

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2017-CHC-

Under the Resource Management Act 1991 (**RMA**)

In the matter of An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan

Between **Wyuna Preserve Residents Association Incorporated**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Appeal

19 June 2018

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

- 1 Wyuna Preserve Residents Association Incorporated (**WPRA**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 WPRA made a submission (#744) on the PDP.
- 3 WPRA is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 WPRA received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 37 Designations
- 7 Reasons for appeal

Background

- 8 WPRA is the residents association for Wyuna Preserve; a high quality rural lifestyle development comprising 34 rural living allotments near Glenorchy.
- 9 Wyuna Preserve includes communal landholdings, facilities containing a recreation centre, boat shed, and associated trails and native re-vegetation.
- 10 WPRA opposed designation 239 (Glenorchy Aerodrome) in its form as notified given a lack of any planning conditions or controls related to the use and development of the Aerodrome and associated concerns for the amenity and quiet enjoyment of Wyuna Residents.
- 11 Broadly, the submitter sought conditions to control the level of use of the Aerodrome to a similar level as to what presently occurred as at the date of the submission (November 2015). This relief is also consistent with the approach taken in respect of the Glenorchy Airstrip Reserve Management Plan, and the Glenorchy Community Plan.
- 12 The WPRA sought specific conditions in respect of:
 - (a) Hours of operation;
 - (b) Restricting flight paths over Wyuna Preserve;

- (c) Restricting circulatory flights;
 - (d) Limiting total leases and license issued to 13 aviation operators;
 - (e) Ensuring the scale and intensity of use of the aerodrome remained at the status quo.
- 13 The basis for the initial submission was from the key objectives of the Glenorchy Reserves Management Plan, noted as being associated with the purpose of this reserve, include facilitating “*existing emergency community, recreational and low intensity commercial tourism aviation as the principle purpose of the reserve*” and ensuring that “*the Reserve is managed and maintained so that the use remains compatible with the surrounding environment.*” A number of actions are identified to give effect to the objectives and policies of the plan. These actions include aligning the Designation provisions with the Glenorchy Reserves Management Plan.
- 14 The Council Decision includes some further conditions from that which was notified, relevant to controlling hours of operation and the use of fly neighbourly guidelines, combined with the requirement to prepare a Noise Management Plan (NMP) to provide for ongoing noise management and mitigation at the aerodrome. The NMP does not however address the requirement to impose any specific noise limitations from use of the Designation, or any cap on the permitted number of licenced users.
- 15 This regime is not considered to be an effective management tool for adverse noise effects resulting from use of the Airstrip. An adverse effect arising from the use of the Airstrip needs to be and should be managed in the RMA framework rather than reliance on extraneous documents, the enforcement of which is unknown. The Reserve Management Plan alone is not an effective document for the management of adverse effects on natural and physical resources, which is within the ambit of the RMA.
- 16 One of the Council's reasons for continuing to omit specific noise and frequency limitations in the Designation is the lack of available baseline data on use of the Airstrip. This reasoning is not supportable given that management of adverse effects is required to be assessed in RMA decision making, and the application of a permitted baseline is of limited relevance to decisions on Designations. Moreover the Council should, by the stage appeals are heard, have relevant baseline data to provide.
- 17 Designation 239 is opposed as set out in the table included in **Appendix A** to this Appeal.

Further and consequential relief sought

18 WPRA opposes any further provisions contrary to this appeal and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and WPRA's PDP submissions.

Attachments

19 The following documents are **attached** to this notice:

- (a) **Appendix A** – relief sought
- (b) **Appendix B** - A copy of the Appellants' submission and further submissions;
- (c) **Appendix C** - A copy of the relevant parts of the decision; and
- (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.