

Appendix B - A copy of the Appellant's submission;



Queenstown Lakes District Council: Proposed District Plan: Rural Zone – Informal Airports.

Submission from the Aircraft Owners and Pilots Association of New Zealand.

1. The AOPA (NZ) represents the interests of over 900 recreational and private aviators in New Zealand. International Associations represent this class of aviator in 66 countries. AOPA provides a unified voice for pilots in New Zealand by building relationships with Government and regulatory bodies to ensure members' views are represented, with the aim of preventing any increasing costs and restrictions being placed on private and recreational flying. Many members reside or fly in the Wakatipu/Wanaka area. Members fly both fixed wing and helicopter aircraft.
2. District Plan fact sheet 10 purports to set out the background and details of what is proposed. The sheet suggests that the current position is that aircraft require resource consent for landing at informal airports in rural areas. In practice council has long held the view that non-commercial landings do not require consent. In this regard please refer to an attached report dated 9 May 2008 in which the Chief Executive advises council that non-commercial helicopter operations in the rural part of the district do not generally require consent as they are seen as part of normal rural operations. The same applied for non-commercial fixed wing landings. The current plan only refers to "airports" and legal advice confirms that they are defined in such a way that informal airports are not captured.
3. Accordingly any move to capture landings by recreational aircraft will impose barriers not currently existing, contrary to the situation outlined in the fact sheet.
4. Never the less the draft plan authors consider that it is desirable to reduce the need for resource consent applications for landings and that with limits these should be allowed.
5. The gestation period of the draft plan has been long. In 2012 Council sought advice from noise expert Dr Stephen Chiles regarding what would be reasonable regarding aircraft landings. We will mention more about noise later. For some reason, maybe constant staff changes, the advice provided by Dr Chiles has been ignored. As a consequence the proposals will have the opposite effect to what is intended i.e. they will impose the need for resource consents rather than reduce them with no benefit to the community at large. A review of likely and existing informal landing sites in the district indicates that very few if any can comply with a 500m set back from a road or adjacent property.
6. The associations view is that there is an almost irrational concern about aircraft noise. We also note that Councils have no control over noise from flying aircraft. Noise level measurements are difficult to understand and councils do not appear to have accepted a standard. The Chiles report refers mainly to 50dba Ldn, i.e. the filling of a noise bucket over a 24 hour period whereas QLDC has granted aircraft landing resource consents based on noise not exceeding 50dba Ldn and in another case 55db L Aeq, i.e. the average noise over 15 minutes. (Refer RM120323 and RM050949. The issue of road separation has never been considered, roads can be noisy with noise levels far exceeding those created by aircraft except at established airports. For example a noise report prepared by Malcolm Hunt

Associates, relating to a property near Wanaka, explains that a heavy truck will generate about 90db of noise. Many roads convey such traffic, including bathtub metal trucks, which generate even more noise at very frequent intervals creating noise levels well above those considered possible to arise from aircraft by Dr Chiles and other experts. Likewise other noise sources such as chainsaws, tractors and lawnmowers will because of their persistence generate noise levels above those considered by Dr Chiles and far in excess of those that would be generated by recreational aircraft movements.

7. The draft plan calls for a maximum of three flights per week with a set back from roads and adjoining boundaries of 500m. As mentioned the Chiles report, commissioned by Council, works mainly on a noise limit of 50dBA Ldn. It concludes that an AS350 helicopter (arguably at the noisier end of the scale) could undertake 20 movements per day, seven days a week, and the noise contour would extend to 500m in one direction and 200m in another. This example shows how unfair and how unjustified the proposed limits are. For example the report also indicated that for 2 movements per day, i.e. 14 per week, the contour would only extend to 200m and could be reduced further by steeper approach and departure angles. The Hunt report has similar conclusions. Dr Chiles addresses the position of a small number of daily landings by suggesting a 95dB LAe limit and a 50 dBA Ldn limit with a setback distance of 100m. The report concurs with our already expressed view that a 500m setback cannot generally be accommodated.
8. Our members are critically aware of concerns, whether rational or not, about aircraft noise. The Association has a resource of information guiding members on techniques for noise abatement including the Fly Neighbourly Guide. The Department of Conservation has recently recognised the rights of recreational flyers by granting group concessions for landing on Conservation land. Private landings have been occurring throughout the district for decades without issues, we suggest that this indicates our members are capable of avoiding problems and that therefore the recent sentiment of not using the RMA and planning process to control non-existent issues should apply.
9. If Council disagrees then we submit that there is no justification from moving from the suggestion in Dr Chiles report where he opines that low flight numbers e.g. two movements per day could be accommodated with a setback of 100m. With respect it seems unconstitutional for Council to seek expert advice and then ignore it, without explanation, when doing so will disadvantage a section of the community.
10. The Association *does* wish to be heard in support of its submission.



Ian D Andrews

President

Aircraft Owners and Pilots Assn NZ (Inc)

president@aopa.co.nz

130 Easther Crescent

Dunedin 9012

16th October 2015

QUEENSTOWN LAKES DISTRICT COUNCIL

FOR MEETING OF 10 JUNE 2008

REPORT FOR AGENDA ITEM: 7

SUBMITTED BY: Chief Executive – Duncan Field

REPORT DATED: 9 May 2008

RESOURCE CONSENTING FOR HELICOPTER ACTIVITIES

PURPOSE

This report is for information only.

CONFIDENTIALITY

There is no reason to exclude the public for this report.

BACKGROUND

Council has three major compliance projects underway which each require careful management:

- a) Gravel extraction
- b) Visitor Accommodation
- c) Helicopter Operations

Each of these "problems" was discovered as a result of collateral investigations. They have developed into major compliance issues because of the complexity of the issues involved. Good progress has been made on gravel extraction, we are getting closer to the completion of the issues of consenting for visitor accommodation, and helicopter operations has reached a point where this report is timely.

In general terms:

- a) Helicopter operations in the rural part of the district do not generally require consent. These activities are seen as part of normal rural operations. However, commercial helicopter operations do require consent and with the increasing use of helicopters for tourism activities this issue has grown substantially.
- b) There was a long standing "assumption" that helicopter operations in the Department of Conservation ['DoC'] estate (at least that covered by a conservation management strategy) also did not require consent. This view some time ago was identified as incorrect, and there has been a compliance programme put in place to bring all of those helicopter operations into compliance.
- c) It should also be noted that Council's control over helicopter operations is limited to activities around take off and landing. There is considerable judicial authority which indicates that operations over 500 feet ('fly overs') are not subject to regulation under the RMA or the District Plan. This means most complaints and concerns regarding helicopter noise are outside Council's jurisdiction.

