

**Queenstown Lakes District Proposed District Plan – Stage 1**

**Section 42A Hearing Report  
For Hearing commencing: 28 November 2016**

**Report dated: 2 November 2016**

Report on submissions and further submissions  
**Chapter 17 – Airport Zone**

File Reference: Chp.17S42A

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## 1.0 EXECUTIVE SUMMARY

1.1 The framework, structure and majority of the provisions in the notified Chapter 17 Queenstown Airport Mixed Use Zone (**Notified Chapter**) of the Proposed District Plan (**PDP**), should be retained in relation to Queenstown Airport as outlined and supported in the section 32 (**s 32**) assessment included at **Appendix 3**. In relation to the Wanaka Airport, the framework and structure of the Notified Chapter should be applied rather than the notified Rural zoning, as outlined and supported in the s 32AA assessment attached as **Appendix 6** of this report.

1.2 I consider that the recommended provisions are more effective and efficient than the notified provisions, the changes requested by submitters (except where recommended to be accepted), are more appropriate than the Operative District Plan (**ODP**) and better meet the purpose of the Resource Management Act 1991 (**RMA**). Key reasons include:

- a. The proposed chapter will provide for the activities currently undertaken or anticipated to occur at Queenstown and Wanaka Airports.
- b. The proposed provisions recognise Queenstown Airport as a nationally significant infrastructure asset that is a generator of significant economic, social and cultural benefits.
- c. Creating a separate Airport Zone at Wanaka Airport is more efficient than the current situation where all people building, operating and leasing aircraft facilities and buildings in the area would have to seek consents under an incompatible Rural Zone.
- d. The provisions identify and give direction as to how the specific issues that pertain to the Airport Mixed Use Zone are to be addressed.

1.3 Several changes to the Notified Chapter are considered appropriate based on submissions received, and direction given from the Panel<sup>1</sup> in the Rural hearing stream.<sup>2</sup> These are shown in the recommended Revised Chapter attached as **Appendix 1 (Revised Chapter)** to this evidence.

1.4 A number are minor changes, or wording changes that provide better expression. Some of the changes are to the policies. In terms of the rules, the key change

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<sup>1</sup> Minute Concerning Provisions Applying to Wanaka Airport, 16.6.16

<sup>2</sup> Paragraph 15.6 – 15.10 (pages 66-67), Section 42A Hearing Report For Hearing Commencing: 2 May 2016 (Chp. 21 S42A), dated 7 April 2016, prepared by Mr Craig Bar.

recommended relates to removal of references to parts of the ODP that do not form part of Stage 1 of the District Plan review.

- 1.5 Where a change is considered to be of substance, a section 32AA evaluation is included within **Appendix 5**. Otherwise, an explanation and reasons for the changes are set out within the body of this report.
- 1.6 Submissions that have been made on definitions that are used in the Notified Chapter have been addressed in this section 42A report. Some of the definitions addressed were considered in the hearings on the Noise (Chapter 36) and Rural Chapter (Chapter 21), but are addressed again here. The definitions and any recommended changes are recorded in **Appendix 1** for clarity. To avoid any doubt the purpose of including the definitions in **Appendix 1** is not to recommend that they become part of the chapter.
- 1.7 A full set of provisions (objectives, policies and rules) has been provided with my evidence to incorporate a Wanaka Airport Zone into the Notified Chapter as outlined in the Revised Chapter attached as **Appendix 1** of this report. Given these are substantive changes to provisions, I have assessed the changes in terms of s 32AA of the RMA at **Appendix 6** of this report. The extent of the Airport Zone at Wanaka Airport correlates with the boundary of Designation #64.
- 1.8 By way of summary the recommendations contained within the Revised Chapter include:
  - a. Identifying Queenstown Airport as nationally significant infrastructure;
  - b. Including provisions for the promotion of walking, cycling and public transport services to support the functioning of Queenstown Airport;
  - c. Distinguishing between Airport and Airport related activities at Queenstown and Wanaka Airports;
  - d. Managing exterior lighting on buildings associated with Airport Related Activities;
  - e. Removing an unnecessary rule that refers to the Hazardous Substances and New Organisms Act 1996 (**HSNO**) and Civil Aviation Authority (**CAA**) requirements;
  - f. Updating references to other parts of the PDP; and
  - g. Removing reference to Transportation standards contained within the ODP.

## 2.0 INTRODUCTION

2.1 My full name is Rebecca Dawn Holden. I have been employed by the QLDC since October 2014. During this time I have worked as both a Planner and Senior Planner within the Resource Consents Team, and currently hold the position of Senior Planner within the Policy Team.

2.2 I hold the qualifications of Bachelor of Arts (Hons) in Geography and Anthropology from the University of Canterbury. Since 2005, I have been an Associate Member of the New Zealand Planning Institute primarily working in a Local Government context in both the United Kingdom and New Zealand where I have held a number of planning roles associated with monitoring and research, policy development and resource consent processing.

2.3 I was not the principal author of the Notified Chapter.

## 3.0 CODE OF CONDUCT

3.1 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

3.2 I am authorised to give this evidence on the Council's behalf.

## 4.0 SCOPE

4.1 My evidence addresses the submissions and further submissions received on the Notified Chapter. I discuss issues raised under broad topics, and where I recommend substantive changes to provisions I assess those changes in terms of s32AA of the RMA (see **Appendix 5**) Otherwise, an explanation and reasons for the changes are set out within the body of this report. The table in **Appendix 2** outlines my recommendations to the Panel on whether, in my opinion, individual submissions should be accepted, accepted in part, rejected, considered to be out of scope, or transferred to another hearing stream.

- 4.2** My evidence will also address the relevant submission points on Chapter 21 - Rural Zone as they relate to Wanaka Airport. I note that no other submissions on the Rural Chapter are of relevance to Chapter 17. A summary of the submission points transferred from the Rural Hearing Stream is attached at **Appendix 2**.
- 4.3** I note that the submissions on Chapter 27 (Subdivision) of the PDP that relate to minimum allotment sizes (Notified Rule 27.5.1) were transferred to the respective zone chapter. The Notified Chapter does not have a minimum allotment size for the notified Queenstown Airport Mixed Use Zone. I note that one submission from QAC (433) was received in support on Notified Rule 27.5.1 in relation to the Queenstown AMUZ whereby QAC requested that the minimum lot size for subdivision within the Queenstown Airport Mixed Use Zone be retained as notified within the PDP. This submission was opposed by Queenstown Park Limited (**QPL**) (FS1097) and Remarkables Park Limited (**RPL**) (FS1117) who opposed all amendments that undermined or circumvented Plan Change 35 (**PC35**). The provisions relating to subdivision are however in my view consistent with the ODP and PC35.
- 4.4** A number of submissions were received on the Rural Zone (Chapter 21) associated with the minimum allotment size. However I have reviewed these and am of the view that these do not relate to the Wanaka Airport and therefore are not relevant to this hearing stream.
- 4.5** In summary, I do not consider that there is any need to assess any submissions associated with Notified Rule 27.5.1 in this hearing stream, as far as they relate to the Airport Zone.
- 4.6** Although this evidence is intended to be a stand-alone document and also meet the requirements of s 42A of the RMA, a more in-depth understanding can be obtained from reading the s 32 report on the Notified Chapter provided as **Appendix 3** to this report. Additionally, I advise the Panel that **Appendix 4** to the s 32 report for notified Queenstown Airport Mixed Use contained an acoustic review of the provisions within the Notified Chapter,<sup>3</sup> while **Appendix 5** to this report contained a traffic and transportation assessment of the proposed provisions.<sup>4</sup> I have relied on these reports in forming my recommendations to the

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<sup>3</sup> 'Queenstown Airport Mixed Use Zone, Acoustical review of proposed District Plan provisions, Rp 100 R01 2014513A' dated 19 November 2014 and prepared by Mr Steve Peakall of Marshall Day Acoustics.

<sup>4</sup> 'Review of Queenstown Airport Mixed Use Zone', dated 26 November 2014 and prepared by Mr Andy Carr of Carriageway Consulting

Panel on submissions and further submissions in relation to noise and transportation provisions within the Notified Chapter, and have specifically included them within Appendices 4 and 5 rather than relying on the electronic links within the notified s 32 reports.

## **5.0 BACKGROUND – STATUTORY AND NON-STATUTORY DOCUMENTS**

**5.1** Of relevance to the context of the Notified Chapter are two previous plan changes to the ODP; Plan Change 26 (**PC26**) for Wanaka Airport, and PC35 for Queenstown Airport. The plan changes relate to noise boundaries and planning provisions for activities surrounding the airport. I am generally familiar with both of these plan changes. The provisions confirmed through both plan changes in relation to noise were included within the Notified Chapter.

**5.2** To assist the Panel, I briefly summarise PC26 and PC35:

- a. PC26 amended the aircraft noise boundaries shown on the District Planning Maps for Wanaka Airport. PC26 also amended existing provisions and introduced new provisions relating to aircraft noise for Wanaka Airport. A new Notice of Requirement (**NoR**) to alter the existing Wanaka Airport Aerodrome Designation (Designation #64) was concurrently lodged with this plan change which introduced obligations on Council as requiring authority of Wanaka Airport in relation to aircraft noise monitoring and engine testing; and
- b. The purpose of PC35 was to establish an appropriate land use management regime around Queenstown Airport while providing for the predicted ongoing growth of aircraft operations at the airport until 2037. The vast majority of PC35 is no longer at issue following the three interim Environment Court decisions. However, one outstanding matter remains in relation to the location of noise boundaries in the vicinity of Lot 6.

**5.3** Also of relevance is Chapter 37 (Designations) of the PDP. Both Queenstown and Wanaka Airports are designated for the purpose of 'Aerodrome' in the ODP and notices of requirement have been given in respect of the PDP (discussed further below).

**5.4** The s 32 (**Appendix 3**) provides a detailed overview of the higher order planning documents applicable to the Notified Chapter. I summarise the provisions that I consider particularly relevant as follows:

- a. **The RMA** – in particular the purpose and principles in Part 2, which emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations, taking into account the 'four well beings' (social, economic, cultural and environmental).
- b. **The Local Government Act 2002** - in particular section 14, Principles relating to local authorities. Sub-sections 14(c), (g) and (h) emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.
- c. **Iwi Management Plans** - when preparing or changing a District Plan, Section 74(2A)(a) of the RMA states that Council's must "take into account" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the Queenstown Lakes District (**District**). Two iwi management plans are relevant:
  - i *The Cry of the People, Te Tangi a Taurira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008); and
  - ii *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 (KTKO NRMP 2005).
- d. **Operative Otago Regional Policy Statement 1998 (Operative RPS)** - Section 75(3) of the RMA requires that a District Plan prepared by a territorial authority must "give effect to" any regional policy statement. The Operative RPS contains a number of objectives and policies of relevance to the Airport Mixed Use Zone Chapter and the infrastructure and established aviation

activities at Wanaka Airport. These include objectives and policies relating to managing the productive capacity of land, and those relating to the built environment in terms of the relationship with the well-being, safety and health of people and communities. Specifically, the following, Objectives 5.4.1 to 5.4.2 and 9.4.1 to 9.4.3 (inclusive), as well as the associated Policies 5.5.3 to 5.5.5 and 9.5.2 and 9.5.3, are relevant:

- 5.4.1 *To promote the sustainable management of Otago's land resources in order:*
  - (a) *To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and*
  - (b) *To meet the present and reasonably foreseeable needs of Otago's people and communities.*
  
- 5.4.2 *To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.*
  
- 9.4.1 *To promote the sustainable management of Otago's built environment in order to:*
  - (a) *Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
  - (b) *Provide for amenity values, and*
  - (c) *Conserve and enhance environmental and landscape quality; and*
  - (d) *Recognise and protect heritage values.*
  
- 9.4.2 *To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.*
  
- 9.4.3 *To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.*

- e. Section 74 of the RMA requires that a District Plan must "have regard to" any proposed regional policy statement.
  
