IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 284

IN THE MATTER	of the Resource Management Act 1991
AND	appeals under clause 14 of the First Schedule of the Act
BETWEEN	C M WOOD
	(ENV-2019-CHC-64)
	A FAIRFAX
	(ENV-2019-CHC-71)
	AIRCRAFT OWNERS AND PILOTS ASSOCIATION (NZ) INCORPORATED
	(ENV-2019-CHC-72)
	Appellants
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 19 October 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,[1] the Environment Court, by consent, orders that:

(1) these appeals are allowed to the extent that QLDC is directed to amend the provisions of Chs 24 and 36 as set out in Appendix 1, attached to and forming part of this order;
(2) the appeals are otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns three appeals by Clive Manners Wood,[2] Andrew Fairfax,[3] and Aircraft Owners and Pilots Association (NZ) Incorporated[4] (AOPA), against a decision made by the Queenstown Lakes District Council (QLDC) as part of Stage 2 of the review for its Proposed District Plan (PDP). The provisions appealed are within Ch 24 Wakatipu Basin Rural Amenity Zone (WBRAZ) and Ch 36 (Noise).

[2] The appeals take opposing positions on the regulation of informal airport activities within the Wakatipu Basin. Mr Wood seeks a more restrictive regime due to concern regarding the amenity effects of informal airport use, including frequency of use, scale, location and noise. AOPA and Mr Fairfax seek a more enabling framework than that which was notified. The relief sought would permit greater informal airport use in relation to those same matters.

[3] Mr Brett Giddens joined as a s274 interested party in support of Mr Wood's appeal and in opposition to the AOPA and Fairfax appeals. Totally Tourism

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1 Resource Management Act 1991.
2 ENV-2019-CHC-64.
3 ENV-2019-CHC-71.
4 ENV-2019-CHC-72.

Limited joined in opposition to Mr Wood's appeal and in support of the AOPA and Fairfax appeals.

[4] The appeals were allocated to Topic 30, subtopic 11 and have been under active case management by the court for some time. Court-facilitated mediation took place in March 2020. Following on from that, the parties engaged in several without prejudice discussions and informal mediation over several years. Over this time, counsel and expert witnesses have changed for all parties.

[5] The parties have now reached agreement on the resolution of these appeals without the need for a hearing before the court. I have read and considered the consent memorandum of the parties dated 13 July 2026. The memorandum outlines the amendments to Chs 24 and 36 that will resolve the appeals. This includes:

(a) new interpretation guidance in proposed provision 24.3.2.10 explaining that the existence of any other informal airports shall not be considered the permitted baseline when assessing an application for resource consent for an informal airport;
(b) retention of a permitted activity pathway for informal airports in the WBRAZ, provided the activity complies with a comprehensive package of standards addressing the key adverse effects associated with informal airports;[5]
(c) non-complying activity classification for informal airport activity that exceed the permitted activity;
(d) a new restricted discretionary activity status where all specified standards for an informal airport are met, except the setbacks from the notional boundary[6] of a neighbouring dwelling.[7] Discretion

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5 Being: frequency of use; operating hours; separation from dwellings and other zones; approach and departure flight paths; record keeping; noise abatement practices and limiting informal airports to one per site.

6 Standard 24.5.18(b).

7 Rule 24.5.18B

would be restricted to amenity and nuisance effects. Provision would be made for such an activity to avoid public notification and instead be served to persons in the setback. However, if a neighbouring dwelling has provided affected party approval, the proposal would be determined on a non-notified basis.[8]

[6] In addition, there would be amendments to several policies as those relate to informal airport use and their effects on rural amenity values in the WBRAZ. These policy changes would:

(a) provide for the protection of rural amenity values and the maintenance of the character and amenity of the Wakatipu Basin;[9]
(b) provide for the avoidance of informal airports that are out of proportion with the intended scale of permitted informal airport use;[10]
(c) provide that informal airports that are already permitted or consented be taken into account when assessing the potential for adverse cumulative effects;[11] and
(d) (these policies would apply where resource consent is required as a restricted discretionary or non-complying activity).

