

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

**ENV-2018-CHC-057
ENV-2018-CHC-067
ENV-2018-CHC-096
ENV-2018-CHC-106
ENV-2018-CHC-117
ENV-2018-CHC-132
ENV-2018-CHC-135**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of appeals under clause 14 of
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council on Stage
1 of the Proposed Queenstown
Lakes District Plan

BETWEEN **AIRCRAFT OWNERS AND
PILOTS ASSOCIATION (NZ)
INCORPORATED
ANDREW FAIRFAX AND I & P
MACAULEY
ARTHURS POINT
PROTECTION SOCIETY
INCORPORATED
CARDRONA ALPINE RESORT
LIMITED
CLIVE MANNERS WOOD
TE ANAU DEVELOPMENTS
LIMITED**

Appellants

....
(parties continued on next
page)

**JOINT MEMORANDUM IN SUPPORT OF DRAFT CONSENT ORDER
TOPIC 11 INFORMAL AIRPORTS
16 APRIL 2020**

Queenstown Lakes District Council
Counsel: K L Hockly/Z T Burton
10 Gorge Road,
Queenstown 9300
Ph: (03) 450 0345
Email: zoe.burton@qldc.govt.nz

AND

**AIRCRAFT OWNERS &
PILOTS ASSOCIATION (NZ)
INCORPORATED
ALLISTER SAVILLE
ANDREW FAIRFAX AND I & P
MACAULEY
AVIATION NEW ZEALAND
LIMITED
CARDRONA ALPINE RESORT
LIMITED
CLIVE MANNERS WOOD
CHRISTINE BYRCH
DARBY PLANNING LP
JULES TAPPER
PETER CHARLES FAUL
QUEENSTOWN PARK
LIMITED
REAL JOURNEYS LIMITED
REVELL AND VICOTRIA
BUCKHAM
REMARKABLES PARK
LIMITED
SOHO SKI AREA LIMITED
AND BLACKMANS CREEK
NO.1
TE ANAU DEVELOPMENTS
LIMITED
TREBLE CONE
INVESTMENTS LIMITED
TOTALLY TOURISM LIMITED**

Section 274 Parties

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

MAY IT PLEASE THE COURT

1. The Queenstown Lakes District Council (**Council**) notified its decisions on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**) on 7 May 2018. The appellants listed above appealed to the Environment Court (**Appellants**). Parts of the appeals were allocated into Topic 11 “Informal Airports”.
2. 22 parties gave notice of their intention to be a party to the appeals allocated to Topic 11 “Informal Airports” (**s 274 parties**).
3. The following four s 274 parties to the appeals allocated to Topic 11 filed notices confirming that they had no interest in the appeals:
 - 3.1 The Alpine Group Limited
 - 3.2 Otago Regional Council;
 - 3.3 Anderson Branch Creek Station.
4. The Royal Forest and Bird Protection Society of New Zealand Incorporated did not attend the mediation and did not seek the leave from the Court for their non-attendance.
5. Environment Court directed mediation took place on 28 - 29 March 2019 and 17 March 2020. The provisions directed to be mediated were:

Rural: Chapter 21

- 5.1 Objective 21.2.11;
- 5.2 Policies 21.2.11.1 - 21.2.11.2;
- 5.3 Standards 21.10.1.1 - 21.10.1.2, and
- 5.4 Standards 21.10.2.2 - 21.10.2.3.

Noise: Chapter 36

- 5.5 Standard 36.5.10 – 36.5.11.

6. During the reconvened mediation the parties agreed to amendments to resolve all appeals allocated to Topic 11. The agreed amendments achieve the following:

6.1 An additional policy has been added to provide that informal airports can be an appropriate activity in the Rural Zone if the surrounding rural amenity is maintained.

6.2 An amendment has been made to policy 21.2.11.1 to specifically provide that rural amenity can be maintained by managing frequency of flights, separation distance, flight paths, reverse sensitivity and cumulative effects.