- f. **The Proposed Otago Regional Policy Statement 2016 (PRPS)** was notified for public submissions on 23 May 2015. Council decisions on submissions were released on 1 October 2016. At the time of preparing this report the appeal period has not closed<sup>5</sup> and it is not known whether the provisions that are relevant to this chapter will be subject to further change. Notwithstanding the above, the following objectives and policies of the PRPS

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<sup>5</sup> Appeals close 30 working days after notification of Council's decision on 1 October 2016 (14 November 2016).

Decision Version 2016 (**PRPS 2016**) are relevant to the Airport Mixed Use Chapter:

- i. Objective 4.1 is that risk that natural hazards pose to Otago's communities are minimised. Policy 4.1.12 recognises lifeline utilities and facilities for essential or emergency services. Objective 4.3 is that infrastructure is managed and developed in a sustainable way with associated policies relating to managing and protecting nationally and regionally significant infrastructure. These objectives are relevant to the Airport Mixed Use Zone Chapter as Notified Objective 17.2.1 and associated policies recognise that Queenstown Airport is a generator of nationally and regionally significant economic, social and cultural benefits. Additionally, Queenstown Airport has been identified as a lifeline utility and a nationally significant infrastructure asset. Notified Objective 17.2.2 recognises that Airport and Airport Related Activities at Wanaka Airport support the essential functioning and viability of aviation activities.
  
- ii. Objective 4.5 of the PRPS is that urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments. Policy 4.5.1 is managing for urban growth and development in a strategic and co-ordinated way by, amongst other things, restricting the location of activities that may result in reverse sensitivity effects on existing activities. This objective and this policy is relevant to the Airport Mixed Use Zone Chapter as *Notified Objective 17.2.2 [Redrafted 17.2.3]* is that the provision for the requirements of the airports is balanced with achieving an acceptable level of amenity for those using the airports and surrounding land.

**5.5** I became aware on 1 November, when finalising this s42A report, that the final National Policy Statement on Urban Development Capacity has been approved. I have not had an opportunity to consider the approved version in this s42A, but will do so prior to the Business hearing.<sup>6</sup>

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<sup>6</sup> [http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National\\_Policy\\_Statement\\_on\\_Urban\\_Development\\_Capacity\\_2016-final.pdf](http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National_Policy_Statement_on_Urban_Development_Capacity_2016-final.pdf).

## 6.0 BACKGROUND – OVERVIEW OF THE ISSUES

- 6.1** The purpose of the Notified Chapter is to enable the sustainable management and growth of Queenstown Airport by providing for a range of airport and airport related activities, which recognise the unique role of the airport in providing for the social and economic well-being of the community. This is proposed to be revised to also recognise Wanaka Airport as Regionally Significant infrastructure within the District, having importance as a commercial and recreational aviation hub for the Upper Clutha.
- 6.2** Both the ODP and PDP seek to recognise Queenstown Airport as an asset which facilitates the transportation of people and freight, and recognising that it is a key asset to the District in terms of supporting the tourism industry and needs of local and business travellers.
- 6.3** The rules in the Notified Chapter are drafted to enable any airport activity or airport related activity which complies with all the relevant standards to be permitted, whereas incompatible activities such as residential activities and other Activities Sensitive to Aircraft Noise (**ASAN**) are restricted. Standards relate to ensuring amenity within surrounding zones is retained with requirements such as maximum building coverage, minimum setbacks, maximum building height and noise limits.
- 6.4** Queenstown Airport Corporation Limited (**QAC**) (433) (which operates Wanaka Airport on behalf of the QLDC as landowner and requiring authority for the designations) submitted that, although designations (Designation #64 Aerodrome and Designation #65 Airport Approach and Land Use Controls) exist for Wanaka Airport, only the requiring authority (QLDC) can rely on the designation. The result is that all other people building, operating and leasing aircraft facilities and buildings in the area would have to seek consents under an incompatible Rural Zone. QAC (433) requested specific provision to be made for airport and airport related activity to be carried out at Wanaka Airport.
- 6.5** The incompatibility of the underlying rural zone was recognised by the Council in its reply on the Rural chapters.

## **7.0 QUEENSTOWN AIRPORT ZONE – ANALYSIS OF ISSUES RAISED IN SUBMISSIONS**

- 7.1** Twenty-two submissions or further submissions with 70 points of submission were received on the Notified Chapter in relation to the notified Queenstown Airport Mixed Use Zone.
- 7.2** The RMA, as amended in December 2013, no longer requires a report prepared under s42A or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions.
- 7.3** Some submissions contain more than one issue, and will be addressed where they are most relevant within this evidence.
- 7.4** Because of the relatively low number of submissions on the Notified Chapter, the analysis of the submissions is set out according to the specific part of the Notified Chapter submitted on. Where efficient and appropriate, a particular submission is singled out.

### **Submissions on 17.1 – Zone Purpose**

- 7.5** The Zone Purpose is outlined at section 17.1 of the Notified Chapter. It states that Queenstown Airport provides "*facilities for the transportation of people and freight and is a key asset to the District in terms of supporting the tourism industry and the needs of local and business travellers.*" It also recognises that the main function of Queenstown Airport is for domestic and international scheduled passenger movements as well as freight, and that the airport is a nationally significant asset as a result of its significant contribution to the tourism industry.
- 7.6** The provisions of the Notified Chapter are intended to apply to all land used for airport and airport-related activities at Queenstown Airport, applying standards to manage the effects on amenity values as a result of activities carried out at the airport.
- 7.7** Submitter QAC (#433) supports the Zone Purpose within the Notified Chapter and seeks that it be retained as notified. This is opposed by further submissions from QPL (1097) and RPL (1117) who oppose all amendments that are inconsistent with PC35 or that impose additional restrictions on existing urban zones. Additionally, these further submissions oppose all changes within the Notified

Chapter that enable urban activities on land zoned Airport Mixed Use Zone where such activities are constrained on land adjoining or near the airport.

- 7.8** I do not consider that the text within the Zone Purpose is inconsistent with PC35 as confirmed by the Environment Court in its interim decision, nor does this text impose additional restrictions on existing urban zones outside of the Queenstown Airport Mixed Use Zone. I recommend to the Panel that these further submissions be rejected in the context of the Zone Purpose. However, I advise the Panel that I will address these submissions in further detail below where they have greater relevance.
- 7.9** Submitter 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) requests that the Zone Purpose is retained without further modification given the purpose recognises that the Queenstown Airport is both nationally significant and is a lifeline utility. This submitter notes that this is in line with the PRPS. I recommend to the Panel that this submission be accepted.
- 7.10** Although RPL (807) supports the identification of the airport's importance to tourism, this submitter considers that the Zone Purpose could be improved by removing repetition, providing amended wording for the Panel to consider. Specifically, RPL (807) request that the following text be included in the Zone Purpose:

*Queenstown Airport is the gateway to Queenstown and is a key asset that provides facilities for the transportation of people and freight. The Airport is a key contributor to the tourism industry and generates significant economic growth at a district, regional and national level.*

*The airport also provides local facilities, including helicopter, flightseeing and general aviation operations. It is also a critical provider of emergency services and is a lifeline under the Civil Defence Emergency Management Act 2002.*

*The Airport Mixed Use Zone provides for the future growth and development of the airport in a manner that recognises the importance of maintaining amenity values of the airport and its surrounds.*

- 7.11** I recommend to the Panel that this submitter's relief be rejected, in that the revised wording proposed by RPL does not acknowledge a number of important factors that are mentioned in the Zone Purpose of the Notified Chapter, including:

- a. The Queenstown Airport is the gateway to the District, not just Queenstown as suggested by submitter RPL.
- b. As well as tourism, the needs of local and business travellers are also provided for by the Queenstown Airport which RPL excludes from the suggested wording.
- c. Queenstown Airport is recognised as a nationally significant asset in terms of its contribution to the tourism industry. Queenstown's national significance is not mentioned within the suggested wording by RPL.
- d. In addition to the District's reliance on air transport for tourism, the role the airport plays in terms of international tourism which is New Zealand's largest foreign exchange earner is not included in the suggested wording provided by RPL.
- e. Queenstown Airport is a significant source of employment for the District which RPL's suggested wording does not recognise.

**7.12** In my opinion, the proposed changes requested by RPL (807) substantially change the intended outcome of the Zone Purpose and detract from the importance of Queenstown Airport to the region.

**7.13** Additionally, I note that the relief sought by RPL is opposed by further submissions received from the Board of Airline Representatives of New Zealand (**BARNZ**) (1077) which supports the Zone Purpose as notified.

**7.14** Submitter J Berriman (217) opposes the Zone Purpose contained within the Notified Chapter on the grounds of not wanting to see further growth in Queenstown. I recommend to the Panel that this submission be rejected. Submitter Berriman has not provided any evidence as to why further growth in Queenstown should be discouraged. The Zone Purpose sets the scene for why the zone has been identified, recognising the Airport's status in terms of being a nationally significant asset in relation to the tourism industry and being a critical provider of emergency services. As outlined above in Part 5 of my report, the provisions within the Notified Chapter give effect to the relevant higher order statutory documents as required by the RMA.

**7.15** For the reasons outlined above, I recommend to the Panel that submissions 217 (J Berriman) and 807 (RPL) be rejected, and that submissions 433 (QAC) and 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) as well as Further

Submission 1077 (BARNZ) be accepted, as indicated in **Appendix 2** to this report.

### **Submissions on 17.2 Objectives and Policies**

**7.16** Section 17.2 of the Notified Chapter contains the objectives and policies to ensure that the effects of land uses carried out at Queenstown Airport are appropriately managed or provided for.

**7.17** Submitter QAC (433) supports the provisions within section 17.2 of the Notified Chapter and requests that these be retained as notified. I recommend to the Panel that this submission be accepted in part, taking into consideration the relief sought by submitters discussed in the following paragraphs.

