposed District Plan. Table 1 provides for Ldn 24 hour averaging of helicopter noise in place of the Leq method in the Operative District Plan.
4. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. Notice of the decision was received on 7 May 2018.
6. The Appellant appeals against the Decision in its entirety.
7. **The reasons for the appeal are as follows:**

[a] The introduction of the 50dB Ldn noise limits to Table 1 of NZS6807 under Rule 36.5.10 will allow for

significantly more noise District wide than the current zone rule for residential and rural area of 50 dB Leq (based on 15 minute averaging).

- [b] The Appellant submits that the current noise zone standard in the Operative District Plan with Leq 15 minute averaging provides a high level of protection compared to the Ldn set out in Rule 13.5.10 of the Proposed District Plan.
- [c] Averaging the instantaneous noise from helicopters (90dB 20 metres from a dwelling – NZS6807 s1.1) over 24 hours to the proposed 50 dB is contrary to the World Health Organisation (WHO) Guidelines for Noise Specific Environments. These guidelines were referenced in the landmark noise case *Ports of Auckland v Auckland City Council* (CP306/98) at page 11, where acoustic consultants for both parties agreed that for New Zealand conditions the maximum level of noise that can be reasonable be permitted to enter residential premises, if the occupiers are to enjoy a tolerable standard of enjoyment of life, is 35 dB L10". The helicopter standard allows for higher indoor noise levels.
- [d] The helicopter standard if introduced will prevent building on land surrounding a helipad once it is established.
- [e] The helicopter standard would enable helipads to be developed at any location in the District and detract from the amenity values and lifestyles of numerous surrounding residents


8. The Appellant seeks the following relief from the Court:

The Appellant seeks retention of the Leq method of defining noise levels in Chapter 36 of the Proposed District Plan in accordance with the Submission.

9. Additional Relief

In addition to the specific relief set out above, the Appellant seeks the following relief:

- a. such further or other relief as may be just or necessary to address matters raised in the Submission and this appeal.



ARTHURS POINT PROTECTION SOCIETY

Contact person: Chris Streat

Date: 15 June 2018

Telephone: 03 442 6789

Email: streatcg@xtra.co.nz

The following documents are attached to this notice:

- (a) a copy of the submission (with a copy of the submission opposed by the further submission);
- (b) a copy of the relevant part of the decision;
- (c) any other documents necessary for an adequate understanding of the appeal;
- (d) a list of names and addresses of persons to be served with a copy of this notice.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

To become a party to the appeal, you must –

- (a) 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
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court at Christchurch.

Environment Court

Christchurch Registry

282 Durham Street

Central City

Christchurch

Postal address:

PO Box 2069

DX: WX11113

Christchurch

Telephone and fax numbers:

Telephone: (03) 365 0905

Fax: (03) 365 1740