

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District Plan

Chapter 21 (Rural), Chapter 22 (Rural Residential and Rural Lifestyle), Chapter 23 (Gibbston Character Zone), Chapter 33 (Indigenous Vegetation), Chapter 34 (Wilding Exotic Trees)

**EVIDENCE OF KIRSTY O’SULLIVAN
(Submitter 433 and Further Submitter 1340)**

(20 April 2016)

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1 INTRODUCTION

Qualifications and Experience

- 1.1 My name is Kirsty O’Sullivan. I am a Senior Resource Management Consultant with the firm Mitchell Partnerships Limited.
- 1.2 My qualifications and experience are set out in paragraphs 1.1 to 1.4 of my statement of evidence on Chapter 3 (Strategic Directions), Chapter 4 (Urban Development) and Chapter 6 (Landscapes) of the Proposed Queenstown Lakes District Plan (“PDP”), dated 29 February 2016.
- 1.3 I re-confirm my obligations in terms of the Environment Court’s Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I re-confirm that the issues addressed in this brief of evidence are within my area of expertise. I re-confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 1.4 This hearing specifically relates to the submissions made on the following chapters of the PDP:
- Chapter 21: Rural
 - Chapter 22: Rural Residential and Rural Lifestyle
 - Chapter 23: Gibbston Character Zone
 - Chapter 33: Indigenous Vegetation
 - Chapter 34: Wilding Exotic Trees
- 1.5 The Queenstown Airport Corporation (“QAC”) made submissions on Chapter 21, which I prepared.
- 1.6 In this statement of evidence, I address the following matters:
- The history and promulgation of Plan Change 26 (“PC26”) and Plan Change 35 (“PC35”);
 - The recognition of and provisions for infrastructure within the Rural zone;

- The incorporation of the PC26 and PC35 provisions into the Rural Zone Chapter of the PDP;
 - The recognition of and provisions for Wanaka Airport in the Rural Zone provisions;
- 1.7 Where I have recommended changes to the provisions contained in the section 42A report or the provisions contained in the Memorandum of Council dated 13 April 2016, a further section 32AA evaluation is provided in **Appendix A**. In **Appendix B** I set out, in tracked format, the changes to the Rural Zone provisions that I consider are necessary in order to satisfy section 32 and achieve the purpose of the Act.

2 BACKGROUND CONTEXT

Queenstown and Wanaka Airport

- 2.1 The history of Queenstown and Wanaka Airports, their role in the Queenstown Lakes District and the planning framework within which they operate has been described by Mr Mark Edghill and Mr John Kyle in their respective statements of evidence on Chapter 3 (Strategic Directions), Chapter 4 (Urban Development) and Chapter 6 (Landscapes) of the PDP dated 29 February 2016 and 16th March 2016. I do not intend to repeat that evidence, and request that it be taken as read for the purposes of this hearing as it provides the contextual basis for some of the opinions I express in this statement. Copies of Mr Edghill's and Mr Kyle's evidence (excluding appendices) are attached as **Appendix C**.

The History and promulgation of PC35

- 2.2 The history of PC35 is set out in the evidence of Mr Kyle dated 29th February 2015 and his summary evidence dated 16th March 2016.
- 2.3 I adopt the evidence of Mr Kyle with respect to PC35.

The History and promulgation of PC26

- 2.4 In November 2010, the Queenstown Lakes District Council ("QLDC") initiated PC26 and an associated notice of requirement ("NoR") to alter Designation 64. The approach of PC26 was similar to that adopted in PC35. In short, PC26 sought to establish an appropriate land use management regime for activities sensitive to aircraft noise ("ASAN") around Wanaka Airport, while at the same

time providing for the predicted and ongoing growth of the Airport. The NoR sought to amend the designation to place noise management and monitoring obligations on QLDC.

2.5 PC26 updated Wanaka Airport's noise boundaries to provide for predicted growth in airport operations to 2036, and amended various district plan provisions relating to land within the updated boundaries and likely to be affected by aircraft noise. PC26 was made operative on 14 March 2013.

2.6 The resource management framework established by PC26 seeks to ensure that Wanaka Airport is protected from potential reverse sensitivity effects arising from ASAN locating within proximity to the Airport as follows:

2.6.1 Within the higher order provisions, recognise the need to manage ASAN in proximity to Wanaka Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.

2.6.2 Within the Outer Control Boundary ("OCB"), prohibit any new ASAN, and for alterations or additions to existing buildings containing ASAN, or building platforms approved before 20 October 2010, require mechanical ventilation of Critical Listening Environments, to achieve an Indoor Sound Level of 40dB Ldn.

2.6.3 Within the OCB, avoid an increase in the number of sensitive receivers being exposed to aircraft noise by ensuring that the number of ASAN is maintained as far as can be achieved at the levels anticipated the Operative District Plan.

3. RECOGNITION OF INFRASTRUCTURE WITHIN THE RURAL ZONE

3.1. QAC made submissions on the PDP that sought to recognise and provide for the functional, technical, operational and safety related requirements of infrastructure to establish in locations such as Outstanding Natural Landscapes (ONLs), Outstanding Natural Features (ONFs) and areas of Rural Landscape Classification (RLCs). I address this aspect of QAC's submission in some detail in my evidence dated 29 February 2016¹ relating to Chapter 3 (Strategic Directions), Chapter 4 (Urban Development) and Chapter 6 (Landscapes). That

¹ Refer to paragraphs 2.18 to 2.24 and 4.6 to 4.7 of the Statement of Evidence of Kirsty O'Sullivan, dated 29th February 2016.

evidence is of some relevance to QAC's submission on Chapter 21 for reasons I shortly explain, and I defer to it. In summary, the opinions I express in that evidence are:

- 3.1.1. Further amendments are required to the Strategic Directions and Landscape Chapters of the PDP to recognise that the functional, technical, operational and/or safety related requirements may necessitate the location of infrastructure in areas that are recognised for their significant natural values such as Outstanding Natural Landscapes (ONL) or Outstanding Natural Features (ONF).
 - 3.1.2. It is appropriate for infrastructure occupying such locations to be located and designed, as far as reasonably practicable, to minimise the potential for adverse effects on the particular landscape character and/or visual amenity values inherent at the site. However, the very nature and purpose of that infrastructure may mean that it is impossible or undesirable to avoid, remedy or mitigate all adverse effects.
 - 3.1.3. The provisions of the PDP relating to these areas currently place excessive weight on avoiding, remedying or mitigating adverse effects of development, even where there are regionally and/or nationally significant benefits inherent in enabling an activity that, on balance, outweigh any adverse effects.
- 3.2. A copy of my Statements of Evidence on Chapter 3 (Strategic Directions), Chapter 4 (Urban Development) and Chapter 6 (Landscapes) dated 29 February 2016 and 16th March 2016 are attached as **Appendix D**. I request that they be taken as read for the purposes of this hearing.
 - 3.3. Related to the above, QAC made a submission on the Assessment Matters contained in section 21.7.1 of the PDP. Specifically, QAC submitted that the assessment matters for ONLs, ONFs and RLCs do not properly acknowledge the functional, technical, operational and safety related requirements for infrastructure to establish in such locations.

- 3.4. The Council Officer has recommended rejecting this submission, citing that the assessment matters are intended to provide a basis to understand the qualities of landscapes and to assess the extent to which development proposals could impact upon it². Changes to the Strategic Directions Chapter have also been cited as a reason for rejecting the submission. The Council Officer also notes the infrastructure and utilities such as power and telecommunications, which have a locational necessity, have designation process and/or the Chapter 30 Energy and Utilities to address this matter³.
- 3.5. While I agree in principle with the comments of the Council Officer, I consider that the Assessment Matters, as drafted, may inappropriately constrain the development, operation and upgrade of infrastructure and utilities that have a genuine operational and/or locational requirement to be located ONLs, ONFs or RCLs. I also consider the complex cross referencing between the Chapter 6 Landscapes, Chapter 21 Rural and Chapter 30 Energy and Utilities will give rise to inefficiencies and confusion in interpretation.
- 3.6. I also note that the designation process referred to by the Council Officer may not be available for all infrastructure in all cases.
- 3.7. Further, in its current form, Chapter 3 and Chapter 30, also cited by the Council Officer, does not adequately recognise or provide for this issue.
- 3.8. I therefore consider the inclusion of the following new assessment matter in Chapter 21 is appropriate to ensure it is clear that in some (albeit limited) situations, the provision of regionally significant infrastructure may be appropriate within sensitive landscapes. I consider that confining the matter to regionally significant infrastructure appropriately narrows the range of activities that may be considered appropriate in these locations.

21.7.3.4 For the construction, operation and replacement of regionally significant infrastructure and for additions, alterations, and upgrades to regionally significant infrastructure, in addition to the assessment matters at 21.7.1, 21.7.2, 21.7.3.2 and 21.7.3.3, whether the proposed development:

² Refer to paragraph 19.19 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

³ Refer to paragraph 13.3 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

- a. Is required to provide for the health, safety or wellbeing of the community; and,
- b. Is subject to locational or functional requirements that necessitate a particular siting and reduce the ability of the development to avoid adverse effects; and,
- c. Avoids, remedies or mitigates adverse effects on surrounding environments to the extent practicable in accordance with Objective 30.2.7 and Policies 30.2.7.1 – 30.2.7.4 (as applicable).

3.9 The Council Officer also notes⁴ that infrastructure and utilities are contemplated in the Rural Zone and while not specifically identified in the Rural Zone policy framework, they are sufficiently provided for in higher order provision in the Strategic Direction Chapter, Landscape Chapter and the Energy and Utilities Chapter. The Council Officer goes on to note that he does not support the bespoke identification of policies to facilitate infrastructure within the Rural Zone chapter, citing that the protection of legally established infrastructure would be managed under Objective 21.2.4 which seeks to recognise permitted and lawfully established activities. The Council Officer notes that the designation process and notice of requirement is also available to requiring authorities.

3.10 While I acknowledge the Council Officer's statements with respect to infrastructure being provided for in other chapters of the PDP, in my opinion, the provisions in the Strategic Directions, Landscape and Energy and Utilities Chapters lean more towards 'traditional' infrastructure, such as roads, electricity and three waters. Airports are distinctly unique from other infrastructure and network utility providers in the Queenstown Lakes District in that they provide for a broad range of activities that support the movement of people and goods to, from and around the District. As a consequence, the chapters identified by the Council Officer do not adequately contemplate the range of activities that are anticipated at Wanaka Airport. I note that this general proposition appears to be accepted by the Council in principle as Queenstown Airport is afforded its own chapter in the PDP which provides for range of activities that are demanded of modern airports.

⁴ Refer to paragraph 8.23 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

3.11 I therefore do not agree with the Council Officer's conclusions around the appropriateness of bespoke provisions for certain infrastructure activities within the Rural zone, and maintain that the relief sought by QAC on this issue is appropriate

4 INCORPORATING PLAN CHANGE 26 AND 35 INTO THE PROPOSED PLAN

4.1 QAC made a number of submissions with respect to the incorporation of the relevant provisions of PC26 and PC35 into the Rural Chapter of the PDP. These submissions generally supported the Chapter 21 provisions (as notified) where they were consistent with the PC26 and/or PC35 and opposed provisions where they were not. Specifically, QAC:

- a) Opposed Objective 21.2.7 as it is inconsistent with PC26 and PC35;
- b) Supported Policies 21.2.7.1 and 21.2.7.4 as notified, which are generally consistent with PC26 and/or PC35;
- c) Supported Rules 21.4.28 and 21.4.29 as notified, which are generally consistent with PC26 and/or PC35;
- d) Supported Rule 21.5.12 and 21.5.13 as notified, which are generally consistent with PC26 and/or PC35;
- e) Sought the inclusion of additional Zone Purpose text consistent with the intent of PC26 and PC35; and,
- f) Sought the inclusion of new Objective 21.2.x and Policy 21.2.x.2 in order to give effect to PC26.

4.2 A copy of the operative PC26 and PC35 (rural zone only) provisions are attached as **Appendix E and F** respectively.

4.3 With the exception of e) and f) above, the Council Officer recommends accepting QAC's submission. I support the Council Officer's recommendation with respect to a) to d) above and note that both PC26 and PC35 have been subject to a recent plan change process. Their resulting provisions have only been operative for the past three years. I therefore consider that the retention of these provisions, without substantive amendment, is efficient and is the most appropriate way to achieve the purpose of the Act.

- 4.4 I note however, that in response to a Minute issued by the Panel dated 8 April 2016, the Council Officer has made further amendments to Objective 21.2.7 to ensure the objective clearly reads as a resource management goal or outcome. The Council Officer's proposed changes to Objective 21.2.7 are set out in the Memorandum of Counsel dated 13 April 2016 and are as follows:

~~An area to contain is retained Retention of an area containing~~ 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.

- 4.5 In my opinion, the revised objective could benefit from further refinement to remove repetition and ensure the objective is more in keeping with PC26 and PC 35. I therefore recommend the following alternative drafting:

~~An area to contain is retained Retention of a~~An area that excludes activities ~~that~~ which 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.

- 4.6 The Council Officer recommends that QAC's submission seeking the inclusion of new provisions, as set out in e) and f) above, be rejected. I address these provisions below.

Zone Purpose

- 4.7 With respect to the introductory Zone Purpose, QAC sought the inclusion of the following additional statements:

Significant infrastructure is located within the Rural Zone which needs to be recognised and provided for to ensure its ongoing sustainable use and development.

Queenstown and Wanaka Airports are also located such that the effects of aircraft operations are experienced within some parts of the rural environment.⁵

⁵ This submission was supported by the Board of Airline Representatives New Zealand (FS1077.48) and was opposed by Queenstown Park Limited (1097.360) and Remarkables Park Limited (1117.123).

4.8 The Council Officer has recommended rejecting QAC's submission⁶ and states that it is not necessary to make specific provision for infrastructure in the Zone Purpose statement citing that this resource is provided for in the Strategic Directions, Landscape and Utilities and Energy Chapters.

4.9 I note that the location of Wanaka Airport in the Rural Zone is recognised in the Operative Queenstown Lakes District Plan ("ODP") Rural General Zone Purpose Statement⁷ as follows:

The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that

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- protects the on-going operations of Wanaka Airport.

4.10 The ODP therefore affords specific recognition to Wanaka Airport and its location in the Rural General Zone. In my opinion, it is appropriate to continue to recognise the significance (and uniqueness) of Wanaka Airport being located in the Rural Zone, as it comprises regionally significant infrastructure of a unique character that is not appropriately recognised elsewhere in the PDP.

4.11 The first sentence of the additional Zone Purpose text sought by QAC seeks to ensure that infrastructure is anticipated within the Rural Zone. While QAC is primarily interested in the assets which it owns, operates and/or manages in the Rural Zone, an attempt was made in the submission to frame the Zone Statement broadly, recognising that QAC is not the only infrastructure provider with a rural location. However, the Council Officer appears to be concerned with the potentially wide application of the reference to 'infrastructure' in the Zone Purpose statement.⁸ Accordingly, to address this concern, and to narrow the scope and application of the additional text sought for inclusion by QAC, I suggest the following alternative drafting:

Wanaka Airport is also located within the Rural Zone. The airport is well established within the zone and therefore needs to be recognised and provided for to ensure its ongoing use and development.

⁶ Refer to paragraph 8.38 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

⁷ Section 5.3.1.1 of the ODP.

⁸ Refer to paragraph 8.38 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

- 4.12 With respect to the second additional sentence sought for inclusion by QAC⁹, it is important to note that PC35 made a number of changes to the introductory sections, implementation methods and explanatory statements of the ODP. There are no equivalent sections within the PDP, therefore in recognition of the revised PDP structure, a conscious decision was made by QAC to only pursue text from the 'non-regulatory' sections of the PDP where it was considered necessary to provide guidance to plan users and signal specific outcomes.
- 4.13 The second sentence of the additional Zone Purpose text sought for inclusion by QAC is an example of this, and is directly extracted from the "Explanation and Principal Reasons for Adoption" section of the PC35 Rural Zone provisions. This section of PC35 focuses on amenity, and given the tenor of the Rural Zone Purpose statement (including recognition of rural amenity), I consider that it is appropriate to include this statement into the Proposed Rural Zone Purpose.

Proposed New Objective 21.2.x and Policy 21.2.x.1

- 4.14 In addition to the recognition of Wanaka Airport in the Rural section of the ODP (in particular, Section 5.3.1.1), the District Wide Section (ODP, Section 4) recognises Wanaka Airport at a strategic level through the inclusion of the following Wanaka Airport specific provisions¹⁰:

Objective 8: Maintain and promote the on-going operation of the airport while managing reverse sensitive effects on surrounding land uses.

Policy 8.1: Ensure appropriate noise boundaries are established and maintained to enable operations at Wanaka Airport to continue to expand over time.¹¹

Policy 8.2: To prohibit all new activity sensitive to aircraft noise within the Outer Control Boundary in the Rural Zone around Wanaka Airport.¹²

- 4.15 While they are a consequence of PC26, I acknowledge that it would be difficult to translate these provisions (verbatim) into the strategic chapters of the PDP due to the different structure and layout of the PDP. For example, such specificity would be uncharacteristic of the Strategic Directions Chapter, and the Urban

⁹ Refer to paragraph 4.7 of this Statement of Evidence.

¹⁰ Refer to Section 4.9.3, Objective 8 and Policies 8.1 and 8.2 of the ODP (as amended by PC26).

¹¹ I note that this policy is now included as Proposed Policy 21.2.x.1

¹² I note that this policy is now included as Proposed Policy 21.2.7.1

Development Chapter is more focussed on urban growth around Queenstown, Wanaka, Arrowtown and Frankton.

- 4.16 The general tenor of Objective 8 of the ODP, as set out above, is to maintain and promote the operation of Wanaka Airport while managing reverse sensitivity effects. There are currently no provisions in the PDP which “maintain and promote” the ongoing operation of Wanaka Airport specifically. Given that Wanaka Airport comprises existing regionally significant infrastructure that relies on its current location in the Rural zone, I consider that it would be appropriate to provide for the efficient use and development of Airport within the Rural zone.
- 4.17 As a general proposition (and as noted in paragraph 4.3) I consider that it is appropriate and efficient to transfer to provisions of PC26 into the PDP without substantive amendment. I note however, that QAC has sought the inclusion of a bespoke set of rural zone provisions for Wanaka Airport. In this instance, I consider that it would be more efficient to adopt the principle outcome sought by Objective 8 (i.e. “maintain and promote the ongoing operation of Wanaka Airport”) and recast the objective to provide for the wider recognition sought for Wanaka Airport.
- 4.18 I therefore proffer the following revised drafting of QAC’s proposed Objective 21.2.x (note changes below are superimposed on QAC’s original drafting):

~~Recognise and provide for~~ The role of Wanaka airport as strategic infrastructure
~~and a key asset that~~ in supportings the social and economic wellbeing of the District
is recognised and provided for.

- 4.19 With respect to QAC’s Proposed Policy 21.2.x.1, this policy is a direct translation of Policy 8.1 PC26. I consider that this policy gives effect to both Proposed Objective 21.2.x and 21.2.7. I therefore consider that proposed Policy 21.2.x.1 could comfortably sit beneath either of these objectives.

Further submissions received

- 4.20 Several further submissions were received with respect to the PC26 and PC35 provisions sought for inclusion in the PDP by QAC. These submissions largely oppose the relief sought by QAC¹³.
- 4.21 Remarkables Park Limited and Queenstown Park Limited oppose QAC's submission to the extent that it seeks to undermine or circumvent the PC35 and Lot 6 NoR proceeding currently before the Environment Court. QAC has sought to include the PC35 Rural zone provisions, with minor amendments as necessary to reflect the new structure of the PDP. In my opinion this addresses the concerns of these further submitters.
- 4.22 Jeremy Bell Investments Limited also opposed the relief sought by QAC with respect to Policy 21.2.7.1 and Rules 21.4.28 and 21.5.12 citing that ASAN should be enabled within the OCB subject to appropriate noise mitigation being provided.
- 4.23 The Council Officer has recommended rejecting this further submission. I support this position and note that enabling the further development of ASAN within the OCB is inconsistent with the New Zealand Standard for Airport Noise Management and Land Use Planning (NZS6805:1992)¹⁴, and the approach adopted by PC26.

5 WANAKA AIRPORT BESPOKE PLANNING FRAMEWORK

- 5.1 As set out in the evidence of Mr Edghill, QAC manages Wanaka Airport for QLDC. QAC made a number of submissions with respect to adequacy of the Rural Zone in recognising and providing for Wanaka Airport. As set out in QAC's submission, Wanaka Airport is designated for Aerodrome Purposes (Designation 64). The purpose of the designation is to protect the operational capacity of the airport, while at the same time minimising adverse environment effects from aircraft noise.

¹³ Including Remarkables Park Limited (807 and FS117), Queenstown Park Limited (806 and FS1097) and Jeremy Bell Investments Limited (782, 784, 1030)

¹⁴ Refer to the evidence of Mr Kyle dated 29th February 2016 and 16th March 2016 and Table 1 of NZS6805.

5.2 The designation anticipates a range of activities, including (but not limited to):

- *Aircraft operations, rotary wing aircraft operations, helicopter aprons, and associated touch down and lift off areas, aircraft servicing, general aviation, navigational and safety aids, lighting, aviation schools, facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums, and aero recreation.*
- *Runways, taxiways aprons, and other aircraft movement or safety areas.*
- *Terminal buildings, hangars, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, medical facilities, fuel storage and fuelling facilities, and associated offices.*
- *Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, other infrastructure activities, landscaping and all related construction and earthwork activities.*
- *Vehicle parking and storage, rental vehicles, vehicle valet activities, public transport facilities.*
- *Retail activities, restaurants and other food and beverage facilities including takeaway food facilities, and industrial and commercial activities, provided they are connected with and ancillary to the use of the Airport.*
- *Temporary Activities associated with Air Shows, Conferences and Meetings*

5.3 As set out in the evidence of Mr Kyle, QLDC is the requiring authority for Wanaka Airport. In accordance with section 176 of the Act, the Aerodrome Purposes designation only benefits QLDC as the requiring authority. Other users of the Airport must comply with the provisions of the underlying Rural zone, which in practical terms means they need to obtain resource consent before undertaking land use activities at the Airport, notwithstanding that such activities may be consistent with the intent and purpose of the designation.

5.4 In light of this circumstance, through its submission QAC sought amendments to the PDP's Rural zone provisions to recognise and provide for a range of airport and airport related activities at Wanaka Airport that would not otherwise be anticipated in the Rural Zone.

5.5 The Council Officer does not support QAC's proposed "bespoke planning framework for Wanaka Airport" and reasons that¹⁵:

- the provisions would unnecessarily bulk out and complicate the Rural Zone chapter for a unique activity that does not have any resemblance to the purpose of the zone.
- Creating a framework for the development and use of Wanaka Airport would likely create significant inefficiencies with interpretation and administration of the PDP.
- It would create potential for a lack of confidence in the administration of the PDP.
- Where a non-complying resource consent application is made within the Wanaka airport land for airport related activity, an assessment would be undertaken against the Rural Zone objectives and policies, which does not anticipate activities of this nature.
- QLDC as the requiring authority of Wanaka Airport could lodge an outline plan for works on behalf of its tenants to significantly reduce inefficiencies.

5.6 Despite the Council Officer's recommendation to reject QAC's submission, the Council Officer has indicated that as part of Stage 2 of the District Plan Review, investigations should be made by the Council's planning and development staff as to whether it is appropriate to identify a new zone for Wanaka Airport that emulates the approach provided for by the designation¹⁶. While I consider this approach may have merit, I note that if the Council elects not pursue this option, the status quo remains, and current and future leasehold title holders at Wanaka Airport will continue to face the uncertainty and inefficiency of the current consenting framework (which I discuss further below).

5.7 I also consider that the Council Officer's concern about 'bulking out' the PDP is not valid resource management reason for recommending that QAC's submission be rejected.

¹⁵ Refer to paragraph 15.8 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

¹⁶ Refer to paragraph 15.9 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

5.8 As already noted, QLDC is the requiring authority for Wanaka Airport. QAC manages Wanaka Airport on QLDC's behalf. I understand that in accordance with Section 176(1)(a) of the Act, only the requiring authority can rely upon the designation to undertake a public work or project authorised by a designation. I understand this means that only QLDC, as the requiring authority for Wanaka Airport, can apply for an outline plan of works under section 176A for a project or work to be carried out within the Aerodrome Purposes Designation, but only if it has financial responsibility for the project or work to which the outline plan relates. I understand that any private works undertaken within the designation for which QLDC does not have financial responsibility may not rely on the designation, but must be authorised by a resource consent. I understand that in practice, this means that QLDC could not seek an outline plan of works on behalf of its tenants if it did not have financial responsibility for the relevant project or work (i.e. was not going to fund or own the project or work).

5.9 My understanding is consistent with QLDC's Practice Note (issued February 2015) for developments at Wanaka Airport, which states:

"This Practice Note confirms that individuals who are not part of QLDC who propose to undertake private works, ..., are not able to use the Outline Plan process, and will need to apply for a resource consent with reference to the underlying Rural General zone.

Council's practice is that it will not lend its name to an application to enable the use of the Outline Plan process.

5.10 A copy of the practice note is attached as **Appendix G**. I also attach for reference purposes (in **Appendix H**), a copy of two recent decisions with respect to activities at Wanaka Airport that, while anticipated by the designation, required resource consent for a discretionary activity.

5.11 In light of the above, I disagree with the Council Officer's suggestion that QAC's concerns around consenting inefficiencies could be addressed by QLDC applying for outline plans on behalf of its tenants. The approach recommended by the Council Officer is counter to the Council's practice note for developments at Wanaka Airport and is inconsistent with section 176 of the Act.

- 5.12 As currently drafted, the Rural zone provisions do not recognise or provide for any airport or airport related activities at Wanaka Airport. Should an applicant apply for a resource consent for an activity at Wanaka Airport, an assessment of that activity would be undertaken against the Rural Zone objectives and policies, which do not anticipate airport activities of this nature.
- 5.13 In my opinion, creating a specific set of provisions that apply to Wanaka Airport is efficient and will provide greater certainty for resource consent applicants. I do not agree that this framework will create 'significant inefficiencies with interpretation and administration of the PDP' as suggested by the Council Officer, and draw to attention paragraph 1.1(j) of the section 42A report, which clearly sets out how the rules are to be applied in practice. Specifically:
- "... the PDP structure directs the reader to the first table, and then the corresponding table that has standards for that activity".
- 5.14 This same interpretation would be applied to airport and airport related activities within the Wanaka Airport overlay. I therefore do not see how significant inefficiency with interpretation and administration, or a lack of confidence in the administration of the PDP, would arise.

Bespoke Framework

Proposed Objective 21.2.x and Policy 21.2.x.1

- 5.15 QAC's proposed Objective 21.2.x.1 and Policy 21.2.x.1 are discussed above with respect to PC26 in paragraphs 4.14 to 4.19.

Proposed Policy 21.2.x.2 and associated Rules 21.4.X and 21.4.x and Table 11

- 5.16 Through its submission QAC seeks the inclusion of a new policy which provides for a range of airport related service, business, industrial and commercial activity at Wanaka Airport. This policy would only apply to land located within a Wanaka Airport 'overlay' which would be defined by the extent of the Wanaka Airport Aerodrome Purposes Designation.
- 5.17 To implement this policy, a series of rules and development standards are proposed that would provide for "airport activities" and "airport related activities" at Wanaka Airport as a controlled activity.

- 5.18 In my opinion, given the current uncertainty and consenting inefficiencies at Wanaka Airport, as discussed above, QAC's proposed new 'bespoke' provisions for Wanaka Airport are preferable.
- 5.19 The nature of the activities captured by the Wanaka specific definitions of "airport activities" and "airport related activities", mirror those activities that are currently enabled by the Wanaka Airport Aerodrome Purposes Designation. The development standards proposed in a new Table 11 mirror the 'conditions' on permitted activities within the Aerodrome Purposes Designation. The nature, scale and intensity of activity that could reasonably occur as a result of QAC's proposed provisions are therefore consistent with the nature, scale and intensity of activity that could occur under the Aerodrome Purpose Designation. The range of the activities and development standards are therefore appropriate in my opinion.
- 5.20 A controlled activity status is proposed for airport and airport related activities at Wanaka Airport. Under section 176A of the Act, when a requiring authority proposes to undertake work within the designation, an outline plan of works is usually required to be submitted to the territorial authority.
- 5.21 In my opinion, applying controlled activity status to activities at Wanaka Airport is akin to an outline plan process. The Council will have an ability to place conditions on any resource consent, however unlike an outline plan process, the applicant will not have an ability to choose to accept or reject these conditions. In my opinion, this process is efficient in that it provides third party operators at Wanaka Airport (i.e. effectively most operators at Wanaka Airport) with greater certainty for their activities. I note that this approach has been supported by two further submitters¹⁷, albeit that one further submitter considers that a permitted activity status would be more appropriate.
- 5.22 For clarification purposes, it should also be noted in either the Rural Zone Chapter, or Energy and Utilities Chapter, that the Chapter 21 Wanaka specific provisions prevail over the more general provisions of other chapters in the PDP. In my opinion this is necessary to ensure the provisions are administered consistently and to ensure that consenting inefficiencies do not arise from the

¹⁷ Submitter Ross and Judith Family Trust (704 and FS1088) and Jeremy Bell Investments Limited (782, 784 and FS1030 and 1091).

potential duplication of rules in the Rural Zone and Energy and Utilities Chapters. For example, Rule 30.4.15 and 30.4.16 refer to “Buildings (associated with a Utility)”. It is not clear whether this rule would inadvertently capture all buildings at Wanaka Airport, and/or whether it would potentially capture buildings provided by the network utility operator only.

- 5.23 The proposed policy provisions also provide guidance for assessing discretionary or non-complying activities at Wanaka Airport. This is more efficient than the current policy framework, whereby no provisions anticipate airport or airport related activities. Applicants are therefore required to justify their activity against the receiving environment of the Airport, if resource consent is to be obtained. I therefore do not agree with the Council Officer’s rejection of QAC’s submission for the purported reason that non-complying activities would be assessed against the Rural Zones objectives and policies, which do not anticipate activities of this nature. The specific objectives and policies proposed by QAC squarely address this concern.

Runway End Protection Areas

- 5.24 Through its submission QAC sought the inclusion of two additional policies and rules relating to Runway End Protection Areas (“REPA”) at Wanaka Airport. The policies sought provide for REPAs in order to maintain and enhance the safety of the public and those using Wanaka Airport, and also to avoid the establishment of activities that may generate effects that compromise the safety of aircraft arriving at or departing from Wanaka Airport. To implement the policy, QAC submitted that a new rule is required that prohibits various activities within the REPA.
- 5.25 The Council Officer supports the general intent of the provisions in so far as they relate to the importance of safety at Wanaka Airport. However, because the Council Officer does not support the wider Wanaka Airport planning framework (described in paragraphs 5.15.5.22 above), the Council Officer has suggested Proposed Policy 21.2.x.3 should be located under Objective 21.2.8 and that Policy 21.2.x.4 is superfluous because there are policies under Objective 21.2.4 that recognise and protect established activities.

- 5.26 Without derogating from my primary position that these policies should be located within a specific Wanaka Airport set of provisions, I support the inclusion of Policy 21.2.x.3 under Objective 21.2.8, and note that policies will often give effect to more than one objective. This would be such an example.
- 5.27 With respect to QAC's Proposed Policy 21.2.x.3, it remains my opinion that this policy should be retained. The rule that seeks to implement Policy 21.2.x.3 strongly discourages, by way of prohibited activity status, the establishment of new structures and/or activities that may give rise to adverse effects at Wanaka Airport. In my opinion, such an onerous activity status warrants an appropriately dissuasive and directive policy.
- 5.28 With respect to the rule, the Council Officer has recommended rejecting the proposed rule, noting that the prohibited activity status is too onerous, and instead recommends non-complying activity status. I disagree with the Council Officer and consider that a prohibited activity status is appropriate when considering the health and safety of aircraft and passengers using the Airport and any persons undertaking activities within the REPA.
- 5.29 I also disagree with the recommendation that the rule prohibiting development within these areas be rejected. I consider that in the absence of a prohibitive rule, there would be no means to implement the Policy 21.x.3 which the Council Officer has supported¹⁸. I also consider the breadth of activities identified is appropriate and note that it is necessary to restrict more than just the built form, as appears to be the focus of the Council Officer.

6 CONCLUSION

- 6.1 Wanaka Airport is an existing physical resource located within the Rural zone of the PDP. The Chapter 30 Energy and Utilities provisions do not contemplate the range of activities provided for at Airports and are more geared towards 'traditional' utilities. It is therefore inappropriate to rely on these provisions for activities occurring now or in the future at Wanaka Airport.

¹⁸ Refer to paragraph 15.13 of the Section 42A report for Chapter 21 Rural Zone dated 7th April 2016.

- 6.2 Section 7(b) of the Act requires regard to be given to the efficient use and development of natural and physical resources. The current practice of requiring resource consents for developments at Wanaka Airport for a discretionary activity is ineffective and is inconsistent with the nature and scale of activities anticipated by Aerodrome Purposes designation.
- 6.3 As an existing (regionally significant) physical resource located in the Rural zone of the PDP, I consider that a bespoke planning framework is appropriate and achieves the purpose of the Act.

Appendix A

Section 32AA Evaluation

CHAPTER 21 – RURAL - AMENDMENTS AND SECTION 32AA ASSESSMENT

Proposed Objectives of the Memorandum of Counsel dated 13 April 2016 and proposed policies of the section 42A report	Amended Provisions (deleted text struck through added text underlined) recommended by Kirsty O'Sullivan on Friday 15 th April	General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective						
<p>Zone Purpose</p> <p>Manage sSituations where sensitive activities conflict with existing and anticipated activities are <u>manged</u> in the Rural Zone</p>	<p>Include the following text in the Zone Purpose: <u>Wanaka Airport is also located within the Rural Zone. The airport is well established within the zone and therefore needs to be recognised and provided for to ensure its ongoing use and development. The location of Queenstown and Wanaka Airports is such that the effects of aircraft operations may be experienced within some parts of the rural environment.</u></p>	<p>• The ODP recognises Wanaka Airport's location within the Rural General Zone and specifically states in section 5.3.1.1 that <i>"The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that..... - protects the on-going operations of Wanaka Airport".</i> No similar recognition is afforded to Wanaka Airport in the PDP. The first sentence of this paragraph seeks to achieve this outcome.</p> <p>• The second sentence relates to a clause found within Section 5.2 of PC35 and signals to users of the Rural Zone that Queenstown and Wanaka Airports are existing resources that may generate aircraft noise effects.</p>						
<p>Objective 21.2.4</p> <p>New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.</p>	<p>I agree with the recommended wording in the Memorandum of Counsel dated 13 April 2016.</p>	<table border="1"> <thead> <tr> <th data-bbox="534 907 694 974">Environmental, Cultural, Economic, Social and Cultural Benefits</th> <th data-bbox="534 974 694 1041">Environmental, Economic, Social and Cultural Costs</th> <th data-bbox="534 1041 694 1108">Effectiveness & Efficiency</th> </tr> </thead> <tbody> <tr> <td data-bbox="534 974 694 1041">N/A</td> <td data-bbox="534 974 694 1041">N/A</td> <td data-bbox="534 974 694 1041">N/A</td> </tr> </tbody> </table> <p>No s32AA assessment required. I agree with the recommended wording in the Memorandum of Counsel dated 13 April 2016.</p>	Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency	N/A	N/A	N/A
Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency						
N/A	N/A	N/A						
<p>Policy 21.2.4.1</p> <p>New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.</p>	<p>New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.</p>	<p>No s32AA assessment required. I agree with the recommended wording in the Memorandum of Counsel dated 13 April 2016.</p>						
<p>Objective 21.2.7</p> <p>Separate activities sensitive to aircraft noise from existing airports through: • The retention of an undeveloped open area of • at Queenstown Airport an area for Airport related activities; or • where appropriate an area for activities not sensitive to aircraft noise; within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.</p>	<p>Separate activities sensitive to aircraft noise from existing airports through: • The retention of an undeveloped open area of • at Queenstown Airport an area for Airport related activities; or • where appropriate an area for activities not sensitive to aircraft noise; within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.</p>	<p>The amendments to the objective as set out in the Memorandum of Counsel could benefit from further refinement to remove repetition and ensure the objective is more in keeping with Objective 7 Section 5.2 of PC35 and Objective 7 Section 5.2 of the ODP (as amended by PC26).</p> <p>• In my opinion it is necessary for the objective to slightly depart from Objective 7 of PC 35 as the Rural General zoned land immediately surrounding Queenstown Airport is proposed to be rezoned to Queenstown Airport Mixed Use Zone under the PDP.</p>						

containing 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.	<u>An area to contain is retained. Retention of which 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.</u>	Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency
<p>Policy 21.2.7.1</p> <p>Prohibit all new activity sensitive to aircraft noise on any Rural Zoned land within the Outer Control Boundary at Wanaka Airport and Queenstown Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.</p>	<p>No amendments proposed.</p>	<p>N/A</p>	<p>N/A</p>	<p>I support the drafting of this policy as notified and as set out in the section 42A report.</p> <p>For referencing purposes, I note that this policy is largely consistent with Section 5.2 Policy 3.7 and Section 5.2 Policy 7.2 of PC35 and Section 4.9.3 Policy 8.2 and Section 5.2 Policy 7.4 of the ODP (as amended by PC26). These provisions are set out in full below:</p> <p>Policy 3.7, Section 5.2 of PC35: To prohibit all new Activity Sensitive to Aircraft Noise (ASAN) on rural zoned land within the Outer Control Boundary (OCB) at Queenstown Airport to avoid adverse effects arising from aircraft operations on future Activity Sensitive to Aircraft Noise (ASAN).</p> <p>Policy 7.2, Section 5.2 of PC35: To prohibit the location of any new Activity Sensitive to Aircraft Noise on land within the Outer Control Boundary for Queenstown Airport".</p> <p>Policy 8.2, Section 4.9.3 of the ODP (as amended by PC26): To prohibit all new activity sensitive to aircraft noise within the Outer Control Boundary in the Rural Zone at Wanaka Airport.</p> <p>Policy 7.4, Section 5.2 of the ODP (as amended by PC26): To prohibit the location of any new activity sensitive to aircraft noise on land within the Outer Control Boundary around Wanaka Airport.</p>
<p>Policy 21.2.7.2</p> <p>Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.</p>	<p>No amendments proposed.</p>			<p>No s32AA assessment required. I support the drafting of this policy as notified and as set out in the section 42A report.</p>
<p>Policy 21.2.7.3</p> <p>Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.</p>	<p>No amendments proposed.</p>			<p>No s32AA assessment required. I support the drafting of this policy as notified and as set out in the section 42A report.</p> <p>For referencing purposes, I note that this policy is largely consistent with Policy 7.1 of section 5.2 of the ODP (as amended by PC26), which is set out below in full.</p> <p>Policy 7.1, Section 5.2 of the ODP (as amended by PC26): To retain a greenfields area within the Outer Control Boundary of airports in order to provide a buffer, particularly for safety and noise measures between the airport and other activities.</p>
<p>Policy 21.2.7.4</p> <p>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</p>				<p>No s32AA assessment required. I support the drafting of this policy as notified and as set out in the section 42A report.</p> <p>For referencing purposes, I note that this policy is largely consistent with Policy 3.8 and Policy 7.3 of Section 5.2 of PC35.</p> <p>Policy 3.8, Section 5.2 of PC35</p> <p><u>To 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.</u></p>

<p>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.</p>	<p>Policy 7.3, Section 5.2 of PC35 <i>To 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 Environments within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.</i></p>	<p>No amendments proposed.</p>	<p>Policy 21.2.8.1 <u>Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters. To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.</u></p>	
<p>Objective 21.2.X <u>The role of Wanaka Airport in supporting the social and economic wellbeing of the District is recognised and provided for, while managing reverse sensitivity effects.</u> <i>(Note the original submission sought the following drafting: Recognise and provide for Wanaka airport as strategic infrastructure and a key asset that supports the social and economic wellbeing of the District.)</i></p>	<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p> <ul style="list-style-type: none"> The Rural Zone provisions fail to recognise and provide for Wanaka Airport as existing physical resource located in the zone. The ODP (as amended by PC26): <ul style="list-style-type: none"> Includes a high level strategic objective (Objective 8 of section 4.9.3) that seeks to "Maintain and promote the ongoing operation of the airport while managing reverse-sensitivity effects on surrounding land uses". Identifies in section 5.3.1.1 that the purpose of the Rural General zone is manage activities so they can be carried out in a way that "protects the ongoing operations of Wanaka airport". No equivalent recognition has been afforded to Wanaka Airport in the Rural Zone provisions. Section 7(b) of the Act requires regard to be given to the efficient use and development of natural and physical resources. Wanaka Airport is an existing physical resource that therefore warrants recognition in the Rural Zone. The proposed objective draws together elements of the ODP (as amended by PC26) into one concise objective in the Rural Zone. The objective acknowledges the importance of Wanaka Airport and its contribution to the social and economic wellbeing of the community. The objective recognises and provides for the airport as a physical resource now and for future generations. This area of the Rural Zone is already characterised by airport activities. The ongoing use and development of the airport is considered to be appropriate in this receiving environment. The land subject to the "overlay" is not highly valued in terms of its rural productivity or landscape value. The objective enables the growth of the airport in the most efficient way and is therefore consistent with the relevant section 7 matters. The objective is also consistent with Objective 3.2.8.1 of the PDP. And gives effect to RPS Objective 9.7.2 and policy 9.5.2. 	<p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <p>N/A</p>	<p>Environmental, Economic, Cultural Costs</p> <p>N/A</p>	<p>and Effectiveness & Efficiency</p> <p>N/A</p>

<p>Policy 21.2.X.1 <u>Ensure that an appropriate noise boundary is established and maintained around Wanaka Airport to enable operations at the Airport to continue and to expand over time.</u></p>	<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p> <ul style="list-style-type: none"> The policy is consistent with Policy 8.1, Section 4.9.3 of the ODP (as amended by PC26). The policy is the most appropriate way to achieve Objective 21.2.x above, as it provides for the growth and expansion of aircraft operations at Wanaka Airport within defined parameters (i.e. the noise boundary). The policy also gives effect to Objective 21.2.7 of the PDP. While this policy is located in the Rural provisions, it is similar to provisions contained within the Urban Development chapter of the PDP. While this does create some duplication, the Urban Development chapter is appropriately focussed on urban development at Queenstown, Frankton, Wanaka and Arrowtown. Wanaka Airport does not fit within these urban environments therefore it would be inappropriate to locate this provisions in that chapter. 	<p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> The policy provides for the future growth of the airport while requiring noise effects to be appropriately managed. 	<p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> The growth of the airport will be constrained within the defined OCB. Land development options within the noise boundaries will be constrained. 	<p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> The policy is efficient as it reflects a recent decision with respect to the management of noise effects at Wanaka Airport. The policy gives effect to the objective and the need to manage effects through the clear requirement for noise boundaries to be maintained. The policy will assist the efficient development, use and maintenance of Wanaka Airport.
<p>Policy 21.2.X.2 <u>Provide for a range of airport related service, business, industrial and commercial activity at Wanaka Airport to support or complement the functioning of the Airport, where those activities are located on land within the Airport's Aerodrome Purpose Designation.</u></p>	<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p> <ul style="list-style-type: none"> This policy recognises the existing range of activities currently anticipated at Wanaka Airport and provide the framework for the subsequent rules proposed for Wanaka Airport. The policy provides guidance around the types of activities that can be anticipated at Wanaka Airport and achieves the outcome of Objective 21.2.x. The policy also achieves Objective 21.2.1 as it sets out the types of established activities that should be enabled at Wanaka Airport. 	<p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> The policy promotes the ongoing operation and use of Wanaka Airport as an existing physical resource under section 7(b) of the Act. The policy enables airport uses to provide their social and economic wellbeing. The policy legitimises existing land use activities occurring at Wanaka airport 	<p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> Providing for an increase in land based aviation related activities by third party operators (i.e. not the requiring authority) may result in a perceived environmental cost. Such activities are anticipated however through the Aerodrome purposes designation. 	<p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> The policy is effective as it recognises the nature of the activities currently occurring at Wanaka Airport. The policy is efficient as it provides greater certainty for applicants wishing to establish activities at Wanaka Airport that are wholly consistent with the designation.