Growing sensitivity to helicopter operations and the new awareness of the resource consent requirements has led to a plethora of resource consents applications. At the time of writing this report this comprised 299 applications. With the exception of three applications these are for individual sites by individual operators (for example one application might be for The Helicopter Line to land 50 times a year at White Point). Three applications however are for a total of just over 200 sites.

This problem has been aggravated further by the fact that these consents, in most cases, are not for current levels of activity. A number of operators have taken the opportunity to seek consent for volumes of helicopter landings and take offs substantially in excess of their current commercial business levels, and substantially in excess of current statutory entitlements under such mechanisms as the DOC concession (where flights are in Crown estate). The nature of the compliance programme that we have put in place is being seriously tested by this opportunistic approach. The problems with it are:

- a) There are serious issues of "cumulative effect" being raised as a result of the exercise. (Although the cumulative effect issues may well have surfaced even at current levels of use).
- b) While the original expectation was that this could be a "rubber stamping" of existing operational levels, the approach is driving a very substantial programme of notified consent applications.
- c) The cost of this exercise will be exorbitant, both for the applicants and for the community.
- d) The issues associated with these consents mean that Lakes Environmental are unable to achieve processing times with these applications. This will seriously distort end of year figures given the number of consents involved.
- e) The other parties involved in the regulatory regime, particularly DoC, are finding the programme is putting considerable pressure on their resources.

It is now apparent that DoC is going in to a major programme of concession renewals. Most of the landing areas which are under the highest pressure under the above application process will go through concession renewals in the balance of the year.

One of the other issues revolves around the land owners of rural properties affected by the resource consent applications by helicopter operators. More than one of those land owners feels that the resource consents should be held by the land owner and not by individual helicopter operators. As the helicopter operator also requires land owner consent to land on private land this is a reasonable perspective. These same landowners are however not so keen to bear the cost of the consenting process.

Generally rural landowners are not signing Landowner or Affected party Approval forms, and most consents for non-DoC land are on hold at the applicants' request whilst this is obtained. One company is opting to notify all sites rather than obtain approval. This raises the issue of priority as they are trying to "jump the queue".

There is an added complication with land held under pastoral lease in that the consent of the commissioner of lands is required for any uses other than grazing (and associated fencing etc). For a crown land concession holder to enter into tourism activities (such as helicopter landings for tourism related activities) the commissioner has his own approval practice for that, known as Recreation Permits.

In the reasonably near future it will be important for a stocktake to be taken of the current state of this compliance programme. In particular it is necessary for Council to meet with the helicopter operators and rural land holders because of some of the unexpected approaches being taken to this issue.

It would be desirable if we could get back to a situation in which there was clear priority given to steps in this process, being:

- a) Complete the DoC concession process so that operators understand what their entitlement is in regard to helicopter flights into public estate. This is a lengthy process that Council does not need to get involved in and I do not think this should be on this list. Most concessions are up for review in June and this review takes around 12 -24 months during which time the operators are usually permitted to continue. We cannot tell operators that we are putting their consent processing on hold for this.
- b) Complete resource consent requirements that compliment that concession approval. With the number of people we have on this now, this should be done (for the applications we have received) within the next month or so.
- c) For those operators that wish to pursue consent for a greater volume of flights (which they are entitled to do although one wonders at the value of doing so) have a consenting regime that allows that to happen. This is in place, serving notice on DoC. It does put pressure on DoC's resources.
- d) Provide clear information to Rural Landowners on their rights etc with regards to consents to use their land.
- e) Establish Council's position on Priority with regards to consents on hold at the applicants' request.

Some thought also needs to be given to one of the earlier proposals for resolving this matter, which was a plan change which removed the requirement for resource consents for helicopter landings and take offs where there is a comparable alternative process available. Any public land under a conservation management strategy (prepared by DoC) would clearly qualify. The issues which DoC address is granting concession would address the same effects that a resource consent was endeavouring to control. Alternatively a Plan Change for helicopter landings on all rural general land could be considered.

RECOMMENDATION

That this report be received.

Chiles Ltd

Private Bag 55037, Christchurch 8154

15 September 2012

Ref: 120502

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

Attention: Blair Devlin

Dear Blair

Subject: Airport noise

This letter provides acoustics advice on:

- 1) A proposed 500 metre buffer/setback distance from helicopter landing areas on Public Conservation or Crown Pastoral Land, and
- 2) Limitations of the L_{dn} parameter for assessing noise effects of airports with low flight numbers.

500 metre buffer

Southern Planning Group prepared a report on the management of informal airports for the QLDC dated April 2012. Within that report it sets out how informal airports on Public Conservation or Crown Pastoral Land require formal approvals from the Department of Conservation or the Commissioner of Crown Lands respectively. The report suggests that those approvals should be appropriate to manage adverse noise effects on other users within that land. However, those approvals do not consider occupiers of neighbouring land.

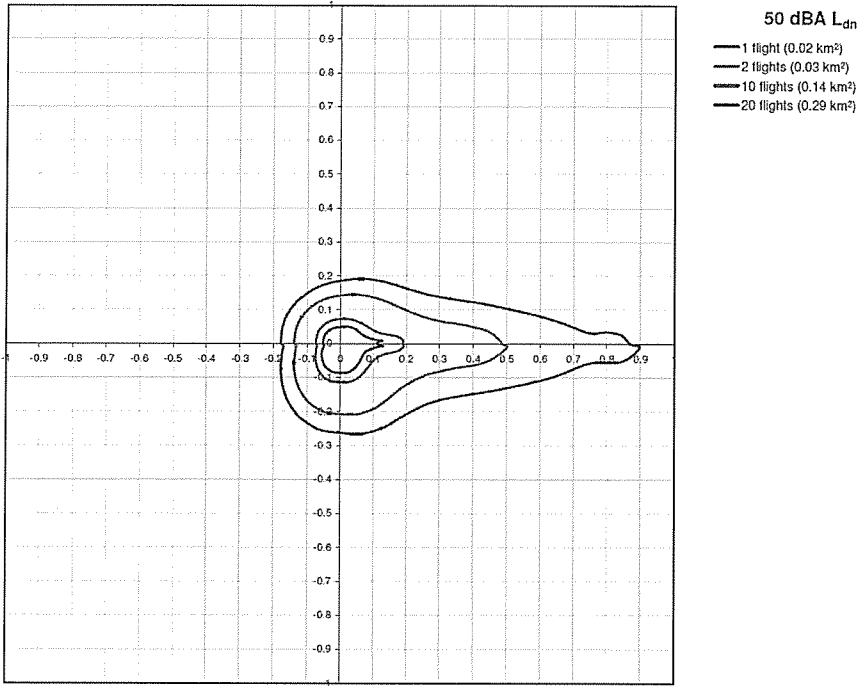
Southern Planning Group suggests that airports on Public Conservation or Crown Pastoral Land could be made permitted activities under the Queenstown Lakes District Plan, but proposes a 500 metre buffer/setback to control any noise effects on neighbouring land. This letter discusses that proposed setback.