6.3 Consequential amendments have been made to Rule 21.10.2 to ensure that informal airports for emergency landings, rescues, fire-fighting, and activities ancillary to farming remain permitted activities, and are not required to comply with the other standards, including the noise limit.

6.4 An amendment has been made to Rule 21.10.2 to provide that informal airports are permitted activities and the noise standard (Rule 36.5.10) shall not apply if informal airports comply with certain standards. If the standards are breached the activity status for informal airports is discretionary. The standards include the following:

(a) use of the informal airports must not exceed 2 flights per day, 5 flights per week or 12 flights per month;

(b) the informal airport must be more than 275 metres from any other zone or notional boundary; and

(c) within 275 metres of the informal airport, flight paths must be more than 250 metres from the notional boundary of any residential unit or approved building platform.

- 6.5** The addition of Rule 21.10.3 to make “fly-in” events administered by the Aircraft Owners and Pilots Association of New Zealand a permitted activity provided certain standards are met. These standards include that there are no more than 6 events per calendar year and that the informal airports are located within the ONL.
- 6.6** Amendment to Rule 36.5.10 to provide that the noise limit for helicopters in the Lower Density Suburban Residential, Medium Density Residential, High Density Residential, Large Lot Residential, Arrowtown Historic Management, Rural, Rural Residential, and Rural Lifestyle, Zones is 40 dB L_{dn}.
- 7.** The parties agree that all issues are resolved in respect of the relevant appeal points on this topic, except in relation to the application of standard 21.10.2.3 (identified above at para 6.4(b)) to the interface between the Rural Zone and the Wakatipu Basin Rural Amenity Zone. The parties agreed to transfer this issue to the Stage 2 mediation on Topic 30 Subtopic 11 (Informal Airports Wakatipu Basin), which is ongoing
- 8.** The parties agree that the draft consent order attached to this memorandum as **Appendix A** sets out appropriate amendments to the PDP to achieve the outcomes described in Paragraph 6 of this memorandum.
- 9.** The parties to this memorandum agree as follows:

Appellants

- 9.1** All Appellants agree that the draft consent order settles the entirety of their Appeals, in so far as this relates to the Rural Zone and save for the matter identified in para 7 above;

274 parties

- 9.2** All 274 parties agree that the draft consent order settles the entirety of their interests in the Appeals, in so far as this

relates to the Rural Zone and save for the matter identified in para 7 above.

10. The parties are satisfied that the agreed provisions proposed for the Court's endorsement in **Appendix A** are within the scope of relief sought in appellants' notices of appeal, fall within the Court's jurisdiction, and conform with the relevant requirements and objectives of the Resource Management Act 1991, in particular Part 2.
11. The parties therefore respectfully request that the Court dispose of the entirety of all appeals by the Appellants by approving the provisions as set out in the attached draft consent order.

Timing of consent order

12. On account of the outstanding matter recorded at paragraph 7 of this appeal being agreed to be transferred to the ongoing the Stage 2 mediation on Topic 30 Subtopic 11 (Informal Airports Wakatipu Basin), the parties request that this consent order be held in abeyance until after the resolution of Topic 30 Subtopic 11 (Informal Airports Wakatipu Basin).

Costs

13. No party to this memorandum has any issue as to costs.

DATED this 16th day of April 2020



Counsel/ representative for
Aircraft Owners and Pilots
Association (NZ) Incorporated
(Appellant)



Counsel/ representative for
Andrew Fairfax and I & P
Macauley
(Appellant)

Counsel/ representative for
Arthurs Point Protection
Society Incorporated
(Appellant)

Counsel/ representative for
Cardrona Alpine Resort
Limited
(Appellant)

Counsel/ representative for
Clive Manners Wood
(Appellant)



Counsel/ representative for Te
Anau Developments Limited
(Appellant)

Counsel/ representative for
Andrew Fairfax and I & P
Macauley
(Appellant)

Counsel/ representative for
Arthurs Point Protection
Society Incorporated
(Appellant)



Counsel/ representative for
Cardrona Alpine Resort
Limited
(Appellant)