<p>Policy 21.2.X.3 <u>Retain a buffer around Wanaka Airport to provide for the runway end protection areas at the Airport to maintain and enhance the safety of the public and those using aircraft at Wanaka Airport.</u></p> <p>Policy 21.2.X.1 <u>Avoid activities which may generate effects that compromise the safety of the operation of aircraft arriving at or departing from Wanaka Airport</u></p>	<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p> <ul style="list-style-type: none"> The policies provide the framework for subsequent rules around the use of the land within identified Runway end protection areas (REPA). Policies provide for the social wellbeing and health and safety of the public and those using aircraft at Wanaka Airport and is therefore appropriate at achieving Objective 21.2.x. 	<p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> The policy provides for the safe passage of aircraft and their passengers. The policy also provides for the safety of the public that may have otherwise sought to use the area within the defined REPA. 	<p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> The policy will constrain the ability of landowners to undertake activities on their land that involve the congregation of people on site. 	<p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> The policy is effective and efficient as it provides for REPA while enabling the continued use of the site for farming purposes.
<p>21.3.3.Clariification 21.3.3.11 <u>The rules relating to airport and airport related activities at Wanaka Airport take precedence over the rules contained in Chapter 30 Energy and Utilities.</u></p>	<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p> <ul style="list-style-type: none"> It is appropriate to clarify that the provisions relating to airport and airport related activities at Wanaka Airport prevail over more generalised rules contained the Chapter 30 Energy and Utilities. The consequential amendment is necessary to ensure consistent administration of the rules relating to Wanaka Airport and to ensure that the Objective 21.2.x is achieved without a potential duplication of consenting requirements resulting from rules contained in more generalised chapters of the PDP. 	<p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> The matter of clarification will result in economic benefits from the efficiency in consenting activities at Wanaka Airport. 	<p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> There are no costs identified from this provisions. 	<p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> The matter of clarification is necessary to ensure the provisions relating to Wanaka Airport administered consistently administered and to ensure that consenting inefficiencies do not arise from the potential duplication of rules in the Rural Zone and Energy and Utilities Chapters.

<p>Rule 21.4.28 Activities – Rural Zone New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport</p> <p>On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).</p> <p>Activity Status PR</p>	<p>No amendments proposed.</p>	<p>No section 32AA required. I support the drafting of this rule as is consistent with Rule 5.3.3.5(ii) of the ODP (as amended by PC26).</p>
<p>Rule 21.4.29 Activities – Rural Zone Activities within the Outer Control Boundary - Queenstown Airport</p> <p>On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.</p> <p>Activity Status PR</p>	<p>No amendments proposed.</p>	<p>No section 32AA evaluation required. I support the drafting of this rule as it is consistent with Rule 5.3.3.5(iii) of PC35.</p>
<p>New Rule Category Insert a new Activities Rule Category specifically relating to activities at Wanaka Airport and insert the following new rules: Rule 21.4.X Activities – Rural Zone <u>Airport Activity – Wanaka Airport</u> <u>Airport Related Activities – Wanaka Airport</u></p> <p>Activity Status C* <u>Control is reserved to the following:</u></p> <ul style="list-style-type: none"> <u>Design, external appearance and siting</u> 	<p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> The Consent Authority will retain an ability to place conditions on the consent, which is akin to the Consent Authority's ability to recommend changes to an Outline Plan. The new rules will provide greater certainty for applicants wishing to 	<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p> <ul style="list-style-type: none"> The rules are required to enable third parties (who are not the requiring authority) to activities at Wanaka Airport at are wholly anticipated by the designation. The rules are the most appropriate way of achieving Objective 21.2.x and 21.2.x.2 <p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> There may be a perceived environmental cost arising from allowing third party operators to establish a broad range of activities on site. These activities can already be anticipated by the designation however. <p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> The inclusion of additional activities not previously provided for at Wanaka Airport is effective at implementing the objective, but is also generally more consistent with enabling the range of activities currently occurring and provided for within the Aerodrome Designation.

	<ul style="list-style-type: none"> • <u>of buildings and structures:</u> • <u>Traffic generation, vehicle parking, site access and servicing:</u> • <u>Landscaping and screening of any outdoor areas:</u> • <u>The extent to which the activity benefits from an Airport location.</u> 	<p>establish airport and airport related activities at Wanaka Airport.</p> <ul style="list-style-type: none"> • The nature and scale of activities enabled by the rule are consistent with those anticipated by the designation. 		<ul style="list-style-type: none"> • This structure creates consistency and efficiency between the designation and the zone provisions.
<p>New Rule</p>	<p>Rule 21.4.X Activities – Rural Zone <i>Activities within the Runway End Protection Areas – Wanaka Airport</i> <u>Within the Runway End Protection Areas, as indicated on the District Plan Maps.</u></p> <p>a) <u>Buildings, except those required for aviation purposes:</u></p> <p>b) <u>Activities which generate or have the potential to generate any of the following effects:</u></p> <ol style="list-style-type: none"> <u>mass assembly of people</u> <u>release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam</u> <u>storage of hazardous substances</u> <u>production of direct light beams or reflective glare which could interfere with the vision of a pilot</u> <u>production of radio or electrical interference which could affect aircraft communications or navigational equipment</u> <u>attraction of birds</u> <p>Activity Status <u>Pr</u></p>	<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p> <ul style="list-style-type: none"> • The rule identifies that it is not just buildings that require management within REPA. • The rule gives effect to Objective 21.2.x and is appropriate in providing for the social wellbeing and health and safety of the community. <p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> • The rules provide for the social wellbeing and health and safety of aircraft passengers through discouragement of certain activities within the REPA. • The rules will provide for the continued safe passage of aircraft operations at Wanaka Airport. 	<p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> • Land use constraints will ensue for the relevant landowner. The area is zoned for Rural purposes however so the nature of activities permitted on site is already somewhat constrained. 	<p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> • The rule is effective at recognising that some activities may not be appropriate on the peripheries of Wanaka Airport. • The rule is effective as it will still enable rural farming type activities to continue.

General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective	
Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs
<p>Rural Zone Map</p> <p>Amend the District Plan Map 18a to identify a Runway End Protection Area overlay in the location shown in Annexure C (attached), where certain activities are prohibited in the interests of aircraft safety.</p> <p>With respect to providing for airport and airport related activities at Wanaka Airport, either:</p> <p>a) Amend the District Plan Map 18a to identify a Wanaka Airport overlay which defines the extent of Wanaka Airport for purposes of the applying the aforementioned rules; or,</p> <p>b) Define Wanaka Airport (in the definitions section or the preamble text at the front the Rural Chapter) as the extent of the Wanaka Airport Aerodrome Designation as at the date the Notice of Requirement for the Wanaka Airport Aerodrome Designation is confirmed</p>	<ul style="list-style-type: none"> The area proposed to be included within the overlay is entirely consistent with the extent of the Aerodrome Purposes designation which provides for airport and airport related activities. The overlay will recognise Wanaka Airport as regionally significant infrastructure located within the Rural zone. The overlay will provide for the long term needs at Wanaka Airport.
<p>Table 2 General Standards</p> <p>Rule 21.5.12</p> <p>Airport Noise – Wanaka Airport</p> <p>Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 5, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 5, Chapter 36.</p> <p>Activity Status</p> <p>NC</p>	<ul style="list-style-type: none"> The area is currently located within the Aerodrome Purposes Designation. There will not be any loss of farming opportunities The activity may place additional demand on utilities and services. The demand is already anticipated by the designation however. Enabling development within the overlay may result in increased noise effects from land based activities. These activities will have to comply with the relevant noise requirements in Chapter 36.
<p>No section 32AA evaluation required. I support this standard as it is consistent with Rule 5.3.5.2(x) of PC26.</p>	

<p>Table 2 General Standards Rule 21.5.13 Airport Noise – Queenstown Airport</p> <p>(a) Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 4 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p> <p>(b) Between the Queenstown Airport Outer Control Boundary (OCB) and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p> <p>(c) Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment</p>	<p>I support the recommendation of the section 42A report to retain this rule as notified.</p>	<p>No section 32AA evaluation required. I support the drafting of this rule as it is consistent with Rule 5.3.5.2(x) of PC35.</p>
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General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective	
<p>New Table</p> <p>Table 11 - Standards for Wanaka Airport Insert a new Table 11 and associated standards for Wanaka Airport as follows:</p> <p>Table 11</p> <p>Activities and Standards for Wanaka Airport</p> <p><i>Note: In addition to these rules, any resource consent applicant within the Wanaka Airport overlay will require the written approval of the Queenstown Lakes District Council, as the requiring authority for Wanaka Airport, in accordance with section 176 of the Resource Management Act 1991.</i></p> <p>21.5.53 Building Height</p> <p>The maximum height of any building shall not exceed 10 metres, except that:</p> <ul style="list-style-type: none"> • this restriction does not apply to control towers, lighting towers or navigation and communication masts and aerials associated with airport operations. • No permanent buildings other than the control tower shall infringe the restrictions of the Approach and Land Use Controls Designation. <p>Activity Status</p> <p>RD</p> <p>* Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. • Visual prominence from both public places and private locations. • The effects of breaching the surfaces on aircraft safety. 	<p>The standards are consistent with conditions for permitted activities in the Aerodrome Purposes designation.</p> <ul style="list-style-type: none"> • The standards are therefore efficient and effective at providing for a built form that is within the parameters of what can reasonably be expected to occur on site. • With respect to the matters of discretion, QAC originally sought the inclusion of assessment matters relating to "the effects of breaching the surfaces" (Rule 21.5.53) and the "operational and functional effects of aircraft using Wanaka Airport" (Rule 21.5.54). These matters will inherently form part of QLDC's considerations (as a requiring authority) when determining the appropriateness or otherwise of providing written approval under section 176 of the Act for an activity located within its designation. In my opinion, it would therefore be more efficient to rephrase the aircraft safety related matters of discretion into an advice note applying to the Wanaka Airport overlay as shown. <p>Environmental, Cultural, Economic, Social and Cultural Benefits</p> <ul style="list-style-type: none"> • The bulk form and its potential impact on visual amenity will be maintained at a level that is already anticipated by the Aerodrome purposes designation. <p>Environmental, Economic, Social and Cultural Costs</p> <ul style="list-style-type: none"> • There are no costs that are not already anticipated. <p>Effectiveness & Efficiency</p> <ul style="list-style-type: none"> • The standards are effective and efficient as they reflect those contained within the Airport Aerodrome designation. Bulk form consistent with these standards are already anticipated in the zone. • The standards are clear and easily interpreted and are an efficient method for managing the effects bulk form on the surrounding environment. • The standards are therefore considered to be the most appropriate way of achieving the objective.

<p>21.7.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL)</p>	<p><u>21.5.54 Building Setback</u> <u>The minimum setback for all buildings from all boundaries shall be 5m.</u> <u>The minimum setback for buildings from the eastern side of the centreline of the main runway (as at 2013) shall be 217 metres.</u> <u>Minimum setback for buildings from the western side of the centre line of the main runway (as at 2013) shall be 124 metres.</u> Activity Status <u>RD</u> <u>* Discretion is restricted to all of the following:</u> <ul style="list-style-type: none"> • <u>Privacy, outlook and amenity from adjoining properties.</u> • <u>The operational and functional effects for aircraft using Wanaka Airport.</u> </p>								
<p>General Comments and the appropriateness of achieving the purpose of the Act / purpose of the Objective</p>									
<ul style="list-style-type: none"> • The location of significant utilities and infrastructure is often dependent on particular functional, technical, operational and safety requirements specific to the particular activity. I consider that it is appropriate to recognise this constraint in the Chapter 21 (Rural) Assessment Matters, as the well-being of the community is dependent to a substantial degree on the provision of utilities and infrastructure. • I note that the s42A reporting officer does not support the bespoke identification of policies to facilitate infrastructure within the Rural Zone chapter (paragraph 8.23). However I consider that it is appropriate for the Rural Zone to recognise and provide for significant utilities and infrastructure in at least a general fashion, particularly as components of many utility and infrastructure services/networks will be located in this zone. • In the absence of specific infrastructure-related policies, I consider that the Assessment Matters at 21.7 of the Rural Zone may inappropriately constrain the development, operation and upgrade of infrastructure and utilities. I have therefore recommended an additional "Other" assessment matter at 21.7.3.4 to introduce consideration of matters that are relevant across a range of infrastructure categories and I consider this to be the most appropriate way to achieve the purpose of the Act. 									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; text-align: left;">Environmental, Cultural, Economic, Social and Cultural Benefits</th> <th style="width: 33%; text-align: left;">Environmental, Economic, Social and Cultural Costs</th> <th style="width: 33%; text-align: left;">Effectiveness & Efficiency</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • There are numerous economic, cultural and social benefits associated with the efficient provision of utility and infrastructure services. • Utilities and infrastructure provide the basis for the day-to-day operation of all aspects of the public and private sectors. However, the development of infrastructure can </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • I do not consider that the inclusion of an additional assessment matter relating to infrastructure and utilities at 21.7.3.4 will result in any costs. Rather, it will promote the considered preparation and assessment of development applications involving infrastructure and utilities. </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • In my view, given the reliance of the community on the services provided by infrastructure and utility providers and the frequent need for such development in rural locations, it is efficient and effective to include an assessment matter that gives recognition to the unique locational constraints that often apply to essential infrastructure and utilities. </td> </tr> </tbody> </table>				Environmental, Cultural, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Effectiveness & Efficiency	<ul style="list-style-type: none"> • There are numerous economic, cultural and social benefits associated with the efficient provision of utility and infrastructure services. • Utilities and infrastructure provide the basis for the day-to-day operation of all aspects of the public and private sectors. However, the development of infrastructure can 	<ul style="list-style-type: none"> • I do not consider that the inclusion of an additional assessment matter relating to infrastructure and utilities at 21.7.3.4 will result in any costs. Rather, it will promote the considered preparation and assessment of development applications involving infrastructure and utilities. 	<ul style="list-style-type: none"> • In my view, given the reliance of the community on the services provided by infrastructure and utility providers and the frequent need for such development in rural locations, it is efficient and effective to include an assessment matter that gives recognition to the unique locational constraints that often apply to essential infrastructure and utilities.
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		<p>have adverse effects. As such I consider it necessary for the Rural Zone to include assessment matters that are relevant to proposals involving utilities and infrastructure.</p> <ul style="list-style-type: none"> This will ensure that the benefits and costs of infrastructure development (which are sometimes of a fundamentally different nature and scale to other development typologies) are given appropriate consideration. 		<ul style="list-style-type: none"> The inclusion of suitable recognition will confirm and support other relevant provisions of the Plan (for example within the Strategic Directions and Energy and Utilities chapters).
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Appendix B

Revised Provisions

RURAL ZONE 21

Key:

Section 42A report recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Dated 6 April 2016.

Further changes to objectives shown in purple underlined text for additions and ~~strike through~~ text for deletions reflect Working Draft dated 13 April 2016, in response to the Panel's Fourth Procedural Minute, dated 8 April 2016.

Further amendments to the provisions shown in red underlined text for additions and ~~strike through~~ text for deletions as recommended by Kirsty O'Sullivan, Mitchell Partnerships Limited on 20th April 2016.

21 Rural Zone

21.1 Zone Purpose

The purpose of the Rural zone is to enable farming activities while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists the desire for rural living, recreation, commercial and tourism activities.

Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities as year round destinations within the identified sub zones where the effects of the development would be cumulatively minor.

In addition, the Rural Industrial Sub Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

Wanaka Airport is also located within the Rural Zone. The airport is well established within the zone and therefore needs to be recognised and provided for to ensure its ongoing use and development. The location of Queenstown and Wanaka Airports is such that the effects of aircraft operations may be experienced within some parts of the rural environment.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm properties that utilise the qualities that make them so valuable.

The Gibbston Valley is recognised as a Special Character Area for viticulture production and the management of this area is provided for in Chapter 23.

Pursuant to Section 86(b)(3) of the RMA, the following rules that protect or relate to water have immediate legal effect:

- 21.4.24 and all rules in Table 9: Activities on the surface of lakes and rivers.
- 21.5.4: Setback of buildings from water bodies.
- 21.5.7: Dairy farming grazing within the bed or margin of a water body.

Commented [K01]: The second sentence of largely is consistent with the explanatory text included in Section 5.2 of PC35.

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- 21.4.30 (b) and 21.4.32: Suction dredge mining.

21.2 Objectives and Policies

21.2.1 **Objective - Enable Undertake a range of land uses including farming, permitted and established activities are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.**

Policies

- 21.2.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.
- 21.2.1.2 Provide for Farm Buildings associated with larger landholdings of 100 hectares in area where the location, scale and colour of the buildings will not adversely affect landscape values.
- 21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.
- 21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring facilities them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.
- 21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.
- 21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.
- 21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua.
- 21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

21.2.2 **Objective - ~~Sustain~~ The life supporting capacity of soils is sustained.**

Policies

- 21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.
- 21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.
- 21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of ~~recognised~~ identified wilding exotic trees with the potential to spread and naturalise.

21.2.3 **Objective - ~~Safeguard~~ The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.**

Policies

- 21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:
- Encourage activities that use water efficiently, thereby conserving water quality and quantity;

RURAL ZONE 21

- Discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

21.2.4 **Objective - ~~Manage~~ Situations where sensitive activities conflict with existing and anticipated activities are managed in the Rural Zone.**

Policies

21.2.4.1 New activities must Recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.

21.2.5 **Objective - ~~Recognise for and provide opportunities for~~ Mineral extraction providing opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.**

Policies

21.2.5.1 Recognise Have regard to the importance and economic value of locally sourced mined high-quality gravel, rock and other minerals including gold and tungsten for road making and construction activities.

21.2.5.2 Recognise Provide for exploration, prospecting and small scale recreational gold mining as activities with limited environmental impact.

21.2.5.3 Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.

21.2.5.4 Ensure potential adverse effects of large-scale extractive activities (including mineral exploration) are avoided, or remedied or mitigated, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

21.2.6 **Objective - ~~Encourage~~ The future growth, development and consolidation of existing Ski Areas Skiing Area Activities is encouraged within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.**

Policies

21.2.6.1 Identify Ski Field Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.

21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.

21.2.6.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.

21.2.7 **Objective - ~~Separate activities sensitive to aircraft noise from existing airports through:~~**

RURAL ZONE 21

- ~~Wanaka: Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise (ASAN).~~
- ~~Queenstown: Retention of an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.~~

~~An area to contain is retained Retention of aAn area that excludes activities that which 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).
- 21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.
- 21.2.7.3 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.
- 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.
- 21.2.8 **Objective - ~~Avoid s~~ Subdivision, use and development is avoided, remedied or mitigated in areas that are identified as being unsuitable due to identified constraints for development is avoided, remedied or mitigated.**

Policies

- 21.2.8.1 Assess ~~subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters. To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.~~
- 21.2.8.2 Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:
- In the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township.
 - In Ferry Hill, within the building line restriction identified on the planning maps.
- 21.2.9 **Objective - ~~Ensure commercial~~ A range of activities are undertaken on the basis they do not degrade landscape values, rural amenity, or impinge on farming permitted and established activities.**

Commented [K02]: This objective combines the outcomes of PC26 and PC35.

Commented [K03]: This policy is consistent with Policy 3.7 and Policy 7.2, Section 5.2 of PC35.

This policy is also consistent with Policy 3.6, Section 5.2 of PC26 and is similar to Policy 8.2, section 4.9.3 and Policy 7.2 of Section 5.2 of PC26.

Commented [K04]: This policy is largely consistent with section 5.2, Objective 7.1 of the ODP.

Commented [K05]: This policy is consistent with Policy 3.8 and Policy 7.3, Section 5.2 of PC35.

RURAL ZONE 21

Policies

- 21.2.9.1 Commercial activities in the Rural Zone should have a genuine link with the rural land and water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.
- 21.2.9.2 ~~Avoid~~ Provide for the establishment of commercial, retail and industrial activities only where they ~~se~~ would degrade protect, maintain or enhance rural quality or character, amenity ~~values~~ and landscape values.
- 21.2.9.3 Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, significant natural areas and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.
- 21.2.9.4 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.
- 21.2.9.5 Limit exotic forestry to species that do not have any potential to spread and naturalise.
- 21.2.9.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.
- 21.2.9.7 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks Trail network on the basis landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.
- 21.2.10 **Objective - Recognise ~~The potential for d~~ Diversification of farming and other rural activities that utilises the natural or physical resources of farms and supports the sustainability of farming activities natural and physical resources.**
- 21.2.10.1 Encourage revenue producing activities that can support the long term sustainability of farming and rural areas of in the district.
- 21.2.10.2 Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values ~~resources.~~
- 21.2.10.3 ~~Recognise~~ Have regard to that the establishment of ~~complementary~~ activities such as tourism, commercial recreation or visitor accommodation located within farms where these may enable landscape values and indigenous biodiversity to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.
- 21.2.11 **The role of Wanaka Airport in supporting the social and economic wellbeing of the District is recognised and provided for, while managing reverse sensitivity effects.**
- 21.2.11.1 Ensure that an appropriate noise boundary is established and maintained around Wanaka Airport to enable operations at the Airport to continue and to expand over time.
- 21.2.11.2 Provide for a range of airport related service, business, industrial and commercial activity at Wanaka Airport to support or complement the functioning of the Airport, where those activities are located on land within the Airport's Aerodrome Purpose Designation.
- 21.2.11.3 Retain a buffer around Wanaka Airport to provide for the runway end protection areas at the Airport to maintain and enhance the safety of the public and those using aircraft at Wanaka Airport.
- 21.2.11.4 Avoid activities which may generate effects that compromise the safety of the operation of aircraft arriving at or departing from Wanaka Airport

Commented [K06]: This policy is consistent with Policy 8.1 of section 4.9.3 of PC26.

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- 21.2.12 **Objective - ~~Manage~~ The location, scale and intensity of informal airports is managed.**

Policies

- 21.2.12.1 Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.
- 21.2.12.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

- 21.2.13 **Objective - ~~Protect, maintain or enhance~~ The surface of lakes and rivers and their margins are protected, maintained or enhanced.**

Policies

- 21.2.13.1 Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.
- 21.2.13.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.
- 21.2.13.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.
- 21.2.13.4 Recognise Have regard to the whitewater values of the District's rivers and, in particular, the values of the Kawarau, Nevis and Shotover Rivers as ~~two~~ three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.
- 21.2.13.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins, with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.
- 21.2.13.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.
- 21.2.13.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.
- 21.2.13.8 Encourage the development and use of marinas, jetties and moorings in a way that avoids or, ~~where necessary,~~ remedies ~~and~~ or mitigates adverse effects on the environment.
- 21.2.13.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.
- 21.2.13.10 Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.

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- 21.2.14 **Objective - Enable** – Rural industrial activities within the Rural Industrial Sub Zones, ~~that will~~ support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

Policies

- 21.2.14.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.
- 21.2.14.2 Provide for limited retail and administrative activities within the Rural Industrial Sub Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

21.3 Other Provisions and Rules

21.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

21.3.2 Regional Council Provisions

- 21.3.2.1 In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.

21.3.3 Clarification

- 21.3.3.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.
- 21.3.3.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 21.3.3.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the site's computer freehold register.
- 21.3.3.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource consent through monitoring.

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- 21.3.3.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.
- 21.3.3.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.
- 21.3.3.7 The existence of a farm building either permitted or approved by resource consent under Table 4 – Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.
- 21.3.3.8 The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.
- 21.3.3.9 Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.
- 21.3.3.10 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 21.3.3.11 [The rules relating to airport and airport related activities at Wanaka Airport shall take precedence over the more generalised rules contained in Chapter 30 Energy and Utilities.](#)
- 21.3.3.12 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

21.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 10.

Table 1 – Activities

Table 2 – Standards for all Activities

Table 3 – Structures and Buildings

Table 4 – Farm Buildings

Table 5 – Commercial Activities

Table 6 – Informal Airports

Table 7 – Ski Area Sub Zone

Table 8 – Rural Industrial Sub Zone

Table 9 – Surface of Lakes and Rivers

Table 10 – Closeburn Station

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.	Any activity not listed in tables 1 to 10.	NC
	Farming Activities	
21.4.	Farming Activity that complies with the standards in Table 2.	P
21.4.	Construction or addition to farm buildings that comply with the standards in Table 4.	P
21.4.	Factory Farming that complies with the standards in Table 2.	P
	Residential Activities, Subdivision and Development	
21.4.	The use of land or buildings for residential activity except as provided for in any other rule.	D
21.4.	One residential unit within any building platform approved by resource consent.	P
21.4.	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 3.	P
21.4.	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 3.	P
21.4.	The identification of a building platform not less than 70m ² and not greater than 1000m ² .	D
21.4.	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D
21.4.	Domestic Livestock.	P
21.4.	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
	Commercial Activities	
21.4.	Home Occupation that complies with the standards in Table 5.	P

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.	<p>Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 5.</p> <p>Except roadside stalls that meet the following shall be a permitted activity:</p> <ol style="list-style-type: none"> the ground floor area is less than 5m²; are not higher than 2.0m from ground level; the minimum sight distance from the stall/access shall be 200m; the minimum distance of the stall/access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve. <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> The location of the activity and buildings. Vehicle crossing location, car parking. Rural amenity and landscape character. 	C
21.4.	Commercial activities ancillary to and located on the same site as recreational activities.	D
21.4.	Commercial recreation activities that comply with the standards in Table 5.	P
21.4.	Cafes and restaurants located in a winery complex within a vineyard.	D
21.4.	Ski Area Activities within the Ski Area Sub Zone.	P
21.4.	Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <u>Passenger Lift Systems</u> , heli-skiing and non-commercial skiing.	NC
21.4.	Visitor Accommodation.	D
21.4.	Forestry Activities in Rural Landscapes.	D
21.4.	Retail activities within the Rural Industrial Sub Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 8.	P
21.4.	Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub Zone that comply with Table 8.	P
	Other Activities	
21.4.	Activities on the surface of lakes and rivers that comply with Table 9.	P
21.4.	Informal Airports that comply with Table 6.	P
21.4.	Any building within a Building Restriction Area identified on the Planning Maps.	NC
21.4.	Recreation and/or Recreational Activity.	P

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.	<p><u>Airport Activity – Wanaka Airport</u></p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • <u>Design, external appearance and siting of buildings and structures;</u> • <u>Traffic generation, vehicle parking, site access and servicing</u> • <u>Landscaping and screening of any outdoor areas;</u> • <u>The extent to which the activity benefits from an Airport location.</u> 	C
21.4.	<p><u>Airport Related Activity – Wanaka Airport</u></p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • <u>Design, external appearance and siting of buildings and structures;</u> • <u>Traffic generation, vehicle parking, site access and servicing</u> • <u>Landscaping and screening of any outdoor areas;</u> • <u>The extent to which the activity benefits from an Airport location.</u> 	C
	Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport	
21.4.	<p>New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport</p> <p>On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).</p>	PR
21.4.	<p>Activities within the Outer Control Boundary - Queenstown Airport</p> <p>On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.</p>	PR
	Mining Activities	
21.4.	<p>The following mining and extraction activities are permitted:</p> <ol style="list-style-type: none"> Mineral prospecting. Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and The mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year. The activity will not be undertaken on an Outstanding Natural Feature. 	P

Commented [K07]: This rule is consistent with rule 5.3.3.5(ii) Section 5.3 of PC26.

Commented [K08]: This rule is consistent with rule 5.3.3.5(iii), Section 5.3 of PC35.

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Rule	Table 1 – Activities Rural Zone	Activity
21.4.	<p>Mineral exploration that does not involve more than 20m³ in volume in any one hectare</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The adverse effects on landscape, nature conservation values and water quality. <p>Rehabilitation of the site is completed that ensures:</p> <ul style="list-style-type: none"> • the long term stability of the site. • that the landforms or vegetation on finished areas are visually integrated into the landscape. • water quality is maintained. • that the land is returned to its original productive capacity. • <u>that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation in terms of Part 33.3.3.2 and 33.3.3.3.</u> 	C
21.4.	Any mining activity other than provided for in rules 21.4.30 and 21.4.31.	D
	Industrial Activities	
21.4.	Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 8.	P
21.4.	Buildings for Rural Industrial Activities that comply with Table 8.	P
21.4.	Industrial Activities directly associated with wineries and underground cellars within a vineyard.	D
21.4.	Other Industrial Activities.	NC

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21.5 Rules - Standards

	Table 2 - General Standards. The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	Non-compliance
21.5.	<p>Setback from Internal Boundaries</p> <p>The minimum setback of any building from internal boundaries shall be 15m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. <p>Except this rule shall not apply within the Rural Industrial Sub Zone. Refer to Table 8.</p>	RD
21.5.	<p>Setback from Roads</p> <p>The minimum setback of any building from a road boundary shall be 20m, except, the minimum of any building setback from State Highway 6 between Lake Hayes and Frankton shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Open space. • The adverse effects on the proposed activity from noise, glare and vibration from the established road. 	RD
21.5.	<p>Setback from Neighbours of Buildings Housing Animals</p> <p>The minimum setback from internal boundaries for any building housing animals shall be 30m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Odour. • Noise. • Dust. • Vehicle movements. 	RD
21.5.	<p>Setback of buildings from Water bodies</p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Indigenous biodiversity values. • Visual amenity values. • Landscape and natural character. 	RD

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	Table 2 - General Standards.	Non-compliance
	The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.	
	<ul style="list-style-type: none"> • Open space. • Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building. 	
21.5.	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, shall be located at least 300 metres from any formed road or adjoining property.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Odour. • Visual prominence. • Landscape character. • Effects on surrounding properties. 	RD
21.5.	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All milking sheds or buildings used to house or feed milking stock shall be located at least 300 metres from any adjoining property or formed road.</p>	D
21.5.	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>Stock shall be prohibited from standing in the bed of, or on the margin of a water body.</p> <p>For the purposes of this rule:</p> <ul style="list-style-type: none"> • Margin means land within 3.0 metres from the edge of the bed. • Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river. 	PR
21.5.	<p>Factory Farming (excluding the boarding of animals)</p> <p>Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.</p>	D
21.5.	<p>Factory Farming</p> <p>Factory farming of pigs where:</p> <p>21.5.9.1 the number of housed pigs exceeds 50 sows or 500 pigs of mixed ages; and/or</p> <p>21.5.9.2 any housed pigs are closer than 500m to a property boundary; and/or</p> <p>21.5.9.3 the number of outdoor pigs exceeds 100 pigs and their progeny up to weaner stage; and/or</p> <p>21.5.9.4 outdoor sows are not ringed at all times; and/or</p>	NC

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Table 2 - General Standards.		Non-compliance
The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.		
21.5.9.5	the stocking rate of outdoor pigs exceeds 15 pigs per hectare, excluding progeny up to weaner stage.	
21.5.	Factory farming of poultry where: 21.5.10.1 the number of birds exceeds 10,000 birds; and/or 21.5.10.2 birds are housed closer than 300m to a site boundary.	NC
21.5.	Any factory farming activity other than factory farming of pigs or poultry.	NC
21.5.	Airport Noise – Wanaka Airport Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 5, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 5, Chapter 36.	NC
21.5.	Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries (a) Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 4 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open. (b) Between the Queenstown Airport Outer Control Boundary (OCB) and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 5 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open. (c) Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment.	NC
21.5.x	<u>Lighting and Glare</u> 21.5.13.1 <u>All fixed exterior lighting shall be directed away from adjoining sites and roads; and</u>	NC

Commented [K09]: This standard is consistent with Standard 5.3.5.2x of PC26.

Commented [K010]: This standard is consistent with Rule 5.3.5.2(iii) of PC35.

