

**BEFORE THE PROPOSED TE PŪTAHI LADIES MILE PLAN VARIATION
INDEPENDENT HEARINGS PANEL**

UNDER the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Te Pūtahi Ladies Mile Plan Variation: Rule
29.5.24.1

**LEGAL SUBMISSIONS FOR AIRWAYS CORPORATION OF NEW
ZEALAND LIMITED (SUBMITTER #69)**

11 DECEMBER 2023

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MAY IT PLEASE THE PANEL:

Introduction

- 1 These legal submissions are made on behalf of Airways Corporation of New Zealand Limited (**Airways**), submitter #69, in respect of its submission on the proposed Te Pūtahi Ladies Mile Plan Variation (**TPLMP**). These submissions address the following:
 - 1.1 Airways' submission
 - 1.2 Council's section 42A report (**s42A report**)¹ and the statement of rebuttal evidence of Mr Brown²;
 - 1.3 Communications to date;
 - 1.4 Hearing provisions;
 - 1.5 Key issue; and
 - 1.6 Relief sought

Airways Submission

- 2 Airways' submission is in relation to proposed rule 29.5.24.1 of the TPLMP as notified, which provides that there be "*no direct property access for vehicles from collector road type A on the structure plan to land located north of the road.*"
- 3 Airways operates Navigational Aid equipment (**Nav Aid**) at Slope Hill. The existing access road to the Nav Aid is located on land to the north of proposed collector road type A on the structure plan, at or about 429 Frankton-Ladies Mile Highway.
- 4 Airways' submission sought to retain access to the Nav Aid via its existing access so as to safeguard its operations – which are vital to the operation of Queenstown International Airport, and aircraft safety and navigation nationally.

¹ Report dated 29 September 2023 and Appendices

² Statement of Rebuttal Evidence of Jeffrey Andrew Brown, 10 November 2023

Section 42A Report and Rebuttal Evidence

- 5 The s42A report supports Airways' submission, however, the Council Officer proposes to further amend rule 29.5.24.1. The various iterations of the rule are as follows:

There shall be no direct property access for vehicles from the collector road Type A on the Structure Plan to land located north of the road except where such direct property access already exists as at 9 June 2023 for the purpose of access to the Airways Corporation Nav Aid on Slope Hill.

- 6 The black text is the version of the rule as notified in the TPLMP. The blue text is the relief sought by Airways, and the red text is the Council Officer's further revision. The Council proposed amendment is noted in the s42A report as better capturing the purpose of Airways' submission.
- 7 Mr Brown's rebuttal evidence makes no change to the s42A report version of the rule.

Communications To Date

- 8 On behalf of Airways, Counsel attended the pre-hearing meeting (remotely) on 13 October 2023 to discuss the revision proposed in the s42A report and to clarify queries relating to the timing and development of proposed collector road type A.
- 9 By email correspondence to the pre-hearing committee on 15 November 2023, Airways proposed a subsequent iteration of the rule as follows:

There shall be no direct property access for vehicles from collector Road Type A on the Structure Plan to land located north of the road except where such direct property access already exists as at 9 June 2023 for the purpose of access to the Navigational Aid on Slope Hill.

- 10 The purpose of the amendment is to ensure that the focus is squarely on securing continued access to the Nav Aid (regardless of which entity operates and maintains this asset), via the existing access.

Hearing Provisions

- 11 Airways' requested change to rule 29.5.24.1 was incorporated into the Hearings Version of the TPLMP Variation provisions (**Hearing Provisions**) presented by the Council to the Panel on the 27 November 2023.³
- 12 Removing the reference to 'Airways Corporation' ensures that there is unfettered access to the site by Airways, as well as any successor or assignee of Airways. Accordingly, Airways is now in support of the solution proposed by Council, as it resolves Airways' concerns discussed above.

Key Issue

- 13 The key issue for Airways is retaining the existing and direct access to the Nav Aid site. The nature of the equipment, and the importance of direct access to the Nav Aid site is detailed in the evidence of Mr McEwan⁴ filed in support of the Airways submission.
- 14 As discussed by Mr McEwan, the Nav Aid is vital to the operation of Queenstown Airport and for all aircrafts navigating across New Zealand. The existing access road provides direct and timely access to the Nav Aid site to enable efficient repairs of any outages to the Nav Aid. In addition, continued maintenance of the existing access road is also required to ensure that air safety will not be compromised into the future.

Relief Sought

- 15 Airways wishes to preserve its existing access to the Nav Aid, as provided in rule 29.5.24.1 of the Hearing Provisions. It is submitted that on the evidence before the Panel, Airways' relief sought should be granted.

Dated 11 December 2023



Katherine Forward / Pereen Singh
Counsel for Airways

³ Hearings Version of the Te Pūtahi Ladies Mile Plan Variation, rule 29.5.24.1.

⁴ Statement of evidence of Roy McEwan on behalf of Airways Corporation of New Zealand Limited, dated 20 October 2023.