

Before the Queenstown Lakes District Council

In the Matter of the Resource Management Act 1991

And

In the Matter of the Queenstown Lakes Proposed District Plan

**Memorandum of Counsel for Queenstown
Airport Corporation Limited (Submitter
433 and Further Submitter 1340)
Requesting Leave to File Late Further
Submission in respect of Chapter 30
(Energy and Utilities) of the Proposed
District Plan**

Dated: 7 March 2016

lane neave.

Level 1, 2 Memorial Street

PO Box 701

Queenstown

Solicitor Acting: Rebecca Wolt

Phone: 03 409 0321

Fax: 03 409 0322

Email:

rebecca.wolt@laneneave.co.nz

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1. Queenstown Airport Corporation (**QAC**) has made submissions and further submissions on Stage 1 of the Proposed Queenstown Lakes (**Proposed Plan**) (Submitter 433 and Further Submitter 1340).
2. In general terms, QAC considers it has an interest in the Proposed Plan that is greater than the interest the general public has by virtue of its responsibilities in relation to the management and operation of Queenstown Airport, and its management of Wanaka Airport. Both Airports are regionally significant infrastructure which make a significant contribution to the social and economic wellbeing of the community, and to public health and safety.
3. More specifically, QAC considers it has an interest in Proposed Chapter 30, Utilities and Energy, by virtue of the fact it is a 'network utility operator' under section 166 of the Resource Management Act.
4. By way of this memorandum, QAC respectfully requests leave to file a late further submission in respect of Chapter 30, Utilities and Energy, as set out the **attachment** to this memorandum.
5. QAC considers there will be no prejudice to any party if its late further submission is accepted, because the hearing of submissions on the Chapter are not scheduled to commence until later this year, and no section 42A reports have yet been prepared. The original submitters and Reporting Officers will therefore have ample time in which to consider and respond to QAC's late further submission. Furthermore, the further submission generally supports of the original submissions and does not raise any new issues.
6. QAC confirms it will provide a copy of its late further submission to the relevant original submitters as soon as possible (and within 5 working days) following confirmation from the Hearings Panel that its late further submission is accepted.



R Wolt
Counsel for Queenstown Airport Corporation Limited

SUBMISSION FORM 6

**CLAUSE 8 OF FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991
FURTHER SUBMISSION IN SUPPORT OF OR IN OPPOSITION TO SUBMISSIONS ON
PUBLICLY NOTIFIED PROPOSED QUEENSTOWN LAKES DISTRICT PLAN (STAGE 1)**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submission on: Proposed Queenstown Lakes District Plan 2015

Name: **Queenstown Airport Corporation (“QAC”)**

Address: Queenstown Airport Corporation
c/- Mitchell Partnerships Limited
PO Box 489
Dunedin 9054

- 1. This further submission is in support of submissions on Stage 1 of the Proposed Queenstown Lakes District Plan (“Proposed Plan”)**
- 2. QAC has an interest in the Proposed Plan that is greater than the interest the general public has within the District.**
 - 2.1. As set out in QAC’s original submission on the Proposed Plan, QAC owns and operates the regionally and nationally significant Queenstown Airport, and operates the regionally significant Wanaka Airport.
 - 2.2. Queenstown Airport is one of the busiest airports in the country, accommodating in excess of 1.4 million passengers for the year ending June 2015. This represents a 12% increase in passengers from the previous year. Queenstown Airport has experienced a sustained period of growth, with passenger numbers expected to increase over the coming years as the District receives an increasing number of domestic and international visitors.
 - 2.3. Wanaka Airport accommodates aircraft movements associated with general aviation and helicopter operations, and is a major facilitator of commercial helicopter operations within the District. Wanaka Airport is also a key lifeline asset.