Noise effects from helicopters are usually assessed using NZS 6807, which recommends a noise limit of 50 dB L_{dn} at the notional boundary of houses in rural areas (the notional boundary is 20 metres from a house). Experience from existing informal airports in the Queenstown Lakes District is that the 50 dB L_{dn} criterion is usually achieved within a few hundred metres. The actual distance depends on:

- aircraft types,
- aircraft flight paths,
- number and time of movements, and
- terrain.

In previous work for Lakes Environmental Ltd, the author examined a hypothetical airport on flat ground with an AS350 helicopter. The following figure shows the 50 dB L_{dn} contour for different flight numbers, predicted using INM v7.0 software, on a grid extending 1 km in each direction from a

landing site at the centre of the figure. The green contour shows that if there are 10 flights (10 landings and 10 take-offs, being 20 movements) in a day then in the direction of the arrival and departure flight path (to the right of the figure) the 50 dB L_{dn} contour extends to approximately 500 metres. In other directions the contour only extends to approximately 200 metres. If steeper arrival and departure flight paths were used then the extent of the contour could be reduced.



There has previously been debate with respect to resource consent applications in the Queenstown Lakes District as to whether NZS 6807 and the 50 dB L_{dn} criterion are appropriate controls for helicopter noise. In the case of Plan Change 27A, the NZS 6807 criteria were removed from the proposed district plan noise rules during mediation, and as a result there is not a specific helicopter noise limit in the district plan. Our opinion is that, subject to the discussion below on sites with low movement numbers, NZS 6807 and the 50 dB L_{dn} criterion do provide an appropriate control for helicopter noise.

The proposed permitted activity rules for informal airports on Public Conservation or Crown Pastoral Land do not explicitly limit the factors that determine the extent of the sound level contours detailed above. However, from our experience of informal helicopter landing areas in the Queenstown Lakes District it would be unusual to have as many as 10 flights a day. Therefore, the proposed 500 metre setback would generally result in a noise level at neighbouring land within the NZS 6807 criterion of 50 dB L_{dn} , which we consider acceptable.

If greater certainty is desired then the rules could be extended to specify:

- A maximum of 10 flights (20 movements) a day, and
- No flights at night (2200h to 0700h).

The disadvantage of specifying a limit on flights is that airports that are significantly further from neighbouring land would be unnecessarily constrained, or would be unable to take advantage of the permitted activity status.

Low flight numbers

Subjective response to aircraft (fixed wing and helicopter) noise depends on a range of factors. The main factors are the:

- noise level of each aircraft movement,
- number of aircraft movements, and
- time of day of aircraft movements.

The L_{dn} criteria in NZS 6805 (airports) and NZS 6807 (heliports), provide a method to combine these factors in a way that has been shown to correlate to subjective response. The L_{dn} is an average noise level over 24 hours and is sometimes described as a ‘noise bucket’. The bucket is filled quicker by noisier aircraft movements and hence the number of flights and their noise levels can be traded-off to some extent. The L_{dn} also includes a penalty for any flights at night, which fill the noise bucket ten times more than the same flights during the day. For informal airports there generally are no night flights.

The L_{dn} provides an effective framework for managing noise effects from airports. However, NZS 6805 is not designed for informal airports and NZS 6807 is only intended to apply to helicopter landing areas with more than ten movements in a month. Regardless of the stated scope of the Standards, it is considered that the L_{dn} criteria do provide a useful reference point for assessment of informal airports. For busier informal airports, such as sky-diving operations for example, it is recommended that the L_{dn} criteria should still be applied, with additional controls if necessary.

An issue with informal airports having low flight numbers is that the L_{dn} criteria could allow excessively noisy individual events. The report by Southern Planning Group suggests that the QLDC could devise specific criteria for informal airports, and indicates that this may be in terms of a sound exposure level (SEL), L_{AE} , which would control individual events.

The L_{AE} is the total sound energy of a single aircraft movement. The L_{dn} ‘spreads’ sound from all movements over 24 hours, whereas the L_{AE} represents all sound from a single movement effectively in 1 second, hence values of L_{AE} are higher than values of L_{dn} . For example, if a movement has a L_{AE} value of 95 dB, and there are 20 such movements in a day the resulting L_{dn} (59 dB) can be calculated as follows (assuming none of the movements are at night):

$L_{dn} =$	L_{AE}	$+10 \times \log(\text{number of movements})$	$- 10 \times \log(\text{time in seconds})$
$L_{dn} =$	95 dB L_{AE}	$+10 \times \log(20 \text{ movements})$	$- 10 \times \log(24 \times 60 \times 60 \text{ seconds})$
$L_{dn} =$	95 dB L_{AE}	+13 dB	- 49 dB
$L_{dn} =$	59 dB		

In NZS 6805 the primary L_{dn} criterion is 55 dB and in NZS 6807 it is 50 dB (this is more stringent to account for the particular characteristics of helicopter sound). The following table shows the maximum

L_{AE} for a given number of flights (two movements each) that would result in compliance with these L_{dn} criteria.

Number of flights (2 movements)	Maximum L_{AE} to meet 55 dB L_{dn} (NZS 6805)	Maximum L_{AE} to meet 50 dB L_{dn} (NZS 6807)
1	101 dB L_{AE}	96 dB L_{AE}
2	98 dB L_{AE}	93 dB L_{AE}
5	94 dB L_{AE}	89 dB L_{AE}
10	91 dB L_{AE}	86 dB L_{AE}
20	88 dB L_{AE}	83 dB L_{AE}

It can be seen from the table that for low daily flight numbers high values of L_{AE} would be possible for individual flights/movements. The resulting adverse effects might not being well represented by the daily average L_{dn} . This could be avoided by also setting a L_{AE} criterion as suggested by Southern Planning Group.

Within New Zealand we are not aware of a precedent that links subjective responses to a particular L_{AE} criterion. If this issue is pursued, a search could be conducted of international literature to seek further guidance/research. For major airports in New Zealand, 95 dB L_{AE} is often proposed for night-time noise on the basis of sleep disturbance. This established use of a 95 dB L_{AE} criterion for night-time noise might indicate that it would also result in reasonable daytime aircraft noise effects. However, as shown in the table above, this would be achieved in most cases regardless, and potentially a lower L_{AE} criterion could be considered for informal airports.

A 95 dB L_{AE} criterion would have an influence on fixed wing airports with very low flight numbers. For example, if there was a noise limit of 55 dB L_{dn} (NZS 6805), but an airport only had one flight a day, then as shown in the table, the L_{AE} of each movement could be as high as 101 dB L_{AE} . In this instance the imposition of a 95 dB L_{AE} criterion would limit the potential noise effects. This criterion could be achieved with a relatively short setback distance, generally within 100 m if not on the flight path.

