

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 08  
– Business Zones

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**REPLY OF REBECCA DAWN HOLDEN  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**17 AIRPORT ZONE CHAPTER**

**13 December 2016**

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 **Simpson Grierson**  
Barristers & Solicitors

J G A Winchester / S J Scott  
Telephone: +64-3-968 4018  
Facsimile: +64-3-379 5023  
Email: sarah.scott@simpsongrierson.com  
PO Box 874  
SOLICITORS  
CHRISTCHURCH 8140

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## 1. INTRODUCTION

- 1.1 My name is Rebecca Dawn Holden. I prepared the section 42A report for the Airport Zone Chapter 17 (Airport Zone Chapter) of the Proposed District Plan (PDP). My qualifications and experience are listed in that s42A report dated 2 November 2016.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing on the 28 November – 6 December 2016 and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day.
- 1.3 This reply evidence covers the following issues:
- (a) General drafting improvements;
  - (b) Definitions;
  - (c) Relationship between the underlying zones and designations;
  - (d) Building setback, height, design and glare;
  - (e) Non-notification of applications;
  - (f) Queenstown Airport Zone Noise Limits;
  - (g) Built form and urban design;
  - (h) Visitor Accommodation;
  - (i) Non-regulatory methods;
  - (j) Signs; and
  - (k) Wanaka Airport.
- 1.4 Where I am recommending changes to the provisions as a consequence of the Hearing evidence, I have appended these as **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**. Where a change is considered to be of substance, a section 32AA evaluation is included within **Appendix 2**. Otherwise, an explanation and reasons for the changes are set out within the body of this report.
- 1.5 In this Reply:
- (a) if I refer to a provision number without any qualification, it is to the notified provision number and has not changed through my recommendations;

- (b) if I refer to a 'redraft' provision number, I am referring to the s 42A recommended provision number; and
- (c) if I refer to a 'reply' provision number, I am referring to the recommended provision number in **Appendix 1** to this Reply.

## 2. GENERAL DRAFTING IMPROVEMENTS

2.1 I have made the following general amendments to the Revised Chapter:

- (a) Deletion of “all of” when listing matters of control or discretion for legibility purposes and does not change the outcome or status of the activities listed;

*Queenstown Airport*

- (b) Deletion of the words “shall be a Permitted Activity” from Rule 17.4.1. I consider this change to be for efficiency and does not change the outcome or status of activities listed;

*Wanaka Airport*

- (c) The inclusion of Wanaka Airport into Policy 17.2.2.3 [Redrafted Policy 17.2.3.3] better aligns this policy and is consistent with Notified Objective 17.2.2 [Redrafted Objective 17.2.3]. In my view scope is provided by the submission received from Queenstown Airport Corporation Limited (**QAC**) (433);
- (d) The inclusion of Reply Rule 17.3.2.7 which recasts Standard 17.5.7 as a general rule to provide clarification. The result of the amendment is that the provision now clearly relates to Wanaka Airport. In my view scope is provided by QAC's (433) submission on Wanaka Airport;
- (e) Amendments to Redrafted Rule 17.4.14 [Reply Rule 17.4.23] in relation to instructional or directional signage at Wanaka Airport. Changes are made for clarification purposes and to better align with the rule applying to Queenstown Airport. In my view scope is provided by QAC's (433) submission on Wanaka Airport; and

- (f) In relation to the standard applying to glare, amendment to Redrafted Rule 17.5.12 [Reply Rule 17.5.9] to align better with the drafting approach used at Queenstown Airport and to provide clarification. Imposing this rule on airside facilities would be inappropriate given the requiring authority is likely to carry out works 'airside' under Designation #64. As such, the insertion of "within all landside areas" provides clarification. In my view scope is provided by QAC's (433) submission on Wanaka Airport;

### **Zone Purpose 17.1**

- 2.2** The Zone Purpose outlined within Section 17.1 of the Notified Chapter refers to Wanaka Airport having capacity for commercial passenger flights and flights through to 10pm at night. During the hearing, the Panel questioned where the 10pm limit was derived from. I can confirm that a condition recommended to be included as part of Designation #64 was to limit the aircraft operations, other than emergency aircraft operations, between 10pm and 7am. Designation #64 within the Operative District Plan (**ODP**) contains a similarly restrictive condition for aircraft operations during the hours of darkness.
- 2.3** I agree with Mr Kyle's evidence for QAC that the permitted hours of aircraft operations is a matter for the conditions of the designation, and may be subject to future Notice of Requirement processes.<sup>1</sup> Therefore, I have removed reference to commercial passenger flights and flights through until 10pm at night for Wanaka Airport from the Zone Purpose.

### **Objective 17.2.1**

- 2.4** The Panel raised the potential for Objective 17.2.1 to be rephrased to read as a desired outcome rather than a statement of fact. I agree that Objective 17.2.1 could benefit from further refining and have made some suggested changes in the Revised Chapter at **Appendix 1**.
- 2.5** The proposed changes are not considered substantive as they do not alter the effect of the objective. Therefore, I consider that these changes can be made under Clause 16(2) of Schedule 1 of the Resource Management Act 1991

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<sup>1</sup> Refer to page 3 of Appendix A – Statement of Evidence of John Clifford Kyle (Submitter 433 and Further Submitter 1340) – 18 November 2016

(RMA). I have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**.

### **Policy 17.2.1.1**

2.6 Mr Kyle's evidence for QAC is that policy 17.2.1.1 should be refined.<sup>2</sup> I agree with Mr Kyle's recommended change as it improves drafting and is more directive, providing greater clarity of the outcome that this policy seeks to achieve. I also consider that the policy recommended by Mr Kyle gives better effect to Redrafted Objective 17.2.1. I have made the suggested changes in the Revised Chapter at **Appendix 1** and have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**.

### **Policy 17.2.1.2**

2.7 Policy 17.2.1.2 reads as follows:

*Provide for a range of airport related service, business, industrial and commercial activity to support or complement the functioning of Queenstown Airport.*

2.8 Mr Kyle's evidence for QAC was that the words "service, business, industrial and commercial activities" should be replaced with the defined term "Airport Related Activities." I agree with Mr Kyle's recommendation.<sup>3</sup>

2.9 In my s 42A report, I recommended that the submission received from Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd (768) be accepted in relation to amending Policy 17.2.1.1 to refer to defined terms ('Airport Activities')<sup>4</sup>. I am of the opinion that this submission also provides scope to make changes to Policy 17.2.1.2 to similarly refer to the defined term 'Airport Related Activities' rather than 'service, business, industrial and commercial activities'. I have made the suggested changes in the Revised Chapter at **Appendix 1** and have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**.

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<sup>2</sup> Refer to para 5.26 – Statement of Evidence of John Clifford Kyle (Submitter 433 and Further Submitter 1340) – 18 November 2016

<sup>3</sup> Refer to para 5.28 to 5.31 - Statement of Evidence of John Clifford Kyle (Submitter 433 and Further Submitter 1340) – 18 November 2016.

<sup>4</sup> Refer to para 7.25 to 7.26 - Section 42A Hearing Report – Chapter 17 – Airport Zone - 2 November 2016.

### Policy 17.2.1.3

2.10 Policy 17.2.1.3 read as follows:

*Zone sufficient land to meet the foreseeable future requirements of activities that support or complement the functioning of Queenstown Airport.*

2.11 In its submission, Remarkables Park Limited (**RPL**) (807) requested that this policy be deleted. This matter is addressed by Mr Serjeant on behalf of RPL in his evidence in chief.<sup>5</sup> I agree with Mr Serjeant in that an analysis of the land requirements to provide for Airport and Airport Related activities has not been established through the provision of evidence. I also consider that this policy serves a limited purpose given land is already zoned. I therefore recommend the deletion of Policy 17.2.1.3. I have included an evaluation of this change pursuant to s32AA of the RMA at **Appendix 2**.