[7] In addition, noise limits in respect of helicopter noise in the WBRAZ would:

(a) retain the standard adopted by the decisions version PDP of 50 dB Ldn in the case of informal airports operating in daytime hours only;
(b) introduce a more restrictive limit of 40 dB Ldn in the case of informal airports operating in both nighttime and daytime hours;

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8 Proposed provision 24.6.3.
9 Pols 24.2.2.4 and 24.2.5.8.
10 Pol 24.2.2.4.
11 Pol 24.2.2.6.

[8] Consequential cross references to this new standard in 36.5.11.1 would be added.

[9] The standard for noise from fixed wing aircraft use as per the decision version PDP (being 55 Db Ldn, at all times) would be retained.

[10] Finally, permitted activity informal airport use would be made exempt from from the Ch 36 noise provisions for helicopters. This is consistent with the settled Stage 1/Rural Zone informal airport and noise provisions.

[11] I have read the supporting affidavits of Mr Jon Styles and Messrs' Chandra and Dent.

[12] Acoustic expert, Mr Styles, has considerable experience in relation to noise issues from airport and helicopter landing areas within the Queenstown Lakes District. His affidavit explains that while there is no explicit noise limit in the amended permitted activity standard 24.5.18 for helicopters, the combination of controls (namely flight numbers, setback distance, time of day, flight track, and record keeping requirements) would manage noise effects to a reasonable level. This is consistent with the settled provisions of the PDP Rural Zone. He considers this framework enables compliance to be readily verified through observable and enforceable parameters (such as flight frequency and setback distance), rather than relying on noise modelling/monitoring to demonstrate compliance with an Ldn limit.

[13] Further, the affidavit of Messrs' Chandra and Dent concludes that the revised framework is appropriate in terms of ss 32 and 32AA RMA, insofar as the provisions achieve the relevant objectives of the PDP. They consider the agreed amendments provide a coherent framework for managing informal airports in the WBRAZ. Together the provisions respond to the amenity sensitivities of the Wakatipu Basin and the need to avoid more intensive or larger scale commercial-type informal airport use occurring, beyond appropriate permitted standards.

[14] The supporting affidavits support the assurance given by the parties that the agreed amendments establish a planning framework for low scale informal airport activities while protecting the character and amenity values of the Wakatipu Basin.

Other relevant matters

[15] As s274 parties, Mr Brett Giddens and Totally Tourism Limited have signed the memorandum setting out the relief sought.

[16] No party has sought costs, instead agreeing that costs should lie where they fall.

[17] The consent memorandum records the parties' assurances that there are no issues of scope and that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA, including, in particular, pt 2.

Outcome

[18] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the RMA purpose so I will make the orders sought.

Orders

[19] The court makes this order under s279(1) RMA, by consent rather than as a decision or determination on the merits under s297.

[20] This order is made based on the joint memorandum recording the parties' full agreement.

[21] Based on the information provided and the assurances received, the court

is satisfied that the orders will promote the purpose of the RMA. Accordingly, these appeals are allowed to the extent that QLDC is directed to amend the provisions of Chs 24 and 36 as set out in Appendix 1, attached to and forming part of this order.

[22] The appeals are otherwise dismissed.

[23] Under s285 RMA, there is no order as to costs.



J J M Hassan
Environment Judge | Kaiwhakawā o te Kōti Taiao



Appendix 1: Agreed Amendments to PDP

24.3.2 Interpreting and Applying the Rules

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24.3.2.10 When assessing an application for an informal airport, the existence of any other informal airport (either permitted or approved by resource consent under Rule 24.4.12, Standard 24.5.18 or Standard 24.5.18A), shall not be considered the permitted baseline for further use of informal airports in the Wakatipu Basin Zone.

Objective 24.2.2 – Non-residential activities maintain or enhance amenity values.

Policy 24.2.2.1 - Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character and amenity values, or affect the safe and efficient operation of the roading and trail network or access to public places.

Policy 24.2.2.2 - Ensure the effects generated by non-residential activities (e.g. traffic, noise, hours of operation) are compatible with surrounding uses.

Policy 24.2.2.3 - Ensure non-residential activities other than farming, with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.

Policy 24.2.2.4: Maintain the character and amenity of the Wakatipu Basin by avoiding informal airport activity that is out of proportion with the standards restricting flight frequency, regularity and timing.

~~**24.2.2.4** Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.~~

Policy 24.2.2.5 - Provide for residential visitor accommodation and homestays within residential units without compromising the surrounding character and amenity and minimising conflict with surrounding activities by limiting the scale, intensity and frequency of these activities.