Counsel/ representative for
Clive Manners Wood
(Appellant)

Counsel/ representative for Te
Anau Developments Limited
(Appellant)

I W Bayliss
Representative for Queenstown
Lakes District Council
(Respondent)

Counsel/ representative for
Andrew Fairfax and I & P
Macauley
(Appellant)

Counsel/ representative for
Arthurs Point Protection
Society Incorporated
(Appellant)

Counsel/ representative for
Cardrona Alpine Resort
Limited
(Appellant)

Counsel/ representative for
Clive Manners Wood
(Appellant)

Counsel/ representative for Te
Anau Developments Limited
(Appellant)



Counsel for Queenstown Lakes
District Council
(Respondent)

Counsel/ representative for
Andrew Fairfax and I & P
Macauley
(Appellant)



Counsel/ representative for
Arthurs Point Protection
Society Incorporated
(Appellant)

Counsel/ representative for
Cardrona Alpine Resort
Limited
(Appellant)

Counsel/ representative for
Clive Manners Wood
(Appellant)

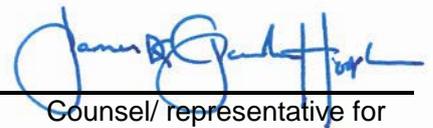
Counsel/ representative for Te
Anau Developments Limited
(Appellant)

I W Bayliss
Representative for Queenstown
Lakes District Council
(Respondent)

Counsel/ representative for
Andrew Fairfax and I & P
Macauley
(Appellant)

Counsel/ representative for
Arthurs Point Protection
Society Incorporated
(Appellant)

Counsel/ representative for
Cardrona Alpine Resort
Limited
(Appellant)

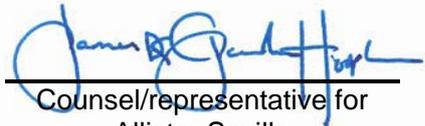


Counsel/ representative for
Clive Manners Wood
(Appellant)

Counsel/ representative for Te
Anau Developments Limited
(Appellant)

I W Bayliss
Representative for Queenstown
Lakes District Council
(Respondent)

Counsel/representative for
Aircraft Owners & Pilots
Association (NZ) Incorporated
(section 274 party)



Counsel/representative for
Allister Saville
(section 274 party)

Counsel/representative for
Andrew Fairfax and I & P
Macauley
(section 274 party)

Counsel/representative for
Aviation New Zealand Limited
(section 274 party)

Counsel/representative for
Cardrona Alpine Resort
Limited
(section 274 party)



Counsel/representative for
Clive Manners Wood
(section 274 party)

Counsel/representative for
Aircraft Owners & Pilots
Association (NZ) Incorporated
(section 274 party)

Counsel/representative for
Allister Saville
(section 274 party)

Counsel/representative for
Andrew Fairfax and I & P
Macauley
(section 274 party)

Counsel/representative for
Aviation New Zealand Limited
(section 274 party)



Counsel/representative for
Cardrona Alpine Resort
Limited
(section 274 party)

Counsel/representative for
Clive Manners Wood
(section 274 party)

I W Bayliss
Representative for Queenstown
Lakes District Council
(Respondent)



Counsel/representative for
Aircraft Owners & Pilots
Association (NZ) Incorporated
(section 274 party)

Counsel/representative for
Allister Saville
(section 274 party)



Counsel/representative for
Andrew Fairfax and I & P
Macauley
(section 274 party)



Counsel/representative for
Aviation New Zealand Limited
(section 274 party)

Counsel/representative for
Cardrona Alpine Resort
Limited
(section 274 party)

Counsel/representative for
Clive Manners Wood
(section 274 party)

Christine Byrch
(section 274 party)



Counsel/representative for
Darby Planning LP
(section 274 party)



Counsel/representative for
Jules Tapper
(section 274 party)

Counsel/representative for
Peter Charles Faul
(section 274 party)

Christine Byrch
(section 274 party)

Counsel/representative for
Darby Planning LP
(section 274 party)