### Objective 17.2.2 [Reply Objective 17.2.3]

2.12 Objective 17.2.2 [Redrafted 17.2.3] stated:

*Provision for the requirements of Queenstown and Wanaka Airports is balanced with achieving an acceptable level of amenity for those using the airports and for those residing on neighbouring land.*

2.13 Maintaining residential amenity needs to be balanced with protecting the Queenstown (and Wanaka) Airports from potential reverse sensitivity effects. This matter was also raised by the Panel in relation to the Low Density Residential Zone (**LDRZ**) surrounding the Airport during the hearing for Chapter 7 of the PDP. As a result, in the Council's Reply in the Residential Hearing Stream 06<sup>6</sup>, an additional Objective was recommended to address the concerns raised by QAC (433) in terms of reverse sensitivity effects. This recommended new Objective 7.2.7B reads:

*Queenstown Airport and the State Highway network are protected from the reverse sensitivity effects of Activities Sensitive to Aircraft Noise and Activities Sensitive to Road Noise.*

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<sup>5</sup> Refer to paragraphs 7.11 to 7.17 of Statement of Evidence of David Frederic Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited – Dated 18 November 2016.

<sup>6</sup> Refer to paragraph 4.6(c) of Reply of Amanda Jane Leith on behalf of Queenstown Lakes District Council - 7 Low Density Residential Zone Chapter – dated 11 November 2016.

- 2.14 I also note that the following objective contained within the Council's reply for the Chapter 7 – LDRZ reads:

*~~The zone Development provides for a low density residential living environment within the District's urban areas. with high amenity values for residents, adjoining sites and the street.~~*

- 2.15 Appended to the summary of evidence provided by Mr Serjeant (on behalf of RPL) (807)) are recommended changes to the Revised Chapter. Mr Serjeant has suggested changes to the wording of Objective 17.2.3 to differentiate between an acceptable level of amenity being maintained for those residing on neighbouring land in relation to noise (given the high noise environment), contrasted with a higher level of amenity being maintained in relation to other effects on amenity (such as urban design, visual connection to Outstanding Natural Landscapes, traffic safety and parking).

- 2.16 I consider that Mr Serjeant's recommended changes to Objective 17.2.2 [Reply Objective 17.2.3] are appropriate and are also consistent with Objective 7.2.7B recommended in the Council's Reply for Chapter 7. I also consider these recommended changes achieve consistency with Reply Objective 7.2.1 which provides for a "high level of amenity" in the LDRZ. These changes have been included within the Revised Chapter attached at **Appendix 1**. I have included an evaluation of this change pursuant to s32AA of the RMA at **Appendix 2**.

- 2.17 I consider that scope to make the recommended amendments comes from QAC's submission on the LDRZ and RPL's submission on the Airport Chapter in that RPL seek to retain the Objectives and Policies that are contained within the ODP. Objective 1 of Chapter 6 within the ODP seeks to provide for Airport Related Activities while maintaining the environmental quality of the area. Reply Objective 7.2.7B sets the environmental quality of the surrounding area at a "high level." Therefore I consider the recommended changes to Notified Objective 17.2.2 [Reply Objective 17.2.3] to be within scope of the submission received from RPL (807).



### **Policy 17.2.2.3 [Reply 17.2.3.3]**

**2.18** The evidence of Mr Kyle for QAC (433) is that Policy 17.2.2.3 [Reply 17.2.3.3] should be relocated to sit below Objective 17.2.1.

**2.19** At paragraph 16 of my summary of evidence, I recommend that this policy refer to Wanaka Airport as well as Queenstown Airport. As such, my view is that moving this policy to sit under Objective 17.2.1 is not appropriate given Objective 17.2.1 solely relates to Queenstown. I therefore do not agree with Mr John Kyle's (on behalf of QAC) evidence in chief that Notified Policy 17.2.3.2 should be moved.

## **3. DEFINITIONS**

### **'Airport Activity'**

**3.1** A Memorandum of Counsel providing additional information<sup>7</sup> (plans and consolidated provisions) was provided by QAC in response to a request made by the Panel at the hearing of QAC's submission on the Airport Chapter.

**3.2** I have reviewed this information and while I agree in part with the suggested amendments to the definition of 'Airport Activity' provided by QAC, I propose that further consolidation can be achieved by providing for those activities that are specific to Queenstown or Wanaka Airports within Table 1 – Activities as permitted activities in each Airport Zone.

**3.3** My recommended definitions and rules proposed are included in the Revised Chapter attached at **Appendix 1**. I have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**.

**3.4** I also consider the inclusion of the words "which include" after aircraft operations to be non-substantive in that they provide clarification and do not change the meaning of the text following.

**3.5** In his evidence in chief, Mr Kyle notes that "the grazing of animals and the keeping of livestock is an existing land use management purpose that occurs

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<sup>7</sup> Dated 6 December 2016.

within QAC's current landholding, albeit to a very minor extent."<sup>8</sup> My Kyle goes on to explain that this existing activity, on strict interpretation, does not meet the definition of 'farming activity.' However notes that the grazing activities on QAC land holdings are 'deemed to be commercial livestock and a Farming Activity' under the definition of 'Domestic Livestock'. I agree with Mr Kyle's interpretation that the grazing of livestock for land management purposes does fall under the definition of 'Farming Activity' via the interlinkage provided by the definition of 'Domestic Livestock'.

**3.6** I also agree with My Kyles recommendation that Farming Activities should be contained within the definition of 'Airport Related Activity' rather than providing for Farming Activities as a permitted activity (Notified Rule 17.4.1) in Activity Table 1, with the policy framework being provided by Reply Objective 17.2.3 and associated policies.

**3.7** I note that the change has some substantive effect in that "Farming Activities" that are not associated with Airport Activities will now be Restricted Discretionary in the Queenstown Airport Zone. However, in my view, RPL's (807) submission provides scope for this change as the submission requests retention of the operative provisions, and Farming is prohibited in the operative Queenstown Airport Mixed Use Zone (**QAMUZ**). Accordingly, including some restriction on farming activities is within the scope of RPL's submission.

**3.8** I note that the following elements were not included in the s42A report definition of 'Airport Activity – Wanaka', being solely contained within the definition of 'Airport Activity – Queenstown':

- (a) Freight facilities;
- (b) Private aircraft traffic and domestic and international aircraft traffic;
- (c) Airport and airport training facilities;
- (d) Border control and immigration facilities; and
- (e) Facilities for the handling and storage of hazardous substances.

**3.9** I have recommended an additional rule be inserted into Activity Table 1 for Queenstown Airport to provide for freight facilities as I do not consider it appropriate for this activity to be located at Wanaka Airport without some

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<sup>8</sup> Refer to para 5.49 to 5.52 – Statement of Evidence of John Clifford Kyle – 18 November 2016

control, as discussed on page 17 of Appendix 1 of my summary of evidence.<sup>9</sup> I do not consider this change to be substantive given freight facilities at Queenstown Airport are still being classified as a permitted activity.

**3.10** I have recommended that “and associated offices” is not included within the definition of ‘Airport Activity’, but rather is included in the definition of ‘Airport Related Activity’. Within the s42A report, ‘Administrative offices’ were included within the definition of ‘Airport Related Activity – Wanaka Airport’. I consider administrative offices to be an ancillary activity to the activities identified within the definition of ‘Airport Activity’. I do not consider this to be substantive<sup>10</sup> given both ‘Airport’ and ‘Airport Related’ activities are permitted.

**3.11** Additionally, I have recommended that ‘catering facilities’, ‘quarantine and incineration facilities’, and ‘border control and immigration facilities’ be removed from the definition of ‘Airport Activity’ and moved to the definition of ‘Airport Related Activity’. I consider this to be a non-substantive change<sup>11</sup> given activities that fall within both of these definitions are permitted. It is my view that they are more appropriately located under the definition of ‘Airport Related Activity’.

**3.12** Activities that were not included in the definition of ‘Airport Activity – Queenstown Airport’ but were contained within the definition of ‘Airport Activity – Wanaka Airport’ include:

- (a) Helicopter aprons, however this is captured by “aprons” within the consolidated definition;
- (b) Associated touch down and lift off areas. I consider this to be captured by “runways and other aircraft movement areas”;
- (c) Aviation schools, facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation. I have included these activities within Table 1 for Wanaka Airport (Reply Rules 17.4.18 and 17.4.19).