Policy 24.2.2.6: Take into account informal airports (including those permitted and consented) within the Wakatipu Basin and the surrounds when assessing the potential for adverse cumulative effects of informal airports on rural living activities, amenity values, and other established activities in the zone.

Policy 24.2.5.8 - Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

Objective 24.2.3 – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.

Policy 24.2.3.1 - Ensure informal airports are not compromised by the establishment of incompatible activities.

Policy 24.2.3.2 - Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.

Policy 24.2.3.3 - Support productive farming activities such as agriculture, horticulture and viticulture in the Rural Amenity Zone by ensuring that reverse sensitivity issues do not constrain productive activities.

Rules – Chapter 24 (Wakatipu Basin)

24.4.12	**24.4.12.1**	Informal airports in the Wakatipu Basin Rural Amenity Zone that comply with Standard 24.5.18.	P
	24.4.12.1	Informal airports in the Lifestyle Precinct.	D

Standards – Chapter 24 (Wakatipu Basin)

	Table 24.3 - Standards	**Non-compliance status**
24.5.18	1. ~~Other than in the case of~~ Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities are permitted activities and Rules 24.5.18.2 does not apply. 2. Informal airports that comply with the following standards shall be permitted activities and Rule 36.5.11 (as it relates to helicopters) shall not apply: a. Informal airports shall not exceed a frequency of use of ~~2 flights per day~~ 1 flight per day, 3 flights per week, 12 flights per month; b. Informal airports shall be located a minimum distance of ~~500~~ 80 metres from any other zone (excluding the Nature Conservation Zone) and 120m from the notional boundary of any residential dwelling not located on the same site; c. Aircraft movements shall be restricted to only occur between morning civil twilight to 8am (whichever	~~D~~ NC

	is later) and evening civil twilight or 8 pm (whichever is earlier); d. Approach and departure flight paths do not pass within 200 metres (measured horizontally) of the notional boundary of any residential dwelling not located on the same site; e. Records of all flights (including dates, timing and aircraft registration) to and from the informal airport shall be recorded by the owner/occupier of the land containing the informal airport and available to the Council on request; f. All pilots and operators shall adopt recognised industry best practice noise-abatement procedures; and g. There shall be no more than one informal airport on any site. **Advice note:** For the purpose of this rule a flight includes two aircraft movements i.e. an arrival and a departure.	

24.5.18B	Where an informal airport is to be established that does not meet Standard 24.5.18.2 (b) in that the setback from the notional boundary of a residential unit is not met but meets all the other limbs of the standard.	RD Discretion is restricted to: - Amenity and nuisance effects

24.6 Non-notification of applications

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24.6.3 Any application for a Restricted Discretionary Activity under Rule 24.5.18B will not be publicly notified, but notice will be served on persons within the setbacks provided for under Standard 24.5.18.2 (b) if those persons have not given their written approval.

Rules and Standards – Chapter 36 (Noise)

36.5.1	Wakatipu Basin Rural Amenity Zone Rural Zone	Any point within the notional boundary of a residential unit.	0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min) 75 dB LAFmax	NC
36.5.2	Wakatipu Basin Lifestyle Precinct	Any point within any site.	0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min)	NC
36.5.11	Helicopters	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.			
	36.5.11.1	All locations except identified in 36.5.11.2 and 36.5.11.3	At all times	50 dB L_{dn}	NC
	36.5.11.2	All Residential and Rural Zones	At all times	40 dB L_{dn}	NC
		Advice note: 36.5.11.2 shall not apply to helicopter noise associated with the use of an informal airport permitted under Rules 21.10.2 and 21.10.3.			
	36.5.11.3	Wakatipu Basin Rural Amenity Zone	Where an informal airport operates only between 0800h and 2000h (with no night-time flights)	50 dB L_{dn}	NC
			Where an informal airport operates during both daytime (0800h to 2000h) and night-time (2000h to 0800h)	40 dB L_{dn} at all times	

		Advice Note: 36.5.11.3 shall not apply to helicopter noise associated with the use of an informal airport permitted under Rule 24.5.18 and consented under Rule 24.5.18B in the Wakatipu Basin Rural Amenity Zone.			
36.5.12	Fixed Wing Aircraft	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At all times	55 dB L_{dn}	NC

