

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

Decision No. [2018] NZEnvC 63

IN THE MATTER	of the Resource Management Act 1991
AND	of appeals pursuant to clause 14 of the First Schedule
BETWEEN	AIR NEW ZEALAND LIMITED (ENV-2011-WLG-01) QUEENSTOWN AIRPORT CORPORATION LIMITED (ENV-2011-WLG-03) REMARKABLES PARK LIMITED AND SHOTOVER PARK LTD (ENV-2011-WLG-04) Appellants
AND	QUEENSTOWN LAKES DISTRICT COUNCIL Respondent

Court: Environment Judge J E Borthwick
Environment Commissioner R M Dunlop
Environment Commissioner D J Bunting

Hearing: In Chambers at Christchurch

Date of Decision: 9 May 2018

Date of Issue: 9 May 2018

**FINAL DECISION
OF THE ENVIRONMENT COURT**

A: Planning Map 31a and Figure 2 of the Remarkables Park Zone – Rules in the Queenstown Lakes District Plan, attached and labelled “A”, are approved.



REASONS

[1] These proceedings concern three appeals on proposed Plan Change 35 ("PC35") to the Queenstown Lakes District Plan. The court released three Interim Decisions in 2012 and 2013 on the appeals to the plan change.¹ The decisions confirmed the plan change subject to amendments approved by the court to the objectives, policies and rules.

[2] The Air Noise Boundary to be depicted in Planning Map 31a and second, Figure 2 of the Remarkables Park Zone ("RPZ"), were not finalised as they were to be informed by the outcome of another proceeding on a Notice of Requirement lodged by Queenstown Airport Corporation Ltd to alter Designation 2 and extend the aerodrome at Queenstown Airport ("Lot 6") – a position which was accepted by the District Council at that time.²

[3] On 19 March 2018 a joint memorandum was filed and the parties requested that the court issue a further interim decision on PC35 in respect of all zones affected by PC35, including the noise boundaries shown on Map 31a that apply to those zones, but excluding the noise boundaries insofar as they applied to the RPZ and Figure 2 of the RPZ. In doing so, the parties were attempting to partially conclude the PC35 appeals without pre-empting the outcome of an application to rehear the final decision on Lot 6.

[4] The Environment Court has now heard the application for rehearing for Lot 6 and released its decision refusing the same. Following the release of the Lot 6 decision, we asked the parties whether there was any principled reason for the Environment Court not to release a final decision on PC35, confirming the planning map and figure.³ No party raised any opposition.

[5] On 4 May 2018 the District Council filed a memorandum supporting the release of a final decision for PC35, inclusive of the RPZ, confirming Planning Map 31a and Figure 2. The District Council circulated a final version of Planning Map 31a and Figure

¹ [2012] NZEnvC 195; [2013] NZEnvC 28; [2013] NZEnvC 93.

² [2013] NZEnvC 28 at [5].

³ Minute dated 27 April 2017.



2 for the parties' comment.⁴ Mr Devlin, a planner engaged by the Council, deposes the air noise boundaries depicted on the planning map are based on modelling data provided by the acoustic consultancy, Marshall Day. He confirms our understanding that no party to the PC35 proceedings has sought a correlation between the southern boundary of Activity Area 8 of the Remarkables Park Zone and the Air Noise Boundary as it applies to the same zone.

[6] Again, having had the opportunity to do so, no party has given notice of their opposition to the making of a final decision approving the planning map and the figure circulated.⁵ RPL filed a memorandum confirming that the final decision should be made based on approving the relevant documents attached to Mr Devlin's affidavit sworn 9 May 2018.⁶

[7] The court has reviewed the original documents handed up during the hearing and the revised Planning Map 31a (including Remarkables Park Zone), and approves Planning Map 31a and Figure 2, attached to this decision and labelled "A," finding that they give effect to the Environment Court's earlier decisions on the plan change.