An additional issue for informal airports with low flight numbers is that anecdotally the relationship between subjective response to aircraft noise and the L_{dn} appears to be weaker. For low movement numbers subjective responses may be related to the number of movements more so than the noise level (L_{AE}) of each movement. Consequently, in consent RM060820 for example, a maximum number of flights (4/day) was imposed in addition to a L_{dn} limit.

In summary, possible controls for noise from informal airports include:

- L_{dn} criteria,
- L_{AE} criteria,
- Maximum numbers of flights, and
- Setback distances.

For informal airports with low movement numbers we are not aware of robust precedents in New Zealand that could be used to accurately combine these factors to relate to subjective response. For the Rural General Zone, Southern Planning Group proposes permitted activity rules for informal airports as a maximum number of flights (3/day) and a setback (500 m). This is a relatively

conservative approach that has the advantage of being straightforward to monitor and avoids the need for an acoustics specialist.

In other zones a conservative 500 m setback generally cannot be accommodated, and it may be more appropriate to set criteria in terms of L_{dn} and/or L_{AE} . While this adds complexity to the assessment and compliance monitoring, it allows the conservatism to be removed. L_{dn} criteria can be taken from NZS 6805 (55 dB L_{dn}) and NZS 6807 (50 dB L_{dn}), but these should be augmented with a L_{AE} criterion or setback distance, and a limit on the number of flights.

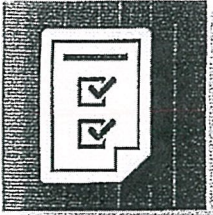
There is not a simple standard currently available for informal airports. A number of potential controls are discussed above, but broader judgement may be required to determine appropriate values for some parameters.

Yours sincerely

Chiles Ltd



Dr Stephen Chiles



FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION/S
ON THE PROPOSED DISTRICT PLAN



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

ORIGINAL submitter No 211

TO // Queenstown Lakes District Council

YOUR DETAILS // Our preferred methods of corresponding with you are by email and phone.

Name: Aircraft Owners and Pilots Assn (NZ) Inc

Phone Numbers: Work: Home: 5466937 Mobile: 0276324995

Email Address: president@aopa.co.nz

Postal Address: Post code:

THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

In support of

- I AM
- A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or
 - A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or
 - The local authority for the relevant area.

Refer to original submission
subject

I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

Adrian Snow, Submission number 730

THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

All of It.

THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

The proposals relating to informal airports received 5 or six submissions of support, three of those were from Tackers Beach residents. There were over 16 submissions seeking change. We support submission 730 because it encapsulates the points made by most others.

I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

That the whole of Submission 730 be allowed.

I wish

wish to be heard in support of my submission.

I will

consider presenting a joint case with others presenting similar submissions.

SIGNATURE

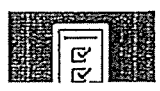
Signature (to be signed for or on behalf of submitter) ** David Burgess President

Date 9th Dec. 2019

** If this form is being completed on-line you may not be able, or required, to sign this form.

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.



QUEENSTOWN LAKES DISTRICT COUNCIL

Queenstown Lakes District Council
Private Bag 50072, Queenstown 9348

P: 03 441 0499
E: services@qldc.govt.nz

Form 5

Submission on a Publicly Notified Proposal for Policy Statement or Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: **Queenstown Lakes District Council** ("the Council")

Name of Submitter: **Adrian Snow**

Introduction:

1. This is a submission on the proposed **Queenstown Lakes District Plan** ("the Proposed Plan") notified on 26 August 2015.
2. The submitter could not gain an advantage in trade competition through this submission.
3. The submitter has an interest in the Proposed Plan as a whole, and as such the submission relates to the Proposed Plan in its entirety. The submitter has particular interest in all provisions relating to aircraft/airport activities and the associated controls and effects.
4. The specific provisions of the Proposed Plan that this submission relates to includes, but is not limited to, the provisions in the following chapters:
 - a. Chapter 2: Definitions;
 - b. Chapter 3: Strategic Direction;
 - c. Chapter 21: Rural;
 - d. Chapter 22: Rural Residential & Rural Lifestyle;
 - e. Chapter 23: Gibbston Character Zone;
 - f. Chapter 27: Subdivision & Development;
 - g. Chapter 36: Noise
 - h. Planning Maps.
5. The Proposed Plan seeks to introduce further controls on the establishment of informal airstrips and landing areas (defined as "informal airports"), the numbers of craft movement and controls on the proximity of such activities to various features.

General Reason for Submission:

6. The submitter supports the effort to clarify the existing rules in the Operative Plan surrounding “informal” airports. The current rule framework captures nearly every landing location that is used more than a handful of occasions; this is impractical and unnecessary.
7. The submitter also supports the efforts of the Council to reduce administration and costs associated with needing to obtain land use consent for informal airports.¹
8. In reference to the section 32 report titled “Informal Airports”, it states that the focus of the changes are on reducing statutory approvals for landings on Crown land and enabling aircraft into the “back country”.² It fails to acknowledge and provide for the essential and fundamental activities that rural landowners have in the district: recreationally, practically and economically.
9. The submitter agrees that location controls are a necessary response to help avoid potential adverse effects of aircraft activity in rural areas. The submitter however **opposes** the level of controls that have been adopted by the Council.
10. It is noted in the section 32 report that “...*separation of informal airports from noise sensitive receivers was identified as the key attribute in mitigating the variety of adverse environmental effects that may arise from the operation of informal airports*”.³ The section 32 report is a relatively detailed document however it is very light on what issues have been experienced by residents in rural areas and whether there is a need for the level of control proposed by the Council on aircraft location and movements.
11. To this end, the section 32 report has relied on acoustic advice from Dr Stephen Chiles, however the methods adopted are largely inconsistent with the acoustic advice.⁴ For instance, the acoustic report suggests a much reduced setback with greater provision for aircraft movements each day than has been adopted in the Proposed Plan.
12. No explanation is given as to how the Council arrived at the low number of movements specified in the Proposed Plan.
13. The Proposed Plan also refers to “formed roads” as being a trigger to control the location of informal airports. It is requested that reference to this is removed as quite often roads in rural areas are infrequently used and should not be treated as sensitive receivers. The same applies to property

¹ Page 9 of Section 32 report

² Page 9 of Section 32 report

³ Page 14 of Section 32 report

boundaries; such reference should be removed with the onus placed solely on the proximity to residential dwellings.

14. Many operators of aircraft have been doing so for a number of years and in some cases, existing use rights are likely to apply. The Proposed Plan should include provision to recognise existing uses and the associated effects.