#### *Objective 17.2.1*

**7.18** I recommend that minor amendments to Objective 17.2.1 be made to address the Fourth Procedural Minute issued by the Panel on 8 April 2016 regarding the drafting of objectives. I am of the opinion that the recommended objective contained within the Revised Chapter attached as **Appendix 1** (Revised Chapter), now reads as an outcome or goal rather than a policy.

**7.19** This objective seeks to recognise Queenstown Airport as a generator of nationally and regionally significant economic, social and cultural benefits. Submitter 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) supports this objective in principle, but requests amendments to reflect that the airport itself is nationally significant infrastructure. Suggested rewording of the objective is provided within the submission as follows (inserted text underlined):

*Queenstown Airport is recognised as being nationally significant infrastructure and a generator of nationally and regionally significant economic, social and cultural benefits.*

**7.20** I note that Objective 4.3 of the PRPS 2016 is for infrastructure of national and regional significance to be managed in a sustainable way, with supporting Policies 4.3.2 and 4.3.4 seeking the recognition and protection of infrastructure that is nationally and regionally significant. I am of the opinion that the wording proposed by submitter 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) has better regard to the PRPS than the Notified Chapter. The suggested wording

clarifies that as well Queenstown Airport being a generator of nationally and regionally significant economic, social and cultural benefits; it is also a nationally significant piece of infrastructure in its own right. As such, I recommend to the Panel that submission 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) be accepted. Included within **Appendix 5** of this report is a s32AA evaluation of this change.

**7.21** Submission 798 (Otago Regional Council) (**ORC**) requests that "*provisions for roading, access and parking should recognise the needs of active transport modes, public transport services and infrastructure.*" I agree with submitter ORC in so far as the provision of public transport services and infrastructure in the future should be recognised. Objective 17.2.1 does not specifically recognise these transports needs. However, I note that associated with this objective is Policy 17.2.1.2, which seeks to provide for a range of airport related activities that support or complement the functioning of Queenstown Airport. Further, the definition of "Airport Related Activity" includes the provision of "land transport activities" as well as servicing and infrastructure.

**7.22** I consider that greater emphasis should be placed on the promotion of these alternate modes of travel particularly given airport activities generate a number of vehicle movements associated with dropping off or picking up passengers. As such, my recommendation to the Panel is that the ORC's submission be accepted in part by including an additional policy to encourage walking and cycling (being active transport modes) and public transport. The insertion of an additional policy that encourages active transport modes, public transport services and infrastructure is supported by Further Submission 1340 (QAC). Additionally, I note that Policy 4.4.6 of the PRPS 2016 seeks to enable energy efficient and sustainable transport for Otago's communities by placing a high priority on walking, cycling and public transport.

**7.23** To assist the Panel, I have suggested wording for an additional policy contained within the Revised Chapter (**Appendix 1**) as follows:

17.2.1.4 *Promote the use of walking, cycling and public transport services and infrastructure to support or complement the functioning of Queenstown Airport.*

**7.24** I have also included within **Appendix 5** of this report a s32AA evaluation of this change.

*Policy 17.2.1.1*

**7.25** Policy 17.2.1.1 seeks to "*provide for those aviation activities necessary to enable Queenstown Airport to operate in a safe and efficient manner.*" Although the intent of this policy is supported by submission 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd), the submitter notes that there is no definition of 'aviation activities' within the PDP and therefore the policy should be amended to refer to 'airport activity' which is a defined term. I agree with this submitter in terms of potential ambiguity resulting from the inconsistent use of terminology.

**7.26** As such, I recommend to the Panel that submission 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) be accepted in part in that Policy 17.2.1.1 be amended to refer to 'airport activity' in relation to Queenstown Airport, as requested.

**7.27** I also recommend to the Panel that minor amendments are made to this policy to improve drafting, as outlined in the Revised Chapter attached as **Appendix 1**. In my opinion, the amended wording does not change the intended outcome of the policy, rather improves its drafting for greater clarity and therefore the recommended rewording can be made in accordance with Clause 16(2) of the First Schedule of the RMA.

**7.28** I have also included within **Appendix 5** of this report a s32AA evaluation of my recommended changes to this policy.

*Policy 17.2.1.3*

**7.29** Policy 17.2.1.3 seeks to ensure that sufficient land is zoned to meet the foreseeable future requirements of activities that support or complement the functioning of Queenstown Airport.

**7.30** To give effect to this policy the Notified Chapter and associated Planning Maps 31, 31a and 33 identify that all the land covered by Designation #2 (Aerodrome Purposes) in both the ODP and PDP as being included in the Queenstown AMUZ. As outlined in the s 32 evaluation of the proposed provisions (**Appendix**

3), this land is zoned Rural General in the ODP but has been incorporated into the AMUZ within the PDP to give effect to this policy.

- 7.31** Further, the s 32 evaluation notes that Notified Policy 17.2.1.3 and the proposed rezoning of land at Queenstown Airport address an identified need to provide additional capability for airport related activities at Queenstown Airport on account of the importance of Queenstown Airport's role in the District's tourism industry. I agree with this assessment within the s 32 report (**Appendix 3**).
- 7.32** Submitter RPL (807) requests that Notified Policy 17.2.1.3 be deleted.
- 7.33** Submitter RPL (807) considers that the reason for the area of land which is designated for aerodrome purposes not being contained within the AMUZ within the ODP is that it is inconsistent with the use of that land for aerodrome purposes. The land covered by Designation #2 for the purposes of Aerodrome within the PDP the same as the proposed AMUZ. I disagree with the rationale presented by RPL in their submission (807), and recommend its submission is rejected.
- 7.34** Additionally I note that the Further Submissions received from QAC (1340) and BARNZ (1077) oppose this submission from RPL (807).

*Notified Policy 17.2.2.3 [Redrafted Policy 17.2.3.3]*

- 7.35** Notified Policy 17.2.2.3 [redrafted 17.2.3.3] is to '*avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport*'. As outlined in the s 32 analysis (**Appendix 3**), this policy sets out the framework to retain the prohibited activity status for incompatible activities which are currently prohibited within the ODP.
- 7.36** Although not directly stated in the s 32 evaluation, it is my view that this policy also provides a foundation for the avoidance of reverse sensitivity effects.
- 7.37** Submitter 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) supports this policy in part in that when combined with Notified Objective 17.2.2 [Redrafted 17.2.3] and Notified Policy 17.2.2.2 [Redrafted 17.2.3.2], this submitter is of the opinion that the interface between the airport and surrounding land uses is appropriately controlled. However, this submitter requests that Notified Policy 17.2.2.3 [Redrafted 17.2.3.3] be amended to recognise that the intensification of

existing incompatible activities also has the potential to adversely impact on the functioning of Queenstown Airport, and therefore requests that the word "intensification" is inserted into the policy. I recommend that this submission point is accepted because I consider that reverse sensitivity effects could be exacerbated if intensification of existing land uses sensitive to aircraft noise were to occur. This recommended change has been included in the Revised Chapter attached as **Appendix 1** and been evaluated in accordance with s32AA of the RMA within **Appendix 5** of this report.

- 7.38** While the submission received from RPL (807) does not specifically address Notified Policy 17.2.2.3 [Redrafted 17.2.3.3.], I note that the general comments made within its submission (paragraph 10.3 and 10.4) outline its position seeking that the ODP provisions be retained. I am of the view that this aspect of its submission should also be considered in the context of Notified Policy 17.2.2.3 [Redrafted 17.2.3.3] given the s32 analysis identified this provision as being required to support the prohibited activity status of some activities within the zone.
- 7.39** Submitter RPL (807) has noted that ASANs are restricted within land adjoining the Queenstown Airport Zone (specifically within the Remarkable Park Zone (**RPZ**)) but not on land within the Queenstown Airport Zone. The relief sought by RPL (807) seeks that as ASANs are enabled within the Queenstown Airport Zone, they should similarly be enabled within the RPZ.
- 7.40** I consider that this submission point is out of scope given the RPZ does not form part of Stage 1 of the District Plan review and a resolution has been passed by the Council to exclude the RPZ from the District Plan Review.<sup>7</sup> I therefore recommend to the Panel that RPL's submission be rejected in respect of enabling the range of activities including ASANS to occur within RPZ.
- 7.41** However, alternative relief sought by RPL (807) includes a request that the same noise restrictions be imposed within the Queenstown Airport Zone as were imposed on the RPZ through PC35.
- 7.42** PC35 provisions (objectives, policies and rules) were appealed to the Environment Court. I understand that, with the exception of the Lot 6 noise boundaries, the PC35 provisions are to be treated as operative pursuant to section 86F of the RMA.

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<sup>7</sup> Council meeting held on 29 September 2016 – Item 4.

- 7.43** Within the Notified Chapter, visitor accommodation associated with the needs of Airport passengers, visitors and employees at Queenstown Airport is permitted if buildings have been designed to achieve an Indoor Design Sound Level of 40 dB  $L_{dn}$  within any Critical Listening Environment, based on the 2037 Noise Contours contained in the PDP planning maps (Rule 17.4.1 and Notified Standard 17.5.8 [Redrafted 17.5.7]).
- 7.44** The noise restrictions within the RPZ that resulted from PC35 proceedings related to any new building or any alteration or addition to an existing building to be used for residential activities or visitor accommodation to be acoustically insulated from aircraft noise so as to achieve an "*Indoor Design Sound Level of 40dB  $L_{dn}$  based on the 2037 Noise Contours, except for non-critical listening environments where no special sound insulation is required.*"<sup>8</sup> This is consistent with the proposed provisions applicable to Visitor Accommodation activities within the Queenstown Airport Zone described above. Within the RPZ, alternative methodologies for addressing effects from aircraft noise are provided for buildings located between the 58 and 60 dB 2037 Noise Contours. As such, I recommend to the Panel that RPL's (807) submission is also rejected on this matter.
- 7.45** RPL's submission (807) requesting that the ODP provisions be retained is also relevant to the provision for visitor accommodation in the Queenstown Airport Zone. Within the ODP visitor accommodation is listed as a prohibited activity (Rule 6.2.3.5ii). However within the PDP visitor accommodation is included within the definition of 'Airport Related Activity' which is permitted under Notified Rule 17.4.1 [Redrafted 17.5.7] if it complies with the relevant standard relating to acoustic insulation (Notified Rule 17.5.8).
- 7.46** I note that Appendix 4 of the s 32 evaluation for the Notified Chapter (**Appendix 3**) is relevant. This report was prepared by Mr Steve Peakall of Marshall Day Acoustics, dated 19 November 2014 and discusses the provision for visitor accommodation within the Queenstown AMUZ at section 3.0 of this report. Mr Peakall, who is an acoustic engineer, considered it appropriate to define visitor accommodation as an activity that can be established within the Queenstown AMUZ given the intent of the zone is to provide for airport related activities, which includes visitor accommodation. Establishing visitor accommodation within close

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<sup>8</sup> Zone Standard 12.11.5.2iv(a).

proximity to an airport has become an acceptable and subsidiary activity to airport operations throughout the country.