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Table 2 - General Standards.		Non-compliance
The following standards apply to any of the activities described in Tables 1 to 10 in addition to the specific table (Tables 3-10) unless otherwise stated.		
21.5.13.2	<u>No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</u>	
21.5.13.3	<u>There shall be no upward light spill.</u>	

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	Table 3 – Standards for Structures and Buildings The following standards apply to structures and buildings, except Farm Buildings.	Non-compliance
21.5.	<p>Structures</p> <p>Any structure within 10 metres of a road boundary, which is greater than 5 metres in length, and between 1 metre and 2 metres in height, except for:</p> <p>21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences;</p> <p>21.5.14.2 any structure associated with farming activities as defined in this plan.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Effects on landscape character, views and amenity, particularly from public roads. • The materials used, including their colour, reflectivity and permeability. • Whether the structure will be consistent with traditional rural elements. 	RD
21.5.	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.5.15.1 Pre-painted steel and all roofs shall have a <u>light</u> reflectance value not greater than 20%; and,</p> <p>21.5.15.2 All other surface** finishes shall have a <u>light</u> reflectance value of not greater than 30%.</p> <p>21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. <p><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></p> <p>* <u>Excludes soffits, windows and skylights (but not glass balustrades).</u></p> <p>** <u>Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</u></p>	RD

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Table 3 – Standards for Structures and Buildings		Non-compliance
The following standards apply to structures and buildings, except Farm Buildings.		
21.5.	<p>Building size</p> <p>The maximum ground floor area of any building shall be 500m².</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. • Privacy, outlook and amenity from adjoining properties. <p><u>Except this rule shall not apply within the Ski Area Sub Zones.</u></p>	RD
21.5.	<p>Building Height</p> <p>The maximum height shall be 8m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity and landscape character. • Privacy, outlook and amenity from adjoining properties. • Visual prominence from both public places and private locations. 	RD

Table 4 - Standards for Farm Buildings		Non-compliance
The following standards apply to Farm Buildings.		
21.5.	<p>The construction, replacement or extension of a farm building as a permitted activity is subject to the following:</p> <p>21.5.18.1 The landholding is greater than 100ha; and</p> <p>21.5.18.2 The density of all buildings on the site, inclusive of the proposed building(s) will be less than one farm building per <u>50</u> 25 hectares on the site; and</p> <p>21.5.18.3 Is not located within an Outstanding Natural Feature (ONF); and</p> <p>21.5.18.4 If located within the Outstanding Natural Landscapes (ONL) is less than 4 metres in height and the ground floor area is not greater than 100m²; and</p> <p>21.5.18.5 Is less than 600 masl; and</p> <p>21.5.18.6 If located within the Rural Landscapes (RLC), is less than 5m in height and the ground floor area is not greater than 300m²; and</p>	RD

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Table 4 - Standards for Farm Buildings		Non-compliance
The following standards apply to Farm Buildings.		
21.5.18.7	<p>Buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Rural Amenity values. • Landscape character. • Privacy, outlook and rural amenity from adjoining properties. • Visibility, including lighting. • Scale. • Location. 	
21.5.	<p>Exterior colours of buildings:</p> <p>21.5.19.1 All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits).</p> <p>21.5.19.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%.</p> <p>21.5.19.3 Surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. 	RD
21.5.	<p>Building Height</p> <p>The maximum height for any farm building shall be 10m.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Rural amenity values. • Landscape character. • Privacy, outlook and amenity from adjoining properties. 	D

Table 5 - Standards for Commercial Activities		Non-Compliance
21.5.	Commercial recreation activity undertaken on land, outdoors and involving not more than 10 persons in any one group.	D

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	Table 5 - Standards for Commercial Activities	Non-Compliance
21.5.	<p>Home Occupation</p> <p>21.5.22.1 The maximum net floor area of home occupation activities shall be 150m²;</p> <p>21.5.22.2 No goods materials or equipment shall be stored outside a building;</p> <p>21.5.22.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The nature, scale and intensity of the activity in the context of the surrounding rural area. • Visual amenity from neighbouring properties and public places. • Noise, odour and dust. • The extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone. • Access safety and transportation effects. 	RD
21.5.	<p>Retail Sales</p> <p>Buildings in excess of 25m² gross floor area to be used for retail sales identified in Table 1 shall be setback from road boundaries by a minimum distance of 30m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Landscape character and visual amenity. • Access safety and transportation effects. • On-site parking. 	RD
21.5.	<p>Retail Sales</p> <p>Retail sales where the access is onto a State Highway, with the exception of the activities listed in Table 1.</p>	NC

	Table 6 - Standards for Informal Airports	Non-Compliance
21.5.	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.5.25.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;</p>	D

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Table 6 - Standards for Informal Airports		Non-Compliance
21.5.25.2	Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;	
21.5.25.3	Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, <u>or the Department of Conservation or its agents</u> ;	
21.5.25.4	In relation to points (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum distance of 500 metres from any <u>other zone, formed legal road</u> or the notional boundary of any residential unit or approved building platform not located on the same site.	
21.5.	<p>Informal Airports Located on other Rural Zoned Land</p> <p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of <u>3-2 flights*</u> per <u>day week</u>;</p> <p>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any <u>other zone, formed legal road</u> or the notional boundary of any residential unit of building platform not located on the same site.</p> <p><small>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</small></p>	D

Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones		Activity
21.5.	<p>Construction, relocation, addition or alteration of a building.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location, external appearance and size, colour, visual dominance. • Associated earthworks, access and landscaping. • Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary). • Lighting. 	C
21.5.	<p>Ski tows and lifts <u>Passenger Lift Systems</u>.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The extent to which the ski tow or lift or building <u>passenger lift system</u> breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes. • Whether the materials and colour to be used are consistent with the rural landscape of which the <u>passenger lift system</u> will form a part. 	C

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	Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones	Activity
	<ul style="list-style-type: none"> Balancing environmental considerations with operational characteristics. 	
21.5.	<p>Night lighting.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> Hours of operation. Duration and intensity. Impact on surrounding properties. 	C
21.5.	<p>Vehicle Testing.</p> <p>In the Waiorau Snow Farm Ski Area Activity Sub Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> Gravel and silt run off. Stormwater, erosion and siltation. The sprawl of tracks and the extent to which earthworks modify the landform. Stability of over-steepened embankments. 	C
21.5.	<p>Retail activities ancillary to Ski Area Activities.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> Location. Hours of operation with regard to consistency with ski-area activities. Amenity effects, including loss of remoteness or isolation. Traffic congestion, access and safety. Waste disposal. Cumulative effects. 	C
<u>21.5.X</u>	<p><u>Visitor Accommodation.</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> <u>Scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u> <u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any).</u> <u>Parking.</u> <u>Provision of water supply, sewage treatment and disposal.</u> <u>Cumulative effects.</u> 	<u>RD</u>

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	Table 8 – Standards for activities within the Rural Industrial Sub Zone	Non-Compliance
21.5.	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including:</p> <p>21.5.32.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.32.2 All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Landscape character. • Visual amenity. 	RD
21.5.	<p>Building size</p> <p>The maximum ground floor area of any building shall be 500m².</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Visual prominence from both public places and private locations. • Visual amenity. • Privacy, outlook and amenity from adjoining properties. 	RD
21.5.	<p>Building Height</p> <p>The maximum height for any industrial building shall be 10m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • rural amenity and landscape character. • privacy, outlook and amenity from adjoining properties. 	RD
21.5.	<p>Setback from Sub Zone Boundaries</p> <p>The minimum setback of any building within the Rural Industrial Sub Zone shall be 10m from the Sub Zone boundaries.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • The requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback. 	RD

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	Table 8 – Standards for activities within the Rural Industrial Sub Zone	Non-Compliance
	<ul style="list-style-type: none"> Rural amenity and landscape character. Privacy, outlook and amenity from adjoining properties. 	
21.5.	Retail Activities Retail activities including the display of items for sale shall be undertaken within a building and shall not exceed 10% of the building's total floor area.	NC
21.5.	Lighting and Glare 21.5.37.1 All fixed exterior lighting shall be directed away from adjoining sites and roads; and 21.5.37.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects. 21.5.37.3 There shall be no upward light spill.	NC

	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
21.5.	Jetboat Race Events Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year. Control is reserved to all of the following: <ul style="list-style-type: none"> The date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity. Adequate public notice is given of the holding of the event. Reasonable levels of public safety are maintained. 	C
21.5.	Commercial non-motorised boating activities Discretion is restricted to all of the following: <ul style="list-style-type: none"> Location, scale and intensity of the activity. Amenity effects, including loss of privacy, remoteness or isolation. Congestion and safety, including effects on other commercial operators and recreational users. Waste disposal. Cumulative effects. Parking, access safety and transportation effects. 	RD

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	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
21.5.	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands. • Whether the structure causes an impediment to craft manoeuvring and using shore waters. • The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline. • The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect. • Whether the structure will be used by a number and range of people and craft, including the general public. • The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	RD
21.5.	<p>Structures and Moorings</p> <p>Any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D
21.5.	<p>Structures and Moorings</p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>	NC
21.5.	<p>Commercial boating activities</p> <p>Motorised commercial boating activities.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p>	D
21.5.	<p>Recreational and commercial boating activities</p> <p>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p>	PR

RURAL ZONE 21

Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers		Activity
21.5.44.1	Hawea River.	
21.5.44.2	Commercial boating activities on Lake Hayes.	
21.5.44.3	Any tributary of the Dart and Rees rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.	
21.5.44.4	Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.	
21.5.44.5	Dingle Burn and Timaru Creek.	
21.5.44.6	The tributaries of the Hunter River.	
21.5.44.7	Hunter River during the months of May to October inclusive.	
21.5.44.8	Motatapu River.	
21.5.44.9	Any tributary of the Matukituki River.	
21.5.44.10	Clutha River - More than six jet boat race days per year as allowed by Rule 21.5.38.	
Standards: Surface of Lakes and Rivers		Non-Compliance
21.5.	Boating craft used for Accommodation Boating craft on the surface of the lakes and rivers used for accommodation, unless: 21.5.45.1 the craft is only used for overnight recreational accommodation; and 21.5.45.2 the craft is not used as part of any commercial activity; and 21.5.45.3 all effluent is contained on board the craft and removed.	NC
21.5.	No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall: 21.5.46.1 be closer than 200 metres to any existing jetty; 21.5.46.2 exceed 20 metres in length; 21.5.46.3 exceed four berths per jetty, of which at least one berth is available to the public at all times; 21.5.46.4 be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.	NC
21.5.	The following activities are subject to compliance with the following standards:	NC

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	Table 9 Activities and Standards for Activities on the Surface of Lakes and Rivers	Activity
	21.5.47.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft shall only operate between the hours of 0800 to 2000. <u>Except: Public transport ferry activities.</u>	
	21.5.47.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations shall only be undertaken between the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.	
	21.5.47.3 Dart and Rees Rivers - Commercial motorised craft shall only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft shall only operate between the hours of 1000 to 1700.	
	21.5.47.4 Dart River – The total number of commercial motorised boating activities shall not exceed 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.	

	Table 10 Closeburn Station: Activities	Activity
21.5.	The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station. Control is reserved to all of the following: <ul style="list-style-type: none"> • External appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829. • Associated earthworks, lighting, access and landscaping. • Provision of water supply, sewage treatment and disposal, electricity and telecommunications services. 	C
	Closeburn Station: Standards for Buildings and Structures	Non-compliance
21.5.	Setback from Internal Boundaries	D
	21.5.49.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.	
	21.5.49.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.	

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21.5.	Building Height 21.5.50.1 The maximum height for any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m. 21.5.50.2 The maximum height for any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m. 21.5.50.3 The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m. 21.5.50.4 The maximum height for any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.	NC
21.5.	Residential Density In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.	NC
21.5.	Building Coverage In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.	NC

	Table 11 Activities and Standards for Wanaka Airport	Non-compliance
	<i>Note: In addition to these rules, any resource consent applicant within the Wanaka Airport overlay will require the written approval of the Queenstown Lakes District Council, as the requiring authority for Wanaka Airport, in accordance with section 176 of the Resource Management Act 1991.</i>	
21.5.	Building Height The maximum height of any building shall not exceed 10 metres, except that: <ul style="list-style-type: none"> <u>this restriction does not apply to control towers, lighting towers or navigation and communication masts and aerials associated with airport operations.</u> * Discretion is restricted to all of the following: <ul style="list-style-type: none"> <u>Rural amenity and landscape character.</u> <u>Privacy, outlook and amenity from adjoining properties.</u> <u>Visual prominence from both public places and private locations.</u> 	RD
21.5.	Building Setback 21.5.54.1 <u>The minimum setback for all buildings from all boundaries shall be 5m.</u> 21.5.54.2 <u>The minimum setback for buildings from the eastern side of the centreline of the main runway (as at 2013) shall be 217 metres.</u>	RD

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21.5.54.3	<u>Minimum setback for buildings from the western side of the centre line of the main runway (as at 2013) shall be 124 metres.</u>	
	<u>* Discretion is restricted to all of the following:</u>	
	<ul style="list-style-type: none"><u>Privacy, outlook and amenity from adjoining properties.</u>	

21.6 Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

- 21.5.55 **Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.14), except where the access is onto a State highway.**
- 21.5.56 **Controlled activity mineral exploration (Rule 21.4. 31).**
- 21.5.57 **Controlled activity buildings at Closeburn Station (Rule 21.5.48).**

21.7 Assessment Matters (Landscapes)

21.7.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).

These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes:

- 21.7.1.1 ~~The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.~~
- 21.7.1.2 Existing vegetation that:
 - a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,
 - b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - as part of the permitted baseline.
- 21.7.1.3 Effects on landscape quality and character

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

 - a. Physical attributes:
 - Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;

RURAL ZONE 21

- Vegetation (exotic and indigenous);
 - The presence of waterbodies including lakes, rivers, streams, wetlands.
- b. Visual attributes:
- Legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - Aesthetic values including memorability and naturalness;
 - Transient values including values at certain times of the day or year;
 - Human influence and management – settlements, land management patterns, buildings, roads.
- c. Appreciation and cultural attributes:
- Whether the elements identified in (a) and (b) are shared and recognised;
 - Cultural and spiritual values for tangata whenua;
 - Historical and heritage associations.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

- d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.
- e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

21.7.1.4 Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

- a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;
- b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;
- c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;
- d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);
- e. structures will not be located where they will break the line and form of any ridges, hills and slopes;
- f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

21.7.1.5 Design and density of Development

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In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;
- c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

21.7.1.6 Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

- a. the landscape quality or character; or,
- b. the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

21.7.2 Rural Landscape Classification (RLC)

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are ~~inappropriate~~ unsuitable in many locations:

21.7.2.1 ~~The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.~~

21.7.2.2 Existing vegetation that:

- a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,
- b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - as part of the permitted baseline.

21.7.2.3 Effects on landscape quality and character:

The following shall be taken into account:

- a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;
- b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Landscape;

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- c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Landscape.

21.7.2.4 Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:

- a. the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;
- b. the proposed development is likely to be visually prominent such that it detracts from private views;
- c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations;
- d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;
- e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;
- f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

21.7.2.5 Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;
- c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.

21.7.2.6 Tangata Whenua, biodiversity and geological values:

- a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

21.7.2.7 Cumulative effects of development on the landscape:

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Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

- a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.
- b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

21.7.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)

- 21.7.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.
- 21.7.3.2 Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.
- 21.7.3.3 In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:
 - a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;
 - b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;
 - c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;
 - d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;
 - e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;
 - f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.

21.7.3.4 For the construction, operation and replacement of regionally significant infrastructure and for additions, alterations, and upgrades to regionally significant infrastructure, in addition to the assessment matters at 21.7.1, 21.7.2, 21.7.3.2 and 21.7.3.3, whether the proposed development:

- a. Is required to provide for the health, safety or wellbeing of the community; and,
- b. Is subject to locational or functional requirements that necessitate a particular siting and reduce the ability of the development to avoid adverse effects; and,

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- c. Avoids, remedies or mitigates adverse effects on surrounding environments to the extent practicable in accordance with Objective 30.2.7 and Policies 30.2.7.1 – 30.2.7.4 (as applicable).

Recommended amendments to definitions relevant to the activities within Chapter 21.

Issue 7: Ski Area Activities within the Ski Area Subzones

<u>Passenger Lift Systems</u>	<u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers.</u>
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Ski Area Activities	<p><u>Means the use of natural and physical resources for the purpose of providing for establishing, operating and maintaining the following activities and structures:</u></p> <ul style="list-style-type: none"> (a) recreational activities either commercial or non commercial (b) chairlifts, t-bars and rope tows to facilitate commercial recreational activities-passenger lift systems. (c) use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities. (d) activities ancillary to commercial recreational activities <u>including, avalanche safety, ski patrol, formation of snow trails and terrain.</u> (e) <u>Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers.</u> (f) in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.
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Issue 14: Mining Activity

RURAL ZONE 21

Mining Activity	<p>Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration.</p> <p><u>(a) means operations in connection with mining, exploring, or prospecting for any mineral; and</u></p> <p><u>(b) includes, when carried out at or near the site where the mining, exploration, or prospecting is undertaken, —</u></p> <p style="padding-left: 40px;"><u>(i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u></p> <p style="padding-left: 40px;"><u>(ii) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and</u></p> <p style="padding-left: 40px;"><u>(iii) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and</u></p> <p style="padding-left: 40px;"><u>(iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u></p>
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Prospecting	<p>Means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes <u>the following activities:</u></p> <ul style="list-style-type: none"> • Geological, geochemical, and geophysical surveys; • The taking of samples by hand or hand held methods; • Aerial surveys.
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Exploration	<p><u>Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.</u></p>
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Additions required to implement the recommendations in red

<u>Airport Activity – Wanaka Airport</u>	<p><u>Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:</u></p> <p><u>(a) aircraft operations, rotary wing aircraft operations, helicopter aprons, and associated touch down and lift off areas, aircraft servicing, general aviation, navigational and safety aids, lighting, aviation schools, space</u></p>
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RURAL ZONE 21

	<p><u>research and associated activities, facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation;</u></p> <p><u>(b) Runways, taxiways, aprons, and other aircraft movement or safety areas.</u></p> <p><u>(c) Terminal buildings, hangars, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, medical facilities, fuel storage and fuelling facilities, and associated offices.</u></p>
<p><u>Airport Related Activity</u></p>	<p><u>Means any retail activity, restaurants and other food and beverage facilities, industrial and commercial activities, provided they are connected with and ancillary to the use of the Airport. Also includes Temporary Activities associated with Air Shows, Conferences and Meetings, and rental vehicles, valet activities and public transport facilities. Includes Military Training Operations.</u></p>

Appendix C

Copies of Hearing Stream 01B
Statement of Evidence of
Mr Mark Edghill and Mr John Kyle

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District Plan

Chapter 3 (Strategic Direction), Chapter 4 (Urban Development) and Chapter 6 (Landscape)

SUMMARY OF EVIDENCE OF MARK EDGHILL

(16 March 2016)

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1. INTRODUCTION

Qualifications and Experience

- 1.1 My full name is Mark Dugdale Edghill. I am the Acting Chief Executive Officer of Queenstown Airport Corporation Limited (**QAC**) and am authorised to give evidence on its behalf.

2. QUEENSTOWN AIRPORT CORPORATION LIMITED – AN OVERVIEW

- 2.1 QAC was formed in 1988 to manage Queenstown Airport. QAC is a Council Controlled Trading Organisation (**CCTO**) under the Local Government Act 2002.
- 2.2 QAC is currently 75.01% owned by QLDC and 24.99% owned by Auckland International Airport.
- 2.3 QAC is a requiring authority for Queenstown Airport under the Resource Management Act 1991 and a 'lifeline utility' under the Civil Defence Emergency Management Act 2002. Under this Act, lifeline utilities have a key role in planning and preparing for emergencies and for response and recovery in the event of an emergency. As a lifeline utility QAC must, amongst other things, ensure that the Airport is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency
- 2.4 QAC also manages Wanaka Airport on behalf of QLDC, and has a caretaker role for Glenorchy Aerodrome, including ground maintenance.

3. QUEENSTOWN AIRPORT PRESENTLY

- 3.1 Queenstown Airport operates a mixture of scheduled flights, private jets, and general aviation. It is the fastest growing airport in New Zealand and the fourth busiest by passenger numbers.
- 3.2 The Airport receives direct scheduled services from New Zealand's main metropolitan ports of Auckland, Wellington and Christchurch, which provide strong regional links throughout the country, as well as from the Australian cities of Sydney, Melbourne, Brisbane and Coolangatta. Private jets are also a growing market, both short and long haul, with aircraft flying direct from north Asia and West Coast USA.

3.3 Queenstown Airport is also one of New Zealand's busiest helicopter bases and is heavily used for tourist 'flightseeing', especially to Milford Sound and Mount Cook, on fixed-wing and rotary-wing aircraft.

4. GROWTH AND DEVELOPMENT OF QUEENSTOWN AIRPORT

4.1 A sustained period of outstanding passenger growth in the past six months to December 2015 has set new records, with the total number of passengers through the Airport hitting 1.5 million for the first time over a 12 month period. Growth shows no sign of slowing in the coming years. The Airport's current forecast is that passenger numbers will grow to approximately 2.5 million by 2025.

4.2 To accommodate the ongoing passenger and aircraft movement growth, QAC has invested heavily in developing infrastructure and improving operational efficiency and overall visitor experience. Recent examples of significant capital investment include:

4.2.1 the \$17 million 4,100m² extension to the Airport international terminal building; and

4.2.2 the \$18 million upgrade of the Airport's airfield infrastructure, including runway and lighting upgrades, to enable it to accommodate after dark (evening) flights for the first time from winter 2016.

4.3 Evening flights will allow the Airport to use its full consented operational hours between 6am and 10pm, moving from an 8-hour operating window during the winter to a 16-hour window. This will allow the Airport to expand capacity in the short term without building additional terminal infrastructure. I note these flights will need to comply with the noise limits introduced by Plan Change 35.

4.4 QAC also seeks to designate and acquire part of Lot 6 DP 304345 for Aerodrome Purposes. The designation and acquisition of part of Lot 6 will importantly, but without limitation:

4.4.1 Provide for appropriate (safe) clearances for the formation of a Code C taxiway parallel to the main runway so as to increase that runway's capacity;

- 4.4.2 Provide additional grass and paved apron areas and space for hangars for corporate jets and general aviation, along with additional hangar space for Code C aircraft (i.e. jets).
- 4.4.3 Enable general aviation and helicopter bases and activities (**GA**) to move from the south western area of the Airport (near Lucas Place) so as to enable essential growth around the Airport including:
 - 4.4.3.1 further expansion of the terminal;
 - 4.4.3.2 additional apron areas around the terminal for scheduled aircraft;
 - 4.4.3.3 additional carparking for public and rental vehicles etc.
- 4.4.4 Improve the noise environment for the Airport's neighbours, who experience a higher level of aircraft noise under the existing GA configuration.
- 4.5 These works are essential for the ongoing development of the Airport, and the project has been recognised as one of "national significance" by the Minister for the Environment.
- 4.6 The Court is expected to confirm the 16ha designation once an aeronautical study has been completed and CAA approval is obtained for the operations enabled by the designation. The aeronautical study is underway.

Plan Change 35

- 4.7 My full statement of evidence (dated 29 February 2016) provides a detailed update on the roll out of the noise mitigation package, as required by the amendments to Designation 2 (Aerodrome Purpose) associated with Plan Change 35. In summary, over the past year, QAC has been working through its aircraft noise mitigation obligations as required by the Designation, and has focussed on progressing works on the 13 homes most affected by aircraft noise located within PC35 Air Noise Boundary (**ANB**). This has involved each home being assessed by noise management experts and individual acoustic treatment package reports being developed, in consultation with the affected landowner.

- 4.8 Once noise mitigation works are underway for these 13 homes, attention will turn to the properties within the 60 dB L_{dn} 2037 Noise Contour and QAC will contact owners regarding mechanical ventilation proposals for their homes. This phase involves a further 123 homes and is timed to begin mid 2016.
- 4.9 Although the PC35 noise boundaries have not yet been finally confirmed by the Environment Court, QAC is proceeding with meeting its obligations under the Designation associated with the Plan Change as it is very mindful of its objectives as a CCTO, specifically its objective to exhibit a sense of social and environmental responsibility by having regard to the interests of the community in which it operates, and of its need to manage growth in accordance with community expectations.

5. QAC's CONTRIBUTION TO THE DISTRICT

- 5.1 A 2014 economic assessment undertaken by Market Economics¹ assessed that Queenstown Airport facilitates tourism spending of between \$592m and \$638m, sustaining between 14,855 and 15,948 jobs, and predicted that by 2037 total tourism spending facilitated by the Airport will be between \$1.1bn and \$1.4bn. An earlier analysis (undertaken for PC35) indicated that in 2037, gross output of the Airport will increase to \$522 million and will sustain the equivalent of 8,100 full time workers each year. This is likely understated, given current growth projections.
- 5.2 Currently, more than 350 people work in and around Queenstown Airport.
- 5.3 The introduction of evening flights later this year and the move to a 'split-shift' operating model to cater for the extended operating window will create a number of further job opportunities, and inevitably lead to increased tourist spending in the District.
- 5.4 Consequently, Queenstown Airport can be considered a significant strategic resource and provides substantial direct and indirect benefits to the local and regional economy.

¹ Market Economics Report titled "Queenstown Airport: Mixed Use Zone, Economic Assessment November 2014".

6. SUMMARY

- 6.1 QAC's business success and growth is intrinsically linked to the fortunes of the region's tourism and visitor industry. In turn, this industry depends on QAC providing effective air connectivity for New Zealand and overseas visitors, along with a world-class passenger service and experience for all visitors.
- 6.2 QAC will continue to work closely with aviation and tourism partners to identify growth opportunities for the future, particularly in off peak months, to ensure its infrastructure is developed to meet demand. We see the need for the community to continue to invest in the region's infrastructure and tourism to both maintain a quality visitor experience and to handle the anticipated growth from new and emerging long haul markets.
- 6.3 Growth projections remain very strong and QAC is mindful it needs to manage this growth in line with community expectations and any District Plan requirements. Given this growth, and the significant contribution the Airport makes to the community, it is imperative, in my view, that new noise sensitive activities around the Airport are carefully managed.

M Edghill

16 March 2016

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District
Plan

Chapter 3 (Strategic Direction), Chapter 4
(Urban Development) and Chapter 6
(Landscape)

STATEMENT OF EVIDENCE MARK EDGHILL

(29 FEBRUARY 2016)

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1. INTRODUCTION

Qualifications and Experience

- 1.1 My full name is Mark Dugdale Edghill. I am the Acting Chief Executive Officer of Queenstown Airport Corporation Limited (**QAC**) and am authorised to give evidence on its behalf.
- 1.2 I was appointed Acting Chief Executive in August 2015, having served as Chief Financial Officer for QAC since February 2014.
- 1.3 I hold an Honours degree from Durham University, am a Fellow of The Institute of Chartered Accountants in England & Wales, a Fellow of CPA Australia and a member of Chartered Accountants Australia and New Zealand.

QUEENSTOWN AIRPORT CORPORATION LIMITED – AN OVERVIEW

- 1.4 QAC was formed in 1988 to manage the Airport. Prior to this the Airport was operated by the Crown, Queenstown Lakes District Council (**QLDC**) and Arrowtown Borough Council as the Queenstown Airport Authority.
- 1.5 QAC was formed pursuant to section 3(A) of the Airport Authorities Act 1966. A copy of the Order is **attached** to my evidence and marked "**A**". QAC is also a requiring authority in terms of the Resource Management Act 1991 and copies of the Order in Council and Gazette Notice are and marked "**B**".
- 1.6 Queenstown Airport is a 'lifeline utility' under the Civil Defence Emergency Management Act 2002. Under this Act, lifeline utilities have a key role in planning and preparing for emergencies and for response and recovery in the event of an emergency. As a lifeline utility QAC must, amongst other things, ensure that the Airport is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.
- 1.7 QAC is currently 75.01% owned by QLDC and 24.99% owned by Auckland International Airport. QAC also manages Wanaka Airport on behalf of QLDC, and has a caretaker role for Glenorchy Aerodrome, including ground maintenance.

2 QAC STATUTORY FRAMEWORK, OBJECTIVES AND STATEMENT OF INTENT

- 2.1 As an Airport Authority established under the Airport Authorities Act, Queenstown Airport must be operated or managed as a commercial undertaking (section 4(3)).
- 2.2 QAC is a Council Controlled Trading Organisation (**CCTO**) for the purposes of the Local Government Act 2002. Section 59 sets out the principal objectives of a CCTO which are to:
- a) achieve the objectives of its Shareholders, both commercial and non-commercial, as specified in the statement of intent; and
 - b) be a good employer; and
 - c) exhibit a sense of social and environmental responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so; and
 - d) conduct its affairs in accordance with sound business practice.
- 2.3 QAC's business is also subject to regulatory control under the Airport Authorities Act 1966 and complies with the disclosure requirements of a specified airport company pursuant to the Airport Authorities (Airport Companies Information Disclosure) Regulations.
- 2.4 The company's governance is also covered by the Companies Act 1993.
- 2.5 QAC's aeronautical operations are governed by the Civil Aviation Act 1990 and Civil Aviation Rules Part 139.
- 2.6 QAC's decisions relating to the operation of the Airport must be made in accordance with its statement of intent and its constitution and relevant legislation discussed above, including of course the Resource Management Act.
- 2.7 QAC's vision, as set out in the statement of intent 2016-2018 is to:

"Seize the challenge to make Queenstown easy to get to, with an airport experience that leaves a wonderful first and lasting impression."

2.8 To achieve this vision and to be successful over the next five years, QAC has the following strategic objectives:

1. Deliver excellent service consistently throughout a period of significant growth and infrastructure development.
2. Grow passenger volumes.
3. Expand airport capacity to meet the anticipated growth in aircraft movements and passenger volumes.
4. Grow non-aero revenue.
5. Pursue operational excellence including being an outstanding corporate citizen within the local community.

QUEENSTOWN AIRPORT HISTORY

2.9 The Airport was first licensed by the Civil Aviation Authority in 1935. Commercial airfield ventures commenced at the site after the Second World War, when a number of buildings were established. The first commercial flight was recorded in 1947. This signalled the start of the growth and development of Queenstown Airport as a regional airport.

2.10 By the early 1950s regular commercial activities, including the first scheduled passenger service between Queenstown and Dunedin, had commenced. By the early 1960s Mount Cook Airline was providing scheduled flights from the Airport.

2.11 In 1968 the runway (then 1341 metres in length) was sealed and by the early 1970s a small terminal building was established for passenger use.

2.12 In 1988 QAC was formed to operate the Airport.

2.13 In 1990 extensions (in width) to the runway and terminal (check-in area) were undertaken to provide for the first jets, operated by Ansett. This was followed by the first Boeing Jet (Boeing 737-300) operated by Air New Zealand in 1992.

- 2.14 Further extensions to the runway in the mid to late 1990s enabled fully laden jet aircraft, including Boeing 737, to fly direct from Queenstown to any New Zealand destination. Return Trans-Tasman services were also introduced at this time. Also during this time Airways Corporation upgraded its facility from a Flight Service to full Air Traffic Control and built a new Control Tower at the Airport.
- 2.15 In 1995 the Council notified its review of the District Plan which addressed the Airport and provided for its growth until 2015, through the introduction of noise boundaries, amongst other measures. I understand these noise boundaries are contained within the printed version of the Operative District Plan, although they are now very outdated, and are superseded by the Plan Change 35 noise boundaries. I will discuss Plan Change 35 in more detail shortly.
- 2.16 The development of the Airport progressed more significantly in 2001, with the completion of a 1891m (sealed length) runway, and construction of additional aprons. The terminal building was also refurbished at this time, although this soon reached capacity, and a further expansion was pursued.
- 2.17 Around 2007 the roading infrastructure associated with the Airport was upgraded, which included QAC providing land and capital to build access to the Remarkables Park shopping centre, along with the roundabout at the Airport entrance on SH6.
- 2.18 Further terminal expansions were undertaken in 2009, 2010, 2011, 2012 and most recently in 2015. These expansions variously accommodated additional retail and food and beverage space, increases in the baggage handling and reclaim areas, and arrival and departure areas for international and domestic passengers.
- 2.19 Runway End Safety Areas (**RESA**) were constructed over 2009 - 2011 at both ends of the main runway, to extend the safety areas to accord with a CAA requirement and retain international flights. These involved significant civil engineering works, arguably the largest of their type since the construction of the Clyde Dam.
- 2.20 Runway lights were installed in July 2011, with the aim of minimising the number of disruptions to flight schedules and enhancing safety in poor weather conditions. Further lighting is required to accommodate flights after dark, as I describe shortly.

- 2.21 A number of further significant projects have been undertaken more recently, some of which will be explained in further detail shortly.
- 2.22 The history of development of Queenstown Airport over the last 75 years shows that the Airport is constantly changing and expanding to meet the needs of operators and passengers.

3 QUEENSTOWN AIRPORT PRESENTLY

- 3.1 Queenstown Airport operates a mixture of scheduled flights, private jets, general aviation and helicopters. It is the fastest growing airport in New Zealand and the fourth busiest by passenger numbers.
- 3.2 The Airport provides an essential link for domestic and international visitors to New Zealand's premier destinations, including Queenstown and Milford Sound. It serves as the direct international and domestic gateway to the lower South Island.
- 3.3 The Airport receives direct scheduled services from New Zealand's main metropolitan ports of Auckland, Wellington and Christchurch, which provide strong regional links throughout the country, as well as from the Australian cities of Sydney, Melbourne, Brisbane and Coolangatta. Auckland and Sydney airports are the major international gateway airports for long haul visitors. Private jets are also a growing market, both short and long haul, with aircraft flying direct from north Asia and West Coast USA.
- 3.4 The Airport is also one of New Zealand's busiest helicopter bases and is heavily used for tourist 'flightseeing', especially to Milford Sound and Mount Cook, on fixed-wing and rotary-wing aircraft.
- 3.5 Today the main runway has a sealed length of 1,911m plus a 90m RESA at each end. There is a secondary crosswind runway for light aircraft and this plays an integral part in 'organising the sky' for the approximately 24,000 aircraft landings per year (both scheduled and non-scheduled) at the Airport. On a busy day the Airport air traffic controllers can handle over 180 aircraft movements per day.

QAC'S LANDHOLDINGS

- 3.6 QAC owns approximately 137 ha of land on Frankton Flats, comprising:
- a. 83ha incorporating the airfield, runways and aprons, rescue fire facilities and air traffic control tower;
 - b. 8ha of terminal, car parking, road network and commercial land leased to airport-related businesses;
 - c. 17ha of land currently used by General Aviation;
 - d. 17ha of undeveloped land recently rezoned for industrial purposes through Plan Change 19, located to the north of the main runway;
 - e. 12ha of undeveloped rural and golf course land. The golf course land is leased to QLDC for a nominal annual rate.
- 3.7 A plan showing QAC's landholdings and its designation boundaries is attached to Mr Kyle's evidence.

GROWTH AND DEVELOPMENT OF THE AIRPORT

- 3.8 A sustained period of outstanding passenger growth in the past six months to December 2015 has set new records, with the total number of passengers through the Airport hitting 1.5 million for the first time over a 12 month period. This number was comprised of 1,067,947 domestic and 441,461 international passengers. The greatest percentage growth was observed in the international market, with international passengers increasing by 25.9% (or 90,818 passengers) and domestic passengers by 10.1% (or 97,859 passengers) on the previous year.
- 3.9 For the first 6 months of the 2016 financial year, QAC achieved a Net Profit After Tax of \$6.2 million. This result compares with a profit of \$4.7 million for the previous corresponding period, an increase of 31%. In line with its dividend policy, QAC has paid an interim dividend of \$1.0 million to its shareholders, with 75.01% payable to Queenstown Lakes District Council and 24.99 % to Auckland Airport.
- 3.10 Growth shows no sign of slowing in the coming years. The Airport's current forecast is that passenger numbers will grow to approximately 2.5 million by 2025.

3.11 To accommodate the ongoing passenger and aircraft movement growth, QAC has invested heavily in developing infrastructure and working alongside airline and airport partners to introduce innovations and technology to improve operational efficiency and overall visitor experience. Significant capital investment in infrastructure has been required over the past few years, most recently the \$17 million 4,100m² extension to the Airport international terminal building and the \$18 million project designed to improve the Airport's airfield infrastructure and enable it to accommodate after dark flights for the first time from winter 2016. These are discussed in more detail below.

Terminal Expansion

3.12 The recent 4100m² terminal expansion includes a new international arrivals area, new customs and Ministry for Primary Industry areas, duty free shopping, a new baggage carousel dedicated solely to international arrivals, and toilets and service areas. In addition, the existing international departure lounge has been more than doubled in size to provide for extra toilets, seating and retail.

After Dark/Evening Flights

3.13 On the back of delivering the significant terminal expansion, QAC's next focus is to introduce evening (after-dark) flights for winter 2016, which will allow the Airport to expand capacity in the short term without building additional terminal infrastructure. Evening flights will allow the Airport to use its full consented operational hours between 6am and 10pm, moving from an 8-hour operating window during the winter peak to a 16-hour window. I note these flights will need to comply with the noise limits introduced by Plan Change 35.

3.14 To further explain, Queenstown Airport has long been consented, in terms of the District Plan and Airport Designation, for flights to occur up until 10pm. However, in practice evening flights have only been able to occur in summer, as flights are currently limited to daylight hours under the CAA's Aeronautical Information Publication for Queenstown Airport.

3.15 In May 2014 QAC obtained CAA and Australia's Civil Aviation Safety Authority (**CASA**) approval-in-principle for after dark air transport operations to and from Queenstown Airport. This approval was issued against a comprehensive Foundation Safety Case, which set out the infrastructure and lighting upgrades required at Queenstown Airport, and the operational and procedural controls that will be adopted

by airlines in their independent Operator Safety Cases for after dark flights. The CAA and CASA approval will enable aircraft to operate at Queenstown:

- a. From 6am to sunrise, where sunrise is after 6am (for example, in winter).
- b. From sunset (or more correctly Evening Civil Twilight) to 10pm. During winter in particular this provides a much longer window for flights to arrive and depart Queenstown than was previously the case.

3.16 Evening flights will provide a significant benefit for travellers and business, with an extended operating window giving more flexibility, better connectivity across airline networks, and improved airport experience with peak times spread out and less pressure on facilities and services. As an example, for leisure travellers it would make weekend holidays from Auckland and Australia possible year-round. It would also give business people more flexibility with their travel plans and potentially allow people to base themselves in Queenstown and commute to other main centres more easily. The biggest immediate benefit will be increasing the flying window during the short winter months, which are also our busiest passenger months.

3.17 QAC commenced the physical works required to accommodate evening flights in November last year, with an \$18m runway and lighting infrastructure upgrade. This work includes resurfacing and widening the runway (from 30m to 45m), and improved navigational infrastructure through the installation of a comprehensive aeronautical lighting package (runway, taxiway, approach and apron lights).

3.18 This project is due to be completed in April 2016. Airlines are in the process of developing their own operational safety cases for regulatory (CAA) approval to operate at Queenstown Airport after dark. Air New Zealand has already announced it will commence evening flights into and out of Queenstown this winter from 1 July, subject to regulatory approval.

3.19 The introduction of evening flights will mark a step-change for the Airport as a major local employment hub as it moves to a 'split-shift' operating model to cater for the extended operating window. This will create a number of job opportunities, adding to the 350-strong team already working in and around the Airport.

3.20 Ensuring it is ready for evening flights will be a key focus for QAC over the next 6 months.

Acquisition of Lot 6

3.21 QAC also seeks to designate and acquire part of Lot 6 DP304345 for Aerodrome Purposes. Lot 6 is owned by Remarkables Park Limited (**RPL**) who opposes both the designation and acquisition. Discussions have been ongoing with RPL since at least 2008, however unfortunately agreement has not been reached and the matter is before the Court.

3.22 The designation and acquisition of part of Lot 6 will importantly, but without limitation:

- a. Provide for appropriate (safe) clearances for the formation of a Code C taxiway parallel to the main runway so as to increase that runway's capacity;
- b. Provide additional grass and paved apron areas and space for hangars for general aviation and helicopter activities, along with additional hangar space for Code C aircraft (i.e. jets).
- c. Enable general aviation and helicopter bases and activities (**GA**) to move from the south western area of the Airport (near Lucas Place) so as to enable essential growth around the Airport including:
 - i. further expansion of the terminal;
 - ii. additional apron areas around the terminal for scheduled aircraft;
 - iii. additional carparking for public and rental vehicles etc.

3.23 These works are essential for the ongoing development of the Airport, and the project has been recognised as one of “national significance” by the Minister for the Environment.

3.24 While the GA operators remain in their current locations along Lucas Place, the Airport’s landslide activities cannot be expanded to the detriment of neighbours who experience a higher level of aircraft noise under the existing configuration.

- 3.25 In the most recent decision on Lot 6 (22 December 2015), the Court found in favour of QAC on the following points:
- a. Reconfirmed its finding that the new GA precinct should be established to the south of the main runway and proposed taxiway, and on Lot 6 land;
 - b. That the area of Lot 6 land required is about 16ha and not the 8ha originally decided.
- 3.26 The Court is expected to confirm the 16ha designation once an aeronautical study has been completed and CAA approval is obtained for the works enabled by the designation. The aeronautical study for this is underway.

Plan Change 35

- 3.27 QAC's counsel and its planning witness, Mr Kyle, have explained the background to and detail of Plan Change 35. My evidence provides an update on the roll out of the noise mitigation package, as required by the amendments to Designation 2 (Aerodrome Purpose) associated with the Plan Change.
- 3.28 Following work in 2013/14, which involved forming the Queenstown Airport Community Liaison Committee and adopting the Noise Management Plan, and discussing options with our affected neighbours, QAC has been working through its aircraft noise mitigation obligations as required by the Designation.
- 3.29 QAC's primary focus over the past year has been to progress works on the 13 homes most affected by aircraft noise located within PC35 Air Noise Boundary (**ANB**). This has involved each home being assessed by noise management experts and individual acoustic treatment package reports being developed.
- 3.30 These acoustic packages were then worked through and put into action in two trial houses. Project manager RCP worked with contractors to test a number of different scenarios to ensure that when work is undertaken on each home, proven best practices which achieve optimal acoustic results with the least impact to the people living in the house are adopted.

- 3.31 In addition to field testing mitigation options, QAC has completed the following:
- a. Preliminary design work for the 13 homes that qualify for the full noise mitigation package (i.e. sound insulation and mechanical ventilation).
 - b. Drafted legal agreements for presentation to homeowners which have been subsequently approved by the Queenstown Airport Liaison Committee.
 - c. Held one-on-one meetings with each homeowner to present and discuss the bespoke noise mitigation design solution for their home and the legal documentation.
- 3.32 Once noise mitigation works are underway for the first 13 homes, attention will turn to the properties with the 60 dB L_{dn} 2037 Noise Contour and QAC will contact owners regarding mechanical ventilation proposals for their homes. This phase involves a further 123 homes and is timed to begin mid 2016.
- 3.33 Noise mitigation works will continue in annual or two-yearly tranches for the next 20 years.
- 3.34 QAC's approach is guided by its obligations in the Aerodrome Purposes Designation and the Noise Management Plan, which was formulated through the notice of requirement and Plan Change 35 process.

Masterplanning

- 3.35 Developing a 30 year Masterplan over the next 12 months is also a key focus for QAC. The project outline has been completed and consultants will be appointed in May, with plans started to be developed over winter. Once confirmed, the Masterplan will guide the long-term development of the Airport.

QAC's CONTRIBUTION TO THE DISTRICT

- 3.36 A 2014 economic assessment undertaken by Market Economics¹ has assessed that Queenstown Airport facilitates tourism spending of between \$592m and \$638m, sustaining between 14,855 and 15,948 jobs, and that by 2037 total tourism spending facilitated by the Airport will be between \$1.1bn and \$1.4bn.

¹ Market Economics Report titled "Queenstown Airport: Mixed Use Zone, Economic Assessment November 2014".

- 3.37 An economic analysis undertaken for PC35 indicated that in 2037, gross output of the Airport will increase to \$522 million and will sustain the equivalent of 8,100 full time workers each year. This is likely understated, given current growth projections.
- 3.38 Currently, more than 350 people work in and around Queenstown Airport. In addition to QAC, the Airport's management company, the wider airport community comprises approximately 60 businesses, from retailers, rental car providers and general aviation operators to airlines, ground handling services and border security agencies. There are also a number of auxiliary service providers and contractors who work with these businesses to support the airport's operations.
- 3.39 The introduction of evening flights later this year and the move to a 'split-shift' operating model to cater for the extended operating window will create a number of further job opportunities, and inevitably lead to increased tourist spending in the District.
- 3.40 Consequently, Queenstown Airport can be considered a significant strategic resource and provides substantial direct and indirect benefits to the local and regional economy.

SUMMARY FOR QUEENSTOWN AIRPORT

- 3.41 QAC's business success and growth is intrinsically linked to the fortunes of the region's tourism and visitor industry. In turn, this industry depends on QAC providing effective air connectivity for New Zealand and overseas visitors, along with a world-class passenger service and experience for all visitors.
- 3.42 Land constraints, constrained airspace, heightened international airport aviation security requirements, and phenomenal growth means Queenstown Airport will continue to evolve solely as a commercial airport. For QAC that means an airport that is able to meet the future needs of scheduled 'Regular Passenger Transport' (RPT) services and associated passengers, the special demands of the private jet market, and the region's commercial general aviation industry as a hub for visitor flightseeing.