15. Making the changes as proposed will:

- a. Promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the Resource Management Act 1991 ("RMA") and ultimately achieve its purpose;
- b. Enable the social, economic and cultural well-being of the community;
- c. Meet the reasonably foreseeable needs of future generations; and
- d. Represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

Relief sought:

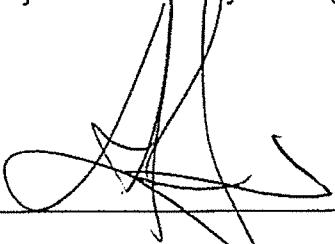
16. The submitter requests the following decision:

- a. Provision is made in the Proposed Plan to recognise existing uses;
- b. For new informal airports, the restriction on movements be amended to 10 in any calendar week;
- c. The setback on new alighting areas be 100 metres for fixed wing and 100 metres for rotary wing aircraft;
- d. Any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.

17. The suggested revisions do not limit the generality of the reasons for the submission.

18. The submitter wishes to be heard in support of its submission.

19. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Signed by or on behalf of the submitter

23/10/15

Date

Address for Service: Town Planning Group Limited
PO Box 2559
Queenstown

Contact Person: Brett Giddens
Telephone: 0800 22 44 70
Cell: 021 365513
E-mail: brett@townplanning.co.nz

Annexure A: General Provisions

Point #	Provision	Support, Oppose, Amend	Submission	Decision Sought (strike-out , bold and underlined)
Chapter 21: Rural				
1	Objective 21.2.4	Support	Aircraft activity is an anticipated rural land use and should be protected. Locating dwellings in close proximity to existing informal airports should be discouraged without appropriate mechanisms to protect the existing use.	21.2.4 Objective - Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.
2	Policy 21.2.4.1	Support	Aircraft activity is an anticipated rural land use and should be protected. Locating dwellings in close proximity to existing informal airports should be discouraged without appropriate mechanisms to protect the existing use.	21.2.4.1 Recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.
3	Objective 21.2.11	Conditionally Support	This objective is supported providing the changes to the location and frequency controls requested by the submitter are adopted.	21.2.11 Objective - Manage the location, scale and Intensity of informal airports.
4	Policy 21.2.11.1	Conditionally Support	This objective is supported providing the changes to the location and frequency controls requested by the submitter are adopted.	21.2.11.1 Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.
5	Policy 21.2.11.2	Conditionally Support	This objective is supported providing the changes to the location and frequency controls requested by the submitter are adopted.	21.2.11.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.
6	New Policy 21.2.11.2	New Policy	Introduce a new policy that recognises and protects existing informal airports and their	<u>Protect existing informal airports and their associated activity from new rural residential</u>

			associated activity from reverse sensitivity effects.	<u>living by avoiding dwellings in close proximity to Informal airports and/or placing controls on new dwellings, including legal instruments, to avoid potential adverse reverse sensitivity effects.</u>
7	Rule 21.4.25	Support	Support a permitted activity rule for the establishment and use of Informal airports.	Retain
8	Rule 21.5.25 – Table 6	Amend	Support Informal airports on public conservation and crown pastoral land. In reference to Rule 21.5.25.4, remove reference to “formed legal road”.	Informal Airports Located on Public Conservation and Crown Pastoral Land Informal airports that comply with the following standards shall be permitted activities: 21.5.25.1 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; 21.5.25.2 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; 21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities; 21.5.25.4 In relation to points (21.5.25.1) and (21.5.25.2), the Informal airport shall be located a minimum distance of 500 100 metres from any formed legal road or the notional boundary of any residential unit or approved building platform not located on the same site.
9	Rule 21.5.26 – Table 6	Amend	Support permitted activity standards however amend the frequency and location controls.	Informal Airports Located on other Rural Zoned Land

				<p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 10 flights* per week;</p> <p>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.3 In relation to point (21.5.26.1), the Informal airport shall be located a minimum distance of 500 <u>100</u> metres <u>for rotary wing aircraft and 100 metres for fixed wing aircraft</u> from any formed legal road 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>
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FORM 5: SUBMISSION

DISTRICT PLAN REVIEW

2663

QUEENSTOWN
LAKES DISTRICT
COUNCIL

Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

TO // Queenstown Lakes District Council

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: *the Aircraft Owners and Pilots Assn of New Zealand*

Phone Numbers: Work:

Home: *03 4426062*

Mobile: *0274-343275*

Email Address: *rvcnb@extra.co.nz*

Postal Address: *c/- Vance Boyd*

11 Ardium Lane, 9300, Queenstown.

Post code:

9300

PLAN CHANGE // To which this submission relates to:

Chapter 24 Waketipu Basin.

I *Do not* gain an advantage in trade competition through this submission.

*I *Am* ** directly affected by an effect of the subject matter of the submission:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition. ✓

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.

SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

See Attached



MY SUBMISSION IS //

Include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views.

2663

Attached



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY // Give precise details:

Attached

Do wish to be heard in support of my submission.

Will consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

[Handwritten Signature]

Date

05 September 2018.

** If this form is being completed on-line you may not be able, or required, to sign this form.

Queenstown Lakes District Council: Proposed District Plan: Chapter 24 Wakatipu Basin – Informal Airports.

Submission from the Aircraft Owners and Pilots Association of New Zealand.

Introduction

1. The AOPA (NZ) represents the interests of over 900 private recreational aviators in New Zealand. International Associations represent this class of aviator in 66 countries. AOPA provides a unified voice for pilots in New Zealand by building relationships with Government and regulatory bodies to ensure members' views are represented, with the aim of preventing any increasing costs and restrictions being placed on private and recreational flying. Many members reside or fly in the QLDC area. Members fly fixed wing, helicopter and glider aircraft.
2. This submission relates to the policy framework for informal airports within the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct. In particular, this submission responds to the error notified on Thursday 9 August 2018 relating to the Wakatipu Basin Variation, and the omission of specific activities within the Precinct (Table 24.2). As a consequence of Rule 24.4.28 (informal airports in the Precinct) not being notified with the rest of Chapter 24, the AOPA did not have the opportunity to submit on the broader policy and standards framework applicable to informal airports in Chapter 24. Given this, the AOPA submits now on the implications and interrelationship between Rule 24.4.28, the policies supporting informal airports in the Basin, and the standards applicable to informal airports. The AOPA is of the opinion that from an aviation perspective there are significant similarities between the Basin and other Rural Zones in the QLDC District and therefore the management of informal airports across those different zones requires an integrated and consistent approach. This is also assumed to be the intention of the Council given a section 32 analysis on informal airports relating to the Rural and Rural Lifestyle Zones was published as part of Stage 1 in August 2015, but no section 32 analysis on this topic was undertaken as part of the Stage 2 Basin Variation (despite this covering the same area of land as previously included in Stage 1). The association has a keen interest in ensuring that informal airports are a permitted activity in the Wakatipu Basin and that plan provisions applying standards for informal airports are practical and realistic. This desire has been heightened by policies aimed at discouraging private aircraft from using Queenstown airport. The Aero Club has been removed from the airport, there is no hanger space, limited parking space and landing and parking fees are very high. Compared to other districts in New Zealand the needs of recreational aviators are poorly met in the current planning framework.