**7.47** However, Mr Peakall considered that if visitor accommodation is to be permitted within the Queenstown Airport Zone, then reverse sensitivity and adverse noise effects need to be appropriately considered and mitigated through minimum standards. Mr Peakall considered that visitor accommodation should be limited in the following ways:

- a. *Used by people for short term stays, unlikely to exceed a day or two in duration.*
- b. *There would be minimal expectation for outside space to be provided; the main use of visitor accommodation would be for people in transit, at the beginning or end of a vacation and therefore not explicitly on holiday in the MUAZ [mixed use airport zone].*
- c. *Typically people using such accommodation would also be using the airport services so may generally expect and be sympathetic to a degree of impact by the airport.*

**7.48** Notwithstanding these points, Mr Peakall noted that visitor accommodation is an ASAN and could still be adversely affected by airport noise. Therefore Mr Peakall recommended that any visitor accommodation developments would need to be fitted with sound insulation to ensure a satisfactory internal noise environment (40 dB L<sub>dn</sub>) was achieved. Taking Mr Peakall's report into consideration, I agree with the assessment contained within the s 32 analysis, in that Notified Standard 17.5.8.1 [Redrafted 17.5.6.1] is considered to be an effective means of mitigating reverse sensitivity effects associated with visitor accommodation within the zone and the most appropriate way of achieving Notified Objective 17.2.2 [Redrafted 17.2.3]

#### *17.3.2 – District Wide (Other Provisions and Rules)*

**7.49** Submission 383 (QLDC - Corporate) requests that standard wording related to permitted activities be inserted within notified section 17.3.2. I accept this submission and accordingly, have recommended that redrafted advice note 17.3.2.1 be included in the chapter at **Appendix 1**. I have also included within **Appendix 5** of this report is a s32AA evaluation of this change.

- 7.50** I note that the submission received from QAC (433) requests that this section be retained as notified. However, I recommend to the Panel that this submission be rejected as a number of modifications are either sought by submitters (e.g. 383 (QLDC)), or are required to be made to accommodate the Airport Zone at Wanaka Airport (discussed below and which is a result of the relief sought by Submission 433 (QAC)).
- 7.51** In addition, I note that within the Right of Reply for Chapter 30 – Energy and Utilities, a clarification note was included to state that the provisions within Chapter 17 prevail over the provisions contained within Chapter 30. This was to address submitter 433 (QAC) who seek an adjustment to ensure that provisions relating to Airport Activities within the Queenstown Airport Zone prevail over rules within the Energy and Utilities Chapter. As such, I have included the same clarification note within the Revised Chapter attached (**Appendix 1**).

**Rule –17.5**

- 7.52** Rule 17.5 of the Notified Chapter contains the following standards (as notified) for activities located within the AMUZ:

- 17.5.1 *Maximum Building Coverage*
- 17.5.2 *Maximum Buildings Setback*
- 17.5.3 *Maximum Building Height*
- 17.5.4 *Landscaping*
- 17.5.5 *Building Design and Glare*
- 17.5.6 *Maximum Noise – Land Based Activities*
- 17.5.7 *Hazardous Substances*
- 17.5.8 *Visitor Accommodation – Queenstown Airport*
- 17.5.9 *Transportation*
- 17.5.10 *Signs*

*Rule 17.5.1 – Maximum Building Coverage*

- 7.53** Submitter RPL (807) seeks that the maximum building coverage be retained as in the ODP. I note that the maximum building coverage is 75% in both the ODP and PDP and has not changed. I therefore recommend that the submission received from RPL (807) be accepted in this regard.

*Rule 17.5.2 - Minimum Building Setback*

- 7.54** Submitter RPL (807) seek that the ODP minimum building setback rules are reinstated over the PDP rules. I am unsure of the rationale behind this request.
- 7.55** Within the ODP, the minimum setback for buildings within the Queenstown AMUZ is 10m from any zone boundary and 6m from any road. Within the Notified Chapter, these setbacks have been reduced to 5m where any site adjoins a Residential Zone, 3m from all other zones, and 5m from any public road. The s32 evaluation of the notified provisions (**Appendix 3**) concluded that greater development opportunities would result from the amended setback distances particularly given the limited land resource within the Queenstown AMUZ. Costs identified were that the reduced setback distance would result in buildings being located closer to property boundaries. However, the s 32 assessment concludes that, coupled with other building and urban design controls, the effects on amenity values can be appropriately managed. Overall, the s 32 assessment concluded that the minor costs of reducing the minimum setback from boundaries were outweighed by the benefits.
- 7.56** Additionally, I note that the proposed setback standards within the Notified Chapter are no more lenient with that of adjoining zones, including the operative RPZ which has a minimum 1.5m building setback, and the adjoining Activity Area D within the operative Frankton Flats B Zone which has no side or rear boundary setbacks, and a minimum setback distance along a boundary which adjoins the Rural General Zone or a road boundary of 5m.
- 7.57** For the above reasons, I recommend to the Panel that the submission received from RPL (807) be rejected in regards to retaining the existing Queenstown Airport Zone rules in relation to setbacks.
- 7.58** QAC (433) seeks a minor amendment to Standard 17.5.2.1 to remove reference to Queenstown Airport and to clarify that the wording within this standard to refers to all buildings. I consider that this amendment will not change the substance or intent of what the provision was trying to achieve, but will improve clarity. Therefore I recommend that this submission is accepted.

*Rule 17.5.3 - Maximum Building Height*

- 7.59** RPL (807) submits that the ODP rules in relation to height be retained, stating that the increased building height is not necessary for aerodrome uses.
- 7.60** The maximum building height limit within the operative Queenstown Airport Mixed Use Zone is 9m. This has been increased to 15m within the Notified Chapter. I note that Designation #4 (Airport Approach and Land Use Controls) further limits the maximum building height within the Queenstown Airport Zone insofar as setting height and obstacle clearance restrictions to safeguard the efficient functioning of the Airport and to protect people's safety.
- 7.61** As mentioned above, AA8 within the operative RPZ directly adjoins the notified Queenstown Airport Zone . The maximum building height in AA8 is 18m [Zone Standard 12.11.5.2ii]. Frankton Flats (B) Zone also directly adjoins the notified Queenstown Airport Zone . The maximum building height in the Frankton Flats (B) Zone ranges from 6.5m to 18.5m [Zone Standard 12.20.6.2ii] (depending on the distance from the State Highway). Immediately adjoining the Queenstown Airport Zone within the Frankton Flats (B) Zone is Activity Area D which provides for a long term location for yard based activities and where the maximum building height is 10m [Zone Standard 12.20.6.2xvii].
- 7.62** Overall, I consider that the increased maximum building height within the Notified Chapter to be consistent with adjoining zones and appropriate to ensure a degree of amenity is retained within surrounding zones, particularly given the additional restrictions imposed by Designation #4. I therefore recommend that the submission of RPL (807) is rejected.

*Rule 17.5.4 - Landscaping*

- 7.63** RPL (807) seeks to retain the existing provisions relating to landscaping within the Queenstown Airport Zone.
- 7.64** Landscaping requirements for sites within the operative Queenstown Airport Zone require at least 10% of every site to be landscaped (Site Standard 6.2.5.1iii). Sites fronting Lucas Place and Hawthorne Drive are required to provide and maintain a landscape strip extending the full length of the road boundary with the

strip being not less than 1m deep with an average depth of 4m over its entire length [ODP Site Standard 6.2.5.1iii].

- 7.65** Within the Notified Chapter, landscaping along sites fronting Lucas Place and Hawthorn Drive has been reduced from 4m to an average depth of 3m over its entire length. A minimum depth of 1m has been retained. However the minimum 10% requirement for every site to be landscaped has been removed.
- 7.66** The reasons provided within the s 32 assessment related to landscaping, other than well maintained grass, as being inappropriate at airports for operational and safety reasons. The removal of the 10% landscaping requirement was in recognition of this. Further, it was noted that the urban design guidelines prepared and implemented by QAC will identify areas where high quality landscaping is appropriate. I agree with this assessment.
- 7.67** I also note that removing the 10% landscaping requirement will enable greater development opportunities, given the limited land resource at Queenstown Airport.
- 7.68** Overall, I consider that the amendments contained within the Notified Chapter will still ensure an appropriate level of amenity is retained along the interface between the Queenstown AMUZ and adjoining roads (Lucas Place and Hawthorne Drive), while at the same time enabling greater development opportunities, given the limited land resource at Queenstown Airport. As such, I recommend that the submission received by RPL (807) be rejected.
- 7.69** Submission 238 (NZIA) strongly support Council advocacy to promote good urban design. Taking this submission into consideration, I have included redrafted wording within the Revised Chapter to provide better certainty and clarification regarding the matters to which discretion is restricted within Notified Rule 17.5.4. I consider these changes to be minor amendments to improve clarity and have therefore not provided a s 32AA evaluation of these changes.

*Rule 17.5.5 – Building Design and Glare*

- 7.70** Submitter 383 (QLDC) seeks the insertion of an additional clause to Notified Rule 17.5.5 so as to limit airport lighting when it is not operationally required in order to mitigate impacts through the landscape and on the night sky. The suggested wording of this additional rule states:

*Lighting shall be in use only when necessary in an operational sense, so as to minimise adverse impacts on the night sky.*

- 7.71** This is opposed by FS1340 (QAC) who consider this rule to be "vague, unenforceable and should not be included".

- 7.72** I agree with QAC (FS1340) to the extent that the suggested condition from QLDC - Corporate (383) would be difficult to administer from a consenting perspective. However, I note that within the adjoining RPZ and Frankton Flats B Zone there are rules to ensure that lighting and glare is directed away from adjacent sites and roads and does not exceed 3.0 lux spill. The relief sought by submitter 383 (QLDC) could be met by a similar standard, which I consider would be more measurable, such as:

***Light and Glare***

*All fixed exterior lighting on buildings associated with Airport Related Activities shall be directed away from adjacent sites and roads.*

- 7.73** This recommended condition is included in **Appendix 1** and **Appendix 2** to this report. Included within **Appendix 5** of this report is a s32AA evaluation of this change.