- 3.43 QAC will continue to work closely with aviation and tourism partners to identify growth opportunities for the future, particularly in off peak months, to ensure its infrastructure is developed to meet demand. We see the need for the community to continue to invest in the region's infrastructure and tourism to both maintain a quality visitor experience and to handle the anticipated growth from new and emerging long haul markets.
- 3.44 Growth projections remain very strong and QAC is mindful it needs to manage this growth in line with community expectations and any District Plan requirements. Given this growth, and the significant contribution the Airport makes to the community, it is imperative, in my view, that new noise sensitive activities around the Airport are carefully managed.

4. WANAKA AIRPORT

- 4.1 Wanaka Airport accommodates aircraft movements associated with scheduled general aviation and helicopter operations, and is a major facilitator of commercial helicopter operations within the District.
- 4.2 Wanaka Airport provides a complementary and supplementary facility to Queenstown Airport.
- 4.3 QAC provides aeronautical and property expertise to QLDC in relation to the management of Wanaka Airport, and receives a fee from QLDC for the management of the airport calculated on a cost recovery basis only. This includes the cost of onsite airport staff, aeronautical advisory support, property management services, accounting and administration services, management input to the airport's development, and fulfilling compliance obligations.

M Edghill

29 February 2016

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District Plan

Chapter 3 (Strategic Direction),
Chapter 4 (Urban Development) and
Chapter 6 (Landscape)

SUMMARY OF EVIDENCE OF JOHN CLIFFORD KYLE

(16 March 2016)

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1. INTRODUCTION

Qualifications and Experience

- 1.1 I hold an honours degree in Regional Planning from Massey University, obtained in 1987.
- 1.2 In preparing this evidence, I have reviewed the Proposed Plan submissions, further submissions, and other relevant information that has been provided by the Council in relation to this matter, including the section 42A reports.
- 1.3 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 1.4 In this brief of evidence, I provide a high level summary of my evidence in chief dated 29 February 2016. Specially, I will:
- Set out the planning context for Queenstown and Wanaka Airports;
 - Provide an overview of the strategic significance of Queenstown and Wanaka Airports and why they warrant recognition in the Proposed Plan;
 - Provide the contextual background and genesis behind Plan Change 35 (PC35) and the associated Notice of Requirement initiated by QAC in 2008;
 - Explain how the higher order objectives and policies of PC35 should be carried forward and incorporated into the Proposed Plan

2. QUEENSTOWN AIRPORT – PLANNING CONTEXT

- 2.1 QAC operates the regionally and nationally significant Queenstown Airport, and the regionally significant Wanaka Airport.
- 2.2 Queenstown Airport is managed by QAC. QAC is a network utility operator and a requiring authority under section 166 of the Resource Management Act 1991 (the **RMA** or the **Act**).

2.3 Queenstown Airport is the subject of three designations in the operative Queenstown Lakes District Plan (**Operative Plan**), namely:

- **Designation 2 – Aerodrome Purposes:** The purpose of this designation is to protect the operational capability of the Airport, while at the same time minimising adverse environmental effects from aircraft noise on the community at least to year 2037;
- **Designation 3 – Air Noise Boundary:** This designation defines the location of the Airport’s Air Noise Boundary (**ANB**). The location of the ANB shown in the designation is outdated however, and was updated, to provide for airport operations until 2037, via noise boundaries promulgated as part of PC35; and,
- **Designation 4 – The Approach and Land Use Control (transitional slopes and surfaces):** The purpose of this designation is to provide obstacle limitation surfaces around the Airport to ensure the safe operation of aircraft approaching and departing the Airport.

2.4 Excepting Designation 3, these designations are proposed to be “rolled over” (with modifications), in the Proposed Plan. Designation 3 has been subsumed by PC35 which provides for an updated ANB to be included in the District Plan (Planning Map 31a).

3. WANAKA AIRPORT – PLANNING CONTEXT

3.1 The Queenstown Lakes District Council (**QLDC**) is the requiring authority for Wanaka Airport, with QAC managing the operations of the Airport on QLDC’s behalf.

3.2 Wanaka Airport is designated for “Aerodrome Purposes” (Designation 64) and a designation exists for “Approach and Land Use Control” purposes (Designation 65) in the Operative Plan. The purpose of these designations is to:

- Protect the operational capability of the Airport, while at the same time minimising adverse effects from aircraft noise (Designation 64); and,
- Define essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances (Designation 65).

3.3 These designations are also proposed to be “rolled over” (with modifications), in the Proposed Plan.

4. THE NATIONAL AND REGIONAL SIGNIFICANCE OF INFRASTRUCTURE

4.1 Queenstown and Wanaka Airports comprise significant infrastructure that plays a critical role in providing for the economic and social wellbeing of the Queenstown Lakes District.

4.2 Research undertaken by QLDC in 2013¹ estimated that more than a third of the local economy is based on tourism and around half of all employment is related to the tourism sector². Queenstown Airport serves an important role in facilitating the movement of people and goods, which in turn feeds the District’s tourism industry and commerce more generally. Queenstown Airport is the primary arrival and departure port for many visitors to the District.

4.3 Over the previous 12 month period, Queenstown Airport accommodated in excess of 1.5 million passengers. Recent growth projections have indicated that passenger growth is set to continue, with 2.5 million passengers projected by 2025.

4.4 Tourism is a crucially important industry to the New Zealand economy as a whole. It is evident that the on-going ability of Queenstown Airport to function is essential to the tourism industry, both regionally and nationally. The on-going ability of Queenstown Airport to function and grow without undue constraint is of significant importance to the tourism industry, both regionally and nationally.

4.5 Given the role of the Strategic Directions chapter of the Proposed Plan in setting the policy framework for the management of growth, land use and development, it is important in my view that the significance of infrastructure is recognised and provided for within this chapter. Put simply, the wider benefits that accrue from the airport should attract significant weight in preparing and confirming the provisions of the Proposed Plan.

¹ Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

² Note, these figures did not the wider tourism activities inputs (supply chains).

5. PLAN CHANGE 35 - THE GENESIS AND BACKGROUND TO THE PLAN CHANGE

- 5.1 In 2008 QAC initiated PC35 and an associated Notice of Requirement (**NOR**) to alter Designation 2. The purpose of PC35 was to put in place an appropriate management regime for managing land use around Queenstown Airport while providing for the predicted ongoing growth of the aircraft operations to 2037. Accordingly, the Plan Change updated the Airport's noise boundaries³ (ANB and Outer Control Boundary (**OCB**)) to provide for predicted growth in aircraft operations to 2037, and amended various zone provisions relating to the use of land within those updated boundaries likely to be affected by increased aircraft noise.
- 5.2 In conjunction with the land use management regime proposed by PC35, the associated NOR proposed to introduce obligations for QAC (via its Aerodrome Purposes Designation) to undertake and fund noise mitigation works for those existing houses within the updated noise boundaries likely to be exposed to increased levels of aircraft noise.
- 5.3 PC35 was adopted by QLDC and following the hearing of submissions, was confirmed by the Environment Court on 1st November 2010.⁴
- 5.4 PC35 was the subject of a number of appeals to the Environment Court. The appeals were largely resolved by agreement in early 2012, which was jointly presented to the Environment Court during the course of two hearings and the filing of subsequent memoranda. During the course of the Environment Court proceedings the provisions were, at the Environment Court's direction, redrafted by the parties to correct errors, ambiguities and inconsistencies contained in QLDC's decision on the Plan Change. The Environment Court confirmed the provisions on 8th May 2013.

³ Prior to which the OCB being contained in the Operative District Plan and the ANB in Designation 3.

⁴ Excepting provision for a limited number of scheduled flights after 10pm, which decision was accepted by QAC (i.e. not appealed).

New Zealand Standard on Airport Noise Management and Land Use Planning (NZS6805:1992)

- 5.5 The foundation of the approach adopted by PC35 is the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 (the **New Zealand Standard** or the **Standard**). This Standard is recognised as the key guiding document for managing aircraft noise at New Zealand airports.

Air Noise Boundary

- 5.6 The New Zealand Standard recommends the *implementation of practical land use planning controls and airport management techniques to promote and conserve the health of people living and working near airports, without unduly restricting the operation of airports.*⁵
- 5.7 One of the techniques advocated in the New Zealand Standard for achieving this outcome is the imposition of an ANB.
- 5.8 The ANB comprises a noise boundary inside of which noise exposure is expected to exceed 65dB L_{dn}. The New Zealand Standard recommends that new residential activities, schools, hospitals or other noise sensitive uses should be prohibited inside the ANB⁶.
- 5.9 The New Zealand Standard also recommends that alterations or additions to existing residences or other ASANs inside the ANB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

Outer Control Boundary

- 5.10 The New Zealand Standard identifies that the OCB is based on a noise contour at or beyond which aircraft noise should not exceed 55dB L_{dn}.

⁵ New Zealand Standard 6805:1992: Airport Noise Management and Land Use Planning (NZS 6805:1992); Section 1.1.3, page 5.

⁶ NZS 6805: 1992, Table 1, page 15.

- 5.11 The New Zealand Standard recommends that any new residential dwellings, schools, hospitals or other noise sensitive uses (ASANs) should be prohibited within the OCB, unless the District Plan permits such uses. Then they should be subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment.
- 5.12 The New Zealand Standard also recommends that alterations or additions to existing residences or other ASANs inside the OCB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

Plan Change 35 and the associated Notice of Requirement

- 5.13 The approach adopted within PC35 in respect of the ANB and OCB was guided by the New Zealand Standard, with amendments as necessary to reflect the current nature and scale of established activities occurring around the airport.
- 5.14 At the time PC35 was promulgated, QAC recognised that historical development and associated zoning for residential purposes has occurred in close proximity to the Airport runway. QAC therefore adopted a more moderated approach to that recommended by the Standard within existing residentially zoned sites.
- 5.15 Appendix A provides a direct comparison of the PC35 zone provisions against NZS6805.
- 5.16 The Standard also advocates that steps should be taken to provide existing residential dwellings with appropriate acoustic insulation to ensure a satisfactory internal noise environment. QAC therefore offered, as part of PC35 and the associated NOR package, to fund mitigation measures, including acoustic insulation and mechanical ventilation for existing dwellings within the proposed ANB to the extent necessary to achieve an internal noise environment of 40dB L_{dn}. QAC is obliged to provide this mitigation treatment through conditions of Designation 2.

- 5.17 As set out by Mr Edghill⁷, QAC has recently commenced with this work, offering acoustic mitigation packages to 13 houses within the 2037 ANB.
- 5.18 PC35 also promoted strong policy based dissuasion against the promulgation of further plan changes that would result in land within the OCB being rezoned for noise sensitive (ASAN) development. Whilst it is accepted that some land around the Airport has been allowed to develop in a way which incorporates ASANs or where ASANs have been previously consented⁸, in my view it is important to now recognise that any future opportunity to similarly develop currently undeveloped land should be dissuaded.

6. HIGHER ORDER PC35 PROVISIONS

- 6.1 PC35 introduced two new strategic objectives into the operative District Plan⁹. These objectives were deliberately specific to Queenstown Airport on the basis that the Airport is the pre-eminent commercial airport in the district and it has increasingly become so since the operative District Plan was first notified in 1995. The objectives were included in the District Wide Issues section of the District Plan to reflect this significance.
- 6.2 QAC's submission on the Urban Development Chapter of the Proposed Plan sought the inclusion of these objectives and their attendant policies without substantive amendment. The section 42A report has recommended rejecting QAC's submission with respect to carrying forward these provisions and considers that QAC's key objectives are provided for in lower order chapters¹⁰.
- 6.3 I disagree with the recommended approach of the Council Officer and note that the objectives and policies proposed by QAC (and confirmed by the Environment Court) provide the fundamental objective and policy framework that underpins the lower order chapters referred to by the Council Officer. Without them there may be insufficient foundation for the related provisions in the lower chapters.

⁷ Paragraph 3.29 of the Evidence in Chief of Mr Mark Edghill, dated 26 February 2016.

⁸ Frankton Flats Zone for example.

⁹ Objectives 7 and 8 of Section 4.9.3 of the Operative Plan.

¹⁰ Paragraph 12.72, page 28 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

6.4 In my opinion, the approach proposed by the Council Officer is therefore not the most appropriate in terms of section 32.

7. CONCLUSIONS

7.1 The provisions developed via PC35 enable Queenstown Airport to continue to host growth in commercial airlines and other aviation use of its facilities in line with growth projections to 2037, whilst recognising and safeguarding the Airport as an existing strategic asset. The growth enabled by PC35 will yield a substantial benefit to the regional and national economies. The provisions of PC35 therefore assist in safeguarding Queenstown Airport as an existing strategic asset.

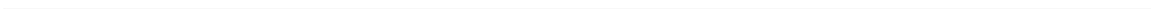
7.2 Given this, the currency of the PC35 provisions, and the recent and extensive Environment Court proceedings involving QAC, QLDC and other affected parties to achieve them, it is imperative in my opinion that the Proposed Plan adopts and incorporates the land use management regime established under PC35, without substantive amendment.

John Kyle

16 March 2016

APPENDIX A

A summary of the PC35 Framework against NZS 6805: 1992



Appendix A: A summary of the PC35 Framework against NZS 6805: 1992

Zone	Location	Proposed Activity	Recommended NZ Standard Status	Activity	PC35 Activity Status	Operative Plan Rule Reference
RURAL	Within OCB or within the ANB	New ASAN	Prohibited*		Prohibited	Rule 5.3.3.5(iii)
	Within ANB	Additions and Alterations to existing buildings containing ASAN	Permitted subject to appropriate insulation**	acoustic	Permitted subject to compliance with the acoustic insulation and mechanical ventilation standards otherwise Non-Complying.	Rule 5.3.3.4(vi) Zone Standard 5.3.5.2(viii)(a)
	Between ANB and OCB	Additions and Alterations to existing buildings containing ASAN	Permitted subject to appropriate insulation**	acoustic	Permitted subject to compliance with the mechanical ventilation standards otherwise Non-Complying.	Rule 5.3.3.4(vi) Zone Standard 5.3.5.2(viii)(b)
AIRPORT MIXED USE	Anywhere within the zone	New ASAN	Prohibited*		Prohibited	Rule 6.2.3.5
	Within ANB	New ASAN Alterations and additions to existing buildings containing an ASAN	Prohibited* Permitted subject to appropriate insulation**		Permitted subject to compliance with the acoustic insulation and mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.5.3(vi)(a)
RESIDENTIAL Residential and Visitor Accommodation	Between ANB and OCB	New ASAN Alterations and additions to existing buildings containing an ASAN	Prohibited* Permitted subject to appropriate insulation**		Permitted subject to compliance with the mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.5.3(vi)(b)
	Within ANB	New ASAN Alterations and additions to existing buildings containing an ASAN	Prohibited* Permitted subject to appropriate insulation**		Permitted subject to compliance with the acoustic insulation and mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.6.3(viii)(a)
RESIDENTIAL Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone)	Between ANB and OCB	New ASAN Alterations and additions to existing buildings containing an ASAN	Prohibited* Permitted subject to appropriate insulation**		Permitted subject to compliance with the mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.6.3(viii)(b)
	Within OCB	New ASAN Alterations and additions to existing buildings containing ASAN	Prohibited* Permitted subject to appropriate insulation**		Prohibited	Rule 11.3.3.5(i)
INDUSTRIAL	Between ANB and OCB	Additions and Alterations to existing buildings containing ASAN	Permitted subject to appropriate insulation**	acoustic	Permitted subject to compliance mechanical ventilation standards otherwise non-complying	Zone Standard 11.3.5.2(iii)(a)
	Within OCB	Additions and Alterations to existing buildings containing ASAN	Permitted subject to appropriate insulation**	acoustic	Permitted subject to compliance mechanical ventilation standards otherwise non-complying	Zone Standard 11.3.5.2(iii)(a)

NOTES:

Green shading demonstrates where PC35 is more liberal than NZS 6805: 1992

* Specifically, Table 1 of the NZS 6805:1992 states: "New residential, schools, hospitals or other noise sensitive uses should be prohibited unless a district plan permits such uses subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment."

** Specifically, Table 1 of the NZS 6805:1992 states: "Alterations or additions to existing residences or other noise sensitive uses shall be permitted only if fitted with appropriate acoustic insulation."

Zone	Location	Proposed Activity	Recommended NZ Standard Activity Status	Recommended NZ Standard Activity Status	Rule Ref
REMARKABLES PARK	Within the yellow areas on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps	All buildings	Prohibited *	Controlled having regard to amongst other things, Queenstown Airport and to achieve insulation from aircraft noise.	Rule 12.11.3.2(i)
		Design and construction of residential activities	Prohibited *	Controlled having regard to amongst other things, Queenstown Airport and to achieve insulation from aircraft noise.	Rule 12.11.3.2(ii)
	Any building or part of a building, or any alteration or addition to an existing building or part of an existing building, to be used for Residential activities or Visitor Accommodation	Prohibited *	Permitted subject to compliance with the following rules otherwise Non-complying. Shall be acoustically insulated from aircraft noise so as to achieve an Indoor Design Sound Level of 40dB Ldn based on the 2037 Noise Contours, except for non-critical listening environments where no special sound insulation is required. Where the building is located between 58 and 60 dB 2037 Noise Contours, this control shall be met in either of the following two ways: EITHER: By installation of mechanical ventilation to achieve the requirements of Table 2 at Appendix 13. OR: By submitting a certificate to Council from a suitably qualified acoustics expert stating that the Indoor Design Sound Level will be achieved by the proposed building design including certification from a suitably qualified ventilation expert that adequate ventilation will be achieved with the extent of open windows specified by the acoustics expert.	Rule 12.11.3.4(ii) Zone Standard 12.11.5.2(iv)	

<p>Within the yellow areas on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps (AA7 only)</p>	<p>Residential Activities</p>	<p>Prohibited *</p>	<p>Controlled</p>	<p>Rule 12.11.3.2 Table 1</p>
<p>Within the red hatched area indicated on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps and labelled "NO BUILDINGS AREA" (AA8)</p>	<p>Community Activities</p>	<p>Prohibited *</p>	<p>Non-Complying</p>	<p>Rule 12.11.3.4(i) Table 1</p>
<p>Within the [blue] areas indicated on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps and labelled "NO RESIDENTIAL, VISITOR ACCOMMODATION OR COMMUNITY ACTIVITIES AREA" (AA5, AA6, AA7)</p>	<p>Buildings</p>	<p>Prohibited *</p>	<p>Prohibited</p>	<p>Rule 12.11.3.5 Table 1</p>
<p>Within the green areas shown on Remarkables Park Zone Figure 2 - Airport Measures in the District Planning Maps</p>	<p>Residential, Visitor Accommodation and Community Activities</p>	<p>Prohibited *</p>	<p>Prohibited</p>	<p>Rule 12.11.3.5 Table 1</p>
<p></p>	<p>Educational Facilities</p>	<p>Prohibited *</p>	<p>Permitted subject to compliance with the following rules, otherwise Discretionary.</p> <p>No classrooms, halls or any other buildings which are used as internal teaching areas are to be located within that area.</p> <p>Outdoor areas are not to be regularly used for high quality listening or communication, such as occurs in academic teaching. This standard shall not preclude recreation and recreation related activities e.g. sports coaching.</p>	<p>Rule 12.11.3.3(iii) Site Standard 12.11.5.1(v)</p>

				<p>All buildings (except Non Critical Listening Environments) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours and if that Indoor Design Sound Level cannot be met with windows open, then those buildings shall be fitted with mechanical ventilation*.</p>	
FRANKTON FLATS	<p>Within OCB</p>	<p>≤ 70 Units associated with Visitor Accommodation;</p> <p>1 Health Care facility (including but not limited to doctors and/or dentists surgery but excluding hospitals) ≤ gross floor area of 900m²; and</p> <p>1 Educational Facility ≤ an internal gross floor area of 450m² and associated outdoor space of 450m².</p>	<p>Prohibited</p>	<p>Discretionary Activity subject to compliance with the following rules otherwise Non-complying.</p> <p>Shall be acoustically insulated from aircraft noise so as to achieve an Indoor Design Sound level of 40dB Ldn based on the 2037 Noise Contours, except for non-critical listening environments where no special sound insulation is required.</p> <p>Where the building is located between 58 and 60 dB 2037 Noise Contours, this control shall be met in either of the following two ways: EITHER: By installation of mechanical ventilation to achieve the requirements of Table 2 at Appendix 13. OR: By submitting a certificate to Council from a suitably qualified acoustics expert stating that the above Indoor Design Sound Level will be achieved by the proposed building design including certification from a suitably qualified ventilation expert that adequate ventilation will be achieved with the extent of open windows specified by the acoustics expert.</p>	<p>Rule 12.18.3.3(ii)</p> <p>Rule 12.18.3.4(viii)</p> <p>Zone Standard 12.18.5.2(iii)</p>
	<p>Within ANB</p> <p>Within OCB</p>	<p>Residential and Educational Activity</p> <p>ASAN other than those listed above</p>	<p>Prohibited</p> <p>Prohibited</p>	<p>Discretionary</p> <p>Prohibited</p>	<p>Rule 12.18.3.3(ii)</p> <p>Rule 12.18.3.5(iv)</p>

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed
District Plan

Chapter 3 (Strategic Direction),
Chapter 4 (Urban Development) and
Chapter 6 (Landscape)

STATEMENT OF EVIDENCE JOHN CLIFFORD KYLE

(29 FEBRUARY 2016)

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1. INTRODUCTION

Qualifications and Experience

- 1.1 I hold an honours degree in Regional Planning from Massey University, obtained in 1987. I am a Partner with the firm Mitchell Partnerships, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Tauranga and Dunedin.
- 1.2 I have been engaged in the field of town and country planning and resource and environmental management for 28 years. My experience includes a mix of local authority and consultancy resource management work. For the past 22 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management and environmental effects assessment. This includes extensive experience with large-scale projects involving inputs from a multidisciplinary team.
- 1.3 An outline of the projects in which I have been called upon to provide environmental planning advice in recent times is included as **Appendix A**.
- 1.4 I am familiar with and have made numerous visits to Queenstown Airport and the areas surrounding the Airport. I have assisted the Queenstown Airport Corporation with planning matters for more than a decade. I am generally familiar with planning issues in the Queenstown Lakes District, having actively practiced there since 1994.
- 1.5 I advise that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. In particular, unless I state otherwise, this evidence is within my scope of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.6 My firm, Mitchell Partnerships Limited (**MPL**) has been commissioned by Queenstown Airport Corporation (**QAC**) to provide resource management planning advice with respect to the Proposed Queenstown Lakes District Plan (**Proposed Plan**). My firm prepared the submissions and further submissions on behalf of QAC.

Scope of Evidence

1.7 In this brief of evidence, I will:

- Set out the planning context for Queenstown and Wanaka Airports;
- Provide an overview of the strategic significance of Queenstown and Wanaka Airports and why they warrant recognition in the Proposed Plan;
- Provide the contextual background and genesis behind Plan Change 35 and the associated Notice of Requirement initiated by QAC in 2008;
- Set out why the provisions that were settled via the Environment Court process as part of Plan Change 35 (**PC35**) remain the most suitable means of managing the effects of aircraft noise at and around Queenstown Airport;
- Explain how the higher order objectives and policies of PC35 should be carried forward and incorporated into the Proposed Plan; and,

2. QUEENSTOWN AIRPORT – PLANNING CONTEXT

2.1 QAC operates the regionally and nationally significant Queenstown Airport, and the regionally significant Wanaka Airport. Mr Edghill has provided some context about QAC and the role of Queenstown and Wanaka Airports in facilitating the transportation of people and goods to the region. I do not intend to repeat that here.

2.2 Queenstown Airport is managed by QAC. QAC is a network utility operator and a requiring authority under section 166 of the Resource Management Act 1991 (the **RMA** or the **Act**).

2.3 Queenstown Airport is the subject of three designations in the operative Queenstown Lakes District Plan (**Operative Plan**), namely:

- **Designation 2 – Aerodrome Purposes:** The purpose of this designation is to protect the operational capability of the Airport, while at the same time minimising adverse environmental effects from aircraft noise on the community at least to year 2037;

- **Designation 3 – Air Noise Boundary:** This designation defines the location of the Airport’s Air Noise Boundary (**ANB**). The location of the ANB shown in the designation is outdated however, and was updated, to provide for airport operations until 2037, via noise boundaries promulgated as part of Plan Change 35; and,
- **Designation 4 – The Approach and Land Use Control (transitional slopes and surfaces):** The purpose of this designation is to provide obstacle limitation surfaces around the Airport to ensure the safe operation of aircraft approaching and departing the Airport.

2.4 Excepting Designation 3, these designations are proposed to be “rolled over” (with modifications), in the Proposed Plan. Designation 3 has been subsumed by Plan Change 35 which provides for an updated ANB to be included in the District Plan (Planning Map 31a) (refer to paragraph 5.31 of my evidence for further background). QAC has therefore given notice of its intent to withdraw Designation 3.

2.5 Maps depicting the extent of Designation 2 (Aerodrome Purposes) and two figures showing the extent of Designation 4 (Approach and Land Use Controls) are attached in **Appendix B**. The extent of QAC’s landholdings (designated and undesignated) is attached as **Appendix C**.

3. WANAKA AIRPORT – PLANNING CONTEXT

3.1 The Queenstown Lakes District Council (**QLDC**) is the requiring authority for Wanaka Airport, with QAC managing the operations of the Airport on QLDC’s behalf.

3.2 Wanaka Airport is designated for “Aerodrome Purposes” (Designation 64) and a designation exists for “Approach and Land Use Control” purposes (Designation 65) in the Operative Plan. The purpose of these designations is to:

- Protect the operational capability of the Airport, while at the same time minimising adverse effects from aircraft noise (Designation 64); and,
- Define essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances (Designation 65).

- 3.3 These designations are also proposed to be “rolled over” (with modifications), in the Proposed Plan.
- 3.4 A map depicting the extent of these designations is attached as **Appendix D**.

4. THE NATIONAL AND REGIONAL SIGNIFICANCE OF INFRASTRUCTURE

- 4.1 Queenstown and Wanaka Airports comprise significant infrastructure that plays a critical role in providing for the economic and social wellbeing of the Queenstown Lakes District.

Queenstown Airport as a facilitator of economic growth and wellbeing

- 4.2 Research undertaken by QLDC in 2013¹ estimated that more than a third of the local economy is based on tourism and around half of all employment is related to the tourism sector².
- 4.3 Queenstown Airport serves an important role in facilitating the movement of people and goods, which in turn feeds the District’s tourism industry and commerce more generally. Queenstown Airport is the primary arrival and departure port for many visitors to the District.
- 4.4 As explained by Mr Edghill, over the previous 12 month period, Queenstown Airport accommodated in excess of 1.5 million passengers. Recent growth projections have indicated that passenger growth is set to continue, with 2.5 million passengers projected by 2025.
- 4.5 Based on the Ministry of Business, Innovation and Employment tourism forecasts and passenger number growth rates, total tourism spending is projected to increase by between 3.4 per cent and 3.9 per cent per annum. A 2014 economic assessment³ indicated this is expected to take the total tourism spending facilitated by Queenstown Airport to between \$1.1bn and \$1.4bn by 2037. However, that amount will likely now be significantly greater, given the Airport’s most recent growth predictions.

¹ Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

² Note, these figures did not the wider tourism activities inputs (supply chains).

³ Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

- 4.6 Quite clearly the economic impact of the Airport both now and in the future is significant. Moreover, as indicated in the evidence of Mr Edghill, Queenstown Airport comprises an important tourist gateway into the Queenstown Lakes District. In recent times, the growth in passenger numbers has been pronounced, with greatest percentage growth occurring in international passengers. Queenstown is a nationally significant tourist destination. Tourism is a crucially important industry to the New Zealand economy as a whole. It is evident that the on-going ability of Queenstown Airport to function is essential to the tourism industry, both regionally and nationally.
- 4.7 The on-going ability of Queenstown Airport to function and grow without undue constraint is therefore of significant importance to the tourism industry, both regionally and nationally.
- 4.8 Because the tourism industry is such a significant contributor to the District's economy, the ongoing operation and development of the Airport is also of significant importance to the social and economic wellbeing of the community.

QAC as a Lifeline Utility Entity

- 4.9 Queenstown Airport is a lifeline utility under the Civil Defence Emergency Management Act 2002 (**CDEM**) in respect of its operation of Queenstown Airport. Accordingly, QAC has duties under that Act which are aimed at ensuring the wellbeing of people and the community is maintained during and after an emergency.
- 4.10 While not an identified lifeline utility under the CDEM, Wanaka Airport is likely to provide important air access to the Queenstown Lakes District in the event that road access is compromised during an emergency event⁴.

Regional Policy Statements (RPS)

- 4.11 The Operative and Proposed Regional Policy Statements for Otago provide specific policy recognition of infrastructure and acknowledge its importance in providing for the social, economic and cultural wellbeing of people and communities. Of note are the following provisions:

⁴ In the Queenstown Lakes District Council Emergency Management Plan 2013-2016.

Operative Regional Policy Statement for Otago

- Queenstown Airport is recognised in the explanation to issue 9.3.3⁵ of the RPS as one of the region's major airports.
- Objective 9.4.2⁶ seeks to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.
- Policy 9.5.2⁷ seeks to promote and encourage efficiency in the development and use of Otago's infrastructure through:
 - Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology;
 - Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure;
 - Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and
 - Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.
- Policy 9.5.3⁸ aims to promote and encourage the sustainable management of Otago's transport network through:
 - Promoting the use of fuel efficient modes of transport; and
 - Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and
 - Promoting a safer transport system; and
 - Promoting the protection of transport infrastructure from the adverse effects of land use activities and natural hazards.

⁵ Issue 9.3.3, page 123 of the Operative Regional Policy Statement for Otago 1998.

⁶ Objective 9.4.2, page 125 of the Operative Regional Policy Statement for Otago 1998.

⁷ Policy 9.5.2, page 126 of the Operative Regional Policy Statement for Otago 1998.

⁸ Policy 9.5.3, page 127 of the Operative Regional Policy Statement for Otago 1998.

Proposed Regional Policy Statement

- Objective 3.5⁹ aims to ensure that infrastructure of national and regional significance is managed in a sustainable way.
- Policy 3.5.1¹⁰ seeks to recognise the national and regional significance of infrastructure, including airports (as noted in subparagraph (e)).
- Policy 3.5.3¹¹ seeks to protect infrastructure of national or regional significance, by:
 - Restricting the establishment of activities that may result in reverse sensitivity effects;
 - Avoiding significant adverse effects on the functional needs of infrastructure;
 - Avoiding, remedying or mitigating other adverse effects on the functional needs of the such infrastructure;
 - Assessing the significance of the adverse effects on those needs, as detailed in the “Significance threshold” schedule (Schedule 3) of the Proposed Regional Policy Statement);
 - Protecting infrastructure corridors for infrastructure needs, now and for the future.

4.12 The Proposed Plan is required to give effect to the Operative and have regard to the Proposed Regional Policy Statements.

Summary

4.13 It is clear from the above that Queenstown and Wanaka Airports comprise significant infrastructure that contributes to the social and economic wellbeing of the community. In my opinion, it is therefore imperative that such infrastructure is properly recognised and provided for in the Proposed Plan. Put simply, the wider benefits that accrue from the airport should attract significant weight in preparing and confirming the provisions of the Proposed Plan.

⁹ Objective 3.5, page 59 of the Proposed Regional Policy Statement for Otago 2015.

¹⁰ Policy 3.5.1, page 59 of the Proposed Regional Policy Statement for Otago 2015.

¹¹ Policy 3.5.3, page 60 of the Proposed Regional Policy Statement for Otago 2015.

4.14 Given the role of the Strategic Directions chapter of the Proposed Plan in setting the policy framework for the management of growth, land use and development, it is important in my view that the significance of infrastructure is recognised and provided for within this chapter. It is also required in order to give effect/have regard to the Operative and Proposed Regional Policy Statements. My colleague, Ms Kirsty O'Sullivan, will provide evidence with respect to the form that such policy recognition should take. I have reviewed her evidence and endorse what she has to say in this respect.

5. PLAN CHANGE 35 - THE GENESIS AND BACKGROUND TO THE PLAN CHANGE

5.1 In 2008 QAC initiated Plan Change 35 (**PC35**) and an associated Notice of Requirement (**NOR**) to alter Designation 2. The purpose of PC35 was to put in place an appropriate management regime for managing land use around Queenstown Airport while providing for the predicted ongoing growth of the aircraft operations to 2037. Accordingly, the Plan Change updated the Airport's noise boundaries¹² (Air Noise Boundary (**ANB**) and Outer Control Boundary (**OCB**)) to provide for predicted growth in aircraft operations to 2037, and amended various zone provisions relating to the use of land within those updated boundaries likely to be affected by increased aircraft noise.

5.2 Specifically, PC35 sought changes to the following chapters of the Operative District Plan:

Chapter 4 District Wide Issues;

Chapter 5 Rural Areas

Chapter 6 Queenstown Airport Mixed Use

Chapter 7 Residential Areas

Chapter 11 Business and Industrial Areas;

Chapter 12 Special Zones

Chapter 14 Transport

Appendix 1 Designations

Appendix 13 (relating to Sound Insulation and Ventilation Requirements);
Definitions;

¹² Prior to which the OCB being contained in the Operative District Plan and the ANB in Designation 3.

- 5.3 In conjunction with the land use management regime proposed by PC35, the associated NOR proposed to introduce obligations for QAC (via its Aerodrome Purposes Designation) to undertake and fund noise mitigation works for those existing houses within the updated noise boundaries likely to be exposed to increased levels of aircraft noise.
- 5.4 PC35 was adopted by QLDC and following the hearing of submissions, was confirmed on 1st November 2010.¹³
- 5.5 PC35 was the subject of a number of appeals to the Environment Court. The appeals were largely resolved by agreement in early 2012, which was jointly presented to the Court during the course of two hearings and the filing of subsequent memoranda.
- 5.6 During the course of the Court proceedings the provisions were, at the Court's direction, redrafted by the parties to correct errors, ambiguities and inconsistencies contained in QLDC's decision on the Plan Change. A final set of provisions, giving effect to the Court's directions, was filed jointly by the parties in May 2013.
- 5.7 To provide some context for the Panel, I attach as **Appendix E** of my evidence, the full suite of provisions confirmed by the Environment Court on 8th May 2013. The three interim Environment Court decisions that relate to PC35 and together confirm its provisions and those of the associated NOR are attached as **Appendix F** to my evidence. I note the Noise Management Plan included in the Appendix contains a summary of QAC's noise mitigation obligations under the Designation. This may be of some assistance to the Panel in understanding the more technical aspects of PC35.
- 5.8 I note that the Environment Court confirmed PC35 provisions affect the following chapters of the Proposed Plan:
- Chapter 3 Strategic Direction;
 - Chapter 4 Urban Development
 - Chapter 7 Low Density Residential

¹³ Excepting provision for a limited number of scheduled flights after 10pm, which decision was accepted by QAC (i.e. not appealed).

- Chapter 15 Local Shopping Centre
- Chapter 17 Airport Mixed Use
- Chapter 21 Rural
- Chapter 36 Noise
- Chapter 37 Designations

- 5.9 It is therefore appropriate in my view to provide an overview of PC35 and the associated NOR in this phase of the hearing of submissions on the Proposed Plan in order to ensure the Panel has the contextual background necessary to consider QAC's submissions on the chapters which are the subject of this hearing and on later chapters.
- 5.10 In order to understand why, in my opinion, the Environment Court confirmed provisions remain the most current and appropriate means of managing the effects of aircraft noise on activities sensitive to aircraft noise (ASAN), and why similar provisions should be incorporated in the Proposed Plan, I will provide some background around the promulgation of PC35, and how the provisions were developed.

New Zealand Standard on Airport Noise Management and Land Use Planning (NZS6805:1992)

- 5.11 The foundation of the approach adopted by PC35 is the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 (the **New Zealand Standard** or the **Standard**). This Standard is recognised as the key guiding document for managing aircraft noise at New Zealand airports.
- 5.12 As noted, PC35 seeks to provide for growth in aircraft operations at the Airport until 2037, that being 25 years from when the Plan Change was first promulgated. The initial part of the PC35 process involved undertaking aircraft noise monitoring, and modelling how this would change over time, out to the year 2037¹⁴. The modelling determined that the noise boundaries contained in the Operative District Plan were quickly becoming out of date and that QAC needed to investigate how best to provide for its future operational requirements.

¹⁴ This work was carried out by Marshall Day Acoustics. The modelled aircraft noise predictions utilised flight growth projections which were forecast by Airbiz Limited.

- 5.13 In approaching the task of how best to provide appropriate aircraft noise management provisions in the District Plan, the decision was taken to respect the structure of the Operative District Plan, as far as could be achieved. Reliance on a designation approach (addressing QAC's obligations), in tandem with the imposition of new or amended objectives, policies and methods within the zones that relate to land around the Airport (addressing the community's obligations) was determined to be the best approach to managing the effects of aircraft noise at Queenstown Airport. This approach has since been endorsed by the Environment Court¹⁵.
- 5.14 I maintain of the view that this approach remains the most appropriate and should be carefully considered in formulating the Proposed Plan.

Air Noise Boundary (ANB)

- 5.15 The New Zealand Standard recommends the *implementation of practical land use planning controls and airport management techniques to promote and conserve the health of people living and working near airports, without unduly restricting the operation of airports*.¹⁶
- 5.16 The New Zealand Standard sets out that a balance needs to be achieved between accommodating the needs of the Airport on an on-going basis and providing for the health and the amenity values enjoyed by those occupying and using land surrounding the Airport.
- 5.17 One of the techniques advocated in the New Zealand Standard for achieving this outcome is the imposition of an ANB. An ANB is a "*mechanism for local authorities to establish compatible land use planning and to set limits for the management of aircraft noise at airports where noise control measures are needed to protect community health and amenity values*"¹⁷.

¹⁵ Refer to the three interim decisions attached as Appendix F of my evidence.

¹⁶ New Zealand Standard 6805:1992: Airport Noise Management and Land Use Planning (NZS 6805:1992); Section 1.1.3, page 5.

¹⁷ NZS 6805:1992, Section 1.1.2, page 5.

- 5.18 The ANB comprises a noise boundary inside of which noise exposure is expected to exceed 65dB L_{dn}. The New Zealand Standard recommends that new residential activities, schools, hospitals or other noise sensitive uses should be prohibited inside the ANB¹⁸. The approach adopted within PC35 in respect of the ANB was therefore guided by the New Zealand Standard, with amendments as necessary to reflect the current nature and scale of established activities occurring around the airport.
- 5.19 The ANB at Queenstown Airport, as amended by PC35¹⁹, includes land which accommodates a number of existing residential dwellings in Frankton, particularly to the west of the main runway. Where such circumstances apply, the New Zealand Standard advocates that steps should be taken to provide existing residential dwellings with appropriate acoustic insulation to ensure a satisfactory internal noise environment. QAC therefore offered, as part of PC35 and the associated NOR package, to fund mitigation measures, including acoustic insulation and mechanical ventilation for existing dwellings within the proposed ANB to the extent necessary to achieve an internal noise environment of 40dB L_{dn}. QAC is obliged to provide this mitigation treatment through conditions of Designation 2.
- 5.20 It is important to understand that the ANB (as amended by PC35) reflects the position of the 65dB L_{dn} boundary in the year 2037. In reality, the growth in flight numbers at Queenstown Airport, and thus the aircraft generated noise increase, will be gradual over time. QAC is therefore obligated to complete acoustic insulation mitigation of these existing residential properties within the ANB ahead of the full noise exposure limit being reached at that particular property.
- 5.21 As set out by Mr Edghill²⁰, QAC has recently commenced with this work, offering acoustic mitigation packages to 13 houses within the 2037 ANB.
- 5.22 The New Zealand Standard recommends that no new²¹ ASANs should be provided for in the ANB, however during the promulgation of PC35 QAC recognised that historical development and associated zoning for residential purposes has occurred in close proximity to the Airport runway. QAC therefore

¹⁸ NZS 6805: 1992, Table 1, page 15.

¹⁹ And attached to the legal submission of R Wolt dated 29 February 2016.

²⁰ Paragraph 3.29 of the Evidence in Chief of Mr Mark Edghill, dated 26 February 2016.

²¹ "New" includes alterations and additions to existing ASAN.

adopted a more moderated approach to that recommended by the Standard whereby new residential dwellings and alterations and additions to existing dwellings are able to be built inside the ANB, provided they occupy an already zoned site and where the dwelling incorporates appropriate sound insulation and mechanical ventilation measures, at the property owner's cost.

