

**QLDC Council
24 August 2016**

Report for Agenda Item: 1

Department: Property & Infrastructure

Glenorchy Airstrip Management Reserve Management Plan Adoption

Purpose

The purpose of this report is to consider the Glenorchy Airstrip Reserve Management Plan 2016 for adoption.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Note** there is no grazing license over the reserve;
3. **Adopt** the Glenorchy Airstrip Reserve Management Plan 2016;
4. **Exercise** the Minister of Conservation's consent (under delegation) to approve the Glenorchy Airstrip Reserve Management Plan 2016.

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5/08/2016

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Background

- 1 Between 2011 and 2013 Council considered the transfer of ownership of the Glenorchy Airstrip from the Department of Conversation (**DoC**) to the Council. During this time significant consultation was undertaken with the Glenorchy community and user groups. The general consensus was for Council to manage the airstrip and for maintaining current levels of use and facilities. Feedback also supported a degree of commercial use of the airstrip. However, respondents also recognised the potential issues associated with growth in commercial activities being linked to the volume of activity, noise and location of flight paths.

- 2 On this basis on 14 November 2013 Council resolved to accept the transfer of the Glenorchy airstrip and associated land from the Department of Conservation and to prepare a Reserve Management Plan for the airstrip reserve.
- 3 The draft Glenorchy Airstrip Reserve Management Plan (**GARMP**) was publicly notified on 12 March 2015 for a two month period. There were 12 submissions received within the advertised notice period. There were also three late submissions received.

Comment

- 4 The draft GARMP has been prepared in accordance with the Reserves Act 1977. Following the hearing the final step is for the Council to adopt the plan under delegation from the Minister of Conservation.
- 5 The hearing was held on 7 June 2016 in Glenorchy before Councillors Cocks, Forbes and Stammers-Smith which made up the hearings panel.
- 6 One of the late submitters, Wyuna Preserve Residents Association, had joint legal representation with Tom Butler of Blanket Bay Lodge (Manager) and Tom Tusher (Blanket Bay landowner). The original submissions were expanded upon at the hearing and additional information was tabled on the day. The submitter's legal counsel also called upon Mr Chris Ferguson of Boffa Miskell to present additional information to support the submissions.
- 7 In light of this additional information, the legal counsel for Skydive Paradise Limited ('Skydive') requested an opportunity to respond following the hearing. This was agreed by the hearings panel.
- 8 Both the Wyuna Preserve Residents Association/Blanket Bay ('Wyuna Preserve/Blanket Bay') supplementary submissions and Skydive's subsequent response are addressed in this report.
- 9 This plan has been prepared as a high level plan that outlines policy for the management of the Reserve and will guide Council on making decisions on applications for leases and licences on the Reserve.
- 10 The Hearings Committee, comprising Councillors Lyal Cocks (Chair), Alexa Forbes and Simon Stammers-Smith, recommend the plan for adoption by Council, which has been amended following the submissions and the hearings process. The final version of the RMP is included as **Attachment A**.
- 11 The table in **Attachment B** to this report summarises all submissions, the officer's comment for the hearing and the changes made following deliberations. **Attachment C** is a table that lists the main changes made to the text of the GARMP).

The submissions have been grouped into themes below with comment as to why changes were or were not made.

Classification as an airport

- 12 Two submissions sought that the airstrip is classified as an airport.
- 13 The Skydive submission sought that this terminology should be used to be consistent with the Local Purpose Reserve Classification (Local Purpose (Airport) Reserve). This was opposed by the Wyuna Preserve/Blanket Bay submitters on the grounds that the term airport implies a significant ramping up, formalisation and commercialisation of activity.
- 14 There is nothing in the Reserves Act 1977 that requires the Local Purpose classification to be reflected in the name or type of the reserve. Likewise, the reserve is designated under the District Plan for 'aerodrome purposes' while the official classification under the Civil Aviation Act 1990 (**CAA**) regulations is a non-certificated aerodrome.
- 15 The Civil Aviation Authority advises that under normal convention an airport is a larger facility, catering for significant air transport operations, has a sealed all weather runway and facilities to enable poor weather operations. Glenorchy is an airstrip in its current configuration and operating mode.
- 16 The hearings panel agreed that retention of the word 'Airstrip' in the name was most appropriate to reflect the standards and level of use and facilities.
- 17 No change made.