Chapter 24 and section 32 analysis on informal airports

3. There appears to be no Section 32 report relating to informal airports in the Basin in support of Chapter 24 as notified in Stage 2 of the Plan Review. We assume that the reasoning relating to control of informal airports in the Wakatipu Basin Rural Amenity Zone is similar to that expressed in the Rural Zone S32 report as part of Stage 1 of the Plan review. That report stated:

“This proposed policy promotes informal airports as an important part of recreational activities within the district as opposed to the current plan provisions which are silent regarding this activity.”

4. The report goes on to explain that aircraft operators should not have to endure the resource consent process to enable the establishment of informal airports, subject of course to not causing unnecessary annoyance to neighbours.
5. Council is to be commended for this approach, particularly as it relates to recreational and low use fliers. In the past some have applied for resource consents and while these have usually been granted the process has been very costly and the outcome uncertain.
6. The lack of a S32 Report relating specifically to the Wakatipu Basin Zones means that we are unsure why informal airports are proposed to be a conditional permitted activity in the Amenity Zone but a discretionary activity in the Basin Lifestyle precinct, and furthermore whether the standards applicable to permitted informal airports (25.5.14) are appropriate for the Basin / Precinct Zones.
7. The problem with the proposed provisions as currently drafted is that they completely fail to provide any practical benefit to recreational aviators. In the Amenity Zone the proposal is that there should be a 500m set back from any other zone or the notional boundary of any neighbouring residential dwelling. The problem with that approach is that it is generally impossible to comply with it. Almost all, if not all, dwellings in the Wakatipu Basin Rural Amenity Zone and the Precinct are closer than 500m to each other. The position is that this, coupled with the discretionary classification of the Precinct means that there is no practical benefit to including informal activity airport rules in Chapter 24.
8. We have looked at the District Plans of 22 South Island councils to see how the QLDC proposals compare. While some have no restrictions on aircraft operations at all, the majority allow landings and take offs as long as the relevant zone noise standards are complied with. Two districts make special provisions for recreational private landings while two others have similar provisions to those proposed for the Amenity Zone. Two district plans were confusing to the point that it was hard to conclude what was allowed.
9. We were particularly interested in areas within the jurisdiction of the Waimakariri district Council and the Dunedin City Council. Both of these councils have semi rural land with relatively close together lifestyle residential properties similar to those that exist within the Wakatipu Basin. These are principally surrounding Kaiapoi and Rangiora and in the Taieri basin. In the Waimakariri district, there are no specific restrictions for fixed wing aircraft as long as the zone noise limits are complied with. Special provision is made for helicopters as follows:

31.12.1.14

The night weighted sound exposure (Edn) day-night average noise level (Ldn) and night time maximum sound level (L_{max}) generated from a helicopter landing site as measured at or within the boundary of any site shall not exceed:

- a. Business 1 and 2 Zones: Edn 100Pa2s and 65dBA Ldn.
- b. Business 3 Zone: Edn 1000 Pa2s and 75dBA Ldn.

- c. Residential Zone: Edn 3.5 Pa2s and 50dBA Ldn and between 10pm and 7am 70dBA L_{max}.
- a. At the notional boundary of any dwellinghouse in the Rural Zone: Edn 3.5Pa2s and 50dBA Ldn and between 10pm and 7am 70dBA L_{max}.

31.12.1.15

Helicopter landing site noise shall be measured and assessed in accordance with the provisions of NZS 6807:1994 "Noise Management and Land Use Planning for Helicopter Landing Sites".

10. The Dunedin City Council has prepared a generation two Proposed District Plan. It provides for helicopters as follows:

https://www.Rule 4.5.3.3 Helicopter Landings

- a. Helicopter landings must not exceed 10 landings on the same site within any calendar year, except two days of unlimited landings on the same site are allowed within any calendar year.
- b. Helicopter landings must only occur during daylight hours.
- c. The following activities are exempt from this standard:
 - i. helicopter landings for emergencies by police, fire service, ambulance, or for search and rescue; and helicopter landings that meet the noise performance standards for the relevant zone

A member of the planning team at Dunedin City Council confirmed that a similar provision is intended to be provided for fixed wing aircraft.

Recreational fliers have no desire to annoy members of the public or their neighbours. They just want to enjoy their activity without the need to apply for resource consents unnecessarily. The usual level of activity is low and very low when compared to other aviation activity in the district.

Relief sought

11.

The Association submits that as in other districts, the noise limits prescribed in Chapter 36, table three would by themselves achieve this objective in the Wakatipu Basin, to protect residential amenity. We understand that this table would apply by virtue of 36.3.2.9

12. An alternative but more complicated approach would be to apply the Amenity Zone proposals to the entire Basin with the minimum setback distance reduced to 150m.

This distance can usually be achieved and would, at 2 movements per day, provide in conjunction with the Chapter 36 requirements, an adequate level of protection. The following table was

provided to council in 2007 by noise expert Mr V.C. Goodwin.

Time period	Maximum number of flight movements ^{note 1}									
	2	5	9	14	22	34	55	86	138	216
Daily limit ^{note 2}										
Maximum on any one of 7 days ^{note 3}	4	10	18	27	43	69	109	173	276	432
7 day week total ^{note 4}	14	37	63	95	152	241	382	605	968	1512
Distance ^{note 5}	80m	100m	120m	140m	160m	180m	200m	225m	250m	300m

Instructions Select the relevant row for a given weekly total helicopter movement number, or a daily movement number, and look up the distance in metres in the table which is equal to or is the next highest value for the maximum number of flight movements found in the relevant row.

For example, for a 7 day weekly total of 100 movements, select the "7 day week total" row and find the value in that row which is equal to or closest above 100. The nearest value is "152" and the corresponding distance is 160m. Therefore if the helipad is greater than 160 metres from the notional boundary of the nearest house on another site, it will probably not exceed the 50 dB L_{DN} daily limit. Distances and movement numbers can be interpolated in this rough guide.

It relates to how a "squirrel" helicopter would comply with the limit of 50db L_{dn} at various distances from adjacent property buildings. It shows that two movements per day could be accommodated at a distance of 80m while at 300m 216 daily movements would still comply. Fixed wing movements could presumably be greater as the noise allowance is 55 dB L_{dn} which because of the logarithmic scale is significantly more. On this basis the separation requirement of 500m must be seen as excessive.