- 5.23 While the 2037 ANB extends over the Residential, Remarkables Park, Rural and Airport Mixed Use zones of the District Plan, existing residential dwellings are only provided for by zoning and exist within the Residential Zone.
- 5.24 At the time PC35 was promulgated, residential dwellings were a permitted activity in the Residential Zone²². These existing development rights were therefore "grandfathered" in the new PC35 provisions. I understand that QAC intends to support the grandfathering approach for properties in the Proposed Plan subject to retention of the Operative Plan standards regarding density and lot size. Despite being a more moderate approach than the New Zealand Standard, I agree that the continuation of this approach is appropriate.
- 5.25 As indicated earlier, PC35 also introduced proposed new acoustic insulation and mechanical ventilation requirements for any new or alterations or additions to existing buildings containing ASAN located within the new ANB, to be provided at the property owner's cost, at the time of development. This approach was considered appropriate because the provisions of PC35 provide a definitive flag to property owners within the ANB that their property will experience high levels of aircraft noise should they choose to construct new dwellings within this area.

Outer Control Boundary

- 5.26 The New Zealand Standard identifies that the Outer Control Boundary (OCB) is based on a noise contour at or beyond which aircraft noise should not exceed 55dB L_{dn}.
- 5.27 The New Zealand Standard recommends that any new residential dwellings, schools, hospitals or other noise sensitive uses (ASANs) should be prohibited within the OCB, unless the District Plan permits such uses. Then they should

²² Subject to compliance with Site and Zone Standards. These include Zone Standards 7.5.5.3vi and 7.5.6.3viii require residential properties and other ASANs to meet an internal design sound level of 40dB L_{dn}.

be subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment. The New Zealand Standard also recommends that alterations or additions to existing residences or other ASANs inside the OCB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

5.28 Generally in line with the New Zealand Standard, PC35 sought to prohibit any new ASAN inside the OCB in the Rural, Industrial and Frankton Flats zones and to require mechanical ventilation for new dwellings, or for alterations or additions to existing dwellings inside the Rural, Residential, Frankton Flats and Remarkables Park zones. The cost associated with such works is met by the developer, at the time the development work is undertaken. This approach is consistent with the approach advocated within the New Zealand Standard.

5.29 In practical terms, what has been found from sound insulation studies around other New Zealand airports is that the level of mitigation required within the OCB can be readily grouped as follows:

- Modern houses located between 55.0 to 58.0dB Ldn – will generally achieve 40dB Ldn inside with windows slightly ajar.
- Modern houses located between 58.0 to 65.0dB Ldn – will generally achieve 40dB Ldn inside with windows closed and thus mechanical ventilation is required to provide an alternative form of ventilation

5.30 PC35 also promoted strong policy based dissuasion against the promulgation of further plan changes that would result in land within the OCB being rezoned for noise sensitive (ASAN) development. Whilst it is accepted that some land around the Airport has been allowed to develop in a way which incorporates ASANs or where ASANs have been previously consented²³, in my view it is important to now recognise that any future opportunity to similarly develop currently undeveloped land should be dissuaded.

²³ Frankton Flats Zone for example.

5.31 A good deal of land has historically been dedicated to urban development (including provision for ASANs) on land at Frankton, sometimes in very close proximity to the Airport runway. Moreover, more recent initiatives (such as PC19 for example) have reflected an on-going desire to continue to consolidate development (including ASANs) at Frankton. A cautious approach to the location of further ASANs on land around the Airport was adopted via PC35 and in my opinion, should be transferred through to the Proposed Plan. Having said that, the PC35 approach pays a good deal of respect to the pattern of urban development that already exists on land around the airport, as evidenced by the grandfathering of existing development rights (refer to paragraph 5.24).

Notice of Requirement

5.32 To complement the land use management regime established under PC35, QAC gave notice of requirement to alter Designation 2 to introduce obligations on QAC for the management and mitigation of noise generating activities at the airport. In summary, this NOR:

- Obliges QAC to offer 100% funding of noise mitigation for Critical Listening Environments of buildings located within the ANB (65dB Noise Contour) that existed at the time the NOR was confirmed. This mitigation is required to achieve an indoor design sound level of 40dB Ldn or less based on the 2037 Noise Contours;
- Obliges QAC to offer to part fund retrofitting, over time, of mechanical ventilation of any Critical Listening Environment within existing buildings containing ASAN between the ANB and the 2037 60dB Noise Contour. Specifically, QAC is required to provide 75% funding;
- Sets out QAC's monitoring requirements for aircraft noise at Queenstown Airport to ensure compliance with noise limits at the defined noise boundaries;
- Requires QAC to prepare and implement a Noise Management Plan; and,
- Establishes and sets out the purpose of the Queenstown Airport Liaison Committee.

The confirmed Environment Court NOR conditions have been included in the notified Aerodrome Designation (Designation 2), and as explained by Mr Edghill, QAC has commenced giving effect to them. These matters will be addressed in detail in the relevant hearing for the Designation.

Zone Specific Rules

5.33 I do not intend to address the zone specific rule structure established during PC35 in any detail today, nor how the proposed zone rules should be integrated into the relevant zone chapters, as these will be addressed at later hearings in due course. For context however, the Proposed Plan should ensure that Queenstown Airport is protected from reverse sensitivity effects arising from ASAN as follows:

- Recognise, within the higher order provisions of the Proposed Plan, the need to manage existing and limit the establishment of further noise sensitive activities in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.
- Within the Low Density Residential zone (or areas of land proposed to be rezoned from Low Density Residential zone in the Operative Plan to an alternative zoning in the Proposed Plan), require any new and alterations or additions to existing buildings containing ASAN to provide mechanical ventilation for Critical Listening Environments on sites located within the PC35 OCB, and mechanical ventilation and sound insulation for sites located within the PC35 ANB, to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours²⁴. Failure to achieve this standard should result in a non-complying activity status.
- Within the Rural and Industrial zone, prohibit any new ASAN within the PC35 OCB. For alterations or additions to existing buildings containing ASAN, require mechanical ventilation of Critical Listening Environments for sites located within the OCB, to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours.
- Within the Remarkables Park zone, prohibit all residential, visitor accommodation and community activities within the 2037 60dB Noise Contour. For all new and alterations or additions to existing buildings

²⁴ The 2037 noise contours are the predicted airport noise contours for Queenstown Airport for the year 2037 in 1dB increments from 70dB Ldn to 55dB Ldn inclusive.

containing residential, educational facilities or visitor accommodation, within the specified area shown as Figure 2 (refer to the full suite of Environment Court endorsed provisions attached as **Appendix E** for Figure 2) require Critical Listening Environments to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours²⁵.

- Within the Frankton Flats A Zone, specify a maximum threshold for visitor accommodation units, health care facilities and educational facilities and Critical Listening Environments these activities to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours. All other ASAN within the zone are prohibited.
- Ensure that the number of ASAN occurring within the PC35 ANB and OCB is maintained as far as can be achieved at the levels currently anticipated by the Operative District Plan, avoiding an increase in the number of sensitive receivers being exposed to aircraft noise within the ANB and OCB.
- Ensure that appropriate noise boundaries are in place to enable operations at Queenstown Airport to continue and expand to meet foreseeable future demand until 2037.

6. HIGHER ORDER PC35 PROVISIONS

6.1 PC35 introduced two new objectives into the operative District Plan. The proposed new objectives were deliberately specific to Queenstown Airport on the basis that the Airport is the pre-eminent commercial airport in the district and it has increasingly become so since the operative District Plan was first notified in 1995. The objectives were included in the District Wide Issues section of the District Plan to reflect this significance.

6.2 District Wide Objective 7 seeks to:

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.

²⁵ The 2037 noise contours are the predicted airport noise contours for Queenstown Airport for the year 2037 in 1dB increments from 70dB Ldn to 55dB Ldn inclusive.

6.3 This objective is primarily directed at achieving the balance sought by the New Zealand Standard. It clearly acknowledges the need to set noise limits for the management of aircraft noise at the Airport. It recognises that land use planning methods can be an effective way to manage exposure to aircraft noise around airports. It is a recognised fact that despite best endeavours in adapting aircraft technology and flight management, it is not possible to avoid aircraft noise on land around airports. Whilst changes in aircraft design have progressively yielded reductions in the noise signature of most aircraft, modelling can only be based on the quietest technology currently available and not some unknown future technology.

6.4 Uncontrolled use of airport infrastructure can unnecessarily expose people to high levels of noise, and in turn reverse sensitivity concerns in response to this noise can constrain the operation of airports. The objective is intended to address the need to place suitable limitations on aircraft noise, consistent with the approach advocated within the New Zealand Standard.

6.5 As indicated earlier, Queenstown Airport is a key strategic asset to the District and it is important to plan now for its future. PC35 Objective 7 reflects this importance and should be incorporated in Chapter 4 of the Proposed Plan without further amendment.

6.6 District Wide Objective 8 seeks to:

Manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.

6.7 This objective is directed at managing urban growth on land around the Airport. It also endeavours to ensure that land use planning decisions encourage compatible uses rather than those that will conflict directly with Airport operations. In my opinion this objective is still relevant in the context of the Proposed Plan and will assist to sustain the potential of the Airport to meet the reasonably foreseeable needs of future generations, through ensuring only appropriate development takes place in the immediate vicinity of the Airport, and reducing the potential for reverse sensitivity effects that could compromise Airport operations.

- 6.8 This objective recognises that Frankton is one of the Council's preferred locations for accommodating urban growth. As expressed earlier, it is essential that this growth is managed in a way that ensures that the potential for incompatibility is mitigated as far as can be possible.
- 6.9 I consider that adequate balance has been achieved within the PC35 objectives between the interests of the Airport, and those of the surrounding community, noting again the PC35 provisions have been endorsed by the Environment Court. The existing investment in Airport infrastructure at Frankton is significant. This infrastructure is well developed and can be enhanced to accommodate projected growth in flight numbers. If the operation of the Airport is unduly curtailed and projected growth is not accommodated, then this will compromise the attractiveness of Queenstown as a destination for airlines, which could result in the curtailment of regular passenger services over time. This would likely have a significant effect on the essential underpinnings of the Queenstown economy.
- 6.10 Limiting the ability for new ASANs to establish on land not yet developed around the Airport is in my opinion appropriately precautionary, and is a method supported by the New Zealand Standard. Any relaxation of that approach has the potential to lead to reverse sensitivity effects on the Airport and poor land use planning outcomes in the future. In my opinion, any decision that brings additional people to the impact of aircraft noise would not appropriately provide for the needs of future generations.
- 6.11 I understand that the section 42A report has recommended rejecting QAC's submission with respect to carrying forward PC35 Objectives 7 and 8 and their associated policies into Chapter 4 of the Proposed Plan. Whilst the Council Officer notes that it is important to translate the substantive objectives, policies and rules from PC35 into the Proposed Plan, he considers that QAC's amendments would create a lengthy Chapter 4 with an unbalanced focus on the Airport's interests ahead of more general urban development considerations. The Council Officer considers that QAC's key objectives are provided for in lower order chapters²⁶.

²⁶ Paragraph 12.72, page 28 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

- 6.12 I disagree with the recommended approach of the Council Officer, for the reasons set out above. The two objectives discussed in this section and their attendant policies have been extracted directly from the Urban Development chapter of the Operative District Plan, as amended by PC35. These policies provide the fundamental objective and policy framework that underpins the lower order chapters referred to by the Council Officer. Without them there may be insufficient foundation for the related provisions in the lower chapters. In my opinion, the approach proposed by the Council Officer is therefore not the most appropriate in terms of section 32.
- 6.13 I note that Objectives 7 and 8 and associated policies proposed by QAC have been endorsed by the Environment Court. During this process, the provisions were closely scrutinised

7. CONCLUSIONS

- 7.1 All too often the experience in New Zealand (and off shore) is that insufficient foresight has been applied to the protection of significant assets such as airports, meaning unwise land use decisions are taken to allow sensitive uses to encroach on the footprint of impact created by such facilities. Already ports, airports and other industries in New Zealand have had their operations curtailed due to reverse sensitivity concerns. Whilst I accept that compromise is often necessary, early recognition that facilities such as airports inevitably grow and development is important in informing land use planning decisions. The best form of protection available to avoid reverse sensitivity concerns is to avoid development “coming to the effect” in the first place.
- 7.2 The provisions developed via PC35 enable Queenstown Airport to continue to host growth in commercial airlines and other aviation use of its facilities in line with growth projections to 2037, whilst recognising and safeguarding the Airport as an existing strategic asset, the growth enabled by PC35 will yield a substantial benefit to the regional and national economies. The provisions of PC35 therefore assist in safeguarding Queenstown Airport as an existing strategic asset.

7.3 Given this, the currency of the PC35 provisions, and the recent and extensive Court proceedings involving QAC, QLDC and other affected parties to achieve them, it is imperative in my opinion that the Proposed Plan adopts and incorporates the land use management regime established under PC35, without substantive amendment.

John Kyle

29 February 2016

Appendix D

Copies of Hearing Stream 01B
Statement of Evidence of Mrs Kirsty O'Sullivan

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District Plan

Chapter 3 (Strategic Direction), Chapter 4 (Urban Development) and Chapter 6 (Landscape)

SUMMARY OF EVIDENCE OF KIRSTY O’SULLIVAN

(16 March 2016)

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1. INTRODUCTION

Qualifications and Experience

- 1.1 My name is Kirsty O'Sullivan. I am a Senior Resource Management Consultant with the firm Mitchell Partnerships Limited.
- 1.2 In preparing this evidence, I have reviewed the Proposed Plan submissions, further submissions, and other relevant information that has been provided by the Council in relation to this matter, including the section 42A reports.
- 1.3 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 1.4 In this statement of evidence, I address the following matters:
- The policy framework provided for regionally significant infrastructure (Chapter 3);
 - The integration of Plan Change 35 (PC35) into the Proposed Plan (Chapter 4);
 - The recognition of functional and locational constraints of infrastructure (Chapter 6);
- 1.5 Attached as Appendix A of this summary is a marked suite of amendments that I consider are necessary to the provisions of Chapters 3, 4 and 6 to ensure that the strategic policy framework for regionally significant infrastructure and the provisions of PC35 are appropriately incorporated into the Proposed Plan.
- 1.6 Attached as Appendix B is a further assessment of the amendments sought under section 32AA of the Resource Management Act 1991 (the Act).

2. POLICY FRAMEWORK FOR REGIONALLY SIGNIFICANT INFRASTRUCTURE

2.1 The purpose of the Strategic Directions chapter¹ is to set the overarching direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special qualities.

2.2 The section 42A report author (herein referred to as the "Council Officer") further reinforces the role of this chapter, noting that it "sets the scene" and "seeks to provide a high level policy framework that responds to all the major resource management issues of the District"². The Council Officer further comments that the Strategic Directions chapter sits over the other strategic chapters of the Proposed Plan (Chapters 4, 5 and 6) as well as the Proposed Plan as a whole³. It is therefore apparent that the Strategic Directions chapter is critical in establishing the policy framework for the remainder of the Proposed Plan.

2.3 Given the overarching strategic role of this chapter, I consider that further amendments, as detailed in my evidence in chief, are required to ensure that the Proposed Plan adequately recognises and provides for regionally significant infrastructure at this fundamental strategic level. I consider that in the absence of such recognition, the Proposed Plan lacks the objective and policy framework to support the infrastructure related provisions in the more specific 'lower order' chapters that follow. In my opinion, the lower order provisions are therefore inherently difficult to justify in terms of section 32(1) without the amendments sought.

2.4 Furthermore, the section 42A report states that:

"The Strategic Direction chapter brings together each of the issues identified above and provides a policy framework that is particularly directed towards significant plan change or resource consent applications (discretionary or non-complying) in the District. In addition to being utilised in the assessment of resource consent applications, it also provides a strategic context for the consideration of any proposed plan changes and designations".

¹ As described in Section 3.1 Purpose of the Proposed Plan.

² Paragraph 1.1, page 2 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

³ Paragraph 8.4, page 13 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

2.5 On the basis of the above statement, when decision makers are called upon to assess the merits of a particular activity, an assessment of the activity under the Strategic Directions provisions will ensue. In my opinion, limited regard has been given to properly acknowledging regional and/or national benefits that can often accrue by enabling the further development of infrastructure. This has the potential to skew the assessment of such proposals under the provisions of the Plan. It is therefore important for the Proposed Plan provisions to recognise that a balance is sometimes necessary between achieving environmental outcomes, and properly recognising the need for people and communities to provide for their social and economic wellbeing.

3 FUNCTIONAL AND LOCATIONAL CONSTRAINTS OF INFRASTRUCTURE

3.1 Proposed Goal 3.2.5 and the associated objectives and policies seek to ensure that the District's distinct landscapes are protected from inappropriate development. Chapter 6 of the Proposed Plan provides further guidance and direction as to how this goal is to be achieved.

3.2 QAC sought the inclusion of new provisions in Chapters 3 and 6 which recognise that there are sometimes operational, technical or safety related requirements for infrastructure to be located within an ONF, ONL or a Rural Landscape.

3.3 With respect to Chapter 3, in my opinion, the provisions set out under Goal 3.2.5 do not contemplate that there may be operational, technical, functional and safety related requirements of infrastructure that may necessitate infrastructure being located within Outstanding Natural Landscapes (ONLs) and Outstanding Natural Features (ONFs). This is evidenced by the drafting of Objective 3.2.5.1 which seeks to:

Protect the quality of the Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

3.4 In my opinion, this objective should seek to protect the quality of ONL's and ONFs from inappropriate subdivision, use and development. Without this qualifying statement (which is consistent with section 6(b) of the Act), this objective could effectively curtail all activity within ONL. I do not consider that this outcome has been adequately evaluated under section 32 of the Act, nor does it appear to be

the intent of the Council Officer given that subsequent provisions in the Proposed Plan do provide for some development within such landscapes.

- 3.5 With respect to Chapter 6, the Council Officer has acknowledged QAC's concerns and considers that it is appropriate to acknowledge the importance of the contribution that regionally significant infrastructure makes to the social and economic wellbeing and health and safety of the District⁴, and that such infrastructure is likely to be affected by constraints which limit the feasibility of alternative locations. The Council Officer has therefore recommended the inclusion of a new policy as follows:

Regionally significant infrastructure shall be located to avoid degradation of the landscape, while acknowledging location constraints.

- 3.6 While in principle, I agree with the commentary of the Council Officer, I do not consider that the new policy appropriately addresses the issue raised by QAC. I consider the words "while acknowledging location constraints" to be vague and their intent is unclear. I query, to what end and extent are locational constraints to be acknowledged?

- 3.7 As set out in QAC's submission, the functional, technical, operational and safety related constraints often influence the location of important infrastructure, such as airports. Given the lack of suitable alternative locations, there may be circumstances where the regionally and/or nationally significant benefits of enabling an activity need to be balanced against the adverse effects of a particular location. The RESA extension is an example of such a proposal.

- 3.8 While I acknowledge that it is appropriate for infrastructure occupying sensitive locations to be located and designed, as far as reasonably practicable, to minimise the potential for adverse effects on the particular landscape character and/or the visual amenity values inherent at the site, the Council Officer's proposed policy does not recognise or provide for circumstances such as the RESA extension.

- 3.9 In light of the above, I support the provisions proposed by QAC.

⁴ Paragraph 9.28, page 11 of the section 42A Hearing Report for Chapter 6 of the Proposed Plan

4. URBAN DEVELOPMENT CHAPTER

- 4.1 The purpose of the Urban Development chapter is to set out the objectives and policies for managing the spatial location and layout of urban development⁵.
- 4.2 QAC made a number of submissions on this chapter which largely sought to ensure that the urban development provisions established under PC35 be transferred into the Proposed Plan without substantive amendment. This is further discussed in the evidence of Mr Kyle.
- 4.3 The marked up changes that I consider are necessary to the Urban Development chapter in order to incorporate the higher order strategic provisions of PC35 are attached as Appendix A. For ease of reference, I have also noted which provision of PC35 the amendments implement.
- 4.4 With respect to the Urban Development chapter, I note that for the most part, the provisions of PC35 have been omitted from the chapter in their entirety. I consider this approach is not the most appropriate approach in terms of section 32 and refer to the evidence of Mr Kyle as to the purpose, intent and importance of the PC35 provisions in providing for the ongoing growth of the Airport and protecting it from reverse sensitivity effects.
- 4.5 I note that where the provisions of PC35 have been incorporated in the Proposed Plan, their form varies, and at times, takes the form of the PC35 provision verbatim⁶, whereas other times the provisions have been substantively redrafted⁷.

⁵ As described in Section 4.1 Purpose of the Proposed Plan.

⁶ Such as Policy 4.2.2.4 which seeks to "Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee", as per Policy 7.3, Section 4.9.3 of Plan Change 35.

⁷ Policy 4.2.3.8 aims to ensure that "*Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise*".

Policy 4.2.4.3 seeks to "*Protect the Queenstown airport from reverse sensitivity effects, and maintain residential amenity, through managing the effects of aircraft noise within critical listening environments of new or altered buildings within the Air Noise Boundary or Outer Control Boundary*".

- 4.6 As set out in my full brief of evidence, the Proposed Plan essentially tries to condense the two objectives and eight policies from PC35 relating to urban development into three policies. I consider that this approach is an oversimplification of the land use management approach described by Mr Kyle, and fails to implement the purpose and intent of PC35.
- 4.7 I do not agree with this approach and consider it will not ensure Airport growth is appropriately provided for and reverse sensitivity effects avoided, as intended by PC35.
- 4.8 I am concerned that the partial inclusion of the PC35 provisions could result in an incomplete and/or inadequate higher order planning framework meaning the inclusion of provisions in later chapters, including some of the rules inherent in PC35 to protect the Airport from reverse sensitivity effects, cannot be justified in terms of section 32.

Conclusions

- 4.9 The Strategic Directions, Urban Development and Landscape chapters are critical in providing the policy framework for the subsequent chapters of the Proposed Plan. It is therefore important in my view that these chapters appropriately recognise and provide for significant infrastructure, particularly where it is of regional importance, and provide sufficient grounding, in terms of section 32, for the lower order policies and methods that will follow.
- 4.10 Of particular concern with the Proposed Plan is the limited recognition afforded to infrastructure within the Strategic Directions chapter, including airports, and their role in providing for the social and economic wellbeing of the community. This general lack of recognition has filtered into Chapters 4 and 6 of the Proposed Plan.
- 4.11 Accordingly, to ensure that infrastructure providers such as designated airports can continue to meet the demand the its services as the District continues to grow, I consider the amendments detailed in my evidence and in QAC's submissions are necessary and the most appropriate for ensuring that infrastructure, as an important physical resource for the District, is appropriately recognised and provided for in the Proposed Plan. This will also ensure that the

Airport, as significant regional infrastructure is adequately protected from potential reverse sensitivity effects.

Kirsty O'Sullivan

16 March 2016

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

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IN THE MATTER OF the Queenstown Lakes Proposed District Plan

Chapter 3 (Strategic Direction), Chapter 4 (Urban Development) and Chapter 6 (Landscape)

STATEMENT OF EVIDENCE KIRSTY O’SULLIVAN

(29 FEBRUARY 2016)

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1. INTRODUCTION

Qualifications and Experience

- 1.1 My name is Kirsty O'Sullivan. I hold Bachelor of Science (Geography) and Master of Planning degree from the University of Otago. I am a Senior Resource Management Consultant with the firm Mitchell Partnerships Limited, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Dunedin and Tauranga.
- 1.2 I have been engaged in the field of resource and environmental management for seven years. My experience includes a mix of central government, local authority and consultancy resource management work. Over the past 3 years, I have focused on providing consultancy advice with respect to regional and district plans, plan changes, resource consents, designations and environment effects assessments. This also includes experience with large scale projects involving inputs from multidisciplinary teams. An outline of projects in which I have been called upon to provide resource management advice in recent times is included as **Appendix A**.
- 1.3 Mitchell Partnerships Limited (**MPL**) has been appointed by the Queenstown Airport Corporation (**QAC**) to provide advice in relation to the Proposed Queenstown Lakes District Plan (**Proposed Plan**). MPL assisted in the preparation of QAC's submission and further submissions in relation to the Proposed Plan. In preparing this evidence, I have reviewed the Proposed Plan submissions, further submissions, and other relevant information that has been provided by the Council in relation to this matter, including the section 42A reports.
- 1.4 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express

Scope of Evidence

1.5 This hearing specifically relates to the submissions made on the following chapters of the Proposed Queenstown Lakes District Plan (Proposed Plan):

- Chapter 1: Introduction
- Chapter 3: Strategic Directions
- Chapter 4: Urban Development
- Chapter 5: Tangata Whenua
- Chapter 6: Landscapes

1.6 QAC made submissions on Chapters 3, 4 and 6.

1.7 The history of Queenstown and Wanaka Airports, their role in the Queenstown Lakes District and the planning framework within which they operate has been provided by Mr Mark Edghill and Mr John Kyle. I therefore do not intend to repeat that evidence here, however will draw on their evidence where appropriate to support my opinion.

1.8 In this statement of evidence, I address the following matters:

- The policy framework provided for regionally significant infrastructure (Chapter 3);
- The integration of Plan Change 35 (PC35) into the Proposed Plan (Chapter 4);
- The recognition of functional and locational constraints of infrastructure (Chapter 6);

2. STRATEGIC DIRECTIONS CHAPTER

2.1 QAC made a number of submissions on the Strategic Directions chapter of the Proposed Plan.

- 2.2 The purpose of the Strategic Directions chapter¹ is to set the overarching direction for the management of growth, land use and development in a manner than ensures sustainable management of the Districts special qualities.
- 2.3 The section 42A report author (herein referred to as the “Council Officer”) further reinforces the role of this chapter, noting that it “sets the scene” and “seeks to provide a high level policy framework that responds to all the major resource management issues of the District”². The Council Officer goes on to note that the goals contained in the Strategic Directions Chapter serves as “an expression of key environmental outcomes sought by the Council”³.
- 2.4 It is therefore apparent that the Strategic Directions chapter is critical in establishing the policy framework for the remainder of the Proposed Plan. This is further confirmed at paragraph 8.4 of the section 42A report which states that the Strategic Directions chapter sits over the other strategic chapters of the Proposed Plan (Chapters 4, 5 and 6) as well as the Proposed Plan as a whole⁴.
- 2.5 Given the overarching strategic role of this chapter, I consider that further amendments are required to ensure that the Proposed Plan adequately recognises and provides for regionally significant infrastructure at this fundamental strategic level. I consider that in the absence of such recognition, the Proposed Plan lacks the objective and policy framework to support the infrastructure related provisions in the more specific ‘lower order’ chapters that follow.

Recognising the significance of infrastructure and providing for its ongoing use and development.

- 2.6 The role of Queenstown Airport as a contributor to the social and economic wellbeing of the community has been set out in detail by Mr Mark Edghill and Mr John Kyle in their respective briefs of evidence, which I agree with and rely on in forming the views expressed in this evidence. QAC’s submission with respect to regionally significant infrastructure also provided significant detail in this regard.

¹ As described in Section 3.1 Purpose of the Proposed Plan.

² Paragraph 1.1, page 2 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

³ Paragraph 1.2, page 2 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

⁴ Paragraph 8.4, page 13 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

2.7 QAC's submission sought two separate policy outcomes for regionally significant infrastructure as follows:

- 1) recognition of the role of regionally significant infrastructure in supporting the communities social and economic wellbeing.
- 2) Provision for the ongoing operation, growth and development of infrastructure.

To achieve these outcomes, QAC proffered two separate suites of provisions which I discuss in turn below.

2.8 Objective 3.2.1.5 of the Proposed Plan seeks to maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks. There are no supporting policies for this objective.

2.9 Given the location of this objective under the Goal heading "*Develop a prosperous, resilient and equitable economy*", QAC proffered in its submission a complementary suite of policies that would give effect to Objective 3.2.1.5 and recognise the role of regionally significant infrastructure in providing for the social and economic wellbeing of the community, noting the notified objective does not expressly do so. These provisions, which are set out below, would recognise the importance of infrastructure as a strategic matter, and would form part of the high level framework unpinning the Airport Mixed Used Zone and potentially other infrastructure related provisions of the Proposed Plan (such as the utilities chapter).

Proposed New Policy 3.2.1.5.1

Recognise that infrastructure, including the district's airports, makes an essential contribution to the prosperity and economic resilience of the District.

Proposed New Policy 3.2.1.5.2

Ensure that the efficient and effective operation of infrastructure, including the districts airports, is safeguarded and not compromised, now or in the future, by incompatible development.

Proposed New Policy 3.2.1.5.3

To recognise that Queenstown Airport is an essential lifeline utility.

- 2.10 QAC also sought the inclusion of a new goal and an associated suite of provisions (as set out below) that would recognise and provide for the ongoing growth and development of regionally significant infrastructure. These provisions would provide the policy framework for the subsequent provisions of the Proposed Plan that recognise the functional and operational requirements of regionally significant infrastructure⁵ and their need to expand in response to the rapid growth being experienced in the District.

Proposed New 3.2.8 Goal –Provide for the ongoing operation and growth of regionally significant infrastructure

Proposed New Objective 3.2.8.1

Recognise that the functional or operational requirements of regionally or nationally significant infrastructure can necessitate a particular location.

Proposed New Policy 3.2.8.1.1

Enable the continued operation, maintenance and upgrading of regionally and nationally significant infrastructure and associated activities.

Proposed New Policy 3.2.8.1.2

Where practicable, mitigate the impacts of regionally and nationally significant infrastructure on outstanding natural landscapes and outstanding natural features.

- 2.11 I support the amendments sought by QAC. The Council Officer has recommended accepting QAC's submission in part, citing that the notified objective focusses too narrowly on efficiency and does not recognise the necessity and importance of infrastructure in its own right⁶. The Council Officer has therefore recommended the following amendments to proposed Objective 3.2.1.5 and the inclusion of a new policy to give effect to the objective:

⁵ Such as those proposed by the Council Officer with respect to Chapter 6 and discussed in further detail below.

⁶ Paragraph 12.39 and 12.40, page 22 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

“Objective 3.2.1.5

Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District’s regionally significant infrastructure, including designated airports, key roading and communication technology networks.”

“Policy 3.2.1.5

Safeguard the efficient and effective operation of regionally significant infrastructure from new incompatible activities.”

2.12 While the proposed amendments go some way to addressing QAC’s submission, I consider the Council Officer has misunderstood the subtle differences between the purpose and intent of QAC’s proposed provisions. As a result, the Council Officer’s recommendation, in my opinion, inappropriately confuses and conflates the two separate submissions points and in so doing fails to:

- Recognise the contribution that infrastructure makes to the economic wellbeing of the community.
- Recognise the airport (and potentially other infrastructure) as lifeline assets that require protection.
- Recognise that functional and locational constraints may necessitate a particular location;

2.13 As previously set out in paragraphs 2.1 to 2.5, it is important for the Strategic Direction chapter to establish a sound policy framework for the chapters that follow. I consider that in the absence of policies that address the issues discussed in the foregoing paragraphs, the Proposed Plan lacks the foundations for the subsequent and sometimes directive provisions (or chapters) relating to infrastructure, meaning it will be difficult to justify those provisions in terms of section 32(1)⁷.

⁷ For example, some of the lower order provisions relating to infrastructure seek to dissuade or even prohibit certain activities from occurring within close proximity to infrastructure.

2.14 To provide an example, the Council Officer has recommended the inclusion of a new policy in Chapter 6 of the Proposed Plan to acknowledge the locational constraints of regionally significant infrastructure⁸. In my opinion and as discussed in further detail below in relation to Goal 3.2.5, it is difficult to demonstrate how such a policy is appropriate or effective at achieving a higher order objective in the Strategic Directions chapter, when there are no objectives or policies that recognise or provide for the locational constraints of infrastructure.

2.15 Furthermore, I note that the section 42A report states that:

“The Strategic Direction chapter brings together each of the issues identified above and provides a policy framework that is particularly directed towards significant plan change or resource consent applications (discretionary or non-complying) in the District. In addition to being utilised in the assessment of resource consent applications, it also provides a strategic context for the consideration of any proposed plan changes and designations”.

2.16 On the basis of the above statement, when decision makers are called upon to assess the merits of a particular activity, an assessment of the activity under the Strategic Directions provisions will ensue. In my opinion, limited regard has been given to properly acknowledging regional and/or national benefits that can often accrue by enabling the further development of infrastructure. This has the potential to skew the assessment of such proposals under the provisions of the Plan. It is therefore important for the Proposed Plan provisions to recognise that a balance is sometimes necessary between achieving environmental outcomes, and at the same time properly recognising the need for people and communities to provide for their social and economic wellbeing, which in this case includes recognising that in some instances infrastructure may need to establish in sensitive locations.

2.17 In light of the above, I consider the framework proposed by QAC more appropriately recognises and provides for regionally significant infrastructure, and in my opinion, should be included in the Proposed Plan.

⁸ New Policy 6.3.1.12 seeks to “Regionally significant infrastructure shall be located to avoid degradation of the landscape, while acknowledging location constraints”.

Functional and operational requirements of infrastructure

- 2.18 Proposed Goal 3.2.5 and the associated objectives and policies seek to ensure that the District's distinct landscapes are protected from inappropriate development. Chapter 6 of the Proposed Plan provides further guidance and direction as to how this goal is to be achieved.
- 2.19 QAC submitted that the provisions set out under Goal 3.2.5 do not recognise the operational, technical, functional and safety related requirements of infrastructure that will often dictate their location. In some circumstances, these requirements will result in infrastructure being located within Outstanding Natural Landscapes (ONLs) and Outstanding Natural Features (ONFs). An example of this is the 2010 extension of the Queenstown Airport Runway End Safety Area (RESA) into the ONL of the Shotover River.
- 2.20 The Council Officer has recommended rejecting QAC's submission on Proposed Goal 3.2.5. The Council Officer considers that the Strategic Direction chapter should be focussed more on landscape character and the general outcomes sought, rather than drilling down to potentially acceptable exceptions. The Council Officer considers that this is better addressed in the lower order chapters and provisions and on a case by case basis through resource consent applications⁹.
- 2.21 I do not agree and consider that the proposed approach is inefficient and uncertain for potential resource consent applicants. Moreover there is a significant risk that the strategic level landscape provisions¹⁰ would have a trumping effect, given the strength in their drafting. The strategic level landscape provisions, in particular objective 3.2.5.1, seek to protect ONLs and ONFs from (all) subdivision, use and development. There would be no certainty of outcome for an applicant seeking resource consent within this policy framework if strictly applied, even if there were compelling safety or technical reasons for the infrastructure to be located within the specified landscape.

⁹ Paragraph 12.109, page 33 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

¹⁰ Refer to the objectives and policies located under Goal 3.2.5 of the Proposed Plan.

2.22 I consider it is not appropriate to leave providing for infrastructure in landscape areas until the 'lower order' chapters. If Goal 3.2.5 and its related provisions are not amended (noting the obligation to protect ONLs and ONFs from all subdivision, use and development under Objective 3.2.5.1), any lower order provisions that provide for locational constraints of infrastructure in these areas, would be very difficult to justify in terms of section 32, because they would not 'achieve' these higher order objectives.

2.23 In my opinion, it is therefore appropriate to amend Objective 3.2.5.1, as set out below, to ensure the Strategic Directions chapter contemplates that there may be circumstances where infrastructure proposals are appropriate within ONLs and ONFs. This is could be achieved by amending Objective 3.2.5.1 as follows:

Protect the quality of the Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development.

2.24 In my opinion, the inclusion of QAC's proposed new provisions with respect to the ongoing operation and growth of regionally significant infrastructure (as discussed in section 2), in tandem with my proposed change to Objective 3.2.5.1 relating on ONLs and ONFs, would provide an adequate balancing of infrastructure and landscape management issues without specifically drawing infrastructure provisions into Goal 3.2.5.

Further Submissions

2.25 With respect to Proposed Objective 3.2.2.1 and associated Policy 3.2.2.1.3, QAC supported, in part, the submissions by the Board of Airline Representatives New Zealand (BARNZ) (submission number 271.3 to 27.15) and Transpower (805.23), as the changes sought by these submitters provided further direction around the management of reverse sensitivity effects. QAC only partially supported the changes however, due to concerns with the use of the term 'avoid' in the provisions.

- 2.26 I understand that as a result of the Supreme Court’s ruling in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company*¹¹ care must be taken when including provisions in plans that require resource users to “avoid” adverse effects. In accordance with the guidance provided by the *King Salmon* decision the use of such policies could effectively act as a prohibition for certain activities. QAC therefore proffered slightly amended wording (which I support, but acknowledge goes beyond the ambit of a further submission) to assist the Council Officer should they recommend to accept BARNZ or Transpower’s submission and have sufficient scope to make the changes proposed.
- 2.27 The Council Officer has recommended rejecting both the submissions of BARNZ and Transpower, as well as the further submission made by QAC. No substantive reasoning for this recommendation has been provided, however I infer it relates to the Council Officer’s recommendation to delete Proposed Policies 3.2.2.1.1 to 3.2.2.1.7 in response to a submission by Remarkables Park Limited¹².
- 2.28 The recommended deletion of these provisions is inconsequential for QAC. If however, the Panel is of a mind to retain the provisions, I maintain that it is appropriate for the provisions to recognise the potential reverse sensitivity effects arising as a result of urban development, as per the BARNZ and Transpower submissions and QAC’s further submission.
- 2.29 QAC also lodged a further submission with respect to Remarkables Park Limited submission (submission 807.48) on Policy Proposed 3.2.2.1.4. Specifically, QAC opposed the submission as the relief sought by Remarkables Park Limited would, at a strategic policy level, encourage the high density residential development in locations close to commercial and mixed use zones.
- 2.30 I note that there are a number of mixed use zones within close proximity to Queenstown Airport in which high density residential activity could expect to establish if Remarkables Park’s submission is allowed. Given the resource management framework established under PC35 and set out NZS6805¹³, I

¹¹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company* [2014] NZSC 38.

¹² Paragraph 12.70, page 27 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

¹³ as discussed by Mr John Kyle in his Evidence in Chief dated 29 February 2016.

consider it would be inappropriate to provide for intensified residential activity within the OCB.

- 2.31 As noted in paragraph 2.23 above, the Council Officer has recommended that Proposed Policy 3.2.2.1.4 be deleted to remove repetition in the Proposed Plan. Again, the outright deletion of Policy 3.2.2.1.4 is inconsequential for QAC. If the Panel is of a mind to retain these provisions however, I support the notified version of Proposed Policy 3.2.2.1.4 as it excludes the mixed use zones, such as those located around the Airport.

New Objectives and Policies

- 2.32 I understand that several submissions sought specific reference to the Remarkables Park centre given its current and growing prominence as a commercial centre in the District. In response to these submissions, the Council Officer has recommended the inclusion of a new objective and associated policies relating to the Frankton commercial area, comprising Remarkables Park, Queenstown Airport and Five Mile¹⁴.
- 2.33 The Council Officer considers that the proposed new provisions will partly address the submission of QAC which sought greater recognition of the Airport's role in the District¹⁵. I agree with and support in principle the intent of new Objective 3.2.1.2 and Policies 3.2.1.2.1 and 3.2.1.2.2 on this basis. However I consider further refinements are necessary to ensure the provisions are appropriate and effective.
- 2.34 The Council Officer's proposed new Objective 3.2.1.2 *seeks to recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area, comprising Remarkables Park, Queenstown Airport and Five Mile*. I am uncertain what is intended by the term 'integrate' in this context, particularly when the nature and scale of activities occurring at Queenstown Airport are distinctly different, and at times, incompatible with more sensitive activities occurring within adjacent mixed use zones. In my opinion, it would

¹⁴ Paragraph 12.23, page 18 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan and associated new Objective 3.2.1.2 and Policies 3.2.1.1 to 3.2.2.3.

¹⁵ Paragraph 12.23, page 18 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan

therefore be difficult to 'integrate' such activities. I therefore recommend that Objective 3.2.1.2 is amended as follows:

Recognise and provide for ~~develop, sustain and integrate~~ the key mixed use function of the wider Frankton commercial area, comprising Remarkables Park, Queenstown Airport and Five Mile.

2.35 Similarly, I consider that the Council Officer's proposed new Policy 3.2.1.2.1 should be amended as follows:

Provide a planning framework for the wider Frankton commercial area that facilitates ~~the integrated~~ development of the various mixed use development nodes.

2.36 Proposed Policy 3.2.1.2.3 seeks to *avoid additional commercial rezoning that will undermine the function and viability of the Frankton commercial area, or which will undermine increasing integration between the nodes in the area.* As discussed in paragraph 2.22, the term avoid could effectively act as a prohibition for certain activities. As currently drafted, this policy could conceivably curtail any commercial rezoning anywhere in the District. Given the nature of the other policies within the Strategic Directions chapter, I do not think that this was the intent of the Council Officer.