Provision of increased infrastructure and facilities

- 18 Five submissions sought that the GARMP should allow for an increase in facilities and an upgrade to the airstrip infrastructure, namely safe fuel storage, an upgrade of the airstrip surface and provision of aircraft hangars and crew facilities. Two submitted that the Council is obligated to provide these.
- 19 There are no requirements under the CAA regulations on the aerodrome owner/operator to provide aircraft hangars, fuel storage or any other facilities.
- 20 A footnote has been inserted into the plan to clarify this:

1 As a non-certificated aerodrome Glenorchy only has to comply with a basic set of aerodrome standards for a Code 1A, day visual flight rules (VFR) aerodrome, contained in CAA Advisory Circular AC139-6.
- 21 Should any of the operators wish to locate facilities or infrastructure on the reserve they will be subject to a commercial lease and licence assessment/agreement and appropriate planning permissions.
- 22 As it is Council's intention that any works undertaken are only to maintain the current usability of the airstrip there is no change to the airstrip maintenance policies.
- 23 Four submissions sought that there is no further development, specifically no new buildings.

24 The draft plan stated level of use should remain generally unchanged but also had a policy that any new development should be low key, low visibility and commensurate with the degree of use of the Reserve.

25 The existing buildings are all originally of a portable nature (comprising portable hangars, portacombs and portaloos), are relatively small in size and are scattered around the Reserve. In response to the submissions to allow for increased facilities the plan has been amended to allow for minor upgrading of existing facilities and encourages consolidation in one area. This would allow operators to provide shared facilities and carparking, avoiding a proliferation of smaller buildings.

26 The text has been amended to read:

*No further intensification of the Reserve is proposed. However, ~~if this should change~~ **consolidation of the existing structures in one area with buildings of similar size and scale is appropriate and encouraged.** The Glenorchy community and airstrip users will be actively engaged in matters concerning any future development of the airstrip.*

27 The area of all existing structures have been surveyed and a new survey plan is now included with the GARMP. This is ensure any development is similar in size and scale to existing and remains consistent with the wording in the draft management plan 'that any new development should be low key, low visibility and commensurate with the degree of use of the reserve'.

28 A new policy has been included under the Future Development policies which reads:

Encourage consolidation of existing structures in one area with buildings of similar size and scale to the combined footprint area of those existing at the time of adoption of this plan.

29 The wording 'at the time of the adoption of the plan' is discussed further in the following section.

Level of use, noise and flight paths

30 Several submissions sought that Council place limits on the number of flights, noise of aircraft and flight paths over residential areas.

31 The GARMP is a high level policy document describing the general intentions for use of the Reserve. It will guide future decision making on activities on the reserve including leases and licences. It is neither appropriate nor desirable to include this level of detail in a high level management plan. This also applies to putting capped numbers of flights in the GARMP.

32 Limits on take offs and landings for commercial operators will be addressed in the required leases and licences. It is not practicable to set limits on private or recreational users of the airstrip.

Level of use

- 33 Wyuna Preserve/Blanket Bay submit that a baseline of use should be set prior to adopting this GARMP and assessing lease and licence applications, proposing that the previous DOC concessions and records be used to establish the baseline.
- 34 Under DoC management only two concessions were granted to Skytrek for their microlite operation and to Skydive (formerly Vertical Descent Skydive Glenorchy). Anecdotal evidence suggests there was other less frequent commercial use also occurring. The conditions on both concessions only related to the location of structures on the reserve and did not address numbers of take offs and landings, noise or flight paths. DoC advises this is because they can only place conditions on effects that are generated on the reserve land, not in the air. Use of the airstrip was authorised by the designation which predates the Operative District Plan. No monitoring of the airstrip was undertaken by DoC during this time.
- 35 Therefore there are no reliable records or historic data upon which to establish such a baseline as the submitter requests. To provide certainty in the GARMP and to set some form of parameter the words 'from the time of adoption of this plan' have been inserted into the following policies:

*The nature, scale and intensity of the use of the airstrip remain generally unchanged **from the level that exists from the date of adoption of this plan.***

And:

Encourage consolidation of existing structures in one area with buildings of similar size and scale to the combined footprint area of those existing at the time of adoption of this plan.