- 2.4. Queenstown and Wanaka Airports comprise significant infrastructure and assets, and play a critical role in providing for the economic and social wellbeing of the Queenstown Lakes District.
- 2.5. In light of the above, QAC considers it has an interest in the Proposed Plan that is greater than the interest the greater public has, by virtue of existing operations within the District.
3. **QAC will not gain an advantage in trade competition through this further submission.**
4. **QAC's further submission is:**
 - 4.1. In its original submission QAC emphasised the importance of ensuring that the Proposed Plan adequately addresses the following matters:
 - Affording recognition to the role of regionally significant infrastructure (such as airports) in supporting the economic and social wellbeing of the community, including their role as lifeline utility operators.
 - Providing for the operational and locational constraints associated with the management and operation of airports.
 - Establishing an appropriate land use management regime at Queenstown and Wanaka Airports that recognises and provides for the ongoing use and development of these Airports.
 - A number of other ancillary amendments to ensure the ongoing effective and efficient operation of the Airports.
 - 4.2. QAC seeks to ensure that the key principles identified in its original submission and summarised above are appropriately recognised and provided for in the Proposed Plan.
 - 4.3. QAC's specific further submission is located at **Attachment 1**.
5. **QAC does wish to be heard in relation to this further submission.**
6. **If others make a similar submission QAC will consider presenting a joint case with them at any hearing.**
7. **QAC seeks the following decision from the Queenstown Lakes District Council:**
 - a) That the relief sought and/or amendments (or those with similar or like effect) described above and outlined in **Attachment 1** be accepted; or that the Proposed Plan be amended in a similar or such other way as may be appropriate to address QAC's submission points; and,

- b) Any consequential changes, amendments or decisions that may be required to give effect to the matters raised in QAC's further submission.



Signature:

By its authorised agent Kirsty O'Sullivan, on behalf of the
Queenstown Airport Corporation

Date: 7 March 2016

Address for service: Queenstown Airport Corporation
C/- Mitchell Partnerships
PO Box 489
DUNEDIN 9054

Attn: Kirsty O'Sullivan

Telephone: (03) 477 7884

Email: kirsty.osullivan@mitchellpartnerships.co.nz

ATTACHMENT 1

Further Submission

Submitter	Submitter ID	Provision	Relief sought by original submitter	QAC Position	QAC Reasoning
CHAPTER 30: ENERGY AND UTILITIES					
PowerNet	251.11	30.1 Purpose	<p>PowerNet seeks that the following changes be made to the Chapter purpose:</p> <p><i>Utilities are essential to the servicing and functioning of the District <u>and have national, regional and local benefits</u>. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.</i></p> <p><i>Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy; the need for the <u>future</u> establishment and on-going functioning, maintenance and upgrading of utilities is recognised. In addition, some utilities have specific locational needs that need to be accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.</i></p> <p><i>While it is recognised while that utilities can have national, regional and local benefits, they can also have adverse effects on the environment surrounding land uses, some of which have been established long before the network utility. The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may be subject to reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.</i></p>	Support	QAC considers that the amendments proposed by the submitter are necessary to ensure that the benefits of utilities are recognised.