*Notified Rule 17.5.6 – Maximum Noise – Land Based Activities*

- 7.74** The Maximum Noise for land based activities standard within the Notified Chapter states:

*17.5.6.1 Sound from land based activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802: 2008 shall not exceed the following noise limits at any point within any Residential Zone, the notional boundary in the Rural Zone, or at any point within Activity Areas 1, 3, 4, 6 and 8 of the Remarkables Park*

*Zone. On any site within the zone, land based activities shall be conducted such that the following noise levels are not exceeded at any adjacent Zone boundary*

- a. *Daytime (0700 to 2200 hrs) 55 dB LAeq (15 min)*
- b. *Night-time (2200 to 0700 hrs) 45 dB LAeq (15 min) 70 dB LAFmax*

*17.5.6.2 The noise limits in (a) shall not apply to any aircraft noise activities subject to the Queenstown Airport noise provisions managed through Designation 2.*

*17.5.6.3 The noise limits in (a) shall not apply to construction noise which shall be assessed in accordance with NZS6803:1999 "Acoustics – Construction Noise".*

*\*Discretion is limited to the extent of effects of noise generated on adjoining zones.*

**7.75** Notified Rule 36.5.2 [Redrafted 36.5.15] seeks to control the level of sound received from the Queenstown AMUZ within the adjoining Residential and Rural Zones. QAC requested that Notified Rule 36.5.2 be replaced with Notified Rule 17.5.6 to ensure that all noise provisions are located within one section of the PDP (Chapter 36 Noise). Additionally, QAC (433) submitted that Notified Rule 36.5.2 did not specify acceptable levels for land based noise.

**7.76** This submission point was addressed in the District Wide Hearing Stream 05 in relation to Chapter 36 Noise. It was the reporting officer, Ms Ruth Evans' recommendation<sup>9</sup> that the submission requesting the deletion of Notified Rule 36.5.2 be rejected. Ms Evan's view is that Notified Rue 36.5.2 [Redrafted 36.5.15] better reflects the structure of the PDP compared with Notified Rule 17.5.6, as Notified Rue 36.5.2 [Redrafted 36.5.15] stipulates noise limits for the receiving environment rather than the point of noise generation.

**7.77** Ms Evans recommended that noise from aircraft operations be excluded from Notified Rule 36.5.2 [Redrafted 36.5.15] and that reference to the RPZ be included, as requested by QAC (433).

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<sup>9</sup> Ms Ruth Evans – Section 42A Report Noise Chapter 26 dated 17 August 2016 (Page 15, paragraph 8.26): <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-5/Section-42A-Reports-and-Council-Expert-Evidence/QLDC-05-Chapter-36-Noise-Section-42A-report-Full-File.pdf>.

**7.78** Notified Rule 36.5.2 [Redrafted 36.5.15] as recommended by Ms Evans in the QLDC's Right of Reply is as follows (recommend changes to notified chapter are shown in red underlined text for additions and ~~red strike through~~ text for deletions recommended insertion underlined):

<i>Activity or sound source</i>	<i>Assessment location</i>	<i>Time</i>	<i>Noise Limit</i>	<i>Non-compliance status</i>
"Sound from the Queenstown Airport Mixed Use Zone received in the Residential Zones, <u>Remarkables Park Zone</u> and the Rural Zone, <u>excluding sound from aircraft operations.</u> "	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone	0700h to 2200h  2200h to 0700h	55 dB LAeq (15min)  45 dB LAeq (15min) 75 dB LAFmax	RD Discretion is restricted to the extent of effects of noise generated on adjoining zones

**7.79** I have reviewed Ms Evan's recommendations and agree that the removal of Rule 17.5.6 from the Notified Chapter would be consistent with the approach taken in drafting the PDP in terms of all the rules relating to noise limits being grouped within one district-wide chapter. The removal of Notified Rule 17.5.6 will also avoid repetition within the PDP. I also consider that Redrafted Rule 36.5.15 appropriately controls noise generated from the Queenstown AMUZ. As such, I recommend that Notified Rule 17.5.6 be deleted and Redrafted Rule 36.5.15 be retained. Included within **Appendix 5** of this report is a s32AA evaluation of this change.

*Notified Rule 17.5.7 [Redrafted 17.5.6] – Hazardous Substances*

**7.80** Notified Standard 17.5.7 [Redrafted 17.5.6] requires hazardous substances to be used, stored and transported in accordance with HSNO, and any CAA requirements. There is also a note for clarification that Chapter 16 of the ODP (Hazardous Substances) does not apply.

**7.81** Submitter Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd (768) supports the reliance on HSNO rather than the provision within the ODP, considering this to be appropriate. However, the submitter questions whether the storage and use of

hazardous substances can lawfully occur if there is a non-compliance with HSNO. Submitter 768 suggests that Notified Standard 17.5.7 [Redrafted 17.5.6] be deleted.

- 7.82** I agree with submitter 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) in that the reference to the HSNO and CAA requirements are not necessary as they apply regardless of any provision in the PDP. It is my recommendation to the Panel that submission 768 (Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd) be accepted and that Notified Rule 17.5.7 be removed, excluding the reference to Chapter 16 of the ODP which I recommend be retained. Included within **Appendix 5** of this report is a s32AA evaluation of this change.

*Notified Rule 17.5.8 [Redrafted 17.5.7] – Visitor Accommodation – Queenstown Airport*

- 7.83** Notified Rule 17.5.8 [Redrafted 17.5.7] requires new buildings and alterations and additions to existing buildings that contain visitor accommodation activities, and that are located within the Air Noise Boundary (**ANB**) or between the ANB and Outer Control Boundary (**OCB**), be designed to achieve an appropriate indoor design sound level within any 'Critical Listening Environment'.
- 7.84** The corporate submission received from QLDC (383) seeks amendments to the wording of Notified Rule 17.5.8, as does QAC (433). Both of these submitters note that the Notified Chapter cross-references ODP provisions that form part of Stage 1 of the District Plan Review. Specifically, these submitters request that reference to 'Appendix 13' of the Noise Chapter within the ODP is updated to reference the appropriate provisions within the Chapter 36 (Noise) of the PDP. I recommend to the Panel that these minor amendments be made, as marked in the Revised Chapter attached at **Appendix 1**, and that submissions from QLDC (383) and QAC (433) are accepted.
- 7.85** I note that further submissions 1097 (QPL) and 1117 (RPL) oppose submission 433 (QAC) insofar as QAC requests all amendments that place additional restrictions on existing urban zones including the RPZ be rejected. They also oppose all amendments that seek to undermine or circumvent PC35 proceedings currently before the Environment Court, as well as opposing all amendments that enable urban activities on airport land when such activities are restricted within adjoining zones. The Council has resolved to exclude the RPZ from the PDP. (However, further steps will need to be taken by the Council to achieve this).

Therefore, it is my understanding that the ODP provisions, that deal with activities within the Air Noise Boundary that are located on RPZ land, will continue to be dealt with under the ODP, and therefore there is no need for identical provisions in the PDP.

**7.86** Despite this, as discussed above in relation to Notified Policy 17.2.2.3 [Redrafted Policy 17.2.3.3], the noise restrictions within the RPZ that resulted from PC35 proceedings related to any new building or any alteration or addition to an existing building, to be used for residential activities or visitor accommodation, to be acoustically insulated from aircraft noise so as to achieve an “*Indoor Design Sound Level of 40dB Ldn based on the 2037 Noise Contours, except for non-critical listening environments where no special sound insulation is required*”<sup>10</sup>. This is consistent with the proposed provisions applicable to Visitor Accommodation activities within the Queenstown Airport Zone .

**7.87** Overall, I recommend to the Panel that QAC's (433) submission is accepted and that further submissions 1097 (QPL) and 1117 (RPL) are rejected.

*Notified Rule 17.5.9 – Transportation [Redrafted 17.5.8]*

**7.88** The Notified Chapter includes:

- a. Notified Rule 17.5.9.1 which provides that loading and access shall comply with the requirements specified in Section 14 Transport of the ODP; and
- b. Notified Rule 17.5.9.2 which states that car parking shall comply with the requirements specified in Section 14 Transport of the ODP except for activities undertaken within or in association with the airport terminal facility.

**7.89** Submitter QLDC - Corporate (383) requests that the provisions relating to parking, loading and access, which refer to the ODP, be removed.

**7.90** Section 17.3.1 of the Notified Chapter draws attention to the relevant District Wide chapters. Transport (14 ODP) is listed. In my view, the references to the

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<sup>10</sup> Council decision on Private Plan Change 35 dated 1 November 2010 and confirmed by Environment Court Interim Decision issued 10 September 2012.

ODP in Notified Rule 17.5.9 read more like advice notes. Further, they duplicate Notified Section 17.3.1. Accordingly, I recommend that they be removed and that the submission by QLDC (383) be accepted. I have noted these changes in the Revised Chapter attached (**Appendix 1**) at Redrafted Rule 17.5.8. I have also included within **Appendix 5** of this report is a s32AA evaluation of this change.

- 7.91** In its further submission, QAC (1340) submitted that part of Notified Rule 17.5.9 be retained as it relates to the minimum car parking exemption for activities undertaken within or in association with the terminal building. However, Submitter H McPhail (834) considers that the car parking provided at the airport is presently inadequate, and considers future expansion of the airport as being incompatible with Notified Policy 17.2.2.1 (maintaining Queenstown Airport as a memorable and attractive gateway to the District), unless parking buildings and underground parking are developed. Submitter H McPhail (834) considers that more car parking must be provided as inadequate provision is resulting in flow on effects to the wider Frankton Area. I note that M Harris (116) raises concerns in relation to improving parking at the airport to alleviate the effects on the wider environment associated with traffic congestion and parking.
- 7.92** I agree with submitter H McPhail (834) in terms of land being a finite resource at the airport which must be carefully managed.
- 7.93** The s 32 evaluation at **Appendix 3** includes a traffic report carried out by Carriageway Consulting (at Attachment 5). The report reviews the traffic implications of the notified Queenstown Airport Mixed Use Zone provisions. The report concludes that the change to the status quo will not result in more than negligible traffic effects. However, the review did not address whether the current provision for car parking for activities within or in association with the terminal facility was adequate or sufficient to meet parking demand at the Airport.
- 7.94** In terms of the requests from submitters 834 (H McPhail) and 116 (M Harris) to provide more parking at the airport, I observe that the airport generates many vehicle movements associated with passengers departing or arriving. Users of the airport have the option of paying to park within the long term car park provided by QAC, or parking within the surrounding streets. Council intends to undertake a comprehensive review of minimum car parking requirements through Stage 2 of the District Plan review forming part of the Transport Chapter. Additionally, I do not consider there to be adequate information about the parking

demand at the airport to recommend that the exception be removed at this stage. On this basis, I recommend to the Panel that the submissions of M Harris (116) and H McPhail (834) are rejected.

- 7.95** I further note that parking within adjoining zones in the legal road reserve in the vicinity of Queenstown Airport is not controlled by the District Plan. I also note that the most prominent adjacent road is administered by the NZ Transport Agency (**NZTA**) and is outside the jurisdiction of the QLDC. Therefore, I have no basis to offer a recommendation on this part of Messrs McPhail and Harris's submissions.