Council has also received a report from Dr Steven Chiles and referred to this during the Rural Zone process. This report opines that an AS350 helicopter (arguably at the noisier end of the scale) could undertake 20 movements per day, seven days a week, and the noise contour would extend to 500m in one direction and 200m in another. At two movements per day the graph within the report shows that the noise contour would extend 80m in one direction and about 110m in the other. These two experts' reports to council contain remarkably similar findings and are in line with other noise evidence produced to support resource consent applications. Dr Chiles states that the noise contour could be reduced further by steeper approach and departure angles. He also comments on the position of a small number of fixed wing daily movements by suggesting a 95dB LA_e limit and a 55 dBA L_{dn} limit could achieve the noise objective with a setback distance of 100m. He mentions that a 500m setback cannot be accommodated in some zones.

11. The association is keen to work with council to arrive at a formula which allows limited scale recreational aviation to be recognised as an activity which is compatible with life in the Wakatipu Basin. Although the current proposals do not allow for that we believe the objective is achievable.

Should a hearing be held we wish to be heard in support of our submission; in the meantime we are prepared to take part in any discussion that may result in a workable solution.

From: Vance Boyd
To: [pdpsubmissions](#)
Subject: AOPA Submission Chapter 24 PDP
Date: Thursday, 6 September 2018 11:01:48 AM

Good Morning,

I have realised that an error exists in section 6 of our submission forwarded to you yesterday.

The words :
informal airports (25.5.14) should say informal airports (24.5.14).

Regards
Vance Boyd.

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER Stream 14: Wakatipu Basin

DECISION ON REQUEST TO STRIKE OUT S2663 IN PART

Introduction

1. The Council has requested that part of Submission 2663 lodged by Aircraft Owners and Pilots Assn of New Zealand (AOPANZ) be struck out under section 41D of the Act¹.
2. A minute dated 15 September 2018 provided the submitter with an opportunity to respond to this request, and the Council the opportunity to reply to any response received. In this minute I provided my preliminary views on the issues to assist the submitter. I now have before me the response of the submitter dated 21 September 2018 and the Council's reply dated 27 September 2018.
3. The Council has delegated its powers to make procedural decisions in respect of Stage 2 of the PDP to me under section 34 of the Act. That includes the powers provided under section 41D of the Act to strike out submissions.

Background

4. Chapter 24 – Wakatipu Basin was publicly notified on 23 November 2017 as part of Stage 2 of the PDP. Submissions closed on 23 February 2018.
5. The public notice identified Chapter 24 in the following way:

A new Wakatipu Basin Chapter and zone and related provisions, including:

- *Introduction of a new Wakatipu Basin Rural Amenity Zone, including a Lifestyle Precinct that will provide for subdivision of land in the precinct to an average lot size of 1 hectare with a minimum lot size of 0.6ha.*

¹ Memorandum of Counsel on Behalf of Queenstown Lakes District Council Seeking to Strike Out Part of a Submission Point Under Section 41D of the RMA, dated 14 September 2018

- For all other areas of the Wakatipu Basin Rural Amenity Zone, subdivision of land under 80 hectares will be a non-complying activity.
- The new zone is a variation to land notified in Stage 1 of the Proposed District Plan as Rural, Rural Lifestyle and Rural Residential within the Wakatipu Basin area.

6. In addition to the public notice, on 23 November 2017 all submitters on Stage 1 of the PDP were sent a copy of a memorandum of counsel explaining the contents of Stage 2². In relation to the Wakatipu Basin, this memorandum contained the following³:

A new Wakatipu Basin Chapter 24 will be notified. Proposed Chapter 24 provides a framework of objectives, policies, zones and rules for the Wakatipu Basin. The Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct will be notified on the planning maps. All of the Wakatipu Basin Rural Amenity Zone will cover land previously notified in Stage 1, and therefore will be a variation to the planning maps as far as the Rural, Rural Lifestyle and Rural Residential zones previously notified for this land in Stage 1 will be replaced with the proposed Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct.

The proposed new zone will be located on planning maps 10, 13, 13d, 15, 26, 27, 28, 29, 30, 31, 31a, and 39.

7. The memorandum also stated⁴:

For the purposes of submissions, the intention is that submitters make a separate submission for any of the six discrete Stage 2 topics that interest them (which may contain numerous submission points), whether their area of interest is new PDP (Stage 2) chapters, or variations to the PDP (Stage 1).

8. I note that APOANZ lodged a submission and further submission on Stage 1⁵. It did not lodge a submission on Stage 2 in the period between 23 November 2017 and 23 February 2018, although it does record that it received the Council's memorandum⁶.

9. During the hearing of submissions, it became apparent that Table 24.2 had been inadvertently omitted from Chapter 24 when it was first notified. As a result, the

² Memorandum of Counsel on Behalf of the Queenstown Lakes District Council Advising Panel on Matters Relating to Stage 2 of the Queenstown Lakes Proposed District Plan, dated 23 November 2017

³ Ibid at paragraphs 22 and 23

⁴ Ibid at paragraph 6

⁵ Submission 211 and FS1066

⁶ AOPANZ Response to Submission by Counsel Seeking to Strike Out, dated 21 September 2018 at paragraph 5

Council notified, as a variation to Chapter 24, the five rules⁷ in Table 24.2 for submissions on 9 August 2018.

10. It is the submission lodged by APOANZ on this variation dated 5 September 2018⁸ which the Council is challenging.

Legal Principles Regarding Scope

11. I have previously⁹ set out the criteria I consider can be distilled from *Palmerston North CC v Motor Machinists Ltd*¹⁰ in determining whether a submission is “on” a plan change or plan.
12. In summary these are:
- a) the focus of a submission must be on “specific provisions of the proposal”;¹¹
 - b) variations to the proposal which have not been evaluated in the section 32 analysis are unlikely to be addressing the change to the pre-existing status quo;¹²
 - c) if the resource management regime for a site is not altered by a plan change, then a submission seeking a new management regime for that site is unlikely to be “on” the plan change;¹³
 - d) incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial section 32 analysis is required to inform affected persons of the comparative merits of that change.¹⁴

Discussion

13. Relevant to this application, AOPANZ’s submission states the following:

2. *This submission related to the policy framework for informal airports within the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct. ... As a consequence of Rule 24.4.28 (informal airports in the Precinct) not being notified with the rest of Chapter 24, the AOPA did not have the opportunity to submit on the broader policy and*

⁷ Rules 24.4.25, 24.4.26, 24.4.27, 24.4.28 and 24.4.29

⁸ Submission 2663

⁹ Minute Regarding Submissions the Council Considers to Not be “On” Stage 2 of the PDP, dated 16 April 2018

¹⁰ [2014] NZRMA 519

¹¹ *Ibid* at [38]

¹² *Ibid* at [76]

¹³ *Ibid* at [81]

¹⁴ *Ibid* at [81]

standards framework applicable to informal airports in chapter 24. Given this, the AOPA submits now on the implications and interrelationship between Rule 24.4.28, the policies supporting informal airports in the Basin, and the standards applicable to informal airports. ...