2.37 The policies that precede proposed new Policy 3.2.1.2.3 seek to recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton commercial area. In some cases, further commercial rezoning of land within Frankton may also serve to achieve this outcome. Policy 3.2.1.2.3 is counter to the outcomes of the policies that precede it. I therefore consider that this policy should be deleted.

3 URBAN DEVELOPMENT CHAPTER

3.1 The purpose of the Urban Development chapter is to set out the objectives and policies for managing the spatial location and layout of urban development¹⁶.

¹⁶ As described in Section 4.1 Purpose of the Proposed Plan.

- 3.2 QAC made a number of submissions on this chapter which largely sought to ensure that the urban development provisions established under PC35 be transferred into the Proposed Plan without substantive amendment.

Plan Change 35

- 3.3 Mr Kyle has provided a summary of the genesis of Plan Change 35 (PC35) and why the provisions confirmed by the Environment Court should be transferred into the Proposed Plan without substantive amendment. I agree with the rationale and recommendations of Mr Kyle in this regard and attach as **Appendix B**, a table which cross references the relief sought by QAC with respect to Chapter 4 of the Proposed Plan with the relevant PC35 provision. To clarify, the “Proposed District Plan Provisions” column in Appendix B contains the additional provisions which QAC seeks, and I agree should be included in the Proposed Plan to appropriately incorporate the PC35 higher order provisions. Attached as Appendix C is a full suite of the amendments that I consider are necessary to appropriately incorporate the higher order PC35 provisions into Chapters 3, 4 and 6 of the Proposed.
- 3.4 I anticipate addressing the integration of the lower order PC35 provisions into each chapter of the Proposed Plan at each of the relevant chapter hearings. With respect to the Urban Development chapter, I note that for the most part, the provisions of PC35 have been omitted from the chapter in their entirety. I consider this approach is not the most appropriate approach in terms of section 32 and refer to the evidence of Mr Kyle as to the purpose, intent and importance of the PC35 provisions in providing for the ongoing growth of the Airport and protecting it from reverse sensitivity effects.
- 3.5 I note that the Proposed Plan endeavours, to incorporate some, but not all, of the outcomes sought via PC35. Some of the provisions that are incorporated take the form of the PC35 provision verbatim, such as Policy 4.2.2.4¹⁷, whereas others have been substantively redrafted, such as Policies 4.2.3.8 and 4.2.4.3¹⁸. As set

¹⁷ Which seeks to “Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee”, as per Policy 7.3, Section 4.9.3 of Plan Change 35.

¹⁸ Policy 4.2.3.8 aims to ensure that “*Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise*”.

out in the subsequent discussion relating to these policies, the Proposed Plan essentially tries to condense the two objectives and eight policies from PC35 relating to urban development into three policies. I consider that this approach is an oversimplification of the land use management approach described by Mr Kyle, which fails to implement the purpose and intent of PC35.

3.6 I do not agree with this approach and consider it will not ensure Airport growth is appropriately provided for and reverse sensitivity effects avoided, as intended by PC35. I am concerned that the partial inclusion of the PC35 provisions could result in an incomplete and/or inadequate higher order framework in the Proposed Plan meaning the inclusion of the important lower order provisions in later chapters, including some of the rules that are included in PC35 to protect the Airport from reverse sensitivity effects, cannot be justified in terms of section 32. For example, Objective 21.2.7, Policy 21.2.7.1 and Rule 21.4.29 of the Rural zone provisions of the Proposed Plan collectively seek to prohibit the establishment of new activities sensitive to aircraft noise (ASAN) within the OCB. Despite the definitive land use response that results from these provisions, in my opinion, the corresponding strategic level policy dissuasion is absent from the Proposed Plan, making the Rural zone provisions difficult to justify in terms of section 32(1).

3.7 Without derogating from my primary opinion that the PC35 provisions should be included without substantive amendment, I set below my opinion as to the appropriateness or otherwise of the provisions that have been included in the Proposed Plan to “*reflect the outcomes of PC35*”¹⁹, as suggested by the section 32 report for this chapter.

Proposed Objective 4.2.4 and associated Policy 4.2.4.3

3.8 Proposed Objective 4.2.4 seeks to manage the scale and location of urban growth in the Queenstown Urban Growth Boundary. Associated Policy 4.2.4.3 seeks to protect Queenstown Airport from reverse sensitivity effects and maintain residential amenity through managing the effects of aircraft noise within critical

Policy 4.2.4.3 seeks to “*Protect the Queenstown airport from reverse sensitivity effects, and maintain residential amenity, through managing the effects of aircraft noise within critical listening environments of new or altered buildings within the Air Noise Boundary or Outer Control Boundary*”.

¹⁹ Page 33 of the section 32 report for the Urban Development Chapter of the Proposed Plan.

listening environments of new or altered buildings within the Air Noise Boundary (ANB) or Outer Control Boundary (OCB).

- 3.9 In its submission, QAC generally supported the proposed objective, but submitted that the policy should be amended to recognise those zones where residential activity is prohibited within the OCB and ANB. QAC submitted that the most appropriate way to do this is to split the policy into two parts as follows:

Within existing residential zones, protect Queenstown Airport from reverse sensitivity effects, and maintain residential amenity through managing the effects of aircraft noise within critical listening environments of new or altered buildings within the Air Noise Boundary or Outer Control Boundary.

Within Rural and Industrial Zones, protect Queenstown Airport from reverse sensitivity effects through preventing the establishment of new activities sensitive to aircraft noise within the Air Noise Boundary and Outer Control Boundary.
~~*And maintain residential amenity through managing the effects of aircraft noise within critical listening environments of new or altered buildings within the Air Noise Boundary or Outer Control Boundary.*~~

- 3.10 I note the submission as lodged contained an inadvertent error in respect of the second policy (above) in that it was missing the words “ *Outer Control Boundary and Air Noise Boundary.*” The correct policy is as stated above. The Council Officer has recommended rejecting QAC’s submission, although no reasons have been provided.

- 3.11 As set out by Mr Kyle, PC35 established and land use management approach where:

3.11.1 Within the Low Density Residential Zone any new and/or alterations or additions to existing buildings containing ASAN are required to provide mechanical ventilation for Critical Listening Environments on sites located within the PC35 OCB, and mechanical ventilation and sound insulation for sites located within the PC35 ANB, to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours.

3.11.2 Within the Rural and Industrial Zones, any new ASAN within the PC35 OCB is prohibited.

- 3.11.3 Within the Remarkables Park zone, all residential, visitor accommodation and community activities within the 2037 60dB Noise Contour is prohibited.
- 3.11.4 Within the Frankton Flats A Zone, prohibit ASAN over a specified threshold.
- 3.12 As noted, QAC seeks this land use management approach to be carried through to the Proposed Plan. However, I consider that, as currently drafted, Policy 4.2.4.3 does not provide sufficient dissuasion to warrant the prohibition of new ASAN in the zones identified above, whereas QAC's amendments go some way towards providing an appropriate policy basis for such methods.
- 3.13 Furthermore, the first part of the policy, which contains its intention, being to "*protect Queenstown Airport from reverse sensitivity effects*" is essentially cancelled out by the second part which seeks to "*manage the effects of aircraft noise*". When read literally, the policy requires QAC to manage its own effects in order to protect itself from reverse sensitivity. As I understand it, the fundamental principle of reverse sensitivity is to manage the effects of sensitive activities (in this case ASAN/residential activities) on lawfully established generators of the effect (in this case the Airport). The current wording of the policy requires QAC to manage its own effects in order to avoid the consequences of reverse sensitivity, and in so doing it perpetuates a reverse sensitivity to some extent (acknowledging there is only an 'effect' if the generator needs to curtail its operations, which would not be the case here). I do not consider this to be the intent of the policy, but it is its practical effect.
- 3.14 The proposed policy also appears to try to consolidate PC35 District Wide policies 8.1, 8.4 and 8.5²⁰ (QAC's proposed policies 4.2.8.1, 4.2.8.4 and 4.2.8.5 in the Proposed Plan, refer Appendix B) into one single policy. In my opinion, this oversimplifies the land management approach proposed by PC35 as it:

²⁰ Section 4.9.3 of the Operative District Plan, as amended by PC35

- 3.14.1 Confuses whether the policy is seeking to protect Queenstown Airport from the reverse sensitivity effects of ASAN²¹, or manage the effects of aircraft noise²²;
- 3.14.2 Does not specify that the policy applies to ASAN (or in the case of the Remarkables Park Zone, residential, education facilities and visitor accommodation), potentially extending its application to all new or altered buildings within the ANB or OCB.
- 3.14.3 Seeks to only maintain residential amenity.
- 3.15 Accordingly, on further review of this provision, both the proposed policy and QAC's suggested amendments, as contained in its submission, are not, in my opinion, appropriate to protect the Airport from reverse sensitivity effects. I consider it would more appropriate to delete Policy 4.2.4.3 and incorporate the reverse sensitivity related provisions of PC35, as detailed in Appendix B, into this chapter without substantive amendment.

Proposed Policy 4.2.4.4

- 3.16 Proposed Policy 4.2.4.4 seeks to manage the adverse effects of noise from Queenstown Airport by conditions in the Aerodrome Purposes designation (Designation 2) including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee. In its submission, QAC supported this policy, for the reasons that it is consistent with Policy 7.3, Section 4.9.3 of the Operative Plan, as amended by PC35. QAC sought that the proposed provision be relocated however to sit with the remaining PC35 provisions it seeks be included in the Proposed Plan.
- 3.17 The Council Officer has recommended that QAC's submission be rejected on this point. No changes have been made to the policy in the section 42 report, and therefore I assume that the Council Officer's recommendation relates to the relocation of the policy, as opposed to QAC's support of it.
- 3.18 Policy 4.2.4.4 forms one of three policies that give effect to Objective 7, Section 4.9.3 of the Operative Plan, as amended by PC35 (refer to the table attached as Appendix B). The manner in which it has been included in the Proposed Plan

²¹ As intended by Proposed Policy 4.2.8.1 attached in **Appendix B**.

²² Which is the general principle behind Objective 4.2.7 and Policies 4.2.7.1 to 4.2.7.3, as attached as **Appendix B**.

does not, in my opinion, appear to have been adequately assessed in terms of section 32(1) as the policy is not effective at achieving its corresponding objective which relates to the scale and location of urban growth²³. If the panel is of a mind to include the provisions of PC35 into the Proposed Plan (as set out in Appendix B), I consider that policy should be relocated to sit within the objective that was intended to give effect to (i.e QAC's proposed additional objective 4.2.7, refer Appendix B).

Proposed Policy 4.2.3.8

- 3.19 Proposed Policy 4.2.3.8 seeks to ensure that land within the ANB or OCB of Queenstown Airport is managed to prohibit or limit the establishment of ASAN.
- 3.20 QAC supported this policy as it endeavoured to give effect to PC35. QAC also made a further submission in opposition to the Hansen Family Partnership submission (751.7) as it sought to amend the policy direction towards a more permissive land use management regime for ASAN within the OCB than was established by PC35.
- 3.21 The Council Officer has recommended accepting QAC's submission and further submission. As this policy seeks to implement an objective relating to urban growth boundaries²⁴ and is generally in line with the intent of PC35, I support the recommendation of the Council Officer. Given the broader application of the objective, if the provisions of PC35 are incorporated into the Proposed Plan, in my opinion, it is still appropriate for this policy to remain as it is effective at achieving the higher order objective.

Other Urban Development Provisions

- 3.22 Proposed Policy 4.2.2.4 sets out that not all land within the Urban Growth Boundaries will be suitable for urban development such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. QAC supported the retention of this provision, however sought some minor drafting amendments to reflect that urban intensification may not be suitable within close proximity to airports.

²³ Objective 3 seeks to Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.

²⁴ Objective 4.2.3 of the Proposed Plan which aims to ensure that *"Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provisions.*

3.23 The Council Officer does not appear to have made a recommendation with respect to QAC's submission on this provision. QAC's submission has been omitted from the list of submitters attached as Appendix 2 of the section 42A report.

3.24 Notwithstanding the above, I agree with QAC's amendments to the policy and consider that it would further support the land use management regime established under PC35.

4 **LANDSCAPE**

4.1 The purpose of the landscape chapter is to recognise the landscape as a significant resource to the district and region, and that the resource requires protection from inappropriate activity that could degrade its quality, character and values.

4.2 QAC sought the inclusion of four new provisions which recognise that there are sometimes operational, technical or safety related requirements for infrastructure to be located within an ONF, ONL or a Rural Landscape.

4.3 The Council Officer recommends accepting QAC's submission in part²⁵. While the Council Officer indicates that the importance of regionally significant infrastructure is acknowledged and recognised in the strategic direction policy framework and the energy and utilities chapter²⁶, the Council Officer considers that it is appropriate to acknowledge the importance of the contribution that regionally significant infrastructure makes to social and economic wellbeing and health and safety of the District²⁷, and that such infrastructure is likely to be affected by locational constraints without any legitimate alternatives to locate.

4.4 The following new policy is therefore recommended by the Council Officer:

New policy 3.3.1.12

²⁵ Appendix 2, page 15 of the section 42A Hearing Report for Chapter 6 of the Proposed Plan

²⁶ Paragraph 9.26, page 11 of the section 42A Hearing Report for Chapter 6 of the Proposed Plan

²⁷ Paragraph 9.28, page 11 of the section 42A Hearing Report for Chapter 6 of the Proposed Plan

Regionally significant infrastructure shall be located to avoid degradation of the landscape, while acknowledging location constraints.

- 4.5 While in principle, I agree with the commentary of the Council Officer, I do not consider that his amendments to the proposed policy appropriately addresses the issue raised in the submission. I consider the words “while acknowledging location constraints” are vague and their intent is unclear. I query, to what end and extent are locational constraints to be acknowledged?
- 4.6 As set out in QAC’s submission, the functional, technical, operational and safety related constraints often influence the location of important infrastructure, such as airports. Given the lack of suitable alternative locations, there may be circumstances where the regionally and/or nationally significant benefits of enabling an activity need to be balanced against the adverse effects of a particular location. The RESA extension discussed in paragraph 2.16 is an example of such a proposal.
- 4.7 While I acknowledge that it is appropriate for infrastructure occupying sensitive locations to be located and designed, as far as reasonably practicable, to minimise the potential for adverse effects on the particular landscape character and/or the visual amenity values inherent at the site, the Council Officer’s proposed policy does not recognise or provide for circumstances such as the RESA extension or obstacle lighting. I also consider the use of the term ‘avoid’ to be problematic for reasons set out in paragraph 2.22, and may inadvertently prohibit infrastructure from locating in such environments despite functional or locational constraints.
- 4.8 In light of the above, I support the provisions proposed by QAC.
- 4.9 Policy 6.3.1.7 seeks to ensure that the location and direction of lights does not cause glare to other properties and public places or avoids degradation of the night sky. Two submissions were received in opposition to this policy, seeking that the policy be relocated to a more appropriate chapter of the Proposed Plan as the policy does not specifically address landscape values²⁸. In response to

²⁸ Submitter 761 and Submitter 806.

these submissions, the Council Officer has recommended the following amendments to the policy:

“Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.”

- 4.10 The recommended changes significantly extend the scope and application of the policy and have the potential to ‘prohibit’ or ‘not allow’ regionally significant infrastructure, such as navigational lights, within ONLs. While QAC has not submitted specifically on Policy 6.3.1.7, I consider it falls within the scope of section 4 of its original submission (in particular, paragraphs 4.13 to 4.15).
- 4.11 I do not consider that the proposed changes to the policy are appropriate and would conflict with provisions seeking to provide for the locational constraints of regionally significant infrastructure. Furthermore, the nature of the changes proposed appear to extend beyond the scope of the relief sought by the submitters. In my opinion, the original wording should be retained, but the policy should be deleted from Chapter 6 and relocated to the rural chapter, as per the relief sought by the submitters.

5 CONCLUSIONS

- 5.1 The Strategic Directions, Urban Development and Landscape chapters are critical in providing the policy framework for the subsequent chapters of the Proposed Plan. It is therefore important in my view that these chapters appropriately recognise and provide for significant infrastructure, particularly where it is of regional importance, and provide sufficient grounding, in terms of section 32, for the lower order policies and methods that will follow.
- 5.2 Of particular concern with the Proposed Plan is the limited recognition afforded to infrastructure within the Strategic Directions chapter, including airports, and their role in providing for the social and economic wellbeing of the community. This general lack of recognition has filtered into Chapters 4 and 6 of the Proposed Plan. Of further concern is the lack of an appropriate higher order framework in the strategic part of the Proposed Plan (Part 2) to justify the inclusion of the lower

order PC35 provisions, including important rules which seek to protect the Airport for potential reverse sensitivity effects.

- 5.3 Accordingly, to ensure that infrastructure providers such as designated airports can continue to meet the demand the its services as the District continues to grow, I consider the amendments detailed in my evidence and in QAC's submissions are necessary and the most appropriate for ensuring that infrastructure, as an important physical resource for the District, is appropriately recognised and provided for in the Proposed Plan, and so that the Airport, as significant regional infrastructure is adequately protected from potential reverse sensitivity effects..

Appendix E

Plan Change 26 Provisions

Plan Change 26 – Wanaka Airport

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1. MAKE THE FOLLOWING CHANGES TO SECTION 4:

This Plan Change relates predominantly to the Rural General and Rural Visitor Zones but also includes changes to Chapters 4, 14, Definitions, the creation of a new Appendix and changes to relevant District Plan Maps. Changes in relation to these sections are denoted by underlining for additions and ~~through~~ for deletions. Where numbering is referenced as 'X' the final numbering may be subject to the timing of approval of other plan changes underway.

4. District Wide Issues

2. ADD THE FOLLOWING OBJECTIVE AND POLICIES TO SECTION 4.9.3:

Objective X – Wanaka Airport

Maintain and promote the on-going operation of the airport while managing reverse-sensitivity effects on surrounding land uses.

Policies

X.1: Ensure appropriate noise boundaries are established and maintained to enable operations at Wanaka Airport to continue and to expand over time.

X.2: To prohibit all new activity sensitive to aircraft noise within the Outer Control Boundary in the Rural Zone around Wanaka Airport.

Implementation Methods

i District Plan

The provision of rules to prohibit or otherwise control activity sensitive to aircraft noise within the Outer Control Boundary around Wanaka Airport.

ii Other Methods

Consultation with Wanaka Airport on any Plan Change or other land use proposal affecting land within the Outer Control Boundary.

Explanation and Principal Reasons for Adoption

Some types of activity on land adjacent to the airport may give rise to issues of reverse sensitivity. It is essential for the current and future operation of Wanaka Airport that appropriate measures are taken in regard to noise sensitive activity in the vicinity of the Airport to ensure reverse sensitivity issues are avoided. Such land use management will also avoid the potential adverse effects on residential amenity (in particular indoor amenity) and community well-being by avoiding unnecessary exposure to higher than desirable levels of aircraft noise.

3. MAKE THE FOLLOWING CHANGES TO SECTION 5:

5 Rural Areas

4. AMEND POLICY 3.6 AS FOLLOWS:

3.6 ~~To require acoustic insulation of buildings located within the airport Outer Control Boundary, that contain critical listening environments To prohibit all new activity sensitive to aircraft noise on any Rural zoned land within the Outer Control Boundary at Wanaka Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.~~

5. ADD TWO NEW IMPLEMENTATION METHODS TO OBJECTIVE 3 AS FOLLOWS:

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Plan Change 26 – Wanaka Airport

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(X) ~~The NZS 6805:1992 – “Airport Noise Management and Land Use Planning” will be used as the basis for establishing noise boundaries and associated rules in the District Plan in relation to controlling noise from airports in the District while also protecting those airports from the reverse sensitivity effects associated with activities which are sensitive to aircraft noise.~~

(X) ~~The provision of rules to prohibit new activity sensitive to aircraft noise within the Outer Control Boundary of Wanaka Airport.~~

6. ~~AMEND OBJECTIVE 7 AS FOLLOWS:~~

~~Objective 7 - Buffer Land for Airports~~

~~Retention of a greenfields area within an airport Outer Control Boundary to act as a buffer between airports and other land use activities. Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and activities sensitive to aircraft noise.~~

7. ~~ADD A NEW POLICY TO OBJECTIVE 7 AS FOLLOWS:~~

~~Policy~~

~~7.4 To prohibit the location of any new activity sensitive to aircraft noise on land within the Outer Control Boundary around Wanaka Airport.~~

8. ~~ADD A NEW IMPLEMENTATION METHOD TO OBJECTIVE 7 AS FOLLOWS:~~

~~i District Plan~~

~~(f) Provision of zone rules prohibiting activities sensitive to aircraft noise within the Outer Control Boundary shown on the planning maps around the Wanaka Airport.~~

5.3 Rural General and Ski Area Sub-Zone - Rules

9. ~~AMEND 5.3.1.1 BY ADDING THE BULLET POINT AS FOLLOWS:~~

5.3.1.1 Rural General Zone

The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:

... ~~protects the on-going operations of Wanaka Airport.~~

...

10. ~~DELETE CONTROLLED ACTIVITY RULE vii AS FOLLOWS:~~

5.3.3.2 Controlled Activities

... ~~Buildings within the Outer Control Boundary – Wanaka Airport~~

~~Buildings or part of a building to be used for residential activities, visitor accommodation or community activities on any land within the Outer Control Boundary as indicated on the District Plan Maps, in respect of the design, construction, orientation and location of the building to achieve adequate indoor sound insulation from aircraft noise.~~

11. ~~AMEND PROHIBITED ACTIVITY RULE 5.3.3.5.ii AS FOLLOWS:~~

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5.3.3.5 Prohibited Activities

ii New Building Platforms and Activities within the Air Noise Boundary Outer Control Boundary - Wanaka Airport

On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010) shall be a Prohibited Activity.

On any site located within the Air Noise Boundary, as indicated on the District Plan Maps, any new residential activities, visitor accommodation or community activities shall be Prohibited Activities.

12. **AMEND ZONE STANDARDS AS FOLLOWS:**

5.3.5.2 Zone Standards

13. **DELETE ZONE STANDARD 5.3.5.2.viii:**

viii Wanaka Airport Building Line

No building shall be erected, constructed or relocated within the area defined by a line 150m on the western side of the centre line of the Wanaka Airport main runway, the Airport Purposes Designation boundary at either end of the main runway, and a line 200m on the eastern side of the centre line of the Wanaka Airport main runway.

...

14. **AMEND ZONE STANDARD 5.3.5.2.x AS FOLLOWS:**

x Airport Noise - Building with the Outer Control Boundary - Wanaka Airport

Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010

within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 2 of Appendix 13. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13.

(a) On any site within the Outer Control Boundary as indicated on the District Plan Maps, any buildings or part of a building to be used for residential activities, visitor accommodation or community activities shall be insulated from aircraft noise so as to meet an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments where no special insulation is required.

(b) This control shall be met in either of the following two ways:

EITHER:

(i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level.

OR

(ii) The building shall be constructed and finished in accordance with the provisions of Table 1 in part 5.3.5.2.

...

15. **DELETE TABLE 1 - ACOUSTIC INSULATION OF BUILDINGS CONTAINING NOISE SENSITIVE ACTIVITIES (EXCEPT NON-CRITICAL LISTENING AREAS)**

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5.4.2.3 Assessment Matters General

~~ix Controlled Activity – Addition or alteration to Buildings within the Outer Control Boundary – Queenstown Airport and Buildings within the Outer Control Boundary – Wanaka Airport~~

~~Conditions may be imposed to ensure the design, construction, orientation and location of buildings for residential activities, visitor accommodation or community activities within Wanaka Airport's Outer Control Boundary, or the alteration or addition to an existing building or part of a building used for residential activities, visitor accommodation or community activities within Queenstown Airport's Outer Control Boundary is such to ensure the indoor design sound levels specified in Zone Standards 5.3.5.2(viii) and (x) are met.~~

17. MAKE THE FOLLOWING CHANGES TO SECTION 12:

Section 12.3 Rural Visitor Zones

18. AMEND POLICY 12.3.4 (6) AS FOLLOWS:

Policies:

...

6 ~~Within the Windermere Rural Visitor Zone minimise the potential for reverse sensitivity effects on Wanaka Airport by requiring compliance with an acoustic treatment performance standard for any new, altered or extended visitor accommodation or permanent residential accommodation approved within the Outer Control Boundary shown on the planning maps.~~

Building Element	Required Construction
External Walls	Exterior: 20 mm timber or 6mm fibre-cement Frame: 100mm gap-containing 100mm acoustic blanket (R2.2 Batts or similar) Two layers of 12.5mm gypsum plasterboard* (Or an equivalent combination of exterior and interior wall-mass)
Windows	Up to 40% of wall area: Minimum thickness 6mm glazing** Up to 60% of wall area: Minimum thickness 8mm glazing** Up to 80% of wall area: Minimum thickness 8mm laminated glass or minimum 10mm double glazing** Aluminium framing with compression seals (or equivalent)
Pitched Roof	Cladding: 0.5mm profiled steel or tiles or 6mm corrugated fibre cement Frame: Timber truss with 100mm acoustic blanket (R 2.2 Batts or similar)
Skillion Roof	Ceiling: 12.5mm gypsum plaster board* Cladding: 0.5mm profiled steel or 6mm fibre cement Sarking: 20mm particle board or plywood Frame: 100mm gap-containing 100mm acoustic blanket (R2.2 Batts or similar) Ceiling: 2 layers of 9.5mm gypsum plasterboard*
External Door	Solid core door (min. 24kg/m ²) with weather seals

Table 1 – Acoustic Insulation of Buildings Containing Noise

Sensitive Activities (except non-critical listening areas)

* ~~Where exterior walls are of brick veneer or stucco plaster the internal linings need be no thicker than 9.5mm gypsum plasterboard.~~

** ~~Typical acoustic glazing usually involves thick single panes of laminated glass. Where two or more layers of glass are employed with an air gap between, total thickness of window glass may be calculated as the total of all glass layers (excluding air gap) provided that at least one glass layer shall be of a different thickness to the other layer(s).~~

16. DELETE ASSESSMENT MATTER 5.4.2.3.ix

- ~~Noise-insulating-buildings~~
- ~~Designing-and-orientating-buildings-to-minimise-exposure-to-noise~~
- ~~Encouraging-noise-sensitive-activities-to-be-located-with-maximum-separation-from-the-airport~~
- ~~Avoiding-landscaping-and-development-that-may-be-hazardous-to-aircraft~~
- ~~Limited-permanent-residential-accommodation~~

12.4 Rural Visitor Zone - Rules

12.4.3.2 Controlled Activities

20. ~~DELETE CONTROLLED ACTIVITY RULE 12.4.3.2.iii~~

- iii. ~~Windermere—the design, construction, orientation and location of the building to achieve adequate indoor sound insulation from aircraft noise.~~

...

21. ~~DELETE CONTROLLED ACTIVITY RULE 12.4.3.2.vi.(g)~~

- vi ~~Visitor Accommodation~~
Activities (v) and (vi) above are controlled in respect of the following matters:

- ... (g) ~~Windermere—airport noise~~

...

12.4.5.2 Zone Standard

22. ~~AMEND ZONE STANDARD 12.4.5.2.vii AS FOLLOWS:~~

- vii ~~Airport Noise - New buildings or alterations or additions to existing buildings within the Outer Control Boundary - Wanaka Airport~~

~~The construction of, alteration, or addition to any building containing an activity sensitive to aircraft noise shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 2 of Appendix 13. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13.~~

~~Wanaka Airport. On any site within the outer control boundary as indicated on the District Plan Maps, any building or part of a building to be used for Residential Activities, Visitor Accommodation Activities, Commercial Activities or Community Activities shall be insulated from aircraft noise so as to meet an indoor design sound level of 40dBA Ldn, except for non-critical listening environments where no special insulation is required.~~

...

12.5.2 Assessment Matters

23. ~~DELETE ASSESSMENT MATTER 12.5.2.x AS FOLLOWS:~~

- x ~~Windermere—the following assessment matters should be taken into account in addition to those listed for specific activities.~~

- (a) ~~The design, construction, orientation and location of buildings and whether an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments can be achieved.~~

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- 8.1 ~~To provide for appropriate growth and demand for air services for Queenstown and Wanaka.~~
- ...
- 8.4 ~~To advocate a noise management regime at Queenstown airport and Wanaka Airport to help manage the environmental effects of aircraft noise through means available to the Queenstown Airport Corporation and the Wanaka Airport Operator but not available through the District Plan.~~

26. AMEND EXPLANATION AND PRINCIPAL REASONS FOR ADOPTION FOR OBJECTIVE 8 AND ITS ASSOCIATED POLICIES AS FOLLOWS:

Explanation and Principal Reasons for Adoption

The Queenstown and Wanaka airports are important physical resources, important to the social and economic well being of the community. Queenstown Airport's main function is for domestic, and international, passenger movements and freight and tourist operations. The Queenstown Airport is an important factor in the rate of growth in the District. In comparison, Wanaka Airport's main function is has been to provide ~~ing~~ recreational and tourist air services, including aviation museums, but increasingly it is providing for scheduled air services and may in the future provide a complementary alternative to Queenstown Airport.

...

In relation to Wanaka Airport, activities sensitive to aircraft noise within the Outer Control Boundary will be prohibited. Any alterations or additions to existing buildings consent will be subject to adequate acoustic treatment insulation. The insulation treatment requirements will be in accordance with the NZ Building Code Standards and the rules of this Plan.

~~The Council is also of the view that rezoning land as a Residential Zone, or classifying new noise-sensitive activities as permitted, controlled, discretionary~~

- ~~(b) Whether noise sensitive activities are located with maximum separation from Wanaka Airport.~~
- ~~(c) Whether the location of activities is consistent with providing buffer from Airport activities, taking into account the air noise boundary and outer control boundary.~~
- ~~(d) Whether buildings, structures or activities are a hazard to aircraft.~~
- ~~(e) Provision of landscaping that mitigates the visual effects while ensuring that species that may be a hazard to aircraft are avoided.~~
- ~~(f) Whether the residential activity is for on-site custodial management purposes and the potential for adverse cumulative effects of residential development.~~

24. MAKE THE FOLLOWING CHANGES TO SECTION 14

14. Transport

14.1.3 Objectives and Policies

...

25. AMEND POLICIES ASSOCIATED WITH OBJECTIVE 8 AS FOLLOWS:

Objective 8 - Air Transport

Effective and controlled airports for the District, which are able to be properly managed as a valuable community asset in the long term.

Policies:

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or non-complying adjacent to an airport, gives a false impression that the land is suitable for noise sensitive activities.

The controls are intended to either prohibit, or require acoustic treatment insulation (as appropriate), for the full range of activities sensitive to aircraft noise sensitive activities. Reference is made to “community activities” in each of the relevant rules is defined in the district plan. The rules are intended to be inclusive; and to cover all activities which fall within the broad definition of community activity, whether or not such activities are separately defined.

27. MAKE THE FOLLOWING CHANGES TO DISTRICT PLAN DEFINITIONS

Amend the following definitions

Outer Control Boundary Wanaka	Means a boundary, as shown on the District Plan Map 18A, the location of which is based on the predicted day/night sound levels of Ldn-55 dBA Ldn from future-airport operations in 2036. The location of the boundary is shown in Figure 3-1a.
--------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Add the following definitions

Activity Sensitive to Aircraft Noise (ASAN)	Means any residential activity, visitor accommodation activity, community activity and day care facility activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Airport Operator	Means the person or body that has the necessary statutory authority for the establishment, maintenance, operation or management of the airport.
Critical Listening Environment	Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but

Night-time Noise Boundary Wanaka Design Sound Level	excludes non critical living environments. Means a boundary, as shown in District Plan Map 18a the location of which is based on predicted sound levels of SEL 95 dBA. Means 40 dB Ldn in all Critical Listening Environments.
------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

28. CREATE A NEW APPENDIX TO THE DISTRICT PLAN AS FOLLOWS

Appendix X

Appendix X - Acoustic Insulation and Ventilation Requirements

29. INSERT THE FOLLOWING TEST AND TABLE IN APPENDIX X

The following table sets out the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Table X: Ventilation Requirements for Critical Listening Environments

Room Type	Outdoor Air Ventilation Rate (Air Changes per Hour, ac/hr)
	Low Setting * High Setting *
Bedrooms	1-2 ac/hr Min. 5 ac/hr
Other critical listening environments	1-2 ac/hr Min. 15 ac/hr

Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be

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measured at a distance of 1 m to 2 m from any diffuser.

Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.

Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 deg C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.

If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.

30. **MAKE THE FOLLOWING CHANGES TO VOLUME 3 – DISTRICT PLAN MAPS:**

Volume 3 District Plan Maps

31. **AMEND DISTRICT PLAN MAP 18A TO UPDATE OUTER CONTROL BOUNDARY AND REMOVE THE AIR NOISE BOUNDARY.**

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Appendix F

Plan Change 35 Rural Zone Provisions

5 Rural Areas

Rural General, Ski Area Sub-Zones

5.1 Resource Management Issues

Discussion of additional relevant issues is found in the following Parts of the District Plan:

- Natural Environment
 - Landscape and Visual Amenity
 - Open Space and Recreation
 - Surface of Lakes and Rivers
 - Waste Management
 - Natural Hazards
 - Heritage
 - Hazardous Substances
- Part 4.1
 - Part 4.2
 - Part 4.4
 - Part 4.6
 - Part 4.7
 - Part 4.8
 - Part 13.1
 - Part 16.1

- iii **Protecting the Rural Amenity Values**
All Rural Zones have particular amenity and environmental values, which are important to rural people. These include privacy, rural outlook, spaciousness, ease of access, clean air and, at times, quietness. However, because of the range of activities that necessarily occur in a rural area, there are levels of noise, dust, traffic generation and smell that are an integral part of rural amenity values. Provided that these effects do not constitute a genuine nuisance or a health risk, they must be accepted as anticipated components of rural amenity values.

Reverse sensitivity effects on Queenstown Airport may arise where Activity Sensitive to Aircraft Noise is established within rural areas where those areas are located in the Queenstown Airport's Outer Control Boundary or Air Noise Boundary.

Where activities in a Rural Zone do cause a genuine nuisance or a health risk it is the role of Council to assist in mitigating any adverse effect that these activities may potentially create.

- i **The Management of the Effects of Rural Activities on the Environment**
By their nature, rural activities may have both beneficial and adverse effects. It is desirable to create conditions where beneficial effects (such as productive effects, employment, enhancement of the amenity/visual values, development of pleasant built form and soil retention) are maintained, developed and enhanced. It is also necessary to balance any adverse effects of these activities (such as noise from bird scaring or frost fighting devices) in order to maintain development and productive potential, while also supporting the life-supporting capacity of the air, water, soil, ecosystems and minerals.

- ii **Sustaining the Life-Supporting Capacity of Soils and Vegetation**
The life-supporting capacity of soils in the rural area can be lost or reduced as a result of intensive subdivision and building development or inappropriate land uses that significantly deplete, degrade or cover over the soil.

- iv **Safeguarding Water Resources**
The quality and quantity of water and irrigation scheme infrastructure are essential for the cultural, social and economic well being of the District. However water resources are vulnerable to change because of the diversity of activities occurring in rural areas. Whilst the management of the quality and quantity of water resources is principally the responsibility of the Otago Regional Council, the Council considers it has a role in the integrated management of the effects of land-use activities to ensure the life-supporting capacity of water is safeguarded. The supply of irrigation water to users in the district is carried out by private companies, for example the Arrow Irrigation Company. The Council has a role in the integrated management of effects of land use activities to ensure that the supply of water resources and the irrigation infrastructure is not adversely affected by land use activities.

- v **Mineral Resources**
The mineral resources of the District are important commercially. These resources include gold and other minerals, aggregates, shingle and coal. Minerals are also important historically with a number of mining sites and

settlements having historic value. Mineral extraction, including gravel extraction and earthworks, has the potential to cause significant adverse effects on the environment.

vi The Management of Surface of Waterbodies

Surface of water rules are generally aimed at the protection of the natural, recreational and amenity characteristics of the different waterbodies of the District and the surrounding environment.

Controls over water-based activities are considered to be necessary to ensure that any adverse effects on the wildlife, natural, recreational, visual, amenity values and safety values of the District's lakes and rivers are kept at a minor level.

Commercial boating activities are to be subject to assessment through the resource consent process. Controls have differentiated between private and commercial operations in terms of their environmental effects, because commercial activities have the potential to be more regular, concentrated, numerous and continuous throughout much of the year, compared with private recreation; and because many of the craft used in commercial operations are larger and more capable of greater impacts upon the environment. Frequent and regular use of waterbodies by commercial activities have the potential to conflict with other users or values of the waterbody or adjoining land – intruding into the experience sought by other users of affecting wildlife, amenity or natural conservation values. Public safety may also be compromised by a number of boating operators and/or boats using the same waterbody, where it is confined or has visibility limitations. Fishing guiding has been exempt from this requirement for resource consents for commercial boating activities because it has no more than a minor effect on its environment, it is dispersed across the waterbodies of the District, and does not result in concentrated effects in any one locality.

All structures or moorings on waterbodies are considered to require resource consent assessment, because of their ability to impact upon landscape, recreational safety and conservation values associated with a shoreline or shore waters. Use of all moored boats for permanent or long-term residence is of concern in relation to other lake and lakeshore

users. Such concerns relate to visual impacts, effluent disposal and loss of public enjoyment of the adjoining lakeshore and waters, to the extent it is considered that such uses should be excluded.

Refer also to Section 4.6 Surface of Waterbodies for reasons for policies and implementation methods.

5.2 Rural General and Ski Area Sub-Zone - Objectives and Policies

Additional relevant objectives and policies relating to the following matters are found in the corresponding Parts of the District Plan:

- Natural Environment
- Landscape and Visual Amenity
- Open Space and Recreation
- Surface of Lakes and Rivers
- Waste Management
- Natural Hazards
- Heritage
- Hazardous Substances
- Part 4.1
- Part 4.2
- Part 4.4
- Part 4.6
- Part 4.7
- Part 4.8
- Part 13
- Part 16

Objective 1 - Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies:

- 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.
- 1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.

1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

- 1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*
- 1.5 *Provide for a range of buildings allied to rural productive activity and worker accommodation.*
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*
- 1.9 *Ensure adverse effects of new commercial Ski Area activities on the landscape and amenity values are avoided or mitigated.*

Implementation Methods

The objective and associated policies will be implemented through a number of methods including:

(i) District Plan

- (a) The identification of Rural General, Rural Lifestyle, Rural Residential, Ski Area Sub-Zones objectives, policies and methods in the District Plan.
- (b) The provision of rules relating to subdivision, activities and the erection of buildings in the Rural General Zone.
- (c) To encourage the Regional Council in the preparation of Regional Plans and guidelines.
- (d) Provision of rules to control subdivision and the provision of controls and performance standards to protect the amenity and environmental quality of rural areas.

- (e) Advise and give information to local community groups, landholders and organisations.

(ii) Other Methods

To encourage appropriate organisations and people to:

- (a) Monitor intensive farming and factory farming operations and disseminate information and guidelines regarding acceptable management practice.
- (b) Do further research into identifying trends between the state of the environment and changes in land use patterns or practices.

Explanation and Principal Reasons for Adoption

There is a need to promote the integrated management of the diversity of resources in the rural area, including existing and potential land use activities. A wide range of activities are anticipated and allowed for in the rural areas. Standards are included and may be monitored, to ensure the management regimes undertaken are sustainable.

New commercial Ski Area activities have the potential to adversely affect amenity and landscape values of the District and can represent an inefficient use of infrastructure.

Objective 2 - Life Supporting Capacity of Soils

Retention of the life supporting capacity of soils and/or vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.

Policies:

- 2.1 *Avoid, remedy or mitigate adverse effects of subdivision and development on the life-supporting capacity of the soils.*

- 2.2 *Enable a range of activities to utilise the range of soil types and microclimates.*
- 2.3 *Encourage the long-term retention of the capabilities of the District's soils through research and dissemination of relevant information to the community.*
- 2.4 *Encourage land management practices and activities, which avoid, remedy or mitigate adverse effects on soil and vegetation cover.*
- 2.5 *Encourage land users to monitor the condition of vegetation on their land by providing information and assistance, where practicable.*

Implementation Methods

- (i) The identification of Rural General, Rural Lifestyle, Rural Residential, Skifield Sub-Zones and Gibbston Character Zones, objectives, policies and methods in the District Plan.
- (ii) The provision of rules relating to subdivision, activities and the erection of buildings in the Rural General Zone.
- (iii) To encourage the Regional Council in the preparation of Regional Plans and guidelines.
- (iv) Provision of rules to control subdivision and the provision of controls and performance standards to protect the amenity and environmental quality of rural areas.
- (v) Encourage, co-ordinate and support local community groups, land holder groups and organisations through the provision of advice, assistance and information.