Counsel/representative for
Jules Tapper
(section 274 party)



Counsel/representative for
Peter Charles Faul
(section 274 party)

Counsel/representative for
Queenstown Park Ltd
(section 274 party)

Counsel/representative for
Real Journeys
(section 274 party)

Counsel/representative for
Remarkables Park Limited
(section 274 party)

Christine Byrch
(section 274 party)

Counsel/representative for
Darby Planning LP
(section 274 party)

Counsel/representative for
Jules Tapper
(section 274 party)

Counsel/representative for
Peter Charles Faul
(section 274 party)



Counsel/representative for
Queenstown Park Ltd
(section 274 party)

Counsel/representative for
Real Journeys
(section 274 party)



Counsel/representative for
Remarkables Park Limited
(section 274 party)

Counsel/representative for
Queenstown Park Ltd
(section 274 party)



Counsel/representative for
Real Journeys
(section 274 party)

Counsel/representative for
Remarkables Park Limited
(section 274 party)

Counsel/representative for
Revell and Victoria Buckham
(section 274 party)

Counsel/representative for
Soho Ski Area Limited And
Blackmans Creek No.1
(section 274 party)



Counsel/representative for Te
Anau Developments Limited

Counsel/representative for
Revell and Victoria Buckham
(section 274 party)

Counsel/representative for
Soho Ski Area Limited And
Blackmans Creek No.1
(section 274 party)

Counsel/representative for Te
Anau Developments Limited
(section 274 party)

Counsel/representative for
Treble Cone Investments
Limited
(section 274 party)



Counsel/representative for
Totally Tourism Limited
(section 274 party)

Counsel/representative for
Revell and Victoria Buckham
(section 274 party)



Counsel/representative for
Soho Ski Area Limited And
Blackmans Creek No.1
(section 274 party)

Counsel/representative for Te
Anau Developments Limited
(section 274 party)



Counsel/representative for
Treble Cone Investments
Limited
(section 274 party)

Counsel/representative for
Totally Tourism Limited
(section 274 party)

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2018-CHC-057
ENV-2018-CHC-067
ENV-2018-CHC-096
ENV-2018-CHC-106
ENV-2018-CHC-117
ENV-2018-CHC-132
ENV-2018-CHC-135

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of appeals under clause 14 of
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council on Stage
1 of the Proposed Queenstown
Lakes District Plan

BETWEEN **AIRCRAFT OWNERS AND
PILOTS ASSOCIATION (NZ)
INCORPORATED
ANDREW FAIRFAX AND I & P
MACAULEY
ARTHURS POINT
PROTECTION SOCIETY
INCORPORATED
CARDRONA ALPINE RESORT
LIMITED
CLIVE MANNERS WOOD
TE ANAU DEVELOPMENTS
LIMITED**

Appellants

....
(parties continued on next
page)

BEFORE THE ENVIRONMENT COURT

Environment Judge
of the Act **IN CHAMBERS** at

sitting alone under section 279

DRAFT CONSENT ORDER

AND

**AIRCRAFT OWNERS &
PILOTS ASSOCIATION (NZ)
INCORPORATED
ALLISTER SAVILLE
ANDREW FAIRFAX AND I & P
MACAULEY
AVIATION NEW ZEALAND
LIMITED
CARDRONA ALPINE RESORT
LIMITED
CLIVE MANNERS WOOD
CHRISTINE BYRCH
DARBY PLANNING LP
JULES TAPPER
PETER CHARLES FAUL
QUEENSTOWN PARK
LIMITED
REAL JOURNEYS LIMITED
REVELL AND VICOTRIA
BUCKHAM
REMARKABLES PARK
LIMITED
SOHO SKI AREA LIMITED
AND BLACKMANS CREEK
NO.1
TE ANAU DEVELOPMENTS
LIMITED
TREBLE CONE
INVESTMENTS LIMITED
TOTALLY TOURISM LIMITED**

Section 274 Parties

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

Introduction

- 1.** The Court has read and considered the notices of appeal from all Appellants against decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**).
- 2.** 18 parties gave notice of their intention to become parties to the appeals under section 274.