For the court:



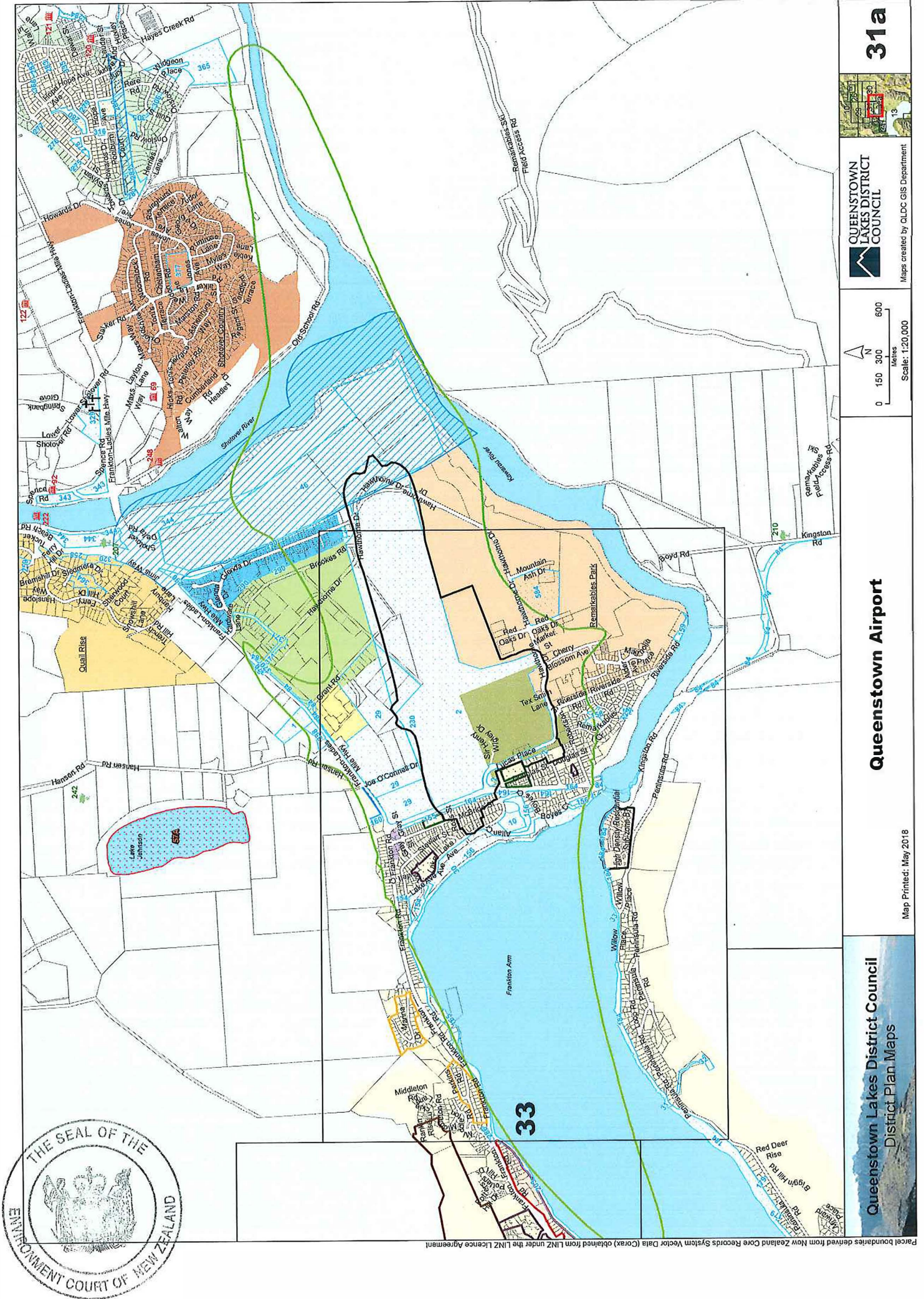
J E Borthwick
Environment Judge



⁴ QLDC memorandum dated 4 May 2018 and affidavit of Mr Devlin sworn 9 May 2018.

⁵ Direction given under cover of the registry's correspondence dated 4 May 2018.