**3.13** Further, I do not consider it necessary to separate ‘Airport’ and ‘Airport Related’ activities within Activity Table 1 as proposed by Mr Kyle and consider

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<sup>9</sup> Refer to Rebecca Holden for QLDC – Summary of Evidence, 25 November 2016, Airport Zone Chapter – Hearing Stream 08.

<sup>10</sup> In respect of Queenstown Airport.

<sup>11</sup> In respect of Queenstown Airport.

that these activities can be regarded as one within Reply Rules 17.4.1 and 17.4.16.

- 3.14** Additional changes that I recommend to the definition of 'Airport Activity' to be applied to both Wanaka and Queenstown Airports are discussed in more detail at Part [4] below.

### **'Airport Related Activities'**

- 3.15** Within the Memorandum of Counsel provided by QAC, a consolidated definition of 'Airport Related Activities' was recommended. Similarly, I have reviewed this information and, while I agree in part, I propose further consolidation can be achieved as detailed in the Revised Chapter attached at **Appendix 1**. I have included an evaluation of this change pursuant to s32AA of the RMA at **Appendix 2**.

- 3.16** I have recommended the removal of the statement "including but not limited to" within the definition of 'Airport Related Activity'. I consider this change to be non-substantive, providing clarity and certainty around the nature and scale of activities that fall within this definition.

- 3.17** As discussed above, I have included 'administrative offices' within the definition of 'Airport Related Activity' in accordance with the definition of 'Airport Related Activity – Wanaka' within the s 42A report's Revised Chapter.

- 3.18** Activities specific to Wanaka Airport which I have taken from the definition of 'Airport Related Activity - Wanaka Airport' to include as permitted activities within Activity Table 1 at Wanaka Airport include:

- (a) Scientific Aviation and Space Research Activities;
- (b) Aviation Schools;
- (c) Facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation;
- (d) Air Shows; and
- (e) Military Training Operations.

- 3.19** I did not include temporary activities associated with conferences and meetings, as identified within the additional information provided by QAC and outlined in the s 42A report version of the definition of 'Airport Related Activity-

Wanaka Airport' as, on reflection, I consider that the provisions within the Temporary Activity Chapter (Chapter 35)<sup>12</sup> should apply to these activities. Specifically I note that the definition of 'Temporary Events' means the use of land, buildings, tents and marquees, vehicles and structures' for activities which include 'meetings' and 'uses similar in character' to the other activities listed. Although 'conferences' are not specifically listed as being a temporary event, I consider them to be 'similar in character' to activities such as 'meetings', 'exhibitions' or 'rallies' which are listed. Therefore I consider that conferences fall under the definition of Temporary Event. The nature and scale of temporary events is managed through the standards listed within Reply Rule 35.4.6 .

- 3.20** I do not consider it appropriate to have no control around the nature and scale of these temporary activities (conferences and meetings). Therefore, I consider the rules within Chapter 35 should apply.
- 3.21** I have not included 'Visitor Accommodation' within the definition of "Airport Related Activity" as it relates only to Queenstown Airport, which is discussed in detail below at Part [11].
- 3.22** During the hearing, the Panel requested that an earlier iteration of the Draft Airport Mixed Use Chapter be provided, in which the activities included within the notified definitions for 'Airport and 'Airport Related' were separated into individual activities outlined in Table 1. To assist the Panel I have attached this as **Appendix 4** to this reply. I confirm that this draft chapter does not reflect my view on the appropriate provisions for the Airport Zone and is provided for informational purposes only.

#### **'Air Noise Boundary (ANB)' and 'Outer Control Boundary (OCB)'**

- 3.23** During the hearing, the Panel questioned the reasoning for two separate definitions of Outer Control Boundary (**OCB**) to apply to Wanaka and Queenstown. I note that submitter 836 (Arcadian Triangle Limited) requested that the definition for OCB at Wanaka and Queenstown be merged to form one definition.
- 3.24** As discussed at paragraphs 9.14.1 and 9.14.2 of my s42A report, the difference between the two definitions is based on the modelling approach

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<sup>12</sup> Council's Right of Reply prepared by Ms Kim Banks dated 22 September 2016.

taken for the predicted airport operations, being until 2037 for Queenstown and 2036 for Wanaka. The predicted day/night sound level of 55 dB Ldn applies to both airports (as identified in the definition).

**3.25** It was suggested by the Panel that an appropriate place to include the basis for the predicted noise measurements was potentially within the standard for compliance with the OCB. However, given the controls relating to aircraft noise within the designations (Conditions 5 to 9 of Designation #2, and the conditions within E1 for Designation #64 which are not numbered), I am of the view that the basis of these predicted noise measures is immaterial to the boundary noted on Planning Maps. The conditions of the designation place obligations on the requiring authority for each airport to mitigate adverse noise effects from aircraft if these noise limits are exceeded prior to 2036 or 2037. Therefore, I recommend that the submission received from Arcadian Triangle Limited (836) be accepted and that the two definitions for 'Outer Control Boundary' applying to Queenstown and Wanaka Airports are consolidated, as outlined in **Appendix 1** attached. I have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**.

#### **'Activity Sensitive to Aircraft Noise (ASAN)'**

**3.26** During the hearing it was noted by the Panel that the definition for 'Activity Sensitive to Aircraft Noise (**ASAN**)' was revised during the hearing of the LDRZ Chapter to include road noise.<sup>13</sup> For consistency, I have included the changes to this definition recommended by the reporting officer within the reply for Chapter 7 of the PDP.

#### **'Wholesaling (Three Parks and Industrial B)'**

**3.27** Within the Revised Chapter appended to my s42A report, I recommended that the above definition be renamed 'Wholesaling (Three Parks, and Industrial B and Airport Zones)'. At the hearing it was raised that Three Parks and Industrial B are to be considered in Stage 2 of the PDP. I recommend that this issue be addressed at the hearing for Chapter 2 – Definitions to allow it to be addressed in the context of the whole plan.

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<sup>13</sup> Reply of Amanda Jane Leith on behalf of Queenstown Lakes District Council - 7 Low Density Residential Zone Chapter – dated 11 November 2016.

#### 4. RELATIONSHIP BETWEEN UNDERLYING ZONE AND DESIGNATION

- 4.1 As outlined at paragraph [1.1] of my s 42A report for Designations (Queenstown and Wanaka Airports),<sup>14</sup> designations provide a ‘spot zoning’ over a site or area that authorises the requiring authority’s work and activities without the need to comply with the underlying zone rules or obtain land use consent. The conditions of a designation set parameters around which the activity or works can occur, if in accordance with the purpose of that designation.
- 4.2 During the hearing of evidence on the Airport Zone the Panel raised concerns as to whether the land use provisions applying to the zone should include the conditions of the designation. The Panel raised a second issue being that if the zone provisions and designation conditions directly correlate, then what is the purpose of the designation, and what is stopping the requiring authority from uplifting the designation (which they are entitled to do and which Council must action immediately). Both Designation #2 (Queenstown) and Designation #64 (Wanaka) are for Aerodrome Purposes and have conditions pertaining to noise. The land use provisions within Notified Chapter 36 of the PDP provide an exemption to the noise limits as they apply to sound from aircraft operations at Queenstown Airport given this noise source is controlled by the conditions of the designation.
- 4.3 To address this concern, QAC has suggested the inclusion of an exemption for Aircraft Operations for Reply Rules 17.4.1 and 17.4.16.<sup>15</sup> I support this change and have included this within the Revised Chapter attached at **Appendix 1**. This approach is consistent with that taken within the Auckland Unitary Plan, as detailed in the Supplementary Statement of Evidence provided by Mr Serjeant.<sup>16</sup> Paragraph 2.5 of this supplementary evidence identifies that within the Auckland Airport precinct activity table, additional definitions are included for permitted activities, which excludes “aircraft operations, runways and the testing of situ aircraft engines.”
- 4.4 I note that this change would also ensure consistency with Redrafted Objective 4.2.5 and associated policies, contained within Part Two – Strategy of the PDP

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<sup>14</sup> Dated 23 September 2016

<sup>15</sup> Memorandum of counsel of Queenstown Airport Corporation Limited 6 December 2016.