3. *... We assume the reasoning relating to control of informal airports in the Wakatipu Basin Rural Amenity Zone is similar to that expressed in the Rural Zone S32 report as part of Stage 1 of the Plan review. ...*
6. *... furthermore whether the standards applicable to permitted informal airports (24.5.14) are appropriate for the Basin / Precinct Zones.*
7. *... In the Amenity Zone the proposal is that there should be 500m set back from any other zone or the notional boundary of any neighbouring residential dwelling. The problem with that approach is that it is generally impossible to comply with it. ...*
11. *... the noise limits prescribed in Chapter 36, table three would by themselves achieve this objective in the Wakatipu Basin, to protect residential amenity. We understand that this table would apply by virtue of 36.3.2.9.*
12. *An alternative but more complicated approach would be to apply the Amenity Zone proposals to the entire Basin with the minimum setback distance reduced to 150m.*
14. When Stage 2 was notified in November 2017, Chapter 24 provided for informal airports as a permitted activity (Rule 24.4.12 in Table 24.1). This activity was subject to the standards in Rule 24.5.14. Non-compliance with these standards required consent as a discretionary activity. The policy framework for these rules is explicitly provided by Policies 24.2.2.6 and 24.2.3.1, although various other policies relating to non-residential activities are also relevant.
15. With the notification of the variation in August 2018, informal airports within the Wakatipu Basin Lifestyle Precinct were classified as discretionary activities (Rule 24.4.28 in Table 24.2).
16. The relationship between the rules in Table 24.1 and Table 24.2 is explained by General Rule 24.3.3.1. This provides that the specific rules for the Precinct in Table 24.2 prevail over the general rules in Table 24.1. In the absence of specific

rules in Table 24.2, the rules in Table 24.1 apply in both the Amenity Zone and the Precinct.

17. By notifying Table 24.2 in the August variation, the Council introduced five specific rules applying only in the Wakatipu Basin Lifestyle Precinct that effectively replaced the relevant general rules in Table 24.1 which would otherwise apply in both the Amenity Zone and the Precinct. No changes were made to the objectives and policies, nor were any changes made to the standards in Table 24.3.
18. Thus, in respect of informal airports, the effect of the variation is that, rather than them being permitted activities in the Amenity Zone and the Precinct subject to the standards in Rule 24.5.14, within the Precinct that activity is a discretionary activity. No change has been made to the activity status of informal airports in the Amenity Zone, nor to the standards applying to that permitted activity.
19. It appears from the response provided by AOPANZ on 21 September, that AOPANZ chose not to lodge submissions on Chapter 24 when it was notified in November 2017. This may have been a result of misinterpretation of the public notice and Council's memorandum on the Association's part. However, I do note that three parties lodged submissions on Rule 24.4.12¹⁵ and two parties lodged submissions on Rule 24.5.14¹⁶.
20. The notification of Table 24.2 on 9 August 2018 did not provide a second opportunity for anyone to lodge submissions on any objectives and policies in Chapter 24, or on any rule other than Rules 24.4.25, 24.4.26, 24.4.27, 24.4.28 and 24.4.29, irrespective of their reasons for not lodging a submission during the period from 23 November 2017 to 23 February 2018. As I stated above, the focus of a submission must be on the specific provisions of the proposal – that is, Rules 24.4.25, 24.4.26, 24.4.27, 24.4.28 and 24.4.29.
21. AOPANZ have claimed that there was no the Section 32 Report in respect of the informal airport provisions. Ms Scott has drawn my attention to the contents of the Section 32 Report made available at the notification of Chapter 24¹⁷. While that document does not contain extensive discussion specific to informal airports, a cursory examination of Chapter 24 would have identified that specific rules were proposed for them in the Wakatipu Basin.
22. AOPANZ have also suggested that it would be denied an effective opportunity to participate in the process if the broadly stated parts of its were struck out. The

¹⁵ Submissions 2231.16 and 2433.3 opposing the rule, and Submission 2540.25 supporting it

¹⁶ Submissions 2276.18 and 2097.6

¹⁷ Reply Submissions for Queenstown Lakes District Council Responding to Submitter 2663 Regarding Strike Out, dated 27 September 2018, at paragraphs 14 to 16

opportunity for the Association to participate in the process was provided on 23 November 2017. It chose not to take up that opportunity. I am satisfied that the Council gave adequate notice, both in the public notice on 23 November 2017 and in the memorandum issued on the same day, that submitters would need to make submissions on Stage 2 provisions if they wished to participate in the process.

23. The Hearing Panel has held three weeks of hearings solely on Chapter 24 and zoning in the Wakatipu Basin. These concluded on 26 July 2018. I accept Ms Scott's submission that to hold a new hearing on the objectives and policies relating to informal airports and Rules 24.4.12 and 24.5.14 would be unfair to those submitters already heard, and on the Council, in terms of inconvenience, cost and delay.
24. As I noted in the Minute of 15 September 2018, it is open to the submitter to seek that, in the Wakatipu Basin Lifestyle Precinct only, the noise limits prescribed in Chapter 36 Table 3 apply in place of Rule 24.4.28. I also noted that it is open to the submitter to seek that the provisions for informal airports in the Wakatipu Basin Amenity Zone apply in the Precinct. Such an outcome would be achieved by deleting Rule 24.4.28.
25. Having considered the material provided by AOPANZ and the Council's reply I am satisfied that those alternate reliefs are all that are available to AOPANZ and that various other amendments proposed to other provisions in Chapter 24 should be struck out as disclosing no reasonable or relevant case, and that it would be abuse of the hearing process to allow those parts of the submission to be taken further.

Decision

26. For the reasons set out above, the parts of Submission 2663 lodged by Aircraft Owners and Pilots Assn NZ that do not relate directly to Rule 24.4.28 are struck out under section 41D, and relief available to the submitter is limited to, in the alternative:
- a) in the Wakatipu Basin Lifestyle Precinct only, the noise limits prescribed in Chapter 36 Table 3 (Rules 36.5.10 and 36.5.11) apply in place of Rule 24.4.28;
or
 - b) that Rule 24.4.28 be deleted and the provisions for informal airports in the Wakatipu Basin Amenity Zone apply in the Wakatipu Basin Lifestyle Precinct.

30 September 2018



Denis Nugent
Hearing Panel Chair