- 36 Wyuna Preserve/Blanket Bay also requested that an interim process for managing use should be established and that all other operators who did not have a concession under DoC should cease operating. Since the Reserve was vested in QLDC, Council's position has been to proceed with the preparation and adoption of this plan and then seek to resolve all unauthorised use. A new policy has been inserted to ensure this happens quickly upon adoption of the plan:

'Activities that existed prior to this plan must apply for leases and/or licences within three months from the date of adoption.'

Noise

- 37 Noise is generally controlled by the Resource Management Act 1991 (**RMA**) and therefore is not the subject of this GARMP. The GARMP cannot set limits on activities occurring outside the reserve. Noise associated with aircraft using the airstrip is authorised by the designation. The designation is addressed later in this report.

Flight paths

38 Limits and controls on flight paths cannot be set through the Reserves Act 1977 and this GARMP. Council has no jurisdiction in the airspace, this is controlled by the CAA. The GARMP is not intended to impose controls over activities that occur outside of the Reserve land (i.e. a 'no-fly zone').

39 Skydive submit that the use of the word circulatory is inappropriate – 'circuits' is an aviation term and circuit training must take place as part of a pilots training to use the airstrip.

40 Therefore the wording in the Aviation Operations Objectives has been amended from:

Minimise the impact of noise on the surrounding community particularly that from circulatory flights which concentrate noise over the town;

To:

Seek to minimise the impact of noise on the surrounding community particularly that from flights that which concentrate noise over the town and residential areas.

41 And the policy under the same heading has been amended from:

Ensure all users are aware that use of the airstrip is conditional on not undertaking circulatory flights of the Glenorchy Township and surrounding residential areas from the airstrip.

To:

Encourage all users to avoid undertaking circulatory flights of the Glenorchy Township and surrounding residential areas from the airstrip.

42 To assist in reducing the impacts from recreational aircraft a new policy has been inserted:

'Update Glenorchy Airfield plates to avoid flight paths over the township and established residential areas.'

Hours of operation

43 Three submissions request that hours of operation of the airstrip are set at 8am to 8pm.

44 Under CAA regulations standard operating hours are Morning Civil Twilight and Evening Civil Twilight, which changes through the year.

New policy inserted:

Limit the hours of operation for leases and licences for take offs and landings from the airstrip from 8am or Morning Civil Twilight (whichever is later) to 8pm or Evening Civil Twilight (whichever is earlier).

Legal vehicle access

45 Several submissions request that forming legal vehicle access to the airstrip should be prioritised. Currently vehicle access is via a pedestrian easement over private land. Submissions sought that the plan clearly stated the access arrangement and that Council should seek to implement permanent legal access.

46 The text of the plan has been amended to read:

*Legal vehicular access is **available to the Reserve** from the Glenorchy-Queenstown road as the site bounds the road. **As this access is not yet formed** there is currently no legal public vehicular access to the **Reserve**. Vehicular access is currently over private land **with no legal agreement in place for this type of access**. Legal public pedestrian access to the **Reserve** exists **over private land** from the Glenorchy Queenstown Road.*

47 The policy related to access has been amended from:

Safe and suitable access exists onto the site.

To:

Establish safe and suitable legal vehicle access from the Queenstown-Glenorchy Road, through the Reserve to the Airstrip.

Existing use rights

48 Two submissions sought that existing grazing and beekeeping activities are retained. The draft plan stated there are no agricultural activities undertaken at the site however some submissions suggest grazing occasionally still occurs. The hearings report stated a historic grazing licence issued under DoC was still in place following vesting of the reserve with Council however it has since been confirmed that this lease was surrendered in May 2012. No grazing legally occurs on the airstrip.

49 Bee hives are periodically located at the south west end of the site.

A new policy has been included:

'To allow established bee keeping activities to be maintained at current levels and with any increased in nature and scale to be at council's discretion'.

Designation

50 Two submissions related to the existing designation over the airstrip. Wyuna Preserve/Blanket Bay seeks that until the outcome for the airstrip designation is certain following completion of the Proposed District Plan review conditions

restricting hours of operation and flight paths should be imposed through the RMP. These matters are addressed previously in this report.