<sup>16</sup> Refer to Supplementary Statement of Evidence of David Frederick Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited, dated 6 December 2016.

relating to Urban Development<sup>17</sup>. Objective 4.2.5 states (further changes shown in red underlined text for additions recommended to chapter in Reply):

“Maintain and promote the efficient operation of Queenstown Airport and set appropriate noise limits in order to protect airport operations and to manage the adverse effects of aircraft noise on any Activity Sensitive to Aircraft Noise”.

## 5. BUILDING SETBACK, HEIGHT, DESIGN AND GLARE

- 5.1** Rule 17.5.2 reduces the required minimum setback for buildings at Queenstown Airport from 10m (as required by the ODP) to 5m (as notified within the PDP) where the site adjoins a residential zone or public road and 3m from all other zone boundaries. Further, Rule 17.5.3 increases the maximum building height of 9m within the ODP to 15m in the PDP. Non-compliance with these standards would result in the need to acquire resource consent as a restricted discretionary activity.
- 5.2** As noted by the Panel during the hearing, the notified matters of discretion do not include the effects on adjoining neighbours. I do not consider that the matters of discretion contained within Notified Rules 17.5.2 and 17.5.3 are appropriate given the scale of potential adverse effects that could result from a 15m high building being located 3m from the boundary of the zone.
- 5.3** As such, I have recommended additional matters of discretion to Reply Rules 17.5.2 and 17.5.3 to better align with the ODP provisions contained within Part 6 (Queenstown Airport Mixed Use Zone) in **Appendix 1**. These include the following matters:
- (a) The external appearance and visual dominance of the building as viewed from the street and adjacent properties;
  - (b) Amenity and character of the streetscape;
  - (c) Access to sunlight, shading and privacy of adjoining properties; and
  - (d) Views to and from Outstanding Natural Features and Landscapes.
- 5.4** Scope to make these changes is provided by the submission from RPL (807) which seeks that the ODP standards for building height and setback remain. Specifically, within the ODP, Rule 6.2.3.3i – Discretionary Activities specifies that the exercise of Council’s discretion is confined to (a) the matter(s)

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<sup>17</sup> Refer to the Reply of Matthew David Paetz on behalf of Queenstown Lakes District Council – Strategic Direction and Urban Development Chapters – 7 April 2016.



specified in the standard(s) not complied with; and (b) the extent to which the activity is dependent on an airport location. The Assessment Matters contained within Part 6.2.6.1iii – Setback from Zone Boundaries of the ODP give direction on matters to consider such as (but not limited to) the extent the intrusion into the setback is necessary to allow more efficient or practical use of the remainder of the site, whether practical alternative locations are available and whether the degree of amenity experienced on adjoining sites is affected. These assessment matters are consistent with the additional matters of discretion that I have recommended in **Appendix 1**. I have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**.

**5.5** Further, I note that Rule 17.5.5 restricts the design of buildings and glare (reflectivity of exterior roof and wall colours) as well as limiting exterior lighting. I have also included additional matters of discretion for Reply Rule 17.5.5 as outlined in the Revised Chapter attached as **Appendix 1**. These relate to the effects on urban design outcomes, visual effects, the purpose of the building, and the operational requirements of the activity it contains. I consider these additional matters of discretion to be appropriate in order to assess the effects on the wider environment. These additional matters of discretion align with Policy 1.3 contained within Part 6.1.3 of the ODP.

**5.6** I consider that RPL's (807) submission requesting retention of the operative QAMUZ provides scope for this amendment. Operative Zone Standard 6.2.5.2ii restricts glare and exterior lighting and Operative Rule 6.2.3.4iii identifies any activity that does not comply with a Zone Standard as a non-complying activity. These operative provisions are more restrictive than the recommended matters of discretion, and as noted above, Policy 1.3 seeks to apply standards to protect the environment from unacceptable noise, glare and traffic generated by airport related activities. Therefore, in my view the recommended changes fall within the scope of the submission.

## **6. NON NOTIFICATION OF APPLICATIONS**

**6.1** Rule 17.6.1 exempts applications for controlled, restricted discretionary or discretionary activities from being publicly notified or needing to obtain the written consent of other persons.

**6.2** In the Revised Chapter attached to my s42A report, I recommend that Rule 17.6.1 be retained as notified as it relates to the non-notification of controlled

and restricted discretionary activities. However, I also noted that given the discretionary activity status of the range of activities at Wanaka Airport, I consider it appropriate to request written approval from affected persons in the case of these activities.<sup>18</sup>

**6.3** On reflection, I also do not consider that non-notification of restricted discretionary activities within the Airport Zone is an appropriate resource management approach given the scale of potential adverse effects that could result when experienced from roads or properties adjoining the Airport Zone. Other standards that have a restricted discretionary non-compliance status include Standard 17.5.4 in terms of Landscaping, and Standard 17.5.5 in respect of Building Design and Glare at Queenstown Airport. For Wanaka Airport, restricted discretionary status is triggered when activities do not meet standards relating to minimum building setback, maximum building height, and the standards applying to air shows. The scale of potential adverse effects on surrounding land, including adjoining properties and roads, resulting from non-compliance with these standards are such that I consider it appropriate to request written approval of affected persons, or justify notification if adverse effects on the surrounding environment are more than minor.

**6.4** I have recommended additional amendments to Notified Rule 17.6.1 to limit the exemption for written consent of other persons and notification or limited notification to apply to controlled activity resource consents only. I am of the view that the submission received from RPL (807) provides scope for these changes, given there is no provision for non-notification in the operative QAMUZ.

## **7. EXTENT OF THE QUEENSTOWN AIRPORT ZONE**

**7.1** During the hearing the Panel raised concern regarding the inclusion of broad definitions for 'Airport' and 'Airport Related' Activities coupled with the unclear nature, extent and location of potential development, and the manner in which it would integrate with the wider environment.

**7.2** The boundary of the notified proposed Queenstown Airport Zone extends beyond the boundary of the operative QAMUZ to include 99 additional hectares of land currently zoned Rural General in the ODP. While the extent of the zone is to be considered in the mapping hearing, RPL (807) has

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<sup>18</sup> Refer to paragraphs 7.96 – 7.99 of my Section 42A Hearing Report dated 2 November 2016

submitted on the PDP and provided evidence in opposition to the extent of the activities provided for within the notified Queenstown Airport Zone on that land that extends beyond the operative zone.

**7.3** Given the extent of the QAMUZ within the ODP, there has always been an expectation that commercial development might occur within the environs immediately surrounding the airport terminal building. However, as Mr Serjeant notes in his evidence in chief, there has not been a thorough assessment of the wider environment to support the extension of the zone.<sup>19</sup>

**7.4** QAC has provided plans by way of supplementary evidence which show the following information:<sup>20</sup>

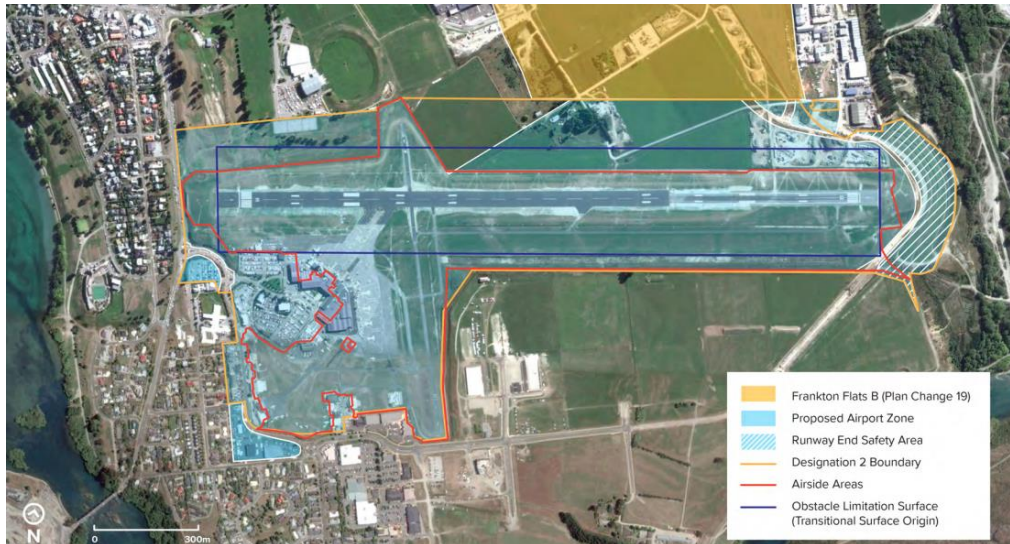
- (a) The location and extent of the proposed Airport Zone for Queenstown;
- (b) The location and extent of airside areas within the proposed Airport Zone;
- (c) The extent of the Aerodrome Purposes Designation (Designation #2);
- (d) The location of obstacle limitation surfaces (Designation #4) and other CAA requirements that restrict the use of land within the Airport Zone; and
- (e) The location and extent of the adjoining Frankton Flats B Zone.

