

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2019-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	Andrew Fairfax Appellant
And	Queenstown Lakes District Council Respondent

Notice of Appeal

7 May 2019

Appellant's solicitors:
Maree Baker-Galloway
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
Maree.baker-galloway@al.nz

**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

- 1 Andrew Fairfax appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Andrew Fairfax made a submission (#660) on the PDP.
- 3 Andrew Fairfax is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Andrew Fairfax received notice of the decision on 21 March 2019.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 24 Wakatipu Basin; and
 - (b) Chapter 36 Noise.
- 7 The reasons for appeal are summarised out below. The specific provisions and the relief sought by Andrew Fairfax are set out in **Appendix A** to this appeal.

Background

- 8 Andrew Fairfax owns land on the northern side of Malaghans Road. He regularly flies helicopters and fixed wing aircraft for recreation and has a particular interest in the provisions of the PDP regulating informal airport activities.
- 9 Andrew Fairfax made a submission on Stage 1 of the PDP in respect of the provisions concerning informal airports in the Rural Zone. However, some of his land at Malaghans Road was included in the Wakatipu Basin Variation in Stage 2 of the PDP. As such, the relief sought in his submission was transferred to Stage 2 of the PDP and deemed to apply to the Wakatipu Basin Rural Amenity Zone (**WBRAZ**).
- 10 Andrew Fairfax has the same concerns regarding reduction of rights for informal and recreational aircraft users in the WBRAZ as expressed in his original submission in relation to the Rural Zone.

Chapter 24 Wakatipu Basin (and variation to Chapter 36 Noise)

- 11 Chapter 24 imposes rules and standards on informal airport activities that are overly restrictive, in comparison to the low intensity nature of informal airport

use within the Wakatipu Basin, which has limited environmental effects. The PDP regime as current drafted limits informal and recreational aircraft users' rights by imposing unreasonable and sometimes timely and costly restrictions.

- 12 Andrew Fairfax supports the recognition in Chapter 24 to provide for informal airports as a permitted activity within the Wakatipu Basin Rural Amenity Zone, however does not support the restrictions imposed on informal airport activities within the Wakatipu Basin Lifestyle Precinct. He sees no justifiable reason why informal airports cannot be accommodated for within the Lifestyle Precinct as a permitted activity, where compliant with the noise standards set out in Chapter 36 for the Precinct.
- 13 Similarly, the standards imposed for informal airport activities within both the Rural Amenity Zone and Lifestyle Precinct are unreasonable and unworkable. Andrew Fairfax considers that where informal airport activities comply with the Chapter 36 noise standards for the Rural Amenity Zone or Lifestyle Precinct the activities should be enabled - further arbitrary and unworkable standards are not necessary.

Further and consequential relief sought

- 14 Andrew Fairfax opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal, or such other changes that give effect to the outcomes sought in Andrew Fairfax's submission.

Attachments

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

- (a) **Appendix A** – Relief sought;
- (b) **Appendix B** - A copy of the Appellant's 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 7th day of May 2019

Maree Baker-Galloway

Maree Baker-Galloway
Counsel for the Appellant

Address for service of the Appellants

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | roisin.giles@al.nz

Contact persons: Maree Baker-Galloway | Roisin Giles

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).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

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