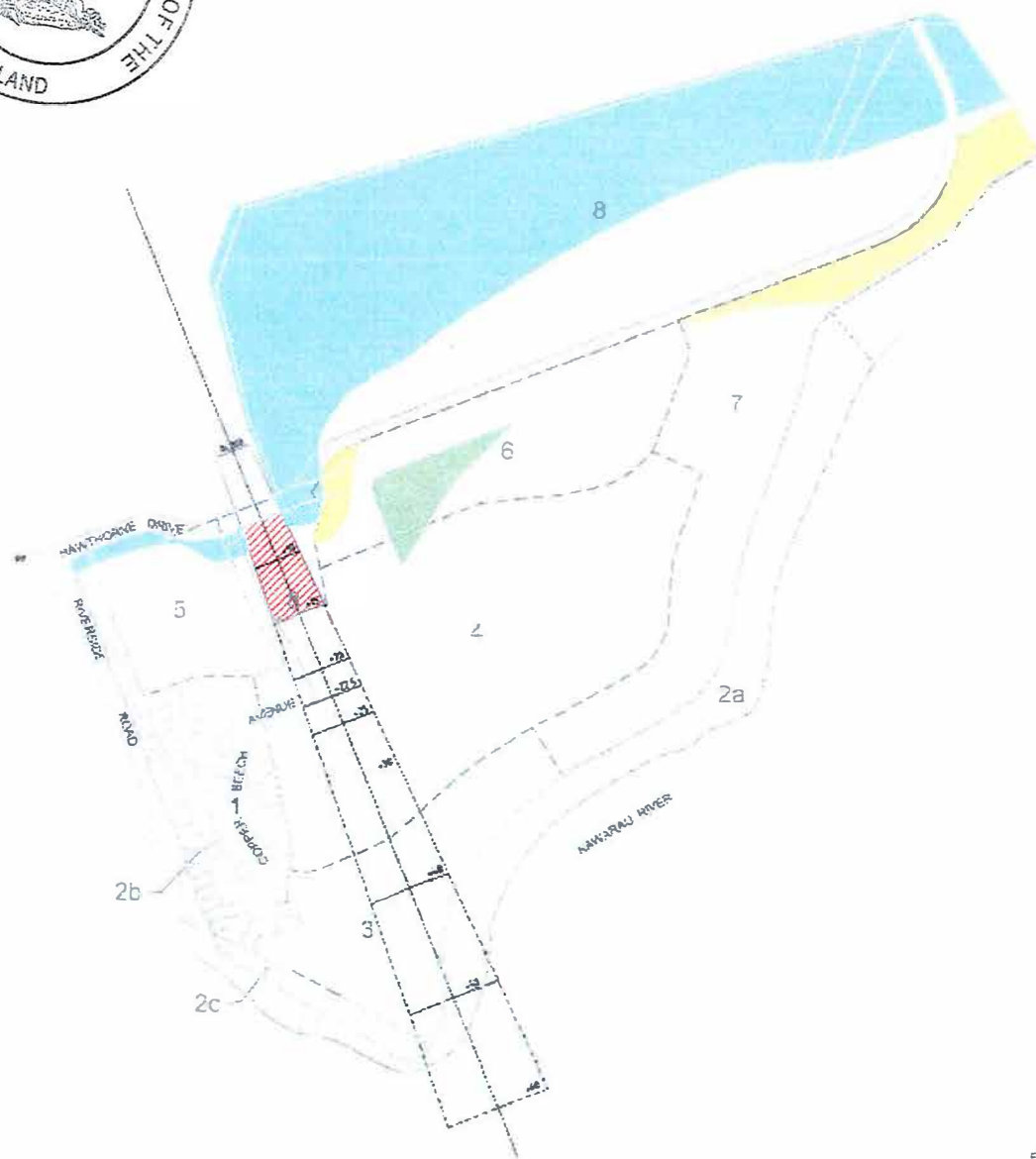
⁶ Memorandum dated 9 May 2018 and confirmed in a telephone conference held on the same day.








REMARKABLES PARK ZONE - RULES

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REMARKABLES PARK ZONE:
Figure 2 - Airport Measures and Activity Areas

KEY:

-  NO BUILDINGS AREA
-  NO RESIDENTIAL, VISITOR ACCOMMODATION OR COMMUNITY ACTIVITIES AREA
-  RESIDENTIAL OR VISITOR ACCOMMODATION, WITH SOUND INSULATION
-  REFER TO SITE STANDARD 12.11.5.1 (iv) "EDUCATIONAL FACILITIES"



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