

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2019-CHC-

Under	the Resource Management Act 1991 (RMA)
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	Aircraft Owners and Pilots Association (NZ) Inc.
	Appellant
And	Queenstown Lakes District Council
	Respondent

Notice of Appeal

7 May 2019

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

- 1 The Aircraft Owners and Pilots Association (NZ) Inc. (**AOPA**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 The AOPA made a Stage 1 submission (#211) and further submission (#1066), and a Stage 2 submission (#2663) on the PDP.
- 3 The AOPA is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 The AOPA received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 24 Wakatipu Basin; and
 - (b) Chapter 36 Noise.
- 7 The reasons for appeal are summarised out below. The specific provisions and the relief sought by the AOPA are set out in **Appendix A** to this appeal.

Background

- 8 The AOPA represents the interests of over 900 recreational and private aviators in New Zealand. The AOPA provides a unified voice for pilots in New Zealand by building relationships with Government and regulatory bodies to ensure members' views are represented, with the aim of preventing increasing costs and restrictions being placed on private and recreational flying. Many members reside or fly both helicopters and fixed wing aircraft in the Wakatipu / Wanaka area.
- 9 The AOPA has been actively involved in the preparation and hearings of Stage 1 and Stage 2 of the PDP. As outlined in the attached submissions, its principle concerns relate to a proposed reduction of rights of informal and recreational aircraft users through the PDP regime.
- 10 The AOPA made a submission in Stage 1 of the PDP in respect of the provisions concerning informal airports in the Rural Zone. Its Stage 2 submission and this appeal in relation to the Wakatipu Basin Rural Amenity

Zone share the same concerns regarding the reduction of rights for informal and recreational aircraft users in the rural zones of the District.

Chapter 24 Wakatipu Basin (and variation to Chapter 36 Noise)

- 11 Chapter 24 imposes rules and standards on informal airport activities that are overly restrictive, in comparison to the low intensity nature of informal airport use within the Wakatipu Basin, which has limited environmental effects. The PDP regime as current drafted limits informal and recreational aircraft users' rights by imposing unreasonable and sometimes timely and costly restrictions.
- 12 The AOPA supports the recognition in Chapter 24 to provide for informal airports as a permitted activity within the Wakatipu Basin Rural Amenity Zone, however does not support the restrictions imposed on informal airport activities within the Wakatipu Basin Lifestyle Precinct. The AOPA sees no justifiable reason why informal airports cannot be accommodated for within the Lifestyle Precinct as a permitted activity, where compliant with the noise standards set out in Chapter 36 for the Precinct.
- 13 Similarly, the standards imposed for informal airport activities within both the Rural Amenity Zone and Lifestyle Precinct are unreasonable and unworkable. The AOPA considers that where informal airport activities comply with the Chapter 36 noise standards for the Rural Amenity Zone or Lifestyle Precinct the activities should be enabled - further arbitrary and unworkable standards are not necessary.

Further and consequential relief sought

- 14 AOPA opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal, or such other changes that give effect to the outcomes sought in the AOPA submissions.

Attachments

15 The following documents are **attached** to this notice:

- (a) **Appendix A** – Relief sought;
- (b) **Appendix B** - A copy of the Appellant's submissions;
- (c) **Appendix C** - A copy of the relevant parts of the decision; and
- (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 7th day of May 2019



Maree Baker-Galloway
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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 a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- 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.

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 and (or) the decision (or 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 in Christchurch.