

In the Matter of the Resource Management Act
1991

And

In the Matter of an appeal under Clause 14(1),
Schedule 1 of the Act

Between

M & C BURGESS

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Queenstown Airport
Corporation Limited's wish to be Party
to Proceedings**

Dated: 10 July 2018

To: The Registrar
Environment Court
Christchurch

1. Queenstown Airport Corporation Limited (**QAC**) wishes to be party to the following appeal on the Proposed Queenstown Lakes District Plan – Stage 1 (**Proposed Plan**):

M & C Burgess v Queenstown Lakes District Council (ENV-2018-CHC-136)
(Appeal)

2. QAC made a submission and further submission about the subject matter of the Appeal. QAC also has an interest in the Appeal that is greater than the interest that the general public has as QAC is the operator of Queenstown and Wanaka Airports, both of which have or may have infrastructure located in the District's landscapes.
3. QAC is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**Act**).
4. QAC is interested in part of the Appeal.
5. In particular, the parts of the Appeal QAC is interested in are:
 - (a) Objective 3.2.5.2;
 - (b) Policy 3.3.32; and
 - (c) Whole of Chapter 6 – replace with Section 4.2 of the Operative District Plan.
6. QAC is interested in the following particular issues:
 - (a) Ensuring the landscape provisions better recognise the hierarchy and terminology set out in Part 2 of the Act and have better regard to the Proposed Regional Policy Statement.
 - (b) Ensuring the functional, technical, operational and/or safety related constraints of significant infrastructure, such as Queenstown and Wanaka Airports, are provided for as such constraints may necessitate the location of infrastructure in the District's rural landscapes, including Outstanding Natural Landscapes (**ONLs**) and Outstanding Natural Features (**ONFs**). The adverse effects of such

infrastructure cannot always be avoided, remedied or mitigated in these locations.

7. QAC **conditionally supports** the relief sought in the Appeal in relation to the provisions identified in paragraphs 5(a) and (b) for the reasons stated in and to the extent it is consistent with the intent of QAC's original submission, its further submission and its notice of appeal dated 19 June 2018 (*ENV-2018-CHC-093*). QAC generally considers that the parts of the Appeal it conditionally supports:
- (a) better recognise the hierarchy and terminology set out in Part 2 of the Act;
 - (b) have better regard to the Proposed Regional Policy Statement;
 - (c) achieve integrated management of the effects, use, development or protection of land and associated natural and physical resources of the District;
 - (d) promote the sustainable management of natural and physical resources;
 - (e) are the most appropriate way to achieve the purpose of the Act; and
 - (f) are otherwise in accordance with the relevant provisions of the Act, including Part 2.
8. QAC **conditionally opposes** the relief sought in the Appeal in relation to the provisions identified at paragraphs 5(c) above for the reasons stated in and to the extent it is inconsistent with the intent of QAC's original submission, its further submission and its notice of appeal. QAC generally considers that the relief sought in the Appeal:
- (a) fails to recognise that since the Operative District Plan was promulgated, case law, in particular *Environmental Defence Society Incorporated v New Zealand King Salmon Co Ltd* [2014] NZSC 38, has significantly altered the way in which objectives and policies are interpreted and applied;
 - (b) may not recognise or provide for the Queenstown and Wanaka Airports as regionally significant infrastructure;

- (c) may not adequately recognise the locational, functional, technical and operational requirements of the Airports, as regionally significant infrastructure, and that such requirements can mean that not all adverse effects can be avoided or mitigated;
 - (d) may not represent an efficient use of land under section 7(a);
 - (e) may not promote the sustainable management of natural and physical resources; and
 - (f) is otherwise not the most appropriate way to achieve the purpose of the Act.
9. QAC agrees to participate in mediation or other dispute resolution of the Appeal.

Dated this 10th day of July 2018



Rebecca Wolt/Sophie Reese

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