Objectives and Policies					
PowerNet	2.51.12	Objective 30.2.5 <i>Co-ordinate the provision of utilities as necessary to support the growth and development of the District.</i>	PowerNet seeks that the following changes be made to this objective: Co-ordinate <u>Enable</u> the provision of utilities as necessary to support the growth and development of the District.	Support	QAC considers that the term 'co-ordinate' is ambiguous and should be amended as per the relief sought by the submitter.
Vodafone NZ Limited Chorus New Zealand Limited Spark New Zealand Trading Limited	179.16 781.15 191.14	New Policy	Vodafone New Zealand Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited seek that the following new policy be added to the utilities chapter: <u>Recognise the positive social, economic, cultural and environmental benefits that utilities provide, including:</u> <ul style="list-style-type: none"> • <u>enabling enhancement of the quality of life and standard of living for people and communities.</u> • <u>providing for public health and safety.</u> • <u>enabling the functioning of businesses.</u> • <u>enabling economic growth.</u> • <u>enabling growth and development.</u> • <u>protecting the transportation of freight, goods, people.</u> • <u>enabling interaction and communication.</u> 	Support	QAC supports the proposed new policy as it recognises the positive social, economic, cultural and environmental benefits that utilities provide.
Vodafone New Zealand Limited Chorus New Zealand Limited Spark New Zealand Trading Limited	179.19 781.18 191.17	Objective 30.2.6 <i>The establishment, efficient use and maintenance of utilities necessary for the well-being of the community.</i>	Vodafone New Zealand Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited seek that the objective be amended as follows: The establishment, efficient use and maintenance of utilities necessary for the well-being of the community <u>is enabled by the establishment, efficient use and continued operation and maintenance of utilities.</u>	Support	QAC considers that it is appropriate to recognise the role of utilities in providing for the wellbeing of the community.
PowerNet	251.13 251.14 251.16	Policies: 30.2.6.1 <i>Recognise the need for maintenance or upgrading of a utility to ensure its on-going viability and efficiency.</i>	PowerNet seeks that the policies be retained as notified.	Support	QAC supports the retention of these policies as they provide for the long term viability and efficiency of utilities.

		<p>30.2.6.2 Consider long term options and economic costs and strategic needs when considering alternative locations, sites or methods for the establishment or alteration of a utility.</p> <p>30.2.6.5 Recognise the presence and function of established network utilities, and their locational and operational requirements, by managing land use, development and/or subdivision in locations which could compromise their safe and efficient operation.</p>			
<p>Vodafone NZ Limited</p> <p>Spark New Zealand Trading Limited</p>	<p>179.23</p> <p>191.21</p>	<p>Objective 30.2.7 Avoid, remedy or mitigate the adverse effects of utilities on surrounding environments, particularly those in or on land of high landscape value and within special character areas.</p>	<p>Vodafone New Zealand Limited and Spark New Zealand Trading Limited seek that the following changes be made to the objective:</p> <p><i>Avoid <u>where practicable, and</u> remedy or mitigate the adverse effects of utilities on surrounding environments, particularly those in or on identified land of high outstanding natural landscapes value and within <u>identified</u> special character areas.</i></p>	Support	QAC supports the amendments to the objective as it is appropriate to recognise that the technical requirements of utilities may necessitate a specific design outcome.
PowerNet	251.17	<p>Policy 30.2.7.1 Reduce adverse effects associated with utilities by:</p> <ul style="list-style-type: none"> Avoiding or mitigating their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment Ensuring that redundant utilities are removed Using landscaping and or colours and finishes to reduce visual effects 	<p>PowerNet seeks that the policy is amended as follows:</p> <p>Reduce <u>Manage</u> adverse effects associated with utilities by:</p> <ul style="list-style-type: none"> <u>Avoiding, remedying</u> or mitigating their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment Ensuring that redundant utilities are removed <u>In Outstanding Natural Landscapes and Outstanding Natural Features using landscaping and or colours and finishes to reduce remedy or mitigate visual effects where necessary.</u> <p>Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.</p>	Support	QAC supports amendments to the policy that improve recognition of the technical and locational constraints of utilities.