APPENDIX A

21 Rural Zone

Please note: Variations to parts of this chapter have been decided by Council on 7 March 2019 as part of Stage 2 of the PDP. Please view the Stage 2 Decisions on our website if you are contemplating appealing the Stage 2 decisions. The appeal period for the Stage 1 Decisions has closed.

21.2 Objectives and Policies

21.2.11 Objective - The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.

Policies

21.2.11.X Provide for informal airports as an appropriate activity within the Rural Zone, provided the informal airport is located, operated and managed to maintain the surrounding rural amenity.

21.2.11.1 Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity including through managing frequency of flights, separation distance, flight paths, reverse sensitivity and cumulative effects.

21.2.11.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

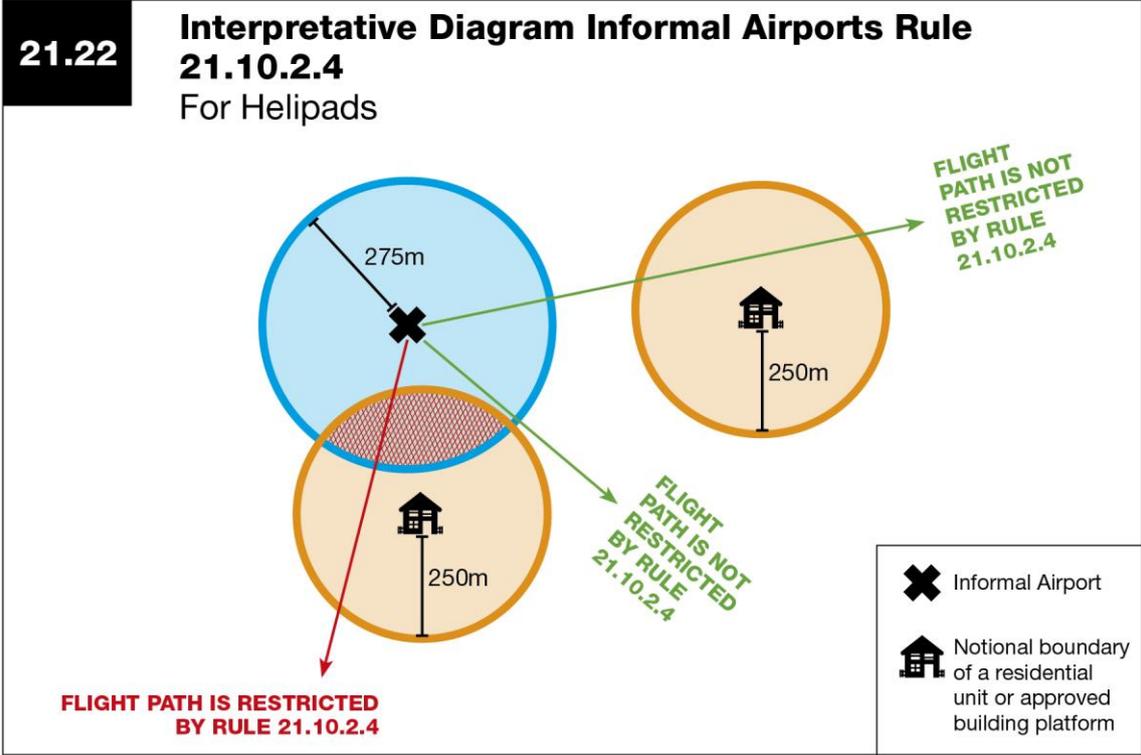
21.2.11.3 Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.