Other Methods:

- (a) To encourage appropriate organisations and people to:

- (i) monitor intensive farming and factory farming operations and disseminate information and guidelines regarding acceptable management practices.
- (ii) do further research into identifying trends between state of the environment (e.g. water use, water quality, soil health) and changes in land use patterns or practices.

Explanation and Principal Reasons for Adoption

Life supporting capacity of soils can be lost or reduced as a result of intensive subdivision and building development or inappropriate land uses that significantly deplete or cover over the soil. To protect the life supporting capacity of soils within the District, the Council has limited the size of lots created in the rural areas.

Council considers the best means to maintain vegetation cover is by providing support to local land holder groups, which are undertaking monitoring and assessing land management practices. This may be through supplying information and advice (including monitoring techniques) from professionals, which will facilitate changes to land-based activities or practices to sustain soil resources.

Objective 3 - Rural Amenity

Avoiding, remedying or mitigating adverse effects of activities on rural amenity.

Policies:

- 3.1 *Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.*
- 3.2 *Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values.*

- 3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.
- 3.4 To encourage intensive and factory farming away from Rural Residential, Rural Lifestyle, Urban, Residential, or Business Zones, in order to minimise the potential for conflict between these zones.
- 3.5 Ensure residential dwellings are setback from property boundaries, so as to avoid or mitigate adverse effects of activities on neighbouring properties.
- 3.6 To require acoustic insulation of buildings located within the airport Outer Control Boundary, that contain critical listening environments
- 3.7 To prohibit all new Activity Sensitive to Aircraft Noise on rural zoned land within the Outer Control Boundary at Queenstown Airport to avoid adverse effects arising from aircraft operations on future Activity Sensitive to Aircraft Noise.
- 3.8 To 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.

Implementation Method

- (i) Provision of rules to control subdivision and the provision of controls and performance standards to protect the amenity and environmental quality of the Rural Zones.
- (ii) The provision of Rules to prohibit any new Activity Sensitive to Aircraft Noise on sites land within the Outer Control Boundary of Queenstown Airport.
- (iii) The provision of Rules including to require sound insulation and mechanical ventilation of construction tables to ensure appropriate sound

insulation and ventilation is designed into any alterations or additions to any Critical Listening Environments within alterations and additions to existing buildings containing that contain an Activity Sensitive to Aircraft Noise on sites land within the Outer Control Boundary and Air Noise Boundary of Queenstown Airport to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.

(iv) Queenstown Airport Corporation Limited shall offer to fund retrofitting over time of sound insulation and mechanical ventilation of any Critical Listening Environment within existing buildings containing an Activity Sensitive to Aircraft Noise located within the Air Noise Boundary to achieve an Indoor Design Sound Level of 40 dB Ldn. Retrofitting shall be based on the 2037 Noise Contours and shall be offered at the time the Projected 65 dB Ldn AANC reaches the property.

(v) Queenstown Airport Corporation Limited shall offer to part fund retrofitting over time of mechanical ventilation of any Critical Listening Environment within existing buildings containing an Activity Sensitive to Aircraft Noise located between the Air Noise Boundary and the 2037 60 dB Noise Contour. This ventilation is to enable windows and doors to remain closed to achieve the Indoor Design Sound Level if required. Retrofitting shall be based on the 2037 Noise Contours and shall be offered at the time the Projected 60 dB AANC reaches the property.

Other Methods:

- (i) To encourage appropriate organisations and people to:
- (a) monitor intensive farming and factory farming operations and disseminate information and guidelines regarding acceptable management practices.
- (b) do further research into identifying trends between the state of the environment (e.g. water use, water quality, soil health) and changes in land use patterns or practices.

Explanation and Principal Reasons for Adoption

The rural environment has particular amenity and environmental values, which are important to rural people. These include privacy, rural outlook, spaciousness, ease of access, clean air, and at times, quietness. However, a wide range of activities occur in the rural areas, including traditional livestock farming and the growing of supplementary crops, as well as more intensive new pastoral and horticultural enterprises. These result in levels of noise, dust, traffic generation and smell that are an integral part of rural amenity values, and which will be noticeable to residents in rural areas. Queenstown Airport is also located such that the effects of aircraft operations are experienced within some parts of the rural environment. Provided that these effects do not constitute a genuine nuisance or health risk, the Council considers they should be accepted as anticipated components of rural amenity values; however the potential for conflicts between such amenity values and the expectations of rural residents should be avoided, as far as possible.

Objective 4 - Life Supporting Capacity of Water

To safeguard the life supporting capacity of water through the integrated management of the effects of activities

Policies

- 4.1 *In conjunction with the Otago Regional Council:*
- *To encourage activities, which use water efficiently, thereby conserving water quality and quantity.*
 - *To discourage activities, which adversely affect the life supporting capacity of water and associated ecosystems.*
- 4.2 *To encourage buildings, earthworks and landscaping to be located or carried out a sufficient distance from irrigation infrastructure.*
- 4.3 *To encourage the piping and filling of existing open channel irrigation races where there is potential for buildings, earthworks or landscaping to interfere with the irrigation infrastructure.*

Implementation Methods

- (i) To have regard to the effects of activities on water quality, quantity and irrigation infrastructure in assessing resource consents.
- (ii) To encourage the Regional Council in the preparation of information, guidelines and planning documents.

Explanation and Principal Reasons for Adoption

The quality and quantity of the water resources and that of irrigation infrastructure are essential to the prosperity and pleasantness of the District in terms of their life supporting capacity, availability for productive and domestic use, and their integral part in the recreation and tourism values.

Objective 5 - Mineral Extraction

Mineral extraction, including prospecting and exploration, carried out in a manner which avoids, remedies or mitigates adverse effects on the environment.

Policies:

- 5.1 *To ensure potential adverse effects of large-scale recreational extractive activities (including mineral exploration) on the rural environment are avoided, remedied or mitigated.*
- 5.2 *To ensure that during and after mining, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.*
- 5.3 *To recognise prospecting and small-scale recreational gold mining as activities with limited environmental impact.*
- 5.4 *To recognise the importance of high quality gravel for roading within the District.*

Implementation Methods

- (i) Provision of rules to control extractive operations, mineral exploration and larger-scale recreational mining and the provision of assessment matters to protect the environment and amenity of rural areas.
- (ii) Liaison with the Otago Regional Council regarding mineral extraction in and adjoining the beds of lakes and rivers.

Explanation and Principal Reasons for Adoption

The Council considers that controls are necessary with respect to the extractive activities, including larger-scale recreational mining, because the scale of the operations, the sensitivity of the area, and the management of the operations may vary considerably. Consequently the effects on amenity values such as privacy, rural outlook, spaciousness and quietness or the effects on remoteness, recreational or conservation values may vary considerably. For these issues to be adequately addressed Council considers individual proposals need to be assessed on their merits. This will also enable the Council to set conditions on the management of the operation that are appropriate to the scale of the operation and sensitivity of the area.

With regard to prospecting, the Council considers the scale and nature of this low impact activity are adequately limited by the definition of this activity in the District Plan, which will limit any significant adverse effects to the environment. With respect to small-scale recreational mining by way of hand-held, non-motorised equipment and suction dredging, the Council considers that sufficient performance standards can be specified for these activities by way of rules in the Plan, which will limit any significant adverse effects to the environment.

The Council anticipates valuable mineral resources of the District will be able to be utilised providing the scale of any operation and its effects are appropriate to an area. The Council also expects land will be progressively rehabilitated in a way that is appropriate to the surrounding environment.

Objective 6 -Ski Area Sub-Zone

To encourage the future growth, development and consolidation of existing Ski Areas, in a manner which mitigates adverse effects on the environment.

Policies:

- 6.1 *To identify specialist sub-zoning for Ski Area activities.*
- 6.2 *To anticipate growth, development and consolidation of skifields within Ski Area Sub-Zones.*

Implementation Methods

- (i) Identification of Ski Area Sub-Zones within the Rural General Zone.
- (ii) Provision of rules relating to Ski Area activities within and outside of Ski Area Sub-Zones.

Explanation and Principal Reasons for Adoption

The Council believes it is prudent to consolidate the effects of existing Ski Area activities within Ski Area Sub-Zones.

Objective 7 - Buffer Land for Airports

Retention of a greenfields area or at Queenstown Airport an area for Airport related activities or where appropriate an area for activities not sensitive to aircraft noise within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.

Policies

- 7.1 *To retain a greenfields area within the Outer Control Boundary of airports in order to provide a buffer, particularly for safety and noise measures, between the airport and other activities.*
- 7.2 *To prohibit the location of any new Activity Sensitive to Aircraft Noise on land within the Outer Control Boundary for Queenstown Airport.*
- 7.3 *To 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 Environments within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

Implementation Methods

Objective 7 and associated policies will be implemented through a number of methods including:

- i District Plan**
 - (a) Zoning undeveloped areas within the Outer Control Boundary of airports as Rural where this is practicable.
 - (b) Provision of zone rules ~~restricting~~ prohibiting any new Activity Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport in the Rural Zone.
 - (c) Provision of zone rules to ensure that the airport and neighbouring land use activities do not adversely affect each other.
 - (d) Identification of an Outer Control Boundary.
 - (e) Identification of an Air Noise Boundary on the District Plan Maps for Queenstown Airport.
 - (f) Rules to require mechanical ventilation of any Critical Listening Environments within alterations and additions to existing buildings that contain any Activity Sensitive to Aircraft Noise on ~~sites~~ land within the Outer Control Boundary to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours.
 - (g) Rules to require sound insulation and mechanical ventilation of any Critical Listening Environment within alterations and additions to existing buildings that contain any Activity Sensitive to Aircraft Noise on ~~sites~~ land within the Air Noise Boundary to achieve an

Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.

- (h) Queenstown Airport Corporation ~~Limited~~ shall offer to fund retrofitting over time of sound insulation and mechanical ventilation of any Critical Listening Environment within in existing buildings containing an Activity Sensitive to Aircraft Noise ~~located within the Air Noise Boundary to achieve an Indoor Design Sound Level of 40 dB Ldn. Retrofitting shall be based on the 2037 Noise Contours and ~~retrofitting~~ shall be offered at the time the Projected 65 dB Ldn AANC reaches the property.~~
 - (i) Queenstown Airport Corporation ~~Limited~~ shall offer to part fund retrofitting over time of mechanical ventilation of any Critical Listening Environment within existing buildings containing an Activity Sensitive to Aircraft Noise located between the Air Noise Boundary and the 2037 60 dB Noise Contour. This ventilation is to enable windows and doors to remain closed to achieve the Indoor Design Sound Level if required. Retrofitting ~~shall be based on the 2037 Noise Contours and retrofitting~~ shall be offered at the time the Projected 60 dB AANC reaches the property.
- All retrofitting shall be conducted in accordance with the conditions attached to Designation 2.
- ii Other Methods:**
 - (a) Notification through Land Information Memoranda of the prohibition of new Activities Sensitive to Aircraft Noise and the requirement to provide sound insulation and/or mechanical ventilation (where necessary to meet an Indoor Sound Design level of 40 dB Ldn) for additions or alterations to existing buildings containing an Activity Sensitive to Aircraft Noise within the Air Noise Boundary or the Outer Control Boundary.

Explanation and Principal Reasons for Adoption

The Council recognises that airports servicing the District are necessary but measures are required to ensure that an airport and surrounding land uses are compatible. Safety measures and the mitigation of noise are particularly relevant. Where there are no current residential or other noise sensitive developments neighbouring an airport, it is advantageous to protect any existing Rural Zones surrounding airports as this can act as a buffer between an airport and neighbouring activities. Where this cannot be done, for example areas where there is already residential development adjacent to the airport, the Council has adopted a policy of either requiring acoustic insulation for additions or alterations to existing activities to mitigate against noise, or to prohibit new noise sensitive activities in order to mitigate noise and ensure safety from airport operations.

Objective 8 – Building Line Restriction Area

To prevent development of the sensitive upper area of the Kirimoko Block (Building Line Restriction area) in Wanaka.

Policies

- 8.1 *To protect the elevated, more visually sensitive upper area of the Kirimoko Block by limiting development to lower areas within the natural amphitheatre zoned Low Density Residential.*
- 8.2 *To maintain the open character of the building restriction area by promoting the planting of small native plants and shrubs.*
- 8.3 *To ensure the protection of the prominent ridgeline from development by restricting development to the Low Density Residential zoned area.*

Objective 9 – Building Line Restriction Area – Bible Face

To protect the heritage value of the Bible Face landform by preventing building and development upon the Bible Face in Glenorchy.

Policies

- 9.1 To protect the visually sensitive Bible Face from development
- 9.2 To maintain the rural backdrop that the Bible Face provides to the Glenorchy township

5.2.1 Environmental Results Anticipated

The following environmental results are anticipated in the Rural General zones:

- (i) The protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.
- (ii) Maintenance and enhancement of openness and naturalness of outstanding natural landscapes and features.
- (iii) Strong management of the visual effects of subdivision and development within the visual amenity landscapes of the district.
- (iv) Enhancement of natural character of the visual amenity landscapes.
- (v) A variety in the form of settlement pattern within visual amenity landscapes based upon on the absorption capacity of the environment.
- (vi) Retention and enhancement of the life-supporting capacity of the soil and vegetation.
- (vii) The continued development and use of land in the rural area.
- (viii) Avoid potential land uses and land management practices, which create unacceptable or significant conflict with neighbouring land based activities, including adjoining urban areas.
- (ix) Maintenance of a level of rural amenity, including privacy, rural outlook, spaciousness, ease of access and quietness, consistent with the range of permitted rural activities in the zone.

- (x) Retention of the amenities, quality and character of the different rural environments within the District, and development and structures which are sympathetic to the rural environment by way of location and appearance.
- (xi) Retention of a range of recreation opportunities.
- (xii) Utilisation of mineral resources within the District, providing that the scale of each operation and its effects, both short and long-term, are appropriate to its environment.

5.3 Rural General and Ski Area Sub-Zone - Rules

5.3.1 Zone Purposes

5.3.1.1 Rural General Zone

The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:

- protects and enhances nature conservation and landscape values;
- sustains the life supporting capacity of the soil and vegetation;
- maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and
- ensures a wide range of outdoor recreational opportunities remain viable within the Zone.
- protects the on-going operations of Queenstown Airport

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of rural lands including alpine areas and national parks.

5.3.1.2 Ski Area Sub-Zones

Ski Area Sub-Zones are located within the Rural General Zone. The purpose of these Sub-Zones is to enable the continued development of skifield activities within the identified boundaries, where the effects of those activities are anticipated to be cumulatively minor.

For the avoidance of doubt, Ski-Area Sub-Zones are excluded from the landscape classifications used in the Plan (ie: Outstanding Natural Landscapes (Wakatipu Basin), Outstanding Natural Landscapes (District Wide) or Visual Amenity Landscapes).

Being only a sub-zone, all rules applicable to the Rural General Zone in the District Plan are applicable to the Ski Area Sub-Zones except where stated to the contrary.

5.3.2 District Rules

Attention is drawn to the following District Wide Rules, which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- (i) Heritage Protection - Refer Part 13
- (ii) Transport - Refer Part 14
- (iii) Subdivision, Development and Financial Contributions - Refer Part 15
- (iv) Hazardous Substances - Refer Part 16
- (v) Utilities - Refer Part 17
- (vi) Signs - Refer Part 18
- (vii) Relocated Buildings and Temporary Activities - Refer Part 19

Attention is also drawn to the need to obtain relevant consents from the Otago Regional Council relating to matters such as water use, discharge of contaminants to water, land or air, use of the beds of rivers and lakes, damming or diverting lakes and rivers, earthworks and vegetation clearance.

5.3.3 Activities

5.3.3.1 Permitted Activities

Any activity, which is not listed as a **Prohibited, Non-Complying, Discretionary or Controlled Activity** and which complies with all the relevant **Site and Zone Standards**, shall be a **Permitted Activity**.

5.3.3.2 Controlled Activities

The following shall be **Controlled Activities**, provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity**; and they comply with all of the relevant **Site and Zone Standards**; and they have been evaluated under the assessment criteria in rule 5.4.

The matters in respect of which the Council has reserved control are listed with each Controlled Activity.

i Buildings

- (a) The addition to or alteration of an existing building provided:
- (i) the addition or alteration does not increase the coverage of the building (calculated at the operative date of this District Plan) by more than 50 percent; and
 - (ii) the addition or alteration is contained within a residential building platform approved by resource consent;
 - (iii) sub-clause (ii) above does not apply to additions or alterations to existing buildings within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.

in respect of:

- (a) external appearance;
 - (b) associated earthworks, access and landscaping;
 - (c) provision of water supply, sewage treatment and disposal, electricity and telecommunication services.
- (b) The construction of any new building contained within a residential building platform approved by resource consent;

in respect of:

- (i) external appearance;
- (ii) associated earthworks, access and landscaping;
- (iii) provision of water supply, sewage treatment and disposal, electricity and telecommunication services.

- (c) Addition or alteration to any existing building or the construction of any new buildings associated with Ski Area Activities within Ski Area Sub-Zones

in respect of:

- (i) location, external appearance and size;
- (ii) associated earthworks, access and landscaping;
- (iii) provision of water supply, sewage treatment and disposal electricity and communication services (where necessary).

(d) Farm Buildings

The replacement or extension of an existing farm building or construction of a new farm building in respect of:

- (i) location anywhere within the property;
- (ii) external appearance;
- (iii) provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).

- (e) The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.

in respect of:

- (i) external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829;
- (ii) associated earthworks, access and landscaping;
- (iii) provisions of water supply, sewage treatment and disposal, electricity and telecommunications services.

ii Commercial Activities, limited to Retail Sales

All retail sales including:

- (a) farm and garden produce, reared or produced on-site;
 - (b) handicrafts produced on the site; and
 - (c) commercial activities associated with ski area activities within Ski Area Sub-Zones.
- in respect of:**
- (a) the layout of the site and location of buildings;

- (b) vehicle access; and

- (c) car parking.

iii Commercial Recreation Activities

- (a) Ski tows and lifts within the Ski Area Sub-Zones as shown on the District Plan Maps, in respect of their location, external appearance, alignment and methods of construction; and
- (b) Night lighting in Ski Area Sub-Zones in respect of times, duration and intensity.

iv Mining

Limited to mineral exploration, which does not involve more than 20m³ in volume in any one hectare

in respect of:

- (a) Terrain disturbance including vegetation clearance and volumes of material to be removed;
- (d) Rehabilitation of a site;

- (e) Siting of roads or any buildings; and

- (f) Dust and noise.

v Jetboat Race Events

Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge, in respect of the date, time and duration of the event, public notification of the holding of the event, and any measures to avoid adverse effects on residential and recreational activities in the vicinity of the river.

Note: Any more than six jetboat race days per year are Prohibited Activities in terms of Rule 5.3.3.5.

~~vi Additions and Alterations to Buildings within the Outer Control Boundary - Queenstown Airport~~

~~Any alteration or addition to a building or part of a building to be used for residential activities, visitor accommodation or community activities on any site located within the Outer Control Boundary as indicated on the District Plan Maps, in respect of the design, construction, orientation and location of the building to achieve adequate indoor sound insulation from aircraft noise.~~

vii Buildings within the Outer Control Boundary - Wanaka Airport

Buildings or part of a building to be used for residential activities, visitor accommodation or community activities on any land within the Outer Control Boundary as indicated on the District Plan Maps, in respect of the design, construction, orientation and location of the building to achieve adequate indoor sound insulation from aircraft noise.

viii Residential Flat

ix Earthworks

The following rules apply to all earthworks except:

- within the Ski Area Sub-Zone (as defined in this Plan);

- for earthworks approved as part of a subdivision where that subdivision has resource consent;
- for routine repair and maintenance of operational tracks; and
- for utility activities (as defined in this Plan, and as permitted or approved as per part 17, and excluding the development of access ways to the site containing the utility service).
- for earthworks approved as part of a resource consent for a residential building platform or a building.
- for earthworks approved as part of a resource consent for a farming building except for earthworks associated with access.

- (a) Earthworks where the maximum area of bare soil exposed is between 1000m² and 2500m² per site within any one consecutive 12 month period.
- (b) Earthworks where the maximum volume of earth moved is between 300m³ and 1000m³ per site within any one consecutive 12 month period.

x Vehicle Testing

In the Waioarau Snow Farm Ski Area Sub zone the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.

In respect of measures taken to:

- avoid future gravel and silt run off;
- avoid fretting (ie stress fractures) of access ways and tracks;
- avoid incisions on access ways and tracks resulting from poor drainage; and
- stabilise over-steepened embankments.

5.3.3.3 Discretionary Activities

The following shall be **Discretionary Activities**, provided that they are not listed as a **Prohibited** or **Non-Complying** Activity and they comply with all of the relevant **Zone** Standards; and they have been evaluated under the assessment criteria in rule 5.4.

i Buildings or Building Platforms

- (a) The addition, alteration or construction of:
 - (i) any building; and
 - (ii) any physical activity associated with any building such as roading, landscaping and earthworks:

Except any buildings authorised pursuant to Rule 5.3.3.2(i).

- (b) The identification of a building platform of not less than 70m² in area and not greater than 1000m² in area.

ii Commercial Activities

- (a) Commercial activities ancillary to and located on the same site as recreational activities, except commercial activities associated with ski area activities within Ski Area Sub-Zones.
- (b) Cafes and restaurants located in a winery complex within a vineyard.

iii Visitor Accommodation

iv Surface of Lakes and Rivers

- (a) Any structure or mooring which passes across or through the surface of any lake and river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers, except in those locations where such structures or moorings are shown on the District Plan Maps as being non-complying.

(b) Commercial boating activities.

Any person wishing to apply for a resource consent to commence commercial boating activities on the Shotover River between Edith Cavell Bridge and Tucker Beach should be aware that they also require a concession under the Lakes District Waterways Control Bylaw 1987 (or any replacement legislation). There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.

v Airports

Airports **other than** the use of land and water for:

- (a) emergency landings, rescues and fire fighting;
- (b) activities ancillary to farming activities.

vi Forestry Activities

vii Factory Farming

(a) Factory farming of pigs where:

- (i) the number of housed pigs exceeds 50 sows or 500 pigs of mixed ages; and/or
- (ii) any housed pigs are closer than 500m to a property boundary; and/or
- (iii) the number of outdoor pigs exceeds 100 pigs and their progeny up to weaner stage; and/or
- (iv) outdoor sows are not ringed at all times; and/or
- (v) the stocking rate of outdoor pigs exceeds 15 pigs per hectare, excluding progeny up to weaner stage.

(b) Factory farming of poultry where:

(i) the number of birds exceeds 10,000 birds; and/or

(ii) birds are housed closer than 100m to a site boundary.

(c) Any factory farming activity other than factory farming of pigs or poultry.

viii Mining Activities

Mining **except for**:

- (a) Mineral prospecting;
- (b) Mineral exploration which does not involve bulk sampling exceeding 20m³ in volume in any one hectare;
- (c) Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and
- (d) The mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year.

ix Ski Area Activities not located within a Ski Area Sub-Zone.

x **Industrial Activities, limited to wineries and underground cellars within a vineyard.**

xi **Any activity, which is not listed as a Prohibited or Non-Complying Activity** and which complies with all the relevant Zone Standards, but does not comply with one or more of the Site Standards, shall be a Discretionary Activity with the exercise of the Council's discretion being confined to the matter(s) specified in the standard(s) not complied with.

xii Structures

Any structure erected within 10 metres of a road boundary, which is greater or equal to 5 metres in length, and greater than or equal to 1 metre in height and less than 2 metres in height, except for:

- post and rail, post and wire and post and mesh fences, including deer fences;
- any structure associated with farming activities as defined in this plan;
- any structure that is erected in accordance with a landscaping plan associated with a subdivision consent or resource consent for a building, where that landscaping plan is approved as a condition on the resource consent.

The Council's discretion is restricted to the consideration of effects on views and amenity from public roads.

5.3.3.4 Non-Complying Activities

- (a) The following shall be Non-Complying Activities, provided that they are not listed as a Prohibited Activity:

i Commercial Activities

Commercial activities, **except for:**

- (a) retail sales of farm and garden produce and wine grown, reared or produced on-site; or
- (b) retail sales of handcrafts produced on the site; or
- (c) commercial activities ancillary to and located on the same site as recreational activities; or
- (d) commercial activities associated with ski area activities within Ski Area Sub-Zones; or
- (e) cafes and restaurants located in a winery complex within a vineyard.

ii Surface of Lakes and Rivers

- (a) Boating craft on the surface of the lakes and rivers if used for accommodation, unless:

- (i) the craft is only used for overnight recreational accommodation; and
 - and
 - (ii) the craft is not used as part of any commercial activity; and
 - (iii) all effluent is contained on board the craft.
- (b) Structures or moorings passing across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.

iii Factory Farming (excluding the boarding of animals)

Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Corner Shopping Centre or Resort Zone.

iv Power Generation Facilities

Power generation facilities outside the areas scheduled under Rule 20.2, other than small hydro (1.5 to 2 k) inverter based systems for residential and non-residential activities.

v Building Platforms

- (a) The identification of any building platform less than 70m² or greater than 1,000m² in area.

- vi Any activity, which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.

- vii Any planting within the Landscape Protection area (within Lots 3, 4 and 5) must be species which at maturity do not grow over 3m in height (Kirimoko Block, Wanaka).

viii Building Line Restriction Area – Bible Face – Glenorchy

No building shall be erected upon the Bible Face shown as the Building Restriction Area as shown on Map 25.

This rule excludes the following:

- (a) Structures such as gates, fencing and stiles necessary to facilitate public access or necessary for farming purposes; and
- (b) Works to enable community assets such as water tanks consented through the designation process.

5.3.3.5 Prohibited Activities

The following shall be Prohibited Activities:

i Surface of Lakes and Rivers

The use of the following lakes and rivers for the following specified activities shall be Prohibited Activities, except where the activities are for emergency search and rescues, hydrological survey, public scientific research, resource management monitoring and water weed control, and for access to adjoining land for farming activities

(a) Hawea River - Motorised craft, except:

- (1) on the one lawfully established jet-sprint course; as shown on the District Plan Maps
- (2) on six days in each year (including at least four (4) days in the months January to April, November and December) provided the following conditions are met:
 - (i) The Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;
 - (ii) The prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and

(iii) JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule;

(iv) The Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule;

(v) JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;

(vi) Public notification for the purposes of (v) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River.

(b) **Lake Hayes** - Commercial boating activities.

(c) **Dart and Rees Rivers** - Motorised craft on any tributary of the rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River; and

(d) Motorised craft on the Rees River during the months of May to October inclusive.

(e) **Makarora, Young and Wilkin Rivers** - Motorised craft on the Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.

(f) **Dingle Burn, Timaru Creek** and the tributaries of the Hunter River - Motorised craft on the Dingle Burn, Timaru Creek or any tributary of the Hunter River; and

- Motorised craft on the Hunter River during the months of May to October inclusive.

(g) **Motatapu and Matukituki Rivers** - Motorised craft on the Motatapu River or any tributary of the Matukituki River.

(h) **Clutha River** - More than six jet boat race days per year.

ii Activities within the Air Noise Boundary - Wanaka Airport

On any site located within the Air Noise Boundary, as indicated on the District Plan Maps, any new residential activities, visitor accommodation or community activities shall be Prohibited Activities.

iii Activities within the Outer Control Boundary - Queenstown Airport

On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new residential activities, ~~visitor accommodation or community~~—Activity Sensitive to Aircraft Noise shall be a Prohibited Activity.

iv Activities within the Kirimoko Block, Wanaka

Any building or development within the area of Landscape Protection that is protected by the building line restriction (as shown on the structure plan) other than development required for the creation of pedestrian or cycle access-ways.

5.3.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled Activities**.
- (ii) Application for the exercise of the Council's discretion in respect of the following Site Standards:

(a) Access;

(b) Retail Sales;

(c) Tree Plantings; and

(d) Natural Hazards.

(e) Clearance of indigenous vegetation under site standard 5.3.5.1 (x) which is not of ecological significance in accordance with assessment criteria detailed in stage 3 (headed 'assessment') of Appendix 5.

(f) Consent applications under site standard 5.3.5.1 (xiii) will not be publicly notified unless special circumstances exist.

5.3.5 Standards

5.3.5.1 Site Standards

i Setback from Neighbours of Buildings Housing Animals

Minimum setback from internal boundaries for buildings housing animals shall be 30m.

ii Access

Each residential unit shall have legal access to a formed road.

iii Scale and Nature of Activities

The following limitations apply to all activities; other than farming, factory farming, forestry and residential activities, activities ancillary to ski area activities within Ski Area Sub-Zones, or those visitor accommodation activities which are Discretionary Activities:

(a) The maximum gross floor area of all buildings on the site, which may be used for the activities shall be 100m²;

- (b) No goods, materials or equipment shall be stored outside a building; and
- (c) All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.

iv Retail Sales

Buildings in excess of 25m² gross floor area to be used for retail sales shall be setback from road boundaries by a minimum distance of 30m.

v Significant Indigenous Vegetation

In the areas identified on the District Plan Maps as being of significant indigenous vegetation, and included in Appendix 5 (other than within Ski Area Sub-Zones):

- (a) no earthworks shall:
 - (i) exceed 1000m³ (volume) and/or 50m² (area) in any one hectare in any continuous period of 5 years; or
 - (ii) be located on slopes with an angle of greater than 20° (measured as an average slope angle over any 100m length of the slope on which the earthworks are to be carried out).
- (b) no clearance of indigenous vegetation shall exceed 100m² in area in any one hectare in any continuous period of 5 years.
- (c) there shall be no exotic tree or shrub planting.
- (d) no buildings shall be erected.

The Council shall restrict the exercise of its discretion in relation to these matters to their effect on nature conservation values and the natural character of the rural environment.

Any area or part of an area, which is protected by way of a permanent protection mechanism registered on the title to the land, in terms of the Conservation Act, Reserves Act, Land Act, Queen Elizabeth II National

Trust Act, Resource Management Act or other similar mechanism, shall be exempt from this rule.

vi Minimum Setback from Internal Boundaries

- (a) The minimum setback from internal boundaries for buildings shall be 15m, except as provided for in (b) and (c) below.
- (b) The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.
- (c) There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.

vii Forestry and Shelterbelt Planting

- (a) No forestry activity shall be undertaken within 20m of the boundary of a neighbouring property.
- (b) No forestry activity or shelterbelt planting shall be undertaken in an alpine area with an altitude greater than 1070m.

viii Earthworks

The following limitations apply to all earthworks except:

- within the Ski Area Sub-Zone (as defined in this Plan);
- for earthworks approved as part of a subdivision where that subdivision has resource consent;
- for routine repair and maintenance of operational tracks;
- for utility activities (as defined in this Plan, and as permitted or approved as per part 17, and excluding the development of access ways to the site containing the utility service);
- for earthworks approved as part of a resource consent for a residential building platform or a building; and

- for earthworks approved as part of a resource consent for a farming building except for earthworks associated with access.
1. Earthworks
 - (a) Earthworks shall not exceed a maximum area of bare soil exposed of 2500m² per site, within any one consecutive 12 month period.
 - (b) Earthworks shall not exceed a maximum volume of moved earth greater than 1000m³ per site, within any one consecutive 12 month period.
 - (c) Where any earthworks are undertaken within 7m of a water body the total volume shall not exceed 20m³ (except for earthworks undertaken within a road designation for the purpose of establishing, upgrading and/or maintaining a State Highway network).
2. Height of cut and fill and slope
 - (a) No road, track or access way shall (other than the Arrow Irrigation Scheme and flood protection works) have an upslope cut or batter greater than 1 metre in height, measured vertically.
 - (b) All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees unless previously determined.
 - (c) The maximum height of any fill shall not exceed 2 metres.
3. Environmental Protection Measures
 - (a) Any person carrying out earthworks shall:
 - (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
 - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (b) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (c) Cut or fill shall not expose the groundwater aquifer (water bearing gravels) causing ponding or causing artificial drainage of the aquifer.
4. Protection of Archaeological sites and sites of cultural heritage

The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the District Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

 - (a) Where any earthworks are undertaken in areas identified as Ngai Tahu Statutory Acknowledgement Areas the earthworks shall not exceed 50m² in area or 20m³ in volume, in any one consecutive 12 month period.
- ix Commercial Recreation Activities (other than on the surface of lakes and rivers)**

No commercial recreational activities shall be undertaken except where:

 - (a) The recreation activity is outdoors;
 - (b) The scale of the recreation activity is limited to five people in any one group.

Provided that this does not apply to commercial recreational activities which are within Ski Area Sub-Zones as shown on the District Plan Maps.
- x Indigenous Vegetation**

There shall be no clearance of indigenous vegetation except for:

 - (a) The clearance of indigenous vegetation that is:
 - (i) Totally surrounded by pasture and other exotic species; and

- (ii) less than 0.5 hectares in area; and more than 200 metres from any other indigenous vegetation which is greater than 0.5 hectares in area; and
 - (iii) less than 1070 metres above sea level; and
 - (iv) more than 20 metres from a water body; and
 - (v) not listed as a threatened species in Appendix 9.
- (b) The clearance of indigenous vegetation for the operation and maintenance of existing roads, tracks, drains, utilities, structures and fence lines, excluding their expansion.
- (c) The clearance of indigenous vegetation for the construction of public walkways up to 1.5 metres in width provided that it is not listed as a threatened species in Appendix 9.
- (d) The clearance of indigenous trees that have been windthrown or are dead standing as a result of natural causes and have become dangerous to life or property.

The Council shall restrict the exercise of its discretion in relation to this matter to its effect on nature conservation, landscape and visual amenity values and the natural character of the rural environment.

xi Farm Buildings

- (a) No farm building shall be replaced, extended or constructed:
 - (i) On any holdings (as defined) less than 100 hectares in area; or
 - (ii) At a density of more than one farm building per 50 hectares; or
 - (iii) On any land above 600 masl; or
- (iv) Within the Outstanding Natural Landscape - Wakatipu Basin or an Outstanding Natural Feature within the Wakatipu Basin as identified in the appropriate schedule of the District Plan; or

- (v) On an Outstanding Natural Feature outside of the Wakatipu Basin as identified in the appropriate schedule of the District Plan, if:
 - there is already a farm building within that holding (as defined) or if there is land within that holding (as defined) that is not on an Outstanding Natural Feature; or
 - the site containing all or part of the Outstanding Natural Feature was not contained in a separate certificate of title prior to 10 June 2005.

- (b) The existence of a farm building approved under Rule 5.3.3.2(i)(d) shall not be considered the permitted baseline for development within the Rural General zone.

xii Alpine Environments

On any land with an altitude higher than 1070m above sea level:

- (a) There shall be no exotic tree or shrub planting.
- (b) There shall be no clearance of indigenous vegetation.

The Council shall restrict the exercise of its discretion to their effect on nature conservation values, the natural character of the rural environment and landscape and visual amenity values.

For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres shall mean the average maximum altitude of any land to be burnt, averaged over north and south facing slopes.

xiii Planting of tree species with wilding potential

There shall be no planting of the following tree species:

- Contorta or lodgepole pine (*Pinus contorta*)
- Scots pine (*Pinus sylestris*)

- Douglas fir (*Pseudotsuga menziesii*)
- European larch (*Larix decidua*)
- Corsican pine (*Pinus nigra*)
- Radiata Pine (*Pinus Radiata*)

5.3.5.2 Zone Standards

i Building Height

- (a) The maximum height for any building, other than non-residential buildings ancillary to viticultural or farming activities, shall be 8m.
- (b) The maximum height for any non-residential building ancillary to viticultural or farming activities shall be 10m.
- (c) The maximum height for any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.
- (d) The maximum height for any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.
- (e) The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.
- (f) The maximum height for any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.

Refer to the definitions of Height and Ground Level.

ii Setback from Roads

The minimum setback from road boundaries for buildings shall be 20m, except that the minimum setback from State Highway 6 for buildings between Lake Hayes and Frankton shall be 50m.

iii Retail Sales

There shall be no retail sales from sites by way of access to any State Highway, except for

- (a) farm, wine and garden produce grown, reared or produced on the site; or
- (b) handicrafts produced on the site.

iv Surface of Lakes and Rivers

- (a) Motorised craft on the surface of lakes and rivers shall be operated and conducted such that a maximum sound level of 77 dB L_{A-Fmax} is not exceeded, when measured and assessed in accordance with Appendix 2.
- (b) Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - No commercial motorised craft shall operate outside the hours of 0800 to 2000.
- (c) Lake Wanaka, Lake Hawea and Lake Wakatipu - No commercial jetski operations shall be undertaken outside the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.
- (d) Dart and Rees Rivers - No commercial motorised craft shall operate outside the hours of 0800 to 1800, except that above the confluence with the Beasburn on the Dart River no commercial motorised craft shall operate outside the hours of 1000 to 1700.
- (e) Dart River – No commercial motorised boating activities shall result in the total number of commercial motorised boating activities exceeding 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beasburn other than for tramper and angler access only.

v Noise

- (a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within the notional boundary of any residential unit, other than residential units on the same site as the activity:

(i) daytime	(0800 to 2000 hrs)	50 dB L _{Aeq} (15 min)
(ii) night-time	(2000 to 0800 hrs)	40 dB L _{Aeq} (15 min)
(iii) night-time	(2000 to 0800 hrs)	70 dB L _{AF} Max

- (b) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
- (d) The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.
- (e) When associated with farming and forestry activities, the noise limits in (a) shall only apply to sound from stationary motors and stationary equipment.
- (f) The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.

vi Lighting

All fixed exterior lighting shall be directed away from adjacent sites and roads.

vii Airport Noise - Alteration or Addition to Existing Buildings (excluding any alterations or additions to any non-critical listening environment) within the Outer Control Boundary – Queenstown Airport Noise Boundaries

~~(a) On any site located within the outer Control Boundary as indicated on the District Plan Maps, any alteration or addition to a building or part of a building to be used for residential activities, visitor accommodation or community activities shall be insulated from aircraft noise so as to meet an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments where no special sound insulation is required.~~

~~(b) This control shall be met in either of the following two ways:~~

~~EITHER:~~

~~(i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level.~~

~~OR~~

~~(ii) The building shall be constructed and finished in accordance with the provisions of Table 1 in part 5-3-5-2~~

(a) Within the Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either adhering to the sound insulation requirements in Table 1 of Appendix 13 and installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.

(c) Between the Outer Control Boundary (OCB) and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve

an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Table 2 of Appendix 13 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.

viii Wanaka Airport Building Line

No building shall be erected, constructed or relocated within the area defined by a line 150m on the western side of the centre line of the Wanaka Airport main runway, the Airport Purposes Designation boundary at either end of the main runway, and a line 200m on the eastern side of the centre line of the Wanaka Airport main runway.

ix Screening

Storage areas for waste materials, outdoor display areas and parking associated with commercial activities, wineries and other productive activities shall generally be positioned and managed to minimise any adverse visual effect.

x Airport Noise - Building with the Outer Control Boundary - Wanaka Airport

(a) On any site within the Outer Control Boundary as indicated on the District Plan Maps, any buildings or part of a building to be used for residential activities, visitor accommodation or community activities shall be insulated from aircraft noise so as to meet an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments where no special insulation is required.

(b) This control shall be met in either of the following two ways:

EITHER:

(i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level.

OR

(ii) The building shall be constructed and finished in accordance with the provisions of Table 1 in part 5.3.5.2.

xi Residential Density

In the Rural General area at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.

xii Building Coverage

In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.

xiii Building Line Restriction:

a. No residential unit shall be erected within that part of Lots 1 & 2 DP 26910 at Tucker Beach Road, as shown as "NO BUILD ZONE" on Paterson Pitts Partners Ltd Building Platform Locations Plan No Q.4700.04-3C and being adjacent to the Ferry Hill Rural Residential sub-zone shown on Planning map 31, which plan is reproduced at Page 5-43 of the District Plan.