*Section 17.6.1 – Non-Notification of Applications*

- 7.96** QLDC's corporate submission (383) requests that amendments are made to the wording of this provision to make it consistent with that contained within other chapters of the PDP. I can confirm that the amendments sought are consistent with wording contained within other chapters of the PDP.
- 7.97** I note that further submission 1097 (QPL) opposes submission 383 (QLDC) in relation to the non-notification of airport activities. Given the purpose of the Queenstown Airport Zone is to facilitate the functioning of the Queenstown and Wanaka Airports; I recommend to the Panel that this further submission is rejected.
- 7.98** Notified Provision 17.6.1 states that applications for discretionary activities shall not require the written consent of other persons and shall not be notified or limited notified. There are no activities or non-compliance with standards that have a discretionary activity status in respect of the Queenstown AMUZ. Therefore, the removal of the reference to discretionary activity will have no substantive impact in respect of the Queenstown AMUZ. I recommend that reference to 'discretionary activities' is deleted in accordance with the submission of QLDC (383).
- 7.99** I note that a range of activities in the recommended Wanaka Airport Zone are proposed to be discretionary. I consider it appropriate to ask for written approval from affected persons in the case of these activities, given the QLDC is provided a full range of discretion in terms of assessing the adverse effects that may

potentially result. Therefore, I consider that it would be appropriate for these activities to be subject to the RMA provisions on notification.

#### *Section 17.7 – Non – Regulatory Methods*

**7.100** Submitter NZIA and Architecture + Woman Southern (**NZIA**) (238) supports non-regulatory methods at Notified Section 17.7 of the Notified Chapter. QAC (433) similarly supports the non-regulatory method provisions and requests that they be retained as notified.

**7.101** I recommend to the Panel that the submissions of NZIA (238) and QAC (433) be accepted.

**7.102** I note that further submissions were received from QPL (1097) and RPL (1117) opposing QAC's submission which supported the non-regulatory provisions as notified. The reasons given relate to inconsistency with PC35 and any additional restrictions on existing urban zones. I recommend to the Panel that these further submissions are rejected as they are not related to the statements contained within Notified Clause 17.7 in terms of non-regulatory methods.

### **8.0 MINOR AMENDMENTS AND COMMENTS**

**8.1** I have recommended some general amendments to the Notified Chapter for the purposes of efficiency, and in accordance with previous directions of the Panel regarding the appropriate drafting of objectives and policies. These include the following:

- a. In previous hearings the Panel has queried the status of provisions under the heading "*Other Provisions and Rules,*" specifically within the sub-heading "*Clarification*". Accordingly, I have relabelled the statements contained within section 17.3.2 under two additional sub-headings: "*General Rules*" and "*Advice Notes*".
- b. I recommend that the chapter is renamed "Airport Zone" in order to accommodate the provisions as they relate to Wanaka Airport.
- c. I have added some clarification text to differentiate between the rules and standards applicable to Queenstown and Wanaka Airports at Section 17.3.2.

- d. I have included an advice note relating to the obligations for approval of the requiring authority to works undertaken within the 'Aerodrome Purposes' designations at Queenstown and Wanaka Airports.
- e. I have recommended that minor changes be made to the wording of Rule 17.4.2 in relation to activities not listed in Rules 17.4.3 to 17.4.9 being assessed as Restricted Discretionary activities.
- f. I have provided redrafted wording for matters whereby discretion is restricted to be consistent with the drafting of provisions contained within other Chapters of the PDP.
- g. I have recommended that the word 'Note' be changed to 'Except' within Standard 17.5.2 given the subsequent text relates to an exemption.
- h. At Standard 17.5.5 I have recommended that clarification is made that the colour of buildings relates to its exterior.
- i. I have recommended correction of a typo for the definition of 'Landside' to remove 'that' after the word 'means'.

**8.2** I do not consider these changes to be substantive and therefore consider that they can be made in accordance with clause 16(2) of Schedule 1 of the RMA.

*Notified Rule 17.4 – Activities located in the Queenstown Airport Mixed Use Zone*

**8.3** Within the Notified Chapter, Rule 17.4.1 provides for any airport or airport related activity or farming activity which complies with all the relevant rules in Section 17.5 as a permitted activity.

**8.4** I note that some of the land zoned Rural in the ODP which is now included within the AMUZ is used for the grazing of livestock. However, the grazing of livestock does not meet the definition of 'farming activity' as it does not involve the primary purpose of the production of vegetative matters and/or commercial livestock given that stock would primarily be for land management purposes to keep the grass down which differs from the primary purpose being for commercial livestock. The definition of 'farming activity' within the PDP is as follows:

*"Means the use of land and buildings for the primary purpose of the production of vegetative matters and/or commercial livestock. Excludes residential activity, home occupations, factory farming and forestry activity. Means the use of lakes and rivers for access for farming activities."*

**8.5** The ODP lists 'Farming' as a prohibited activity (Rule 6.2.3.5vi) in the Airport Mixed Use Zone. However the area north of the runway at Queenstown Airport is zoned Rural General in the ODP. As such, farming or the grazing of animals is permitted within this area under the ODP provisions. With the expansion of the AMUZ to encompass this area presently zoned Rural General within the ODP, the intent of listing 'farming' as a permitted activity was to capture this existing permitted activity carried out under a different zoning.

**8.6** No submission has been made to provide scope for this change. Therefore, I have not recommended it in **Appendix 1**. However, in my view it would be appropriate for 'farming activity' to be removed from the list of permitted activities and for the definition of 'Airport Related Activity – Queenstown Airport' be amended to include 'grazing and the keeping of livestock for land management purposes'.

#### *Notified Standard 17.5.10 [Redraft 17.5.9] Signs*

**8.7** When drafting this s42A report, I noted that Notified Standard 17.5.10 [Redraft 17.5.9] relating to signs reads as an activity rather than a standard. I also note that this rule is poorly drafted and not easily followed. There have been no submissions on this provision. Therefore, I am of the understanding that there is no scope to recommend changes. However, I wish to record that my view is that Notified Standard 17.5.10 [Redraft 7.5.8] should be redrafted to be consistent with other standards within this table or moved in its entirety. In any case, it is likely that the QLDC can rectify this through Stage 2 of the PDP by moving these provisions to the Signs Chapter.

## **9.0 DEFINITIONS – ANALYSIS OF SUBMISSIONS**

**9.1** A number of submissions were received in relation to definitions which affect the Airport Zone provisions. I have grouped these by definition as follows:

## **9.2 Activity Sensitive to Aircraft Noise (ASAN):**

- 9.2.1** Submitter Christine Byrch (243) requests that the definition of ASAN be amended to include outdoor spaces associated with residential, visitor accommodation, community and day care activities, given people of Queenstown enjoy the outdoor areas of their properties in addition to inside spaces.
- 9.2.2** As outlined in the acoustic assessment contained within **Appendix 4** to the s32 analysis, given visitor accommodation within the Airport Zone would be used by people for short term stays, there would be minimal expectation for outside space to be provided. Typically people using such accommodation would also be using the airport services resulting in a degree of sympathy towards airport noise. I agree with this assessment. Accordingly, I do not consider that it is necessary to include a reference to outdoor spaces in the definition of ASAN in the context of the Airport Zone Chapter. However, I note that the definition of ASAN is used in other chapters in the PDP. The submission of Christine Byrch may, therefore, need to be reassessed in the relevant hearing stream for those chapters and again in the definitions hearing.
- 9.2.3** QAC requests that the definition of ASAN be retained as notified. This submission is opposed by Further Submissions 1117 (RPL) and 1097 (QPL). These submitters request that all definitions within the PDP be consistent with PC35. I am of the understanding that the definition of ASAN promulgated by PC35<sup>11</sup> was included in the PDP when notified.
- 9.2.4** Accordingly, I recommend to the Panel that Further Submissions 1117 (RPL) and 1097 (QPL) be rejected and that submission 433 (QAC) is accepted by the Panel.
- 9.2.5** Further, submitter 584 (Air New Zealand Limited) requests that the definition of ASAN be amended to be consistent with QLDC's decision with respect to PC19, which relates to the Frankton Flats B Special Zone. Given the time that has lapsed since QLDC's decision was made on PC19 and the intervening proceedings associated with PC35, I

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<sup>11</sup> Council decision on Private Plan Change 35 dated 1 November 2010 and confirmed by Environment Court Interim Decision issued 10 September 2012.

recommend rejection of the request by submitter 584 on the basis that the definition reflects the latest definition confirmed by the Environment Court. This version better reflects the existing environment surrounding Queenstown Airport that that confirmed through QLDC's decision on PC19.

### **9.3 Activity Sensitive to Aircraft Noise (ASAN) Wanaka**

**9.3.1** QAC note that this definition is a near duplication of the definition of ASAN (noted above) and as such, would support its removal as the definition of ASAN applies to both Queenstown and Wanaka Airports. I note that the only difference between these two definitions is that the definition of 'Activity Sensitive to Aircraft Noise (ASAN) Wanaka' includes the following statement: "including all outdoor spaces associated with any educational facility." It could be argued that aviation schools are classified for "educational facilities." However given such schools would be directly associated with aviation and airport operations, a degree of acceptance would be afforded toward airport noise. As such, I agree with submitter 433 (QAC) and recommend to the Panel that this submission be accepted. As recommended in **Appendix 1**.

**9.3.2** I note that submitter 836 (Arcadian Triangle Limited) supports the removal of this definition noting its similarity to the definition of 'ASAN'. I agree with this submission.

**9.3.3** Included within **Appendix 5** of this report is a s32AA evaluation of this change.

### **9.4 Aerodrome**

**9.4.1** The definition for 'Aerodrome' was inserted into the Notified Chapter and states as follows:

*Means a defined area of land used wholly or partly for the landing, departure, and surface movement of aircraft including any buildings, installations and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.*

**9.4.2** Submitter 836 (Arcadian Triangle Limited) is of the opinion that it is unclear why there is a definition of 'Aerodrome' in the PDP when other provisions refer to 'Airport'. This submitter seeks that this definition is deleted.

**9.4.3** I am of the opinion that this definition was included to clarify wording within the definition of 'Informal Airport', which specifically excludes 'Aerodromes'. The terms 'Aerodrome' and 'Informal Airport' are not used in the Airport Mixed Use Chapter. Accordingly, I do not consider that this submission point is relevant to this hearing stream.

**9.4.4** The definition of 'Informal Airport' was addressed in the Rural Hearing, however, the definition of 'Aerodrome' was not. Therefore, the term 'Aerodrome' will need to be addressed in the hearing for Chapter 2 – Definitions.

## **9.5 Aircraft:**

**9.5.1** Submission 296 (Royal New Zealand Aero Club Inc/Flying NZ) requests that the definition of 'Aircraft' be amended to reference 'motorised aircraft' so that the rules are targeted to the primary issue of noise.

**9.5.2** I consider this submission is also relevant to informal airports. However, I note that this submission was not considered during the Rural Hearing 2 and, therefore, will need to be considered at the definitions hearing.

**9.5.3** I do not support the relief sought by Submitter Royal New Zealand Aero Club Inc/Flying NZ (296) because aircraft and the related informal airports rules also intentionally include non-motorised use of land for informal airports such as hot air balloons and parasailing. I consider that these activities should be included as aircraft.