		<ul style="list-style-type: none"> Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form. 			
Vodafone NZ Limited	179.24	New Policy	Vodafone New Zealand Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited seek the inclusion of the following new policy:	Support	QAC supports the proposed new policy as it recognises the technical and locational constraints of utilities.
Chorus New Zealand Limited	781.22		<u>Recognise that in some cases it might not be possible for utilities to avoid outstanding natural landscapes, outstanding natural features or identified special character areas and in those situations greater flexibility as to the way that adverse effects are managed may be appropriate.</u>		
Spark New Zealand Trading Limited	191.22				
PowerNet	251.20	Policy 30.2.7.4 <i>Take account of economic and operational needs in assessing the location and external appearance of utilities.</i>	PowerNet seeks that the policy is retained as notified.	Support	QAC considers that it is appropriate to take account of the economic and operational needs of utilities when considering their external appearance.
Rules for Utilities; and Building, Structures and Earthworks which are within or near to the National Grid Corridor					
PowerNet	251.21	30.4.8 Rule Utilities, Building, Structures and Earthworks which are not otherwise listed in this table <i>Discretionary Activity</i>	PowerNet seeks that the following changes be made to the rule as follows: <i>Utilities, Building, Structures, Underground Lines and Earthworks which are not otherwise listed in this table – D-P (Permitted Activities)</i>	<u>Support</u>	QAC supports the Permitted activity status for utilities, buildings and earthworks that are not otherwise listed in this table.
PowerNet	251.22	30.4.9 Minor Upgrading <i>Permitted</i>	PowerNet seeks that the rule is retained as notified.	<u>Support</u>	QAC considers that a permitted activity status is appropriate for minor upgrading activities.
Vodafone New Zealand Limited	179.28	New rules	Vodafone New Zealand Limited, Spark New Zealand Trading Limited and Chorus New Zealand Limited seek that following rules replace Rules 30.4.18-30.4.21 of the Proposed Plan (note, only those rules that QAC specifically supports are set out below): <u>The rules of this chapter are complete code for utilities and prevail over all other chapters of this District Plan.</u> <u>Permitted Activities</u> <u>The following activities shall be Permitted Activities throughout the District, except as provided for as a restricted discretionary or discretionary activity below:</u>	<u>Support</u>	QAC supports the relief sought by this submitter, insofar as it relates to proposed Rule 30.4.10 and buildings, equipment cabinets and structures associated with utilities at Queenstown and Wanaka Airports.
Spark New Zealand Trading Limited	191.26				
Chorus New Zealand Limited	781.26				

			<p><u>Rule 30.4.10 Buildings, equipment cabinets and structures ancillary to or associated with Utilities provided:</u></p> <p>a) <u>If the building or equipment cabinet is located in an identified Outstanding Natural Landscape or Feature, the building or cabinet is less 3.6m² in total footprint and 3m in height; and,</u></p> <p>b) <u>Meets the underlying zone standards, if the building or cabinet is not located in an identified Outstanding Natural Landscape or Feature, and the building or cabinets is more than 3.6m² in total footprint or more than 3m in height.</u></p>		
Standards for Utilities					
PowerNet	251.28	<p>30.5.6 Setback from internal boundaries and road boundaries</p> <p><i>Where the utility is a building, it shall be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</i></p>	<p>PowerNet considers that where a utility structure cannot achieve the relevant setback distance for boundaries, the appropriate activity status is <u>Restricted Discretionary, with discretion limited to those effects resulting from the boundary setback breach</u> and the positive effects of the utility.</p>	Support	QAC considers that a restricted discretionary activity status is more appropriate for utilities that do not meet the internal boundary and road set back requirements.
PowerNet	251.29	<p>30.5.7 Building in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</p> <p><i>Any building within an ONL or ONF shall be less than 10m² in area and less than 3m in height.</i></p>	PowerNet seeks that the rule be retained as notified.	<u>Support</u>	QAC considers that it is important for the Proposed Plan to provide for utilities within outstanding natural landscapes and outstanding natural features.
CHAPTER 17: QUEENSTOWN AIRPORT MIXED USE ZONE					
Queenstown Lakes District Council	383.37	New clarification	Amend to add point under 17.3.2 (Clarification) which states: "A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules."	<u>Oppose</u>	QAC opposes this provision. As drafted the provisions of the Utilities chapter would inadvertently capture all utilities activities within the Queenstown Airport Mixed Use Zone, which would be inconsistent with the purpose and intent of the Queenstown Airport Mixed Use Zone and its objectives and policies.