- 51 It should be noted both submitters have submitted to the Proposed District Plan on Designation #239 (Glenorchy Airstrip).
- 52 The designation applies only to the airstrip itself. Skydive sought that the designation be extended to cover the entire reserve to regulate ancillary aviation buildings on the reserve. Under the RMA only the requiring authority can undertake works in accordance with the designation. QLDC as the requiring authority has no intention to construct any buildings or facilities relating to aviation. Therefore regardless of the designation boundary any buildings erected by operators would be subject to a resource consent.
- 53 The designation may be subject to conditions in future, following the upcoming review of the Proposed District Plan Designation Chapter. Typical conditions could be imposed around noise emissions, building height and setbacks and operating hours. Therefore the intention is this RMP is at a high level to ensure it will align with any future changes.
- 54 To recognise this existing policy has been amended to:

*Ensure development complies with relevant District Plan provisions, **including future designation conditions.***

Other changes

- 55 Several minor changes to the draft text have been made to ensure consistency and to simplify policies and objectives. Some of these were suggested by submitters, some by the hearings panel.

Glenorchy Sewerage Scheme – Disposal Field

- 56 The Glenorchy Sewerage Scheme was originally planned for the Glenorchy Peninsula site, on the north side of the Buckler Burn. During the consenting and designation process a number of concerns were raised around the suitability of this site for the treatment plant and disposal field. A desktop assessment is currently being undertaken to assess alternative sites, of which the Glenorchy Airstrip Reserve is one. Infrastructure would comprise a small pump station and a disposal field which could co-exist with the airstrip. If it is determined that the Glenorchy Airstrip is the preferred location, a variation to this RMP and resource consents may be required. An option could have been to defer adoption of this RMP until this matter was resolved however this would cause further uncertainty for the operators and the community and this RMP has already been subject to significant delays.

Options

- 57 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

58 The first step is to identify all "reasonably practicable" options. If an option is not reasonably practicable, then it will not require consultation. One option that should always be considered is the option of doing nothing – the status quo.

59 Option 1 Adopt the Plan

Advantages:

60 Objectives and policies will be updated and relevant and will provide for efficient and quality decision-making on activities on the Reserve. This direction will be clear for all users, public and operators.

61 Historic unregulated use can now be assessed and legal agreements put in place.

62 Once agreements are in place, Council can gather revenue to maintain the reserve and airstrip.

Disadvantages:

63 None

64 Option 2 Don't adopt the plan

Advantages:

65 None

Disadvantages:

66 There will be no policy to give Council guidance on management of the reserve, in particular deciding upon leases and licences for commercial operators.

67 Uncertainty on use of the reserve will remain for commercial operators and the community.

68 This report recommends **Option 1** for addressing the matter because the RMP will provide for efficient and quality decision-making on the Reserve, and provide a clear direction for users, operators and members of the public.

Significance and Engagement

This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of the level of community interest.

Risk

69 This matter relates to the strategic risk SR1, Current and future development needs of the community (including environmental protection), as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the GARMP is a high level strategy that aims to improve the management of the Reserve.

Financial Implications

70 There are no capital expenditure requirements at this stage. Funding for the access road is available through existing Annual Plan budgets. Future maintenance requirements can be funded through commercial revenue generated by future lease and licence agreements.

Council Policies, Strategies and Bylaws

71 The following Council policies, strategies and bylaws were considered:

- Proposed and Operative District Plan
- Community Facility Pricing Policy
- Revenue and Financing Policy

72 The recommended option is consistent with the principles set out in the named policy/policies.

73 Funding for the access road is included in the Annual Plan.

Local Government Act 2002 Purpose Provisions

74 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling sound management practices for the reserve;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

75 The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes district community, and the commercial operators who utilise the reserve.

76 The Council publicly notified the management plan and a public hearing was held on 7 June 2016.

Legal Considerations and Statutory Responsibilities

77 The development of the GARMP was completed under the Reserves Act 1977.

78 The Conservation Minister has delegated decision-making powers for reserve management plans to local administering bodies.

Attachments

- A Glenorchy Airstrip Reserve Management Plan
- B Summary of submissions and officer comment and recommended changes
- C Table of changes made to the Glenorchy Airstrip Reserve Management Plan text