**7.5** As Figure 1 below depicts, aside from runways and areas for aircraft operations, the area of potentially developable land within the Airport Zone at Queenstown Airport is limited to the area to the north of the runway adjoining Frankton Flats B, an area to the northwest adjoining the Events Centre, and an area around the existing terminal building.

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<sup>19</sup> Refer to paragraphs 8.1 to 8.3 of Statement of Evidence of David Frederick Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited, dated 18 November 2016

<sup>20</sup> Memorandum of Counsel for Queenstown Airport Corporation Limited (Submitter 433 and Further Submitter 1340) Relating to Additional Information, Dated 6 December 2016.



**Figure 1:** Additional information provided in a Memorandum of Counsel for QAC, 6 December 2016

- 7.6** I consider that some of the concerns raised by RPL (807) in terms of an assessment of the changes within the context of the wider environs to have merit and that the activities that are provided for in the adjoining zones forms part of the existing environment.<sup>21</sup>
- 7.7** During the hearing, Mr Serjeant on behalf of RPL (807) described the four quadrants which are created by the runway dissecting the site and which have very different environments. Mr Serjeant was of the opinion that airport development needs to respect and respond to these four different environments. Additionally, Mr Serjeant at paragraph 6 of his summary of evidence notes that “the nature, extent and location of potential development, and the manner in which it will integrate with the wider environment is unclear.” Although further information has been provided by QAC, I agree that uncertainty remains as to how future development will integrate with adjoining zones.
- 7.8** In addition, I consider that many of the activities included within the definition of ‘Airport Related Activities’ could be significant trip generating activities, such as retail and commercial services. These activities could potentially generate traffic that has an impact on the surrounding road network and parking demand. This view is supported by Mr Serjeant who considers that the analysis of traffic generation provided within the s 32 evaluation was

<sup>21</sup> Refer to paragraph 7.14 of Statement of Evidence of David Frederick Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited, dated 18 November 2016.

insufficient.<sup>22</sup> In this regard, I agree with Mr Serjeant. For example, if the area north of the runway could be developed for an Airport Related Activity, access would potentially be from the Eastern Access Road or Grant Road. This was not addressed within the s 32 evaluation. As noted within Mr Serjeant's evidence in chief, without certainty regarding the nature and scale, location and access of future activities within the zone, "drawing any conclusion on transport-related effects is not possible."<sup>23</sup>

**7.9** Further I note that Policy 17.2.2.2 [Reply 17.2.3.2] seeks to manage adverse effects on amenity values arising from the on-going development, use and maintenance of Queenstown Airport. I consider that to give effect to this policy, without a comprehensive assessment, the extent of the zoning should be refined.

**7.10** Overall, my view is that the Queenstown Airport Zone provisions, so far as they have been amended in **Appendix 1** to this report provide for an appropriate scale and scope of activities in so far as they relate to the area subject to the operative QAMUZ. Although the extent of the zone is to be considered at the Mapping Hearing in 2017, due to the risks and uncertainties I have identified with the extent of zoning sought by QAC, my preliminary recommendation regarding the extent of the zone is that it is reduced to reflect the extent of the operative QAMUZ. The alternative is that if the extent of the zone is to remain as notified, more restrictive provisions apply to the additional 99 hectares of proposed Airport Zone land to ensure that unanticipated activities and effects do not occur.

## **8. MINIMUM PARKING REQUIREMENTS QUEENSTOWN AIRPORT**

**8.1** Mr Serjeant has provided some suggested amendments to Standard 17.5.9 [Reply 17.5.6] – Transportation to clarify that only those activities within, or within the immediate environs of the airport terminal are exempt from any minimum parking requirement. I agree with this recommended change which I have included within the Revised Chapter attached as **Appendix 1**. I have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**. I consider that scope to make these changes is provided by

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<sup>22</sup> Refer to paragraphs 6.12 to 6.16 of Statement of Evidence of David Frederick Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited, dated 18 November 2016.

<sup>23</sup> Refer to paragraph 6.14 on page 14 of the Statement of Evidence of David Frederic Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited, dated 18 November 2016

RPL's submission which requested that the operative QAMUZ remain, which is limited to the area surrounding the terminal building.

- 8.2** Mr Serjeant has also suggested that activities outside of the immediate environs of the airport terminal should have the same minimum parking requirement as that applied to Frankton Flats B Zone. However, I consider that all minimum parking requirements should be contained in one District-Wide Chapter. Further, Chapter 14 – Transportation of the ODP forms Stage 2 of the District Plan Review when a comprehensive assessment of parking demand and need for different trip generating activities will be addressed. I am of the view that minimum parking requirements for activities within the Airport Zone should be addressed at this time.

## **9. NOISE LIMITS**

- 9.1** As discussed in my summary of evidence, the evidence provided by Mr Hunt<sup>24</sup> and Mr Day,<sup>25</sup> and the summary of evidence provided by Dr Chiles, address the fact that the noise limits for Queenstown Airport are inconsistent with the general noise limits that apply to other zones within the PDP.

- 9.2** The noise limits applying to sound from land based activities in the Queenstown Airport Zone received in neighbouring zones differ from other zone noise limits. The parameters set out in Reply Rule 36.5.16 define daytime and night time noise limits as follows:

*Daytime (0700 to 2200 hrs) 55 dB  $L_{Aeq} (15 min)$*

*Night-time (2200 to 0700 hrs) 45 dB  $L_{Aeq} (15 min)$  75 dB  $L_{AFmax}$*

- 9.3** These limits are inconsistent with the daytime and night time hours applying to other zones which for the surrounding zones (Rural, Low Density Residential, Frankton Flats B) are as follows:

*Daytime (0800h to 2000h) 50 dB  $L_{Aeq} (15 min)$*

*Night-time (2000h to 0800h) 40 dB  $L_{Aeq} (15 min)$  75 dB  $L_{AFmax}$*

- 9.4** On the other hand, higher noise limits apply to activities within Activity Areas D, E1 and E2 of the Frankton Flats B Zone. Zone Standard 12.20.6.2xxvi(b) reads as follows:

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<sup>24</sup> Mr Hunt's evidence at paragraph 48.

<sup>25</sup> Mr Day's evidence at paragraphs 26-31.

*In Activity Areas D, E1 and E2 activities shall be so conducted that the following noise limits are not exceeded at the boundary with Activity Area C2:*

- i. Daytime (0800-2000 hrs) 65 dBA  $L_{10}$*
- ii. Night-time (2000-0800 hrs) 65 dBA  $L_{10}$  and 70 dBA  $L_{max}$ .*

- 9.5** The noise limits for all non-residential activities within all activities contained within the Remarkables Park Zone are closer to, although not entirely consistent with the noise limits stipulated within Reply Rule 36.5.16 for the Queenstown Airport Zone. Within Activity Area 8 of the Remarkables Park Zone, Operative Rule 12.11.5.2iii(a) states:

*In Activity Areas 2a, 3, 4, 5, 6, 7 and 8, non-residential activities may be conducted within the following noise limits so long as they are not exceeded at any point within the boundary of any other site within Activity Areas 2a, 3, 4, 5, 6, 7 and 8:*

*Daytime (0700-2200 hrs) 60 dBA  $L_{10}$*   
*Night-time (2200-0700 hrs) 50 dBA  $L_{10}$  and 70 dBA  $L_{max}$*

- 9.6** As set out in paragraph 9(d) of his summary of evidence, Dr Chiles agrees with Mr Hunt (and disagrees with Mr Day) that the differences from other zone noise limits are not justified. However, given this discrepancy exists within the ODP provisions and no submissions were received highlighting concern, I accept that there may not be scope to amend the rule.