Table 1 – Acoustic Insulation of Buildings Containing Noise Sensitive Activities (except non-critical listening areas)

Building Element	Required Construction
External Walls	Exterior: 20 mm timber or 6mm fibre cement Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar) Two layers of 12.5mm gypsum plasterboard* (Or an equivalent combination of exterior and interior wall mass)
Windows	Up to 40% of wall area: Minimum thickness 6mm glazing**

	Up to 60% of wall area: Minimum thickness 8mm glazing** Up to 80% of wall area: Minimum thickness 8mm laminated glass or minimum 10mm double glazing**
Pitched Roof	Aluminium framing with compression seals (or equivalent) <i>Cladding:</i> 0.5mm profiled steel or tiles or 6mm corrugated fibre cement <i>Frame:</i> Timber truss with 100mm acoustic blanket (R 2.2 Batts or similar) <i>Ceiling:</i> 12.5mm gypsum plaster board*
Skillion Roof	<i>Cladding:</i> 0.5mm profiled steel or 6mm fibre cement <i>Sarking:</i> 20mm particle board or plywood <i>Frame:</i> 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar) <i>Ceiling:</i> 2 layers of 9.5mm gypsum plasterboard*
External Door	Solid core door (min. 24kg/m ²) with weather seals

* *Where exterior walls are of brick veneer or stucco plaster the internal linings need be no thicker than 9.5mm gypsum plasterboard.*

** Typical acoustic glazing usually involves thick single panes or laminated glass. Where two or more layers of glass are employed with an air gap between, total thickness of window glass may be calculated as the total of all glass layers (excluding air gap) provided that at least one lase layer shall be of a different thickness to the other layer(s).

5.3.6 Resource Consents - Assessment Matters

The assessment matters, which apply to the consideration of resource consents in the Rural Zones, are specified in 5.4.

5.4 Resource Consents - Assessment Matters - Rural Zones

5.4.1 General

- (i) The following Assessment Matters are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.

- (ii) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant Assessment Matters set out in Clause 5.4.2 below. Except that assessment matters in 5.4.2(i)-(iv) do not apply to activities requiring resource consent in Ski Area Sub-zones.

- (iii) In the case of Controlled and Discretionary Activities, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).

- (iv) In the case of Controlled Activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.

- (v) Where an activity is a Discretionary Activity because it does not comply with one or more relevant Site Standards, but is also specified as a Controlled Activity in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

5.4.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall in addition to considering any other relevant matters apply the following terms and criteria:

5.4.2.1 Landscape Assessment Criteria - Process

There are three steps in applying these assessment criteria. First, the analysis of the site and surrounding landscape; secondly determination of the appropriate landscape category; thirdly the application of the assessment matters. For the purpose of these assessment criteria, the term "proposed development" includes any subdivision, identification of building platforms, any building and associated activities such as roading, earthworks, landscaping, planting and boundaries.

Step 1- Analysis of the Site and Surrounding Landscape

An analysis of the site and surrounding landscape is necessary for two reasons. Firstly it will provide the necessary information for determining a sites ability to absorb development including the basis for determining the compatibility of the proposed development with both the site and the surrounding landscape. Secondly it is an important step in the determination of a landscape category - i.e. whether the proposed site falls within an outstanding natural, visual amenity or other rural landscape.

An analysis of the site must include a description of those existing qualities and characteristics (both negative and positive), such as vegetation, topography, aspect, visibility, natural features, relevant ecological systems and land use.

An analysis of the surrounding landscape must include natural science factors (the geological, topographical, ecological and dynamic components of the landscape), aesthetic values (including memorability and naturalness), expressiveness and legibility (how obviously the landscape demonstrates the formative processes leading to it), transient values (such as the occasional presence of wildlife; or its values at certain times of the day or of the year), value of the landscape to Tangata Whenua and its historical associations.

Step 2 - Determination of Landscape Category

This step is important as it determines which district wide objectives, policies, definitions and assessment matters are given weight in making a decision on a resource consent application.

The Council shall consider the matters referred to in Step 1 above, and any other relevant matter, in the context of the broad description of the three landscape categories in Part 4.2.4 of this Plan, and shall determine what category of landscape applies to the site subject to the application.

In making this determination the Council, shall consider:

- (a) to the extent appropriate under the circumstances, both the land subject to the consent application and the wider landscape within which that land is situated; and
- (b) the landscape maps in Appendix 8.

Step 3 - Application of the Assessment Matters

Once the Council has determined which landscape category the proposed development falls within, each resource consent application will then be considered:

First, with respect to the prescribed assessment criteria set out in Rule 5.4.2.2 of this section;

Secondly, recognising and providing for the reasons for making the activity discretionary (see para 1.5.3(iii) of the plan [p1/3]) and a general assessment of the frequency with which appropriate sites for development will be found in the locality.

5.4.2.2 Assessment Matters

(1) Outstanding Natural Landscapes (Wakatipu Basin) and Outstanding Natural Features – District wide.

These assessment matters should be read in the light of two further guiding principles. First that they are to be stringently applied to the effect that successful applications for resource consent will be exceptional cases. Secondly, existing vegetation which:

- (a) was either
 - planted after; or
 - self seeded and less than 1 metre in height at - 28 September 2002; and
- (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places
 - shall not be considered:
 - (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - (2) as part of the permitted baseline.

- nor shall removal of such vegetation be considered as a positive effect of any proposal.

(a) Effects on openness of landscape

In considering whether the proposed development will maintain the openness of those outstanding natural landscapes and features which have an open character at present when viewed from public roads and other public places, the following matters shall be taken into account:

- (i) whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place;
- (ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;
- (iii) whether the site is defined by natural elements such as topography and/or vegetation which may contain and mitigate any adverse effects associated with the development.

(b) Visibility of development

(v) the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).

(vi) the proposal does not reduce neighbours' amenities significantly.

(c) Visual coherence and integrity of landscape

In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:

- (i) structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;

In considering the potential visibility of the proposed development and whether the adverse visual effects are minor, the Council shall be satisfied that:

- (i) the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and
 - (ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes; and
 - (iii) the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited to earthworks and/or new planting which is appropriate in the landscape, in accordance with Policy 4.2.5.11 (b).
 - (iv) any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and
 - (ii) any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;
 - (iii) any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.
- (d) Nature Conservation Values
- In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:

- (i) the area affected by the development proposed in the application does not contain any indigenous, ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;
- (ii) the development proposed will not have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;
- (iii) the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).
- (e) Cumulative effects of development on the landscape
In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature will be no more than minor, taking into account:
 - (i) whether and to what extent existing and potential development (ie. existing resource consent or zoning) may already have compromised the visual coherence and naturalness of the landscape;
 - (ii) where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;
 - (iii) whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;
 - (iv) whether these elements in (iii) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;
 - (v) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning),

whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature.

(f) Positive Effects

In considering whether there are any positive effects in relation to remedying or mitigating the continuing adverse effects of past inappropriate subdivision and/or development, the following matters shall be taken into account:

- (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (f) above which has been compromised by past subdivision and/or development;
- (ii) whether the proposed activity provides for the retention and/or re-establishment of native vegetation and their appropriate management, particularly where native revegetation has been cleared or otherwise compromised as a result of past subdivision and/or development;
- (iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape, particularly where open space has been compromised by past subdivision and/or development;
- (iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential adverse effects (ie. structures or development anticipated by existing resource consents) by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents;
- (g) Other Matters
In addition to consideration of the positive effects (i) - (iv) in (f) above, the following matters shall be taken into account, but considered with respect to those matters listed in (a) to (e) above:
 - (i) the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site;

- (ii) the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (f) (i) - (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.

(2) Outstanding Natural Landscapes (District Wide)

These assessment matters should be read in the light of the further guiding principle that existing vegetation which:

- (a) was either
- planted after; or
 - self seeded and less than 1 metre in height at - 28 September 2002; and
- (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads
- shall not be considered:
 - (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - (2) as part of the permitted baseline.
 - nor shall removal of such vegetation be considered as a positive effect of any proposal.

(a) Potential of the landscape to absorb development

In considering the potential of the landscape to absorb development both visually and ecologically, the following matters shall be taken into account consistent with retaining openness and natural character:

- (i) whether, and to what extent, the proposed development is visible from public places;
- (ii) whether the proposed development is likely to be visually prominent to the extent that it dominates or detracts from views otherwise characterised by natural landscapes;

- (iii) whether any mitigation or earthworks and/or planting associated with the proposed development will detract from existing natural patterns and processes within the site and surrounding landscape or otherwise adversely effect the natural landscape character;

- (iv) whether, with respect to subdivision, any new boundaries are likely to give rise to planting, fencing or other land use patterns which appear unrelated to the natural line and form of the landscape; wherever possible with allowance for practical considerations, boundaries should reflect underlying natural patterns such as topographical boundaries;

- (v) whether the site includes any indigenous ecosystems, wildlife habitats, wetlands, significant geological or geomorphologic features or is otherwise an integral part of the same;

- (vi) whether and to what extent the proposed activity will have an adverse effect on any of the ecosystems or features identified in (v);

- (vii) whether the proposed activity introduces exotic species with the potential to spread and naturalise.

(b) Effects on openness of landscape.

In considering the adverse effects of the proposed development on the openness of the landscape, the following matters shall be taken into account:

- (i) whether and the extent to which the proposed development will be within a broadly visible expanse of open landscape when viewed from any public road or public place and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and

- (ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;

(iii) whether the proposed development is defined by natural elements such as topography and/or vegetation which may contain any adverse effects associated with the development.

(c) Cumulative Effects on Landscape Values

In considering whether there are likely to be any adverse cumulative effects as a result of the proposed development, the following matters shall be taken into account:

(i) whether, and to what extent, the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;

(ii) whether the elements identified in (i) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;

(iii) whether existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;

(iv) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or inappropriate domestication of the landscape or feature.

(d) Positive Effects

In considering whether there are any positive effects associated with the proposed development the following matters shall be taken into account:

(i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (a)(v) above;

(ii) whether the proposed activity provides for the retention and/or re-establishment of native vegetation and their appropriate management;

(iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape;

(iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential (ie. structures or development anticipated by existing resource consents) adverse effects by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents;

(v) the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site;

(vi) the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (i)- (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.

(3) Visual Amenity Landscapes

These assessment matters should be read in the light of the further guiding principle that existing vegetation which:

- (a) was either
- planted after; or
 - self seeded and less than 1 metre in height at - 28 September 2002; and

(b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places

- shall not be considered:

- (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
- (2) as part of the permitted baseline.

- nor shall removal of such vegetation be considered as a positive effect of any proposal.

(a) Effects on natural and pastoral character

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;
- (iii) whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;
- (iv) whether any adverse effects identified in (i) - (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;

(b) Visibility of Development

Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:

- (i) the proposed development is highly visible when viewed from any public places, or is visible from any public road and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and

(ii) the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;

(iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues;

(iv) the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;

(v) any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;

(vi) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography;

(vii) any proposed new boundaries and the potential for planting and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character;

(viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;

(ix) the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.

(c) Form and Density of Development

In considering the appropriateness of the form and density of development the following matters the Council shall take into account whether and to what extent:

- (i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;
- (ii) opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- (iii) development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;
- (iv) the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.
- (v) If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:
 - (a) within a 500 metre radius of the centre of the building platform, whether or not:
 - (i) subdivision and/or development is contemplated on those sites;
 - (ii) the relevant land is within the applicant's ownership; and
 - (b) within a 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council
 - must be taken into account.
- (vi) recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on

neighbouring land because the adverse cumulative effects would be unacceptably large.

- (d) Cumulative effects of development on the landscape
In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account:
 - (i) the assessment matters detailed in (a) to (c) above;
 - (ii) the nature and extent of existing development within the vicinity or locality;
 - (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;
 - (iv) whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;
 - (v) the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent;
 - (vi) whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes;
 - (vii) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).

Note: For the purposes of this assessment matter the term "vicinity" generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from:

- from any other public road or public place frequented by the public and which is readily visible from that public road or public place; or
- from adjacent or nearby residences.

The "vicinity or locality" to be assessed for cumulative effect will vary in size with the scale of the landscape i.e. when viewed from the road, this "vicinity", will generally be 1.1 kilometre in either direction, but maybe halved in the finer scale landscapes of the inner parts of the Wakatipu basin, but greater in some of the sweeping landscapes of the upper Wakatipu and upper Clutha.

(e) Rural Amenities

In considering the potential effect of the proposed development on rural amenities, the following matters the Council shall take into account whether and to what extent:

- (i) the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;
- (ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;
- (iii) the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and curb and channelling, particularly in relation to public road frontages;
- (iv) landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.

- (v) buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.

(4) Other Rural Landscapes

Where it has been determined that the proposed development is not within a ONL or VAL but otherwise within the Rural General zone consideration of the potential effects of the development shall include taking into account whether and the extent to which:

- (i) the proposed development will be complementary or sympathetic to the character of adjoining or surrounding visual amenity landscape;
- (ii) the proposed development will be visible from public roads or from neighbour's properties;
- (iii) the proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility;
- (iv) the proposed development will adversely affect the naturalness and rural quality of the landscape through inappropriate landscaping including earthworks and planting as a result of any proposed mitigation or increased domestication;
- (v) landscaping as a result of development maintains and/or enhances historic or cultural patterns although it is acknowledged that this assessment matter is not necessarily consistent with others e.g. (iii) and (iv) above or (vii) below;
- (vi) the proposed development is complementary or sympathetic to, or can be co-ordinated with, existing or proposed development on adjoining or adjacent properties in terms of landscaping, roof design, roof materials and/or colours, and other external materials and/or colours;
- (vii) the proposed development is designed and/or intended to be carried out in a comprehensive manner taking into account the topography of the site, the size and configuration of the property being

developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the opportunities for shared access and/or shared amenities;

(viii) the nature and extent of building setbacks and/or earthworks and/or landscaping can create buffers to avoid or mitigate the potential effects of development on adjoining properties, public roads or public places.

(ix) the proposed subdivision is part of a co-ordinated development plan incorporating any balance land (outside the proposed subdivision) in the same ownership;

(x) there is an opportunity to provide a communal passive or active recreational area which is accessible to residents outside the subdivision as well as within the subdivision;

(xi) the proposed development does not introduce densities which reflect those characteristic of urban areas;

(xii) the proposed development maintains the rural amenities of the neighbourhood.

5.4.2.3 Assessment Matters General

i General - Nature Conservation Values

(a) The extent to which activities will result in opportunities for the protection and enhancement of indigenous bio-diversity or indigenous ecosystems.

(b) Any adverse effects of the activity on indigenous ecosystems from animal pests and domestic animals.

(c) Any need to avoid, contain, manage and/or monitor the adverse effects of introduced plant species/forms, which have potential to spread and naturalise.

(d) The extent to which the activity provides opportunities for making available information regarding indigenous ecosystems.

(e) The extent to which activities will protect and enhance the survival and well being of indigenous plants and/or animals that are rare, vulnerable or endangered, or significant within the District, Region or nationally.

(f) In the case of activities proposed in the vicinity of rock outcrops, the extent to which the activity will adversely affect, or provide opportunities to enhance, the protection of lizard populations and their habitat.

(g) The extent to which the inherent values of the site, and its ecological context, have been recognised and provided for.

ii Natural Hazards - General

(a) Whether the activity will exacerbate any natural hazard, including erosion, sedimentation, subsidence and landslips.

iii General – Consistency with the Glenorchy Community Plan

(a) In considering whether or not to grant consent or impose conditions with respects to development within the Glenorchy area, the Council shall have regard to:

(b) Whether and to what extent the application is consistent with the Glenorchy Head of the Lake Community Plan (and any amendments thereto). *2

iv Controlled and Discretionary Activity - All Buildings (except in Ski Area Sub-Zones)

(a) The extent to which the location of buildings and associated earthworks, access and landscaping breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.

(b) Whether the external appearance of buildings is appropriate within the rural context.

v Controlled Activity - Retail Sales

- (a) The extent to which buildings and structures are located to mitigate against the loss of landscape values.
- (b) The location and design of vehicle access, parking and loading areas to protect the safe and efficient movement of vehicles on adjoining roads.
- (c) The extent to which the size, location and design of parking and loading areas, and their relationship to the retail sales areas, buildings, outdoor display areas and vehicle access, are such so as to encourage cars to park on-site and not on adjoining roads.
- (d) The extent to which parking and loading areas are capable of accommodating likely vehicle demand.

vi Controlled Activity - Commercial Recreation Activities and buildings in Ski Area

- (a) Whether the ski tow or lift or building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (b) Whether the materials and colour to be used are consistent with the rural landscape of which the tow or lift or building will form a part.
- (c) Balancing environmental considerations with operational characteristics.
- (d) Potential effect on surrounding environment.
- (e) Impact of lighting on the enjoyment of an adjoining property.

vii Controlled Activity - Mining, Limited to Mineral Exploration

Conditions may be imposed on mineral exploration in order that:

- (a) the amount of vegetation cleared and volumes of material removed will be minimal and the adverse effects to landscape and nature conservation values and water quality are minimised;
- (b) rehabilitation of the site is completed which ensures:

- (i) the long term stability of the site;
- (ii) that the landforms or vegetation on finished areas are visually integrated into the landscape;
- (iii) that the land is returned to its original productive capacity, where appropriate.
- (c) roads or buildings are located in such a way as to minimise impacts to landscape, conservation, and amenity values;
- (d) dust is minimised where amenity values are at risk. Methods may include wetting down of tracks or heaped overburden;
- (e) noise is minimised where amenity values are at risk. Methods may include restricted hours of operation or appropriate mufflers on machinery.

viii Controlled Activity - Jetboat Race Events (Clutha River)

Conditions may be imposed to ensure that:

- (a) the date, time, duration and scale of the jetboat race event, including its proximity to other such events, are such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;
- (b) adequate public notice is given of the holding of the event; and
- (c) reasonable levels of public safety are maintained.

ix Controlled Activity - Addition or alteration to Buildings within the Outer Control Boundary - Queenstown Airport and Buildings within the Outer Control Boundary - Wanaka Airport

Conditions may be imposed to ensure the design, construction, orientation and location of buildings for residential activities, visitor accommodation or community activities within Wanaka Airport's Outer Control Boundary, or the alteration or addition to an existing building or part of a building used for residential activities, visitor accommodation or

~~community activities within Queenstown Airport's Outer Control Boundary~~ is such to ensure the indoor design sound levels specified in Zone Standards 5.3.5.2~~(viii)~~ and (X) ~~is~~ met.

x Discretionary Activity - Commercial

- (a) The extent to which the commercial activity may:
- (i) result in levels of traffic generation or pedestrian activity, which is incompatible with the character of the surrounding rural area, or adversely affect safety.
 - (ii) have adverse effects in terms of noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.
 - (iii) result in loss of privacy.
 - (iv) result in levels of traffic congestion or reduction in levels of traffic.
- (b) The extent to which the commercial activity mitigates any adverse effects in terms of additional traffic generation.
- (c) The effect the commercial activity may have on the life supporting capacity of soils and water.

xi Restricted Discretionary Activity - Tree Planting

In considering the effects of plantings on the views from any public road, the Council shall take into account the following matters:

- (a) The classification of the surrounding landscape, and the effects of the planting on the landscape values.
- (b) The topography of the site in relation to the road.
- (c) The location of the trees, including their orientation to the road.
- (d) In considering the species type proposed, the Council will take into account the following matters:

- the potential for wilding spread;
- the positive effects associated with the planting of indigenous species;
- the density of foliage;
- whether the species are deciduous or evergreen.

- (e) The purpose of the proposed planting; considering whether the planting is necessary for farming activities, or is for amenity purposes.
- (f) Whether and to what extent the proposed plantings will, or have the potential to at maturity, block views from the public road.

xii Restricted Discretionary Activity - Structures

In considering the external appearance of any proposed structures, the Council shall take into account the following matters:

- (a) The materials used, including their colour and permeability;
- (b) Whether the structure will be consistent with traditional rural elements.

xiii Controlled Activity - Vehicle Testing

In considering the potential adverse effects of access ways and tracks associated with the testing of vehicles, their parts and accessories, the Council shall take into account the following matters:

- (a) The extent to which accessways and tracks are lined with adequately sized screened sump rock;
- (b) The extent to which trenching and laying drain coil and sump rocks is used to avoid ponding on accessways and tracks;
- (c) Whether construction is limited to the more appropriate drier months of the year;

- (d) Whether battering of over-steepened embankments is proposed; and
- (e) Whether ongoing monitoring is proposed and to what extent.

xiv Discretionary Activity - Visitor Accommodation

- (a) Any adverse effects of the proposed visitor accommodation in terms of:
 - (i) noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a low-density rural environment.
 - (ii) loss of privacy and remoteness.
 - (iii) levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - (iv) pedestrian safety in the vicinity of the activity.
 - (v) any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.

- (b) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- (c) Any potential adverse effects of the activity on the quality of ground and/or surface waters.

xv Discretionary Activity - Commercial Recreational Activities (other than on the Surface of Lakes and Rivers)

- (a) The extent to which the recreational activity will result in levels of traffic or pedestrian activity which are incompatible with the character of the surrounding rural area.

- (b) Any adverse effects of the proposed activity in terms of:
 - (i) noise, vibration and lighting, which is incompatible with the levels acceptable in a low-density rural environment.
 - (ii) loss of privacy or a sense of remoteness or isolation.
 - (iii) levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - (iv) pedestrian safety in the vicinity of the activity.
 - (v) litter and waste.
 - (vi) any cumulative effect from the activity in conjunction with other activities in the vicinity.
- (c) The extent to which any proposed buildings will be compatible with the character of the local environment, including the scale of other buildings in the surrounding area.
- (d) The extent to which the nature and character of the activity would be compatible with the character of the surrounding environment.
- (e) Any adverse effects of any proposed buildings for the recreational activity having regard to the matters specified in Assessment Matter ii a.
- (f) The extent to which any operation has been audited and certified in accordance with the relevant Code of Practice.
- (g) Any potential adverse effects of the activity on the quality of ground and/or surface waters.
- (h) The effect of the recreational activities on the life-supporting capacity of soils.

- (i) The extent to which the proposed activity will result in a loss of privacy, amenity values or sense of security for residents within the rural environment.
- (j) The extent to which the recreational activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.
- (k) The extent to which the use of the land for the recreational activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.
- (l) Any adverse effects of the activity on nature conservation values, having regard to the matters described in Assessment Matters i and xxi.
- (m) The extent to which the activity may cause a visual distraction to drivers on arterial routes.

xvi Discretionary Activity - Surface of Lakes and Rivers

- (a) The extent to which the water-based activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.
- (b) The extent to which the water-based activity is suited to and benefits from the identified natural characteristics of the particular lake or river.
- (c) The extent to which the water-based activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity and, particularly, opportunities for remote experience recreation.
- (d) The extent to which the water-based activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.
- (e) Any adverse effects of the proposed activity in terms of:

- (i) noise, vibration and lighting, which is incompatible with the levels acceptable in the particular lake or river environment.
- (ii) loss of privacy or a sense of remoteness or isolation.
- (iii) levels of congestion or reduction in levels of lake or river safety, which are unacceptable for the nature of the lake or river.
- (iv) accumulation of litter and waste, and access to toilet facilities.
- (v) any cumulative effect from the activity in conjunction with other activities in the vicinity.
- (f) The extent to which the water-based activity is compatible with, and will not adversely affect nature conservation values or wildlife habitat
- (g) In the case of structures or moorings which pass across or through the surface of any lake or river or are attached to the bank of any lake or river, the extent to which the structures or moorings:
 - (i) are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place.
 - (ii) cause an impediment to craft manoeuvring and using shore waters.
 - (iii) diminish the recreational experience of people using public areas around the shoreline.
 - (iv) result in congestion and clutter around the shoreline.
 - (v) are likely to result in demand for craft to be permanently moored outside of permanent marina sites.
 - (vi) can be used by a number and range of people and craft, including the general public.
 - (vii) are compatible with scenic and amenity values, particularly in Queenstown Bay, Frankton Arm and Roys Bay.
- (h) Any effect from the activity on the operation, safety and navigation of the TSS Earnslaw.

- (i) Levels of traffic congestion or reduction in levels of traffic safety, which are inconsistent with the classification of the adjoining road.

xvii Discretionary Activity - Airports

- (a) The extent to which noise from aircraft is/will:
 - (i) compatible with the character of the surrounding area.
 - (ii) adversely affect the pleasant use and enjoyment of the surrounding environment by residents and visitors.
 - (iii) adversely affect the quality of the experience of people partaking in recreational and other activities.
- (b) The cumulative effect of a dispersed number of airports.
- (c) Convenience to and efficient operation of existing airports.
- (d) The visual effect of airport activities.
- (e) The frequency and type of aircraft activities.
- (f) Assessment of helicopter noise pursuant to NZS 6807: 1994, excluding the levels contained in Table 1 of Section 4.2.2 to the intent that the levels specified in Table 1 do not override the noise limits specified in Rule 5.3.5.2.v(a).

xviii Discretionary activity – forestry

- (1) In considering whether the proposed forestry has the potential to cause wilding spread, the following matters shall be taken into account:
 - (a) The species of trees proposed, and their potential to naturalise and spread;
 - (b) The location of the site, having particular regard to the slope and the exposure to wind;
 - (c) The surrounding land use, having particular regard to land downwind from the site;

- (d) Whether a risk assessment has been completed by the applicant;
 - (e) Whether management plans are proposed for the eradication and/or control of wilding spread.
- (2) In considering whether the forestry activity will adversely affect landscape values of the surrounding environment, the following matters shall be taken into account:
 - (a) The existing character of the surrounding landscape, having particular regard to whether it has an open character at present;
 - (b) The potential to block important views from roads and other public places;
 - (c) The proximity to neighbouring properties, and the potential to shade and/or block views from neighbouring residences.
 - (3) In considering whether the forestry activity will adversely affect the ecological values of the surrounding environment, the following matters shall be taken into account:
 - (a) The existing ecological values of the subject land and the surrounding environment, having particular regard to the potential effects on existing indigenous ecosystems;
 - (b) Current and future demand on water resources.
 - (4) In considering the effects associated with the maintenance and harvesting of forestry activities, the following matters shall be taken into account:
 - (a) Traffic Generation
 - (b) Volume and disposal of hazardous waste, and hazardous substances
 - (c) Production of noise and odour;

(d) Associated earthworks, and potential effects on water quality

xix Discretionary Activity - Factory Farming

(a) The extent to which the factory farming operation will be compatible with the character of the surrounding rural area, including the density of residential units in the area.

(b) The degree to which the proposed factory farming operation is likely to lead to odour, noise or health nuisances beyond the boundary of the site, and in particular, the technology and management systems proposed to mitigate noise or odour nuisance, including:

(i) the size of the proposed factory farming operation and its associated site.

(ii) the design of the buildings, facilities, and waste and noise management systems.

(iii) the management and operation of the waste and noise management systems.

(iv) waste treatment measures employed.

(v) odour and noise abatement measures employed.

(c) The degree to which existing or proposed landscaping, including plantings, will shelter and screen the proposed site.

(d) The extent to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.

(e) Any adverse effects of any proposed buildings for the factory farming operation.

(f) The effect of the factory farming on the life supporting capacity of soils.

xx Discretionary Activity - Mining

(a) The extent to which mining activities will adversely affect:

(i) amenity values.

(ii) recreational values.

(iii) nature conservation values.

(iv) landscape and visual amenity values.

(v) historical, cultural or known archaeological artefacts or sites.

(vi) life supporting capacity of soils, water and air.

(vii) public access to and along the lake, river or waterway.

(b) The ability of the proposal to rehabilitate the site during and after mining.

(c) The ability of the company to:

(i) provide a contingency plan for early mine closure.

(ii) adequately monitor operations and the effects on the receiving environment.

(d) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.

xxi Zone Standard - Building Height

(a) The extent to which the increased building height may:

(i) be compatible with the character of the local environment including scale of buildings in the surrounding environment.

(ii) impact on the landscape and visual amenity values of the area.

(iii) adversely affect views from properties in the vicinity.

- (iv) all manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with the activity need to be carried outside of a building.
- (v) noise and visual impact.
- (vi) adverse effects of likely traffic generation and the ability to mitigate such effects.

xxv Retail Sales

- (a) The extent to which the size, location and design of the parking and loading areas, and their relationship to the retail sales areas, buildings, outdoor display areas and vehicle access, are such as to encourage vehicles to park on the site.
- (b) The extent to which vehicles will be discouraged from parking on the adjoining road, with associated pedestrian access to the site.
- (c) The extent to which the parking and loading areas are capable of accommodating likely vehicle demand.

xxvi Significant Indigenous Vegetation

- (a) The significance of the species and their communities.
- (b) The extent to which the proposed activity may adversely affect:
 - (i) the life supporting capacity of the indigenous species, including their habitat.
 - (ii) landscape and natural values of the site and in the vicinity of the site.
 - (iii) the life supporting capacity of soil and water.
- (c) The degree to which alternative sites and methods have been considered.
- (d) The extent to which previous activities have modified the site.

- (iv) have an adverse effect on other sites in the surrounding area, in terms of loss of privacy.
- (v) overshadow adjoining sites and result in reduced sunlight and daylight admission.
- (b) Whether the adverse effects of increased height could be mitigated through site layout, increased separation distances between the building and adjoining sites or the provision of screening.

xxii Setback from Neighbours of Buildings Housing Animals

- (a) The extent to which the use of the proposed building for the housing of animals will detract from the pleasantness or amenity of adjoining sites, in terms of such matters as noise, smell, dust, glare or vibration.

xxiii Access

- (a) The extent to which alternative formed access can be assured to the residential unit in the long-term.
- (b) The extent to which the level and nature of the use of the residential unit will make it unlikely that access by way of a formed road will ever be necessary.

xxiv Nature and Scale of Activities

- (a) The extent to which:
 - (i) the scale of the activity and the proposed use of buildings are compatible with the scale of other buildings and activities in the surrounding area.
 - (ii) the character of the site will remain dominant.
 - (iii) materials and equipment associated with the activity need to be stored outside of a building.

xxvii Residential Units – Discretionary and Non-Complying Activities

- (a) The extent to which the residential activity maintains and enhances:
- (i) rural character.
 - (ii) landscape values.
 - (iii) heritage values.
 - (iv) visual amenity.
 - (v) life-supporting capacity of soils, vegetation and water.
 - (vi) infrastructure.
 - (vii) traffic safety.
 - (viii) public access to and along lakes and rivers.
- (b) The extent to which the residential activity may adversely affect adjoining land uses.
- (c) The extent to which the residential activity or residential unit may be adversely affected by natural hazards or exacerbate a natural hazard situation.
- (d) The extent to which the location of the residential unit and associated earthworks, access and landscaping, affects the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- (e) Whether the bulk, design, external appearance and overall form of the residential unit is appropriate within the rural context.
- (f) The extent to which the residential unit has the ability to:
- (i) supply potable water;

- (ii) connect to a reticulated public or community sewage treatment and disposal system, or otherwise can be provided with a suitable system for the treatment and disposal of domestic sewage effluent, in a manner, which avoids nuisance or danger to public health, or contamination of ground or surface waters; and
- (iii) connect to available telecommunication and electricity systems to domestic levels of service.
- (g) The extent to which the location of the residential unit and associated earthworks, access and landscaping has the potential to interfere with irrigation infrastructure.

xxviii Earthworks

1. Environmental Protection Measures:
- (a) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
 - (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
 - (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
 - (d) Where earthworks are proposed on a site gradient > 18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
 - (e) Whether measures to minimise dust emissions are proposed and to what extent these mitigation measures are effective.
 - (f) Whether and to what extent any groundwater is likely to be affected, and if any mitigation measures are proposed to address likely effects.
 - (g) Whether and to what extent earthworks are necessary in order to undertake flood protection works recognising the long-term benefits

- of effective flood mitigation measures on the surrounding environment.
2. Effects on landscape and visual amenity values, in particular Outstanding Natural Features and Outstanding Natural Landscapes.
- (a) Whether and to what extent the scale and location of any cut and fill will adversely affect:
- the visual quality and amenity values of the landscape;
 - the natural landform of any ridgeline or visually prominent areas;
 - the visual amenity values of surrounding sites.
- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site and to what extent re-vegetation will mitigate any adverse effects.
- (e) Whether and to what extent the earthworks create an area that is inconsistent with the character of the surrounding landscape.
- (f) Whether the location and/or design of any new tracking can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.
3. Effects on adjacent sites
- (a) Whether the earthworks will adversely affect the stability of neighbouring sites
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.
4. General Amenity Values
- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) Whether natural ground levels will be altered.
5. Impacts on sites of cultural heritage value:
- (a) The extent to which the activity modifies or damages Waahi Tapu or Waahi Taoka, and whether tangata whenua have been notified.
- (b) The extent to which the activity affects Ngai Tahu's cultural and traditional association with the Statutory Acknowledgment Area.
- (c) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
6. Activities
- (a) Whether the proposed tracking or other earthworks is necessary or desirable for the ongoing and reasonable maintenance and use of the land.
- (b) Whether the proposed tracking or other earthworks are necessary or desirable to achieve a reasonable or appropriate use of the land for the proposed activity.
- xxix Site Standard – clearance of indigenous vegetation**
1. Clearance of indigenous vegetation, including clearance in the alpine environment:

- (a) The nature of the clearance, including:
- (i) The amount of land to be cleared.
 - (ii) The timing of clearance.
 - (iii) The time since the site was last cleared.
 - (iv) The form of clearance, whether by burning, spraying or mechanical.
 - (v) The type of vegetation to be cleared, and the purposes of such clearance.
 - (vi) Whether a favourable ecological report has been submitted.
- (b) The effect of the activity on the ecological values of the site and surrounding environment, including:
- (i) The degree of modification of the site and surrounding area.
 - (ii) The ecological values of the site, based on the Criteria listed in Appendix 5 of the Plan.
 - (iii) The extent to which the activity threatens the indigenous plants or animals/birds identified at the site.
 - (iv) The extent to which the site and surrounding environment is sensitive to modification.
 - (v) The potential to adversely affect the natural character of the margins of any river, stream, lake or wetland.
 - (vi) The proximity of any area protected under covenant or other protection mechanism.
- (c) The effect of vegetation clearance on landscape and visual amenity values, including:
- (i) The extent to which indigenous vegetation is an integral part of, or enhances, the landscape values and natural character of the area.
 - (ii) The visibility of the site from transport routes, townships, and other tourist destinations, including ski fields.
 - (iii) The landscape values of the site and surrounding environment, and its sensitivity to modification
 - (d) The degree to which the clearance will adversely affect natural features, geomorphological or geological sites.
 - (e) The degree to which any possible alternative locations or methods for undertaking the activity could occur.
 - (f) The degree to which clearance will enable the efficient use of the land for production purposes.
 - (g) The degree to which the clearance will result in a loss of natural character and/or any recreational values associated with any nearby waterbody.
 - (h) Where clearance is to be undertaken by way of burning:
 - (i) Compliance with the Otago Regional Council's Code of Practice, and the provision of a burn management plan outlining proposed future management.
 - (ii) The measures adopted to reduce the potential for the spread of fire.
 - (iii) Whether certain areas have been voluntarily set aside to be preserved by way of covenant through the resource consent.
2. Planting of exotic trees and/or shrubs in the alpine environment.
- (a) The potential for the spread of exotic plant species, including their location, and the predominant wind direction.
 - (b) The sensitivity of the site to modification, including current vegetation.

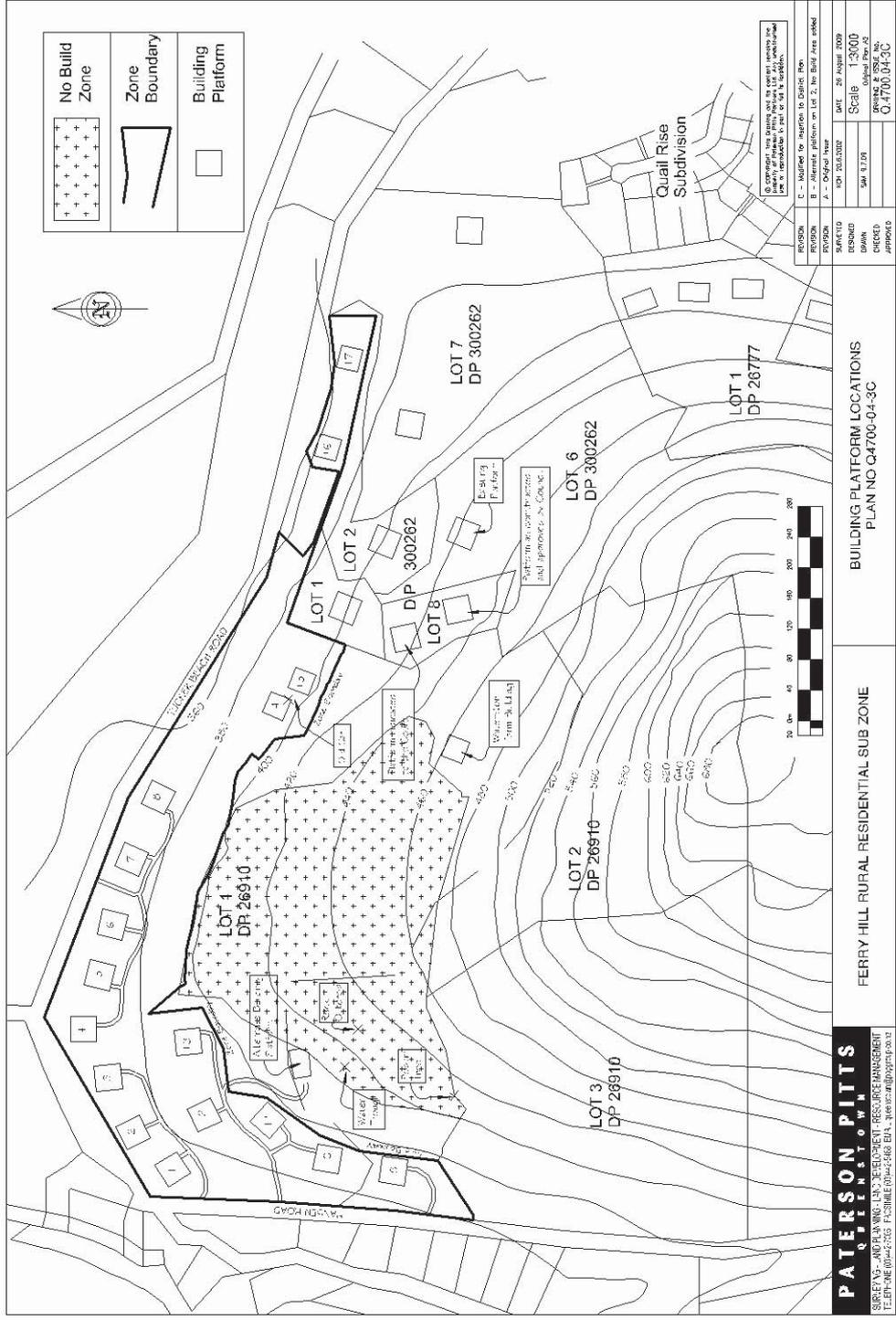
- (c) The potential effects from exotic species on the ecological functioning of the site, and its landscape values.

xxx Site Standard – Planting of tree species with wilding potential

1. In considering whether the proposed planting has the potential to cause wilding spread, the following matters shall be taken into account:
 - (a) The location of the site, having particular regard to slope and the exposure to wind;
 - (b) The surrounding land use, having particular regard to the intensity of land use, the existing vegetation cover, and stocking rate;
 - (c) The ecological and landscape values of surrounding land, particularly land located down-wind from the proposed site.
2. In considering whether the proposed planting will cause adverse effects on landscape values, the following matters shall be taken into account:
 - (a) The existing character of the surrounding landscape, having particular regard to whether it has an open character at present;
 - (b) The potential for the planting to block important views from roads and other public places;
 - (c) The proximity of the planting to neighbouring properties, and the potential to shade and/or block views from neighbouring residences.

RURAL AREAS - RULES

5



PATERSON PITTS QUINSTOWN SURVEY AND PLANNING, LAND DEVELOPMENT, RESOURCE MANAGEMENT TELEPHONE 0344-57352 FAX 0344-5488 E-MAIL p.peter@paterpitts.com.au		FERRY HILL RURAL RESIDENTIAL SUB ZONE BUILDING PLATFORM LOCATIONS PLAN NO. Q4700-04-3C	
REVISION A - Original Issue B - Alternative platform on Lot 7, No Build Area added C - Modified for insertion to District Plan	DATE: 26 March 2009 SCALE: 1:3000 DRAWN: SAM B. JONES CHECKED: GREGG & JESSIE JONES APPROVED: G.4700.04-3C	Quail Rise Subdivision Building Platform Locations No Build Zone Zone Boundary Building Platform	