

**BEFORE COMMISSIONERS APPOINTED BY  
QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** of Resource Management Act 1991

**AND**

**IN THE MATTER** of submission of Jeremy Bell  
Investments Limited

OS 782 and FS 1030

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**SUBMISSIONS OF COUNSEL ON BEHALF OF  
JEREMY BELL INVESTMENTS LIMITED**

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**GALLAWAY COOK ALLAN  
LAWYERS  
DUNEDIN**

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**MAY IT PLEASE THE COMMISSIONERS:**

1. Jerry and Mandy Bell are the directors of JBIL. Jerry and Mandy operate Criffel Station as a deer farm but have long been following a strategy to support the Station by diversifying the income streams available.
2. The North-eastern end adjacent to the State Highway has for many years been devoted to a range of activities, some of which are associated with the airport and passing visitor traffic that is attracted to the airport.
3. Jerry and Mandy's "Have a Shot" business has recently been rebranded as "Crossfire". That business is supported by the visitor attractions that have established themselves on the airport campus, which is an established visitor destination despite the absence of scheduled commercial air services.
4. The paddocks to the Southeast of Have a Shot along the State highway frontage are generally grazed, but are made available every year as public car parking for the Warbirds over Wanaka air show.
5. The frontage of State Highway 6 is affected by the airports outer control boundary which limits the conversion of that land to noise sensitive activities.
6. The outer control boundary contour was established through plan change 26 and designation 65. JBIL has always promoted the growth of Wanaka airport to support the sustainability of tourism in Wanaka as a destination in its own right. Through the plan change / designation process JBIL pointed out to the Queenstown Lakes District Council that the establishment of commercial activities at the airport could not be achieved through the designation process that was being pursued by the airport, but rather it require its own commercial mixed use form of zoning as had been established at Queenstown (infinite matter most other commercial airports in New Zealand).
7. To settle JBIL's appeal to the Environment Court Wanaka Airport Management Committee(through the Wanaka Airport management committee agreed to pursue a resource study with the view of

establishing a Wanaka Airport mixed use zone as had been suggested by JBIL, including whether JBIL's land ought to be included within that zone. The appeals to the environment court were settled on that basis.

8. Ever since that time, JBIL has been agitating with QAC for participation in that process with zero cooperation in return. JBIL has a firm view that Wanaka Airport Management Committee, or their management contractor QAC, had been behaving in breach of its settlement obligations to JBIL.
9. The importance of this is for the panel to understand that the proposed Wanaka airport mixed use zone produced by QAC has not had the benefit of any input or consultation with JBIL whatsoever.
10. Happily, in recent weeks relations have improved considerably and a process of cooperation has been agreed with QAC at senior management level. It is now understood that QAC support the use of JBILS land for airport related activities for a range of activities that do not require airside access to the aerodrome. JBIL is working with QAC to develop a specification for a range of activities in which there will be mutual cooperation. QAC's letter confirming their support in principle is attached to these submissions
11. It is now understood that QAC is not proposing to pursue a submission in opposition to JBILs proposal.

#### **Evidence of Craig Barr**

12. The fundament concern raised by Mr Barr in his rebuttal evidence is the extent to which JBILs can be considered as associated with the airport. Mr Barr seems satisfied that the land QAC is more proximate and is sufficient for the airport's needs. Mr Barr doubts that airport related activities would establish on the JBIL side of the road (Barr rebuttal para 26.16). It is submitted that these issues are not determinative of the zone choices facing the JBIL land. The relevant factors pointing to WAMUZ zoning being appropriate are:
  - (a) There is an established pattern of use of the flat land adjacent to the State Highway in association with the airport, through the Warbirds over Wanaka air show.

- (b) The land is subject to “planning blight” through the air noise Outer Control Boundary provisions that support the airport. The visual amenity enjoyed from the JBIL land is substantially influenced by the airport across the road. Thus the airport’s sphere of influence already extends over the land and so use of the land in association with the airport offers a degree of reciprocity. Why should JBIL be obliged to accept all of the effects of the airport yet be entitled to none of the benefits?
- (c) No fundamental opposition to the use of the land for airport related activities has been advanced on landscape or visual amenity grounds provided that buildings are appropriately located. Michelle Snodgrass will present landscape evidence for JBIL.
- (d) Perhaps the most sensitive issue in relation to use of the land is provision for vehicle connections between the land and the airport. Andy Carr will explain the modelling work carried out that can satisfy you that there is no fundamental traffic safety reason counting against rezoning of land for Wanaka airport use zone purposes. The need to make provision for access other than directly onto State Highway 6 (being a limited access road) is part of the reason why the proposed zone wraps around to include the frontage of Mt Barker Road. It is anticipated that a through road can be established to connect with the existing unformed road at the lake McKay Station boundary. However as Mr Carr will explain a single flight access from Mt Barker Road only is an acceptable traffic solution.
- (e) Whether or not businesses choose to establish on the JBIL land or the QAC/Wanaka Airport land is a trade competition issue and a prohibited consideration. JBIL accepts the commercial risk that operators may choose not to establish on site. You only need to be concerned with the adverse effects of them doing so.
- (f) QAC does not object to complimentary land uses being established on the JBIL land.

13. Section 32 (1)(a) requires consideration of the extent to which the objectives of the proposal [the competing zone options] are the most appropriate way to achieve the purpose of the Act. It is submitted that the Rural zone objectives and policies would not be appropriate framework to control the future use and development of the JBIL land. That framework is driven primarily towards maintenance of land resources for primary production and the protection of landscape values. Neither of those issues has been raised as fundamental barriers to rezoning. That suggests that Rural zoning is not the best “fit” for this site. It is submitted that the objectives of the WAMUZ are the most appropriate objectives for this site.
  
14. Mr Barr is anxious about undermining the Town Centre and the potential for sporadic urban development. JBIL is not chasing activities likely to want a Town Centre zone location. Wanaka Airport is already a visitor destination and JBIL seeks to support that function. To the extent that those may be outstanding issues then that is a question of refinement and drafting rather than a fundamental objection to the zoning.



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**P J Page**

Counsel for Jeremy Bell Investments Limited

Dated: 13 June 2017



9 June 2017

Jeremy & Mandy Bell

Criffell Station

Wanaka

By email: [mandy@criffelstation.com](mailto:mandy@criffelstation.com)

Dear Jeremy & Mandy,

**RE: PROPOSED DISTRICT PLAN - WANAKA REZONING SUBMISSION – JEREMY BELL INVESTMENTS LIMITED**

Thank you for meeting with Colin Keel and me on Wednesday 31st May at Queenstown Airport. We appreciate you sharing your plans with us, and agree that it was a very constructive conversation.

As discussed, I would like to confirm our willingness to work with you to see complementary uses being established on your site, excluding any noise sensitive activities (including residential development), and ensuring that any permitted development is sympathetic to the natural landscape. Any permitted development should also consider airport operations, and deliver safe pedestrian and vehicular connection between the airport and the proposed development site.

We look forward to understanding your proposed plans in more detail as they progress.

Yours sincerely,

**Rachel Tregidga**

**GM Property**