- 9.7** I note that Mr Kyle has also recommended a consequential amendment be made to Reply Rule 36.5.3 relating to noise limits within the Airport Zone. There is no noise limit for sound received in the Queenstown Airport Mixed Use Zone, which Mr Kyle recommends be changed to refer to 'Airport Zone'. A consequence of this change will be that no noise limits will apply to sound received in the Wanaka Airport Zone. Currently, noise limits received at Wanaka Airport are those applying to the Rural Zone being 50 dB  $L_{Aeq (15min)}$  during the day (0800h to 2000h) and 40 dB  $L_{Aeq (15min)}$  or 75 dB  $L_{AFmax}$  during the night (2000h to 0800h). Given Activities Sensitive to Aircraft Noise (**ASAN**) are prohibited within this zone (Reply Rule 17.4.25), I support this recommendation. I consider that scope is provided by QAC's submission on Wanaka Airport.

## 10. BUILT FORM AND URBAN DESIGN

- 10.1** The planning evidence provided by Mr Serjeant on behalf of RPL raises concern regarding urban design matters for buildings within the extended Queenstown Airport Zone. He considers development controls to be minimalist (paraphrased).<sup>26</sup>
- 10.2** I agree with the statement outlined in at paragraphs 6.18 and 6.19 of Mr Serjeant's evidence in chief including: "there has been no analysis of the macro scale urban design matters that were extensively interrogated during Plan Change 19, including road access and interconnectivity of different activity areas, and view shafts".<sup>27</sup>
- 10.3** I note that both QAC (433) and RPL (807) recommend the inclusion of an additional controlled activity rule for all new buildings at Queenstown Airport. I have recommended a rule to this effect at **Appendix 1** within Table 1 [Reply Rule 17.4.4], with control being limited to matters such as design and appearance of buildings, effects on visual amenity, parking provision, landscaping, and location. I consider that scope to make this recommended change is provided by RPL's submission (807) requesting that the operative QAMUZ remain. Rule 6.2.3.2i within the ODP provides control over the addition, alteration and construction of all buildings, with control being limited to location and external appearance. Objectives and Policies contained within Part 6.1.3 of the ODP seek to provide for airport related activities while maintaining the environmental quality of the area, which RPL seeks be retained. I consider the additional matters of control align with this existing objective, associated policies and rule. I have included an evaluation of these changes pursuant to s32AA of the RMA at **Appendix 2**.

## 11. VISITOR ACCOMMODATION

- 11.1** The notified chapter lists Visitor Accommodation as 'Airport Related Activity' at Queenstown Airport. Accordingly, Rule 17.4.1 provided for Visitor Accommodation as a permitted activity. Standard 17.5.8 provided permitted activity standards for Visitor Accommodation with the non-compliance status being non-complying.

<sup>26</sup> Refer to paragraph 6.14 on page 18 of the Statement of Evidence of David Frederic Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited, dated 18 November 2016

<sup>27</sup> Refer to paragraph 6.18 and 6.19 on pages 15 and 16 of the Statement of Evidence of David Frederic Serjeant on behalf of Remarkables Park Limited and Queenstown Park Limited, dated 18 November 2016



**11.2** In my summary of evidence I recommended that additional controls be imposed on Visitor Accommodation at Queenstown Airport. However, during the hearing of planning evidence presented by Mr Kyle on behalf of QAC (433), the Panel raised the question of whether allowing Visitor Accommodation within the Airport Zone was inconsistent with some of the objectives and policies contained elsewhere within the ODP, which explicitly seek to exclude noise sensitive activities, such as Visitor Accommodation, from being located within the OCB and ANB. I have identified the following objectives and policies within the ODP as being relevant:

**Part 12 - Remarkables Park Zone:**

**11.3** Policies 4 and 5 under Objective 1 of the Remarkables Park Zone provisions state:

*4 To ensure that development takes place in a manner complementary to the operational capability of Queenstown Airport.*

*5 To establish a buffer between the airport and noise sensitive activities in the Remarkables Park Zone.*

**11.4** Objective 2 and Policy 4 state of the Remarkables Park Zone provisions state:

*Objective 2: Development Form Urban development in a form which protects and enhances the surrounding landscape and natural resources.*

*4 To provide for a number of identified Activity Areas within the Structure Plan as follows:*

*Activity Area 8:*

- To enable the establishment of activities of a rural/recreational nature, infrastructural utilities and parking, which are not sensitive to nearby airport operations.*

**11.5** The description of AA8 states:

***Activity Area 8 - Northern Perimeter Area***

*This is a significant “buffer” area of land adjacent to the Queenstown Airport. It is suitable for development for rural, recreational, infrastructural and parking facilities not of a noise sensitive nature. Much of it falls in close proximity to the airport and within*

*higher noise control areas. As such residential activities, visitor accommodation and community activities are prohibited in this area within the Outer Control Boundary.*

- 11.6** I have reviewed the rules of the RPZ. Residential, Visitor Accommodation and community activities (i.e. ASAN) within the light grey shaded area indicated on Figure 2 – Airport Measures is prohibited. This light grey shaded area correlates with the OCB.

**Frankton Flats B Zone:**

- 11.7** Adjoining the Notified AMUZ is the Frankton Flats B Zone (**FFBZ**) which contains the following policies:

*7.3 To ensure that Activities Sensitive to Aircraft Noise only occur outside the Queenstown Airport Outer Control Boundary.*

*8.3 To ensure that Activities Sensitive to Aircraft Noise only occur outside the Queenstown Airport Outer Control Boundary.*

*11.4 To exclude activities that conflict with the intended function of this Activity Area such as those involving a high percentage of building coverage, small lot sizes, generate reverse sensitivity effects or which would otherwise not be appropriate in close proximity to the Airport (including residential and visitor accommodation).*

- 11.8** In addition, Policy 10.5 of Activity Area D of the FFBZ (which adjoins the Notified AMUZ) states:

*10.5 To ensure that Activities Sensitive to Aircraft Noise are not located within the Outer Control Boundary*

- 11.9** I have reviewed the rules of the FFBZ and confirm, that Visitor Accommodation within the OCB within FFBZ has a prohibited activity status

**Low Density Residential Zone**

- 11.10** I note that the provisions relating to Visitor Accommodation within the LDRZ were withdrawn from the PDP by Council resolution on 23 October 2015, and are therefore not shown in the Revised Chapter for this zone. The provision for Visitor Accommodation in LDRZ will form part of Stage 2 of the PDP.

## Rural Zone

- 11.1 The exclusion of ASANs within the OCB on rural zoned land to avoid reverse sensitivity effects was included within the Council's reply for Chapter 21 – Rural Zone. The relevant Objectives and Policies contained within this reply include:

*Note: (Purple underlined text for additions and purple strike-through text for deletions, Working Draft in response to the Panel's Fourth Procedural Minute, dated 13 April 2016. Red underlined text for additions and red strike-through text for deletions, Appendix 1 to Craig Barr's Right of Reply, dated 3 June 2016).*

**21.2.7 Objective - An area ~~to contain~~ is retained Retention of an area containing that excludes activities that are ~~not~~ sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.**

### Policies

- 21.2.7.1 *Prohibit all new Activity Sensitive to Aircraft Noise (ASAN) on rural zoned land within the Outer Control Boundary (OCB) at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future Activity Sensitive to Aircraft Noise (ASAN).*
- 21.2.7.4 *Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*
- 11.2 Reply Rule 21.4.28 prohibits any ASAN within the OCB at Queenstown Airport and gives effect to these policies and objective.
- 11.3 I agree with the Panel that there will be an inconsistency created within the District Plan to allow Visitor Accommodation inside the Queenstown Airport Zone, despite the acoustic mitigation measures proposed.
- 11.4 Further, I note that in his summary of evidence, Mr Day clarified that in his opinion, short stay Visitor Accommodation was not as noise sensitive as long stay Visitor Accommodation because of "(i) visitor expectation of aircraft noise,

(ii) the short duration of noise exposure and (iii) no outdoor areas for high noise exposure.”<sup>28</sup> To ensure that Visitor Accommodation is short term and therefore align with Mr Day’s views, QAC suggest limiting the duration of stay to three nights (one night more than recommended by Mr Day). As outlined at paragraph 47 of the evidence provided by Ms Tregidga<sup>29</sup>, QAC considered that *“a three night maximum stay is also necessary and appropriate to accommodate weekend visitors from Australia, who typically arrive and depart on late/early flights”*.