21.10 Rules – Standards for Informal Airports

	Table 7 - Standards for Informal Airports	Non-compliance Status
21.10.1	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p><u>21.10.1.1 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents are permitted activities and rules 21.10.1.2 to 21.10.1.4 do not apply.</u></p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.10.1.2 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987.</p>	D

	Table 7 - Standards for Informal Airports	Non-compliance Status
	<p>21.10.1.3 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948.</p> <p>21.10.1.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents.</p> <p>21.10.1.4 In relation to Rules 21.10.1.12 and 21.10.1.23, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</p>	
21.10.2	<p>Informal Airports Located on other Rural Zoned Land</p> <p><u>21.10.2.1 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities are permitted activities and Rules 21.10.2.2 to 21.10.2.4 do not apply.</u></p> <p>Informal airports that comply with the following standards shall be permitted activities and Rule 36.5.10 shall not apply:</p> <p><u>21.10.2.2 Use of the informal airport must not exceed any of the following:¹</u></p> <p style="padding-left: 40px;"><u>(a) 2 flights per day;</u></p> <p style="padding-left: 40px;"><u>(b) 5 flights per week; or</u></p> <p style="padding-left: 40px;"><u>(c) 12 flights per month.</u></p> <p><u>21.10.2.3 The informal airport must be located a minimum distance of 275 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</u></p> <p><u>21.10.2.4 Within 275 metres of the informal airport, flight paths must be a minimum of 250 metres from the notional boundary of any residential unit or approved building platform not located on the same site.²</u></p> <p>Notes:</p> <p><u>1 For the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</u></p> <p><u>2 Refer to the interpretative diagram in Schedule 21.22.</u></p>	D

	Table 7 - Standards for Informal Airports	Non-compliance Status
	<p>21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;</p> <p>21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.10.2.3 In relation to point Rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	
21.10.3	<p><u>Informal Airports associated with ‘Fly-in’ Events</u></p> <p><u>Informal airports that comply with the following standard are permitted activities and are not subject to Rules 21.10.1, 21.10.2 and 36.5.10:</u></p> <p><u>21.10.3.1 Informal airports associated with “fly-in” events¹ administered by the Aircraft Owners and Pilots Association of New Zealand (AOPA) provided the following standards are met:</u></p> <ul style="list-style-type: none"> <u>(a) there are not more than 6 events per calendar year;</u> <u>(b) there is not more than 1 event at any Informal Airport per month;</u> <u>(c) the AOPA has notified the Council’s Planning Department of the event;² and</u> <u>(d) Informal airports are located within the Outstanding Natural Landscape as identified on the Plan Maps.</u> <p><u>Notes:</u></p> <p><u>1 An event can include informal airports at more than one location.</u></p> <p><u>2 AOPA must notify the Council at least 10 working days before each fly-in event.</u></p>	



36 Noise

Please note: Variations to parts of this chapter have been decided by Council on 7 March 2019 as part of Stage 2 of the PDP. Please view the Stage 2 Decisions on our website if you are contemplating appealing the Stage 2 decisions. The appeal period for the Stage 1 Decisions has closed.

36.5 Rules- Standards

Table 3: Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.10	<p>Helicopters</p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown Airport and Wanaka Airport.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.11 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p>			

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
	<p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1, and 21.10.2 and 21.10.3.</p> <p><u>36.5.10.1 All locations except identified in 36.5.10.2</u></p> <p><u>36.5.10.2 Lower Density Suburban Residential Zone, Medium Density Residential Zone, High Density Residential Zone, Arrowtown Residential Historic Management Zone, Large Lot Residential Zone, Rural Zone, Rural Residential Zone and Rural Lifestyle Zone.</u></p> <p>Advice Note: Rule 36.5.10.2 shall not apply to helicopter noise associated with use of an informal airport permitted under Rules 21.10.2 and 21.10.3.</p>				
			At all times	50 dB L _{dn}	NC
			<u>At all times</u>	<u>40 dB L_{dn}</u>	<u>NC</u>
36.5.11	<p>Fixed Wing Aircraft</p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown and Wanaka Airports.</p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.10 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be</p>	At all times	55 dB L _{dn}	NC

NOISE 36

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
	Advice Note: See additional rules in Rural Zone Chapter at <u>21.10.1</u> , <u>21.10.2</u> and <u>21.10.3</u> .	determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.			