**9.5.4** Submission 383 (QLDC - Corporate) requests that the definition of aircraft is amended to exclude remotely piloted aircraft that are of a small scale and unlikely to have noise effects comparable to helicopters and fixed wing aircraft. QLDC also consider that retaining the potential for small scale remotely piloted aircraft to be subject to the PDP provisions could result in a large number of resource consents. Further, Civil Aviation Authority rules are tailored to specify remotely piloted aircraft. The District Plan should not duplicate these functions.

**9.5.5** In its submission (383), QLDC seek that the definition of Aircraft is amended as follows (requested insertion underlined):

*Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.*

**9.5.6** Additionally, QLDC – Corporate (submission 383) also seeks that a new definition for Remotely Piloted Aircraft is added as follows:

*Remotely Piloted Aircraft:*

*Means an unmanned aircraft that is piloted from a remote station.*

**9.5.7** Submission 383 (QLDC) is supported in part by Further Submission 1340 (QAC) who consider it appropriate to exclude remotely piloted aircraft from the definition of aircraft. However, QAC submits that that all definitions should be consistent with Civil Aviation Authority definitions. The CAA definition of 'Aircraft' is consistent with that notified.

**9.5.8** My understanding of the Council's corporate submission on Remotely Piloted Aircraft is that it was prepared to align with the information available from the Civil Aviation Authority at that time in October 2015. Irrespective of the current definition provided by the CAA, I consider that the relief sought by QLDC is effective in so far that it would exclude a range of activities such as the use of drones, even kite flying, that could otherwise be unintentionally captured by the informal airports rules and the reliance on the definition of Aircraft as notified.

**9.5.9** I recommend the changes proposed by QLDC (383) be included in the Revised Chapter (**Appendix 1**). I have also included within **Appendix 5** of this report is a s32AA evaluation of these changes.

## **9.6 Aircraft operations:**

**9.6.1** The definition of 'Aircraft Operations' in the PDP as notified stated:

*Includes the operation of aircraft during landing, take-off and taxiing but excludes:*

- *aircraft operating in an emergency;*
- *aircraft using the Airport as an alternative to landing at a scheduled airport;*
- *military aircraft movements; and*
- *engine testing.*

**9.6.2** This definition was inserted into the PDP when notified. The ODP does not include this definition.

**9.6.3** Submitter 243 (Christine Byrch) asks why "aircraft using the Airport as an alternative to landing at a scheduled airport" is excluded from the definition of 'Aircraft Operations'. According to this submitter, this omission appears to be a mistake.

**9.6.4** By way of background I note that as part of the proceedings for PC35, the definition of 'Aircraft Operations' was confirmed and was included in the PDP when notified. Although not identified in the s 32 analysis for the Definitions Chapter of the PDP (Chapter 2) or the s 32 analysis for PC35, new and revised definitions were included in the PDP to reflect PC35 decisions. I note that reference is made to 'Aircraft Operations' within the definition for Airport Activity and within Chapter 37 – Designations of the PDP.

**9.6.5** In addition, I note that I have also included the term 'Aircraft Operations' within the definition of 'Airport Activity' at Wanaka Airport. Currently, Wanaka Airport does not involve the landing or take-off of scheduled flights. Although I do not have any information available to inform the background to the phrase's inclusion, unless evidence is provided to the

contrary, I recommend that this part of the definition be retained and submission 243 (Christine Byrch) be rejected.

## **9.7 Air Noise Boundary**

**9.7.1** The definition of 'Air Noise Boundary' (**ANB**) in the PDP as notified states:

*Means a boundary, the location of which is based on predicted day/night sound levels of Ldn 65 dBA from future airport operations. The location of the boundary is shown on the District Plan Maps.*

**9.7.2** Submitter 433 (QAC) requests that that this definition be removed. According to this submitter this definition relates to the ANB at Wanaka Airport which was removed through the proceedings associated with PC26. As such, submitter 433 (QAC) is of the view that this definition is redundant and can be removed.

**9.7.3** I have consulted the Planning Maps notified as part of the PDP and can confirm that within Map 18a relating to Wanaka Airport, there is no Air Noise Boundary identified. Furthermore, there are no rules contained within Chapter 21 (Rural) which refer to an ANB restricting activities within such an area in Wanaka.

**9.7.4** I note that there is a definition for an 'Air Noise Boundary Queenstown (ANB)' which applies to activities located at Queenstown Airport and which states:

*Means a boundary as shown on the District Plan Maps, the location of which is based on the predicted day/night sound level of 65 dB Ldn from airport operations in 2037.*

**9.7.5** As such, I agree with Submitter 433 (QAC) in that the definition of 'Air Noise Boundary' included in the PDP appears to be redundant, and therefore should be removed. Submitter 836 (Arcadian Triangle Limited) also requests that this definition be removed as it is redundant. Accordingly, I recommend to the Panel that submissions 433 and 836 be

accepted as Recommended in **Appendix 1**. Included within **Appendix 5** of this report is a s32AA evaluation of this change.

## **9.8 Air Noise Boundary Queenstown (ANB)**

**9.8.1** Submission 433 (QAC) requests that the definition of 'Air Noise Boundary Queenstown (ANB)' be retained as notified.

**9.8.2** I am of the understanding that this definition was confirmed by the Environment Court through the PC35 proceedings. As outlined above, further submissions have been received from the RPL (1117) and QPL (1097) who oppose submission 433 (QAC) in terms of any amendments to definitions which are inconsistent with PC35. I consider this definition to be consistent with that confirmed by the Environment Court, and therefore recommend to the Panel that these Further Submissions be rejected and that Submission 433 (QAC) be accepted.

## **9.9 Airport Activity**

**9.9.1** The definition of 'Airport Activity' in the PDP as notified states:

*Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:*

*(a) aircraft operations, private aircraft traffic, domestic and international aircraft traffic, rotary wing operations, aircraft servicing, general aviation, airport or aircraft training facilities and associated offices.*

*(b) Runways, taxiways, aprons, and other aircraft movement areas.*

*(c) Terminal buildings, hangars, control towers, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances, and associated offices.*

- 9.9.2** This definition was inserted into the PDP when notified. Through its submission (433), QAC has confirmed that this definition is largely consistent with the range of activities provided for by Designation #2 (Aerodrome Purposes) which QAC has responsibility for as the requiring authority.
- 9.9.3** However, submitter 433 (QAC) seek to retain the definition as notified but seek that a minor amendment is included to differentiate that this definition applies to airport activities at Queenstown Airport only. Given the direction provided by the Panel to include land uses at Wanaka Airport within the AMU Chapter (which could differ from the nature and scale of those at Queenstown Airport), I agree with this submission and recommend that this definition heading is amended to Airport Activity – Queenstown Airport.
- 9.9.4** I also note that submission 566 and further submission 1123 (Airways Corporation of NZ Limited) seek amendments be made to the definition of 'Airport Activities' at Queenstown to also include air traffic control facilities, flight information services, and navigational and safety aids. In its opinion, these amendments would more accurately reflect and provide for the activities at Queenstown Airport.
- 9.9.5** I agree with these submissions. Overall, I recommend that submission 433 (QAC) be accepted in part with the relief sought by Airways Corporation of NZ Limited through its submission and further submission (566 and 1123) as recommended in **Appendix 1**. Included within **Appendix 5** of this report is a s32AA evaluation of this change.

## **9.10 Airport Related Activity**

- 9.10.1** As discussed in relation to the definition of 'Airport Activity', Submitter 433 (QAC) seeks that the heading for this definition be amended to stipulate that this definition applies to Queenstown. I recommend to the Panel that this submission is accepted.

## **9.11 Airport Operator**

**9.11.1** For completeness, I advise the Panel that a submission was received from QAC (433) which supports this definition as notified and seeks for it to be retained without modification. This is opposed by further submissions 1117 (RPL) and 1097 (QPL). As outlined above, the inclusion of this definition in the PDP does not deviate from those promulgated by PC35. Accordingly, I recommend to the Panel that Submission 433 (QAC) be accepted and that further submissions 1117 (RPL) and 1097 (QPL) be rejected.

## **9.12 Boundary**

**9.12.1** Submitter 433 (QAC) seeks that amendments are made to the definition of 'Boundary' as notified in the PDP to note that this definition excludes the Air Noise or Outer Control Boundary at Queenstown or Wanaka Airport.

**9.12.2** The definition of 'Boundary' contained within Chapter 2 of the PDP states:  
*Means any boundary of the net area of a site and includes any road boundary or internal boundary.*

**9.12.3** I am of the opinion that the requested change to this definition is not necessary. It is clear that this definition pertains to the boundary of a 'site' rather than the air noise boundaries around Queenstown or Wanaka Airports. I recommend to the Panel that this submission and the related further submission be rejected.

## **9.13 Critical Listening Environment**

**9.13.1** Submitter 433 (QAC) has noted a typographical error (underlined below) in the notified definition for 'Critical Listening Environment' which states:

*Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical living environments.*

**9.13.2** I have referred to the provisions confirmed by the Environment Court and can confirm that the correct word is 'listening' not 'living' as noted by submission 433 (QAC). As such, I recommend that Submission 433 (QAC) be accepted in this regard.

#### **9.14 Outer Control Boundary (OCB) Queenstown & Outer Control Boundary (OCB) Wanaka**

**9.14.1** Submitter 836 (Arcadian Triangle Limited) requests that the definition for the OCB at Wanaka and Queenstown be merged to form one definition. The only difference between the two definitions is the basis for the boundary shown on Planning Maps, being the predicted day/night sound level of 55 dB L<sub>dn</sub> from airport operations in 2037 for Queenstown, and 55 dBA L<sub>dn</sub> in 2036 for Wanaka.

**9.14.2** In addition to the slight difference in the acoustic standard used, the these OCB are based on predicted noise levels for the stated year. Without being able to look at the raw data, the extent to which these boundaries move between 2036 and 2037 may be substantial at either Wanaka or Queenstown. Unless I have information to support the removal of either of these definitions, I recommend that submission 836 (Arcadian Triangle Limited) be rejected.

#### **9.15 Projected Annual Aircraft Noise Contour (AANC)**

**9.15.1** A minor amendment is sought by Submitter 433 (QAC) to refer to the correct condition number associated with Designation #2 (Condition 13 rather than Condition 14 as notified). I recommend to the Panel that this submission be accepted and that the associated further submissions be rejected.

#### **9.16 General**

**9.16.1** Submitter 433 (QAC) request that the definitions contained within Chapter 2 (Definitions) of the PDP are consistent with the recent Environment Court decisions on PC19 (Frankton Flats B Zone); PC26 (Wanaka Airport); and PC35 (Queenstown Airport). Further Submissions 1030 (Jeremy Bell Investments Limited) and 1077 (BARNZ) support

Submission 433 (QAC). It is my understanding that the definitions promulgated by the Environment Court through the proceedings associated with these plan changes were included in the PDP when notified.