**11.5** I consider this approach gives rise to many uncertainties. Unlike elsewhere in the country, Queenstown Airport is easily accessible from the Queenstown Town Centre (approximately 8km distance) or recreational destinations such as Coronet Peak and Remarkables Ski Areas. Additionally, the increasing demand for visitor accommodation options elsewhere in town at present could result in airport accommodation being an attractive option for visitors to base themselves from.

**11.6** I therefore consider that providing Visitor Accommodation in order to cater for “transiting or short stay visitors, as well as delayed passengers and overnighing airline crew, who may require accommodation at short notice” cannot be ensured. Given activities located within the ‘immediate terminal environs’ are exempt from a minimum provision of parking, unintended adverse effects could also arise, for example from a reliance on private vehicle use and no onsite carparking provision. Additionally, I agree with Mr Serjeant that Visitor Accommodation is provided for within adjoining zones outside of the OCB (e.g. in AA6 of the RPZ) being easily accessible from the Airport.

**11.7** On balance, although I consider that adverse noise effects can be appropriately mitigated, providing for Visitor Accommodation as a permitted activity within the Airport Zone at Queenstown could give rise to adverse effects that have not been appropriately assessed and would be inconsistent with Objectives, Policies and rules contained within both the Airport Zone Chapter and other chapters of the ODP. For these reasons, I recommend to the Panel that the submission received from RPL (807) be accepted and that Visitor Accommodation to retain its ODP prohibited activity status. I have included this recommendation within the Revised Chapter at **Appendix 1**. I

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<sup>28</sup> Refer to paragraph 19 of Summary of Evidence of Christopher Day (Submitter 433 and Further Submitter 1340), dated 1 December 2016.

<sup>29</sup> Evidence of Rachel Tregidga for Queenstown Airport Corporation Limited (Submitter 433 and Further Submitter 1340), dated 18 November 2016.

have evaluated this change under s32AA of the RMA which is attached as **Appendix 2** to this report.

## **12. NON REGULATORY METHODS**

**12.1** Rule 17.7 lists the non-regulatory methods that apply to the Airport Zone which include the promotion of good urban design and form, and the requirement for QAC to prepare an urban design guideline for the Airport Zone to promote built form and character which maintains the Airport and its surrounds an attractive gateway to the District.

**12.2** I acknowledge that these non-regulatory methods do not compel QAC to adhere to the preparation of urban design guidelines. I was asked at the hearing whether such guidelines would be incorporated into the District Plan by reference, as is the case with design guidelines relevant to other zones. I note that, as the guidelines have not been developed yet, they have not yet been incorporated by reference.

**12.3** At Parts 5 and 10 of this report I have recommended a number of changes to the provisions including additional matters of discretion and the inclusion of a controlled activity status for all buildings. I have also recommended that when considered at the Mapping Hearing, the extent of the zone or the activities provided for be refined to. Given these recommendations, I consider that the need for these non-regulatory provisions is somewhat diminished. However, I recommend their retention in order to guide consent planners as to the appropriateness of information included within an application for consent.

## **13. SIGNS**

**13.1** As outlined at paragraph 8.7 of my s42A report, Standard 17.5.10 relating to signs could benefit from some drafting improvements, reading as an activity rather than a standard. However, I noted that I had not identified a submission to provide scope for this change.

**13.2** Upon the hearing of the evidence of Mr Kyle for QAC I now consider such improvements would be non-substantive. Accordingly, I have recommended such changes in the revised chapter at **Appendix 1**.

## 14. WANAKA AIRPORT

### Nature and Scale of Airport Related Activities

- 14.1** Both Ms Rachel Tregidga and Mr Kyle on behalf of QAC (433) have filed evidence which seeks to remove the standards I have recommended within the Revised Chapter appended to my s42A report limiting the size of commercial Airport Related Activities within the Wanaka Airport Zone (Redrafted Standards 17.5.13 [Reply 17.5.10] and 17.5.14).
- 14.2** As outlined at paragraph 12 of my summary of evidence, when providing these recommended provisions, I misunderstood Mr Tim Heath's economic evidence. It was subsequently clarified that the thresholds provided by Mr Heath and included within the recommended Revised Chapter were to apply to non-aviation and non-ancillary commercial activities.
- 14.3** Regardless of this misunderstanding, given the broad definition of 'Airport Related Activities', I remain of the opinion that some parameters should be imposed to limit the nature and scale of commercial activity that meets the definition of 'Airport Related'. I acknowledge that the maximum gross floor area for Airport Related Activities of 1000m<sup>2</sup> is already exceeded by existing activities as outlined at paragraph 14 of my summary of evidence. Accordingly, I recommend that proposed rule 17.5.14 be removed.
- 14.4** However, I retain my view that the 100m<sup>2</sup> gross floor area threshold for Airport Related Activities be retained. This restriction is further supported when considering the summary of evidence provided by Ms Tregidga. At paragraph 13 of Ms Tregidga's summary of evidence, reference is made to a strategic review of Wanaka Airport undertaken by Astral Limited dated 20 April 2016 (**Astral Report**). To assist the Panel, I attach this document as **Appendix 3** to this report.
- 14.5** The Astral Report outlines the role of Wanaka Airport and identifies the increasing importance of scientific aviation activities, such as the NASA balloon programme, at Wanaka Airport. The Astral Report also identifies that the existing commercial area of the Airport is constrained. In particular, it is noted on page 3 of this report that although the airport has land on the north side of the runway targeted for hangar development in the 2008 Master Plan, Astral Limited do not consider this an ideal location for expansion. Rather,

they have recommended that land on the south side of the runway and west of the existing commercial area, currently owned by D J Pittaway and W T Cooney, to be preferable for future development and expansion of the Airport Zone. As outlined at the top of page 4 of the Astral Report, “its acquisition by the airport would provide nearly 40ha of flat land ideal for commercial development once zoning issues are addressed”. Additionally, the bottom of page 26 of the Astral Report states “it is very difficult to gather significant revenue from general aviation operations...”.

- 14.6** In addition to the Pittaway land identified in the Astral Report, I understand that QAC has recently become the registered proprietor of two pieces of land adjoining the Wanaka Airport as highlighted in Figure 2 below. The historical title showing the transfer of the land to QAC is attached to this report at **Appendix 5**.



**Figure 2: Land surrounding Wanaka Airport recently purchased by QAC (shown in blue outline, extent of Wanaka Airport land outlined in yellow)**

- 14.7** Although not included in the extent of the Wanaka Airport Zone which is congruent with the area of land covered by Designation #64, in the future, the Pittaway land and the land shown on Figure 2 above, could be the location for siting new and expanded facilities if the zone or designation is extended. Coupled with the conclusions of the Astral Report and Ms Tregidga’s evidence regarding diversifying the range of income sources, I consider that limitations

should be established on floor area to ensure that Airport Related Activities are legitimately ancillary to Airport Activities.