**9.16.2** A number of changes to definitions, are sought to be retained by Submitter 433 (QAC). I do not consider it necessary to comment on each of these given there were no other submitters and no change was sought. I note that there were two Further Submissions received from QPL (1097) and RPL (1117) opposing the submission from QAC. However, these further submissions do not specifically relate to these definitions. The definitions that QAC seek to retain are as follows:

- a. Day Care Facility;
- b. Design Sound Level;
- c. Educational Facility;
- d. Visitor Accommodation;
- e. Hangar (with the exception of a minor amendment to include the word 'means' which I consider to provide clarity);
- f. Indoor sound level;
- g. Landside;
- h. Non Critical Listening Environment;
- i. 2037 Noise Contours; and
- j. 2037 60 dB Noise Contours.

## **10.0 WANAKA AIRPORT MIXED USE ZONE**

**10.1** Provisions relating to Wanaka Airport were notified in Chapter 21 Rural. The submission of Queenstown Airport Corporation Limited (QAC) (433) (which operates Wanaka Airport on behalf of the QLDC as landowner and requiring authority for the designations) on the PDP sought amendments to the Rural Zone to provide specifically for airport related activities at Wanaka Airport.

**10.2** QAC (433) submitted that, although designations (Designation #64 Aerodrome and Designation #65 Airport Approach and Land Use Controls) exist for Wanaka Airport, only the requiring authority (QLDC) can rely on the designation

provisions. The result is that all other people building, operating and leasing aircraft facilities and buildings in the area would have to seek consents under an incompatible Rural Zone.

- 10.3** As part of the Rural Hearing 02 of the PDP, QAC and the QLDC agreed that an underlying zoning similar to the Queenstown AMUZ would be more appropriate.
- 10.4** In its Minute, dated 16 June 2016, the Panel directed that the QLDC transfer the submission received from QAC (#433) from Hearing Stream 2 Rural Zones to Hearing Stream 8 Business Zones and that draft provisions be provided to the Panel for its consideration.
- 10.5** QAC proposed a working draft of the revised chapter, and I have taken that draft chapter and further refined it.
- 10.6** Provisions have been included in the Revised Chapter (**Appendix 1**) to accommodate airport and airport related activities as permitted activities, so long as they comply with all the relevant standards designed to ensure an appropriate level of amenity is retained within surrounding zones. These provisions have also been drafted to ensure that any airport related activity is genuinely essential to support the functioning and viability of airport activities.
- 10.7** A full set of provisions (objectives, policies and rules) has been provided with my evidence as outlined in the Revised Chapter attached as **Appendix 1** of this report. Given these are substantive changes to provisions; I have assessed the changes in terms of s 32AA of the RMA at **Appendix 6** of this report.
- 10.8** While changes to the Notified Chapter are proposed to include a Wanaka AMUZ, relevant submissions were made on Rural Zone Chapter 21. This report assesses both the proposed provisions and the relevant submissions on Rural Zone Chapter 21 in relation to Wanaka Airport.

#### Activities undertaken at Wanaka Airport

- 10.9** The core aviation activities carried out at Wanaka Airport include the movement of aircraft, helicopters and general aviation. Night time flights are also provided for under Designation #64 until 10pm provided the existing noise contours are updated. Airport related activities at Wanaka Airport include aviation schools,

facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums, aero recreation, terminal buildings, cafeteria, hangars, fuel storage and offices associated with the ancillary activities.

### Recommended Objectives and Provisions

**10.10** I recommend a number of objectives and provisions to provide a framework for the AMUZ at Wanaka Airport in the recommended revised Chapter at **Appendix 1**. These proposed provisions manage the adverse effects of activities and ensure that airport related activities have a legitimate ancillary and support function to Wanaka Airport. A thorough evaluation in accordance with section 32AA of the RMA has been undertaken and is contained in **Appendix 6** to this report. These provisions focus on ensuring the ability of Airport Activities to operate efficiently and effectively by seeking to protect Wanaka Airport from incompatible land-use activities (particularly retail) which could constrain Airport Activities from operating or which would be more appropriately located within other nearby zones, such as Three Parks or Wanaka Town Centre.

### Signage

**10.11** I note that Part 18 – Signs of the ODP has rules associated with signs applicable to the Queenstown AMUZ but not Wanaka Airport. Accordingly, I recommend that a new rule be included in the PDP associated with directional signage within the AMUZ at Wanaka. It is my preference that all rules for signs be located in a district wide chapter. As Part 18 – Signs of the ODP is not included in Stage 1 of the PDP, I have included this new rule as Redrafted Rule 17.5.7 in the Notified Chapter (**Appendix 1**). However, I recommend that this rule be relocated to the district wide Signs Chapter as part of Stage 2 of the review.

### Minor amendments

**10.12** I note that minor amendments to the provisions relating to the Queenstown AMUZ are necessary to incorporate Wanaka Airport into the Notified Chapter. These include:

- a references to Wanaka as well as Queenstown or differentiating between the two locations as well as consequential renumbering as a result of inserting new provisions; and

- b minor amendments to the activities listed within Table 1: Activities located within the Notified Rule 17.4. This includes the rephrasing of Notified Rule 17.4.1 to align with the drafting style of other chapters and to differentiate between definitions for activities at Queenstown and Wanaka Airports.

**10.13** These changes are also evaluated in accordance with s 32AA of the RMA attached at **Appendix 6**.

### Definitions

#### *Airport Activity – Wanaka Airport*

**10.14** Submitter 433 (QAC) made a submission on Chapter 21 Rural requesting that an additional definition for 'Airport Activity – Wanaka Airport' at Wanaka Airport be included as follows:

*Airport Activity – Wanaka Airport Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:*

- (a) aircraft operations, rotary wing aircraft operations, helicopter aprons, and associated touch down and lift off areas, aircraft servicing, general aviation, navigational and safety aids, lighting, aviation schools, space research and associated activities, facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation;*
- (b) Runways, taxiways, aprons, and other aircraft movement or safety areas.*
- (c) Terminal buildings, hangars, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, medical facilities, fuel storage and fuelling facilities, and associated offices*

**10.15** Submission 1088 (Ross and Judith Young Family Trust) supports the definition provided in the submission from QAC (433) seeking that this part of their submission is accepted given it accurately reflects the extent of Airport Activities around Wanaka Airport.

**10.16** I agree with Submission 433 (QAC) in terms of the appropriateness of including an additional definition pertaining to the Airport Activities at Wanaka Airport. I consider a definition such as this will help differentiate airport activities at Wanaka Airport from those at Queenstown Airport, where the nature and scale of such activities is significantly greater.

**10.17** However, I note that QAC also proposes a definition for 'Airport Related Activities' at Wanaka Airport. I consider that the following activities included in the proposed definition of 'Airport Activity – Wanaka Airport' above would more appropriately be included in the definition of a 'Airport Related Activity – Wanaka Airport':

- a. *facilities and activities associated with veteran, vintage and classic aircraft operations;*
- b. *aviation museums; and*
- c. *aero recreation.*

**10.18** Further Submissions were also received from RPL (1117) and QPL (1097). I do not consider these further submissions to be relevant to the definition of 'Airport Activity - Wanaka Airport' given their primary concerns relate to QAC's submission at Queenstown Airport.

**10.19** Accordingly, I recommend to the Panel that Submission 433 (QAC) and Further Submission 1088 (Ross and Judith Young Family Trust) be accepted in part as detailed in **Appendix 1**, incorporating the activities identified in paragraph 10.17 above within the definition of 'Airport Related Activity- Wanaka Airport'.

**10.20** A new definition is proposed by Submitter 433 (QAC) for 'Airport Related Activity – Wanaka Airport' as follows:

*Airport Related Activity – Wanaka Airport Means any retail activity, restaurants and other food and beverage facilities, industrial and commercial activities, provided they are connected with and ancillary to the use of the Airport. Also includes Temporary Activities associated with Air Shows, Conferences and Meetings, and rental vehicles, valet activities and public transport facilities. Includes Military Training Operations.*

- 10.21** This submission is supported by Further Submissions 1030 (Jeremy Bell Investments Limited), 1088 (Ross and Judith Young Family Trust) and 1211 (New Zealand Defence Force)
- 10.22** Overall, I consider the requested definition of 'Airport Related Activity - Wanaka Airport' to be appropriate and I accept that a wide range of activities can be contemplated to support and complement Wanaka Airport's core airport activities. However, I consider that activities such as retail and commercial activities need a degree of control. In this regard I recommend that the definition be slightly amended and that rules are included in the Notified Chapter to ensure that retail activities do not have adverse effects on the airport land resource or adverse effects on the viability of the Wanaka town retail and commercial viability. I have recommended that a 100m<sup>2</sup> limit be placed on the total gross floor area of any separate Airport Related Activity, as well as limits on the cumulative total gross floor area for any Airport Related Activities of 1000m<sup>2</sup> over the zone.
- 10.23** I consider that the activities I have recommended to the Panel be removed from the definition proposed for 'Airport Activity - Wanaka Airport' (10.17 above) are better placed within the definition of 'Airport Related Activity - Wanaka Airport.'
- 10.24** In summary, I recommend to the Panel that Submission 433 (QAC) be accepted in part to include the recommended changes to the definition of 'Airport Related Activity - Wanaka Airport' as outlined in the Revised Chapter attached as **Appendix 1** to this report.

*Outer Control Boundary (OCB) Wanaka*

- 10.25** Submission 433 (QAC) seeks that this definition be amended to refer to the appropriate map within PDP (Map 18a). QAC submits that this amendment will improve clarity and ensure full consistency with PC26.
- 10.26** I consider that this change will provide clarity, and therefore recommend to the Panel that this submission point in relation to the definition of 'Outer Control Boundary (**OCB**) Wanaka be accepted.
- 10.27** Submission 836 (Arcadian Triangle Limited) notes that there are two separate definitions for OCB, one pertaining to Wanaka and one to Queenstown. However according to this submitter, it is unclear why two identical definitions are included

with slightly different meanings. Submitter 836 seeks for one of the two definitions to be deleted.

**10.28** I am of the understanding that these two definitions (one for Wanaka and one for Queenstown) originated from their respective plan changes relating to airport noise (PC26 and PC35) and are calculated slightly differently with slightly different limits set. As such, I recommend that submission 836 (Arcadian Triangle Limited) be rejected in this regard.

## **11.0 CONCLUSION**

**11.1** On the basis of my analysis within this evidence, I recommend that the changes within the Revised Chapter in **Appendix 1** are accepted.

**11.2** The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan and Strategic Direction goals in an effective and efficient manner; and give effect to the purpose and principles of the RMA.

**11.3** As outlined in the s 32AA assessments provided in **Appendix 5** and **Appendix 6** to this report, I am of the opinion that these recommended provisions will promote the purpose of the RMA as they have been drafted to recognise the importance of Airport Zone land to the economic wellbeing of the District. Additionally, the identification of land strategically important for Airport and Airport Related activities coupled with using Airport zoning and rules to protect these activities from incompatible or competing land uses in these areas will enable third party operators to carry out activities in accordance with the existing land use established on the site.



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2 November 2016