- 14.8** Mr Heath in his summary of evidence acknowledges that there are important locational differences between the Wanaka and Queenstown Airports that require consideration. As summarised by Mr Heath at paragraph 19 of his summary of evidence, “Wanaka is located in a more isolated rural environment some distance from the urban area of Wanaka. This results in the source of commercial demand at Wanaka Airport being more distant than that of the Queenstown Airport. As such, demand for non-aviation commercial activity at Wanaka Airport is likely to be very low and simply reflect the demand generated by localised airport business activity”.
- 14.9** Considering the locational differences between Wanaka and Queenstown, Mr Heath considers that some flexibility for small scale retail, commercial service or office to support Wanaka Airport’s operations and employment base should be provided.
- 14.10** After reviewing the evidence provided by Ms Tregidga and Mr Kyle on behalf of QAC, Mr Heath considers that not including any provisions within the policy framework to limit the nature and scale of activities at Wanaka Airport to be “a high risk strategy for Council” in relation to non-aviation, non-ancillary activities. In Mr Heath’s experience, which is supported by the evidence provided by Ms Tregidga, Airports around the country seek alternative means to make year on year returns and improve financial performance.<sup>30</sup>
- 14.11** I accept Mr Heath’s evidence and retain my view that some parameters should remain to limit the nature and scale of ‘Airport Related Activities’ at Wanaka Airport. However, given the inefficiencies arising from Redrafted Rule 17.5.14, I agree that this standard should be removed.

### **Temporary Air Shows**

- 14.12** As noted at paragraph [9] of my summary of evidence, in its submission, QAC (433) requested a specific rule providing for temporary air shows at Wanaka Airport.

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<sup>30</sup> As identified by Mr Heath, “retail and commercial office activity is a proven way of delivering increased commercial and shareholder returns”.



- 14.13** I recommend that air shows be provided for under the Reply Rule 17.4.20 as a permitted activity. I agree with Mr Kyle in terms of imposing parameters around the nature and scale of air show events such as Warbirds over Wanaka.
- 14.14** The standards included within Reply Rule 17.5.12 relate to the duration of the air show, hours of operation and reporting requirements. In addition to the standards offered by Mr Kyle, I have included the requirement for a Traffic Management Plan to be submitted to address vehicle and pedestrian movements, public transport, parking and management of adverse effects on the State Highway. I consider that these standards will help manage the scale, intensity of the event and any impacts of the event off site.
- 14.15** However, I note that the hours of operation suggested by Mr Kyle are inconsistent with the hours of operation of Reply Rule 35.4.6 for temporary events elsewhere in the District. Rule 35.4.6 identifies the hours of operation as being between 0800 and 2000. Set up and pack down outside of these hours is permitted. I have recommended a consistent approach within Reply Rule 17.5.12.
- 14.16** I also agree with Mr Kyle's recommendation that Air Shows should be exempt from the Noise Standards contained within Chapter 36 given such matters as their limited duration and contribution to the economic wellbeing of the District.
- 14.17** I have included Reply Rule 17.5.12 within the Revised Chapter at **Appendix 1**. I have evaluated this change under s32AA of the RMA which is attached as **Appendix 2** to this report.

#### **Jeremy Bell Investments Limited**

- 14.18** Jeremy Bell Investments Limited (**JBIL**) provided legal submissions at the hearing on the Airport Chapter that JBIL own land opposite the Wanaka Airport, which they seek be rezoned and included within the Wanaka Airport Zone. This matter will be addressed at the Mapping Hearing in 2017.
- 14.19** I note that JBIL consider the proposed policy framework for Wanaka Airport to have been "cast too tightly". JBIL consider that the existing environment includes attractions for tourists and visitors to the region, including the Have a Shot activity on JBIL's land. I do not consider this activity to have a

relationship with the airport or fall within the definition of 'Airport Related Activity' which the zone seeks to provide for. These include activities that support aircraft passengers and workers within the zone, rather than tourists who would be attracted to the zone by destination activities, other than those that already exist, and which have been provided for (e.g. the Warbirds on Wheels Museum). I agree that tourist activities that are aviation related should be provided for within the Airport Zone at Wanaka. However, for the reasons discussed above, I do not accept that the Airport Zone should provide for other tourism ventures that have no relationship to Airport Activities.

### **Wholesaling**

**14.20** Reply Rule 17.4.24 identifies 'Wholesaling or Commercial Storage Activity' as a non-complying activity within Table 1 for Wanaka Airport. During the hearing, I was asked whether there is a need for this rule given there is a default non-complying activity status for any activity not listed in Table 1 for Wanaka Airport, as specified by Reply Rule 17.4.15. Although Reply Rule 17.4.15 provides a default status, on reflection, I am of the opinion that the inclusion of Reply Rule 17.4.24 removes any debate or argument as to whether wholesaling activity is anticipated at Wanaka Airport. As such, I am of the opinion that this rule should remain included, as shown in the Revised Chapter at **Appendix 1**.

### **Prohibited Activities**

**14.21** Within the Revised Chapter appended to my s 42A report, I included a number of activities with Prohibited Status at Redraft Rules 17.4.17 – 17.4.23 within Table 1 for Wanaka Airport.

**14.22** In his evidence for QAC, Mr Kyle identified that notified Chapter 21 Rural contains Rule 21.4.28, which makes any new Activity Sensitive to Aircraft Noise (**ASAN**) or new building platform to be used for an ASAN, within the Outer Control Boundary of Wanaka Airport, a prohibited activity.

**14.23** Mr Kyle recommended that Redraft Rules 17.4.21 - 17.4.23 be drafted in a manner similar to Rule 21.4.28.<sup>31</sup> I agree that it is appropriate to include Rule 17.4.25 in place of redraft Rules 17.4.21 - 17.4.23, and have included Reply

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<sup>31</sup> Evidence of Mr John Kyle for the Queenstown Airport Corporation Limited, dated 18 November 2016 at paragraph [6.36].

Rule 17.4.25 at **Appendix 1**. I have evaluated this change under s32AA of the RMA which is attached as **Appendix 2** to this report.

- 14.24** With the exception of the provision for aviation related community activities which include police stations, fire stations, medical facilities and education facilities (as they are included within the definition of 'Airport Related Activity'), Reply Rule 17.4.25 is consistent with Rule 21.4.28 in the Rural Zone prohibiting new building platforms and activities within the OCB.
- 14.25** Reply Rules Redraft Rules 17.4.17 – 17.4.20 [Reply 17.4.26 – 17.4.29] identify activities such as forestry, factory farming, mining and any activity requiring an Offensive Trade Licence under the Health Act 1956 as prohibited. Although there are no rules within the notified Rural Zone which are consistent with these recommended rules, I am of the view that scope for their inclusion is provided by QAC's submission (433) because the types of activities being prohibited by Reply Rules 17.4.26 – 17.4.29 are fundamentally at odds with the function of an airport. As such, I have retained these prohibited activity rules within the Revised Chapter attached at **Appendix 1**.

#### **Minimum building setback**

- 14.26** In order to be consistent with Rules 17.5.2 and 17.5.3 for Queenstown, I have recommended that additional matters of discretion are included for Revised Rule 17.5.10 [Reply Rule 17.5.7] in relation to minimum building setback and Revised Rule 17.5.11 [Reply Rule 17.5.8] in relation to maximum building height at **Appendix 1**. These additional matters of discretion relate to dominance and effects on adjacent properties, amenity of the surrounding area, access to sunlight and views of Outstanding Natural Features and Landscapes. I have evaluated this change under s32AA of the RMA which is attached as **Appendix 2** to this report.

#### **Buildings for Airport or Airport Related Activities**

- 14.27** In the Revised Chapter attached at **Appendix 1**, I have recommended a change to the matters of control as they relate to buildings for Airport or Airport Related Activities at Wanaka Airport [Reply Rule 17.4.22]. Within the Revised Chapter appended to the s42A report, control was reserved to "the effects on visual amenity when viewed from the zone boundary. However, on reflection,

when read literally, control can only be exercised from the location of the zone boundary. The intent of this matter of control is to have control over the effects on visual amenity from beyond the Airport Zone given the surrounding Rural zoned land. I have recommended that this matter of control be reworded to clarify that it is effects on visual amenity when viewed from beyond the Airport Zone that is being assessed. Scope for this change is provided by the Submission of QAC on Wanaka Airport.

## **15. CONCLUSION**

**15.1** Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Rebecca Dawn Holden  
Senior Planner

**13 December 2016**