

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHCH-0000

UNDER THE Resource Management Act 1991 ("**Act**")
IN THE MATTER OF An appeal under Schedule 1, Clause 14(1), of the Act
BETWEEN **CLIVE MANNERS WOOD**
Appellant
AND **QUEENSTOWN LAKES DISTRICT COUNCIL**
Respondent

**NOTICE OF APPEAL BY CLIVE MANNERS WOOD
AGAINST A DECISION ON A PROPOSED PLAN**

13 JUNE 2018

TO: The Registrar
Environment Court
PO Box 2069
20 Lichfield Street
CHRISTCHURCH
(Christine.McKee@justice.govt.nz)

AND TO: The Respondent
(dpappeals@glde.govt.nz)

AND TO: Relevant submitters

Appeal

1. I made a submission on Stage 1 of the Queenstown Lakes District Proposed District Plan ("**PDP**") on or around **22** October 2015.
2. The Queenstown Lakes District Council ("**QLDC**") made its decision on submissions and further submissions on the PDP on 7 May 2018 ("**Decision**"). The Decision was publicly notified on or around that day.
3. I appeal parts of the Decision as identified in this notice of appeal.
4. I am not a trade competitor for the purposes of Section 308D of the Act.

Submission

5. My submission opposed the rules and standards and other provisions proposed in the PDP relating to noise. I sought that the current “status quo” provisions in the Operative Plan be maintained, including current noise restrictions.
6. In particular, I raised concerns about the approach under PDP to “informal airports”, which are designed (or have the effect of) enabling private helipads to be established without consent (or with an easy consent) – and without the ability for residents to participate in applications affecting their local environment.
7. I was, and remain, concerned about the noise pollution and effects on amenity and character which does not appear to have been given due consideration by the QLDC.
8. I was very concerned at the research paper referenced by the QLDC apparently in support of its position,¹ which stated: “Since the enforcement of the existing District Plan provisions that relate to informal airports by Lakes Environmental, **literally hundreds of resource consent applications for informal airports have been lodged with Lakes Environmental.**”
9. The paper went on to say, in an apparent attempt to accommodate these applications: “It is recommended that a frequency of three flights per week (for either fixed or rotary wing aircraft or a combination of both) is appropriate for informal airports in the Rural General Zone with a Permitted Activity status. This would allow for infrequent flights at wedding reception venues, wineries, and private residential/commercial landings and would cover a variety of “impromptu one off landings”. It further stated “For the purpose of this Rule the relevant noise standards of the Zone shall not apply to informal airports”.
10. The approach seems to be to allow anyone who want to have private helipads on their land to be able to do so without consent requirements or the need to comply with the noise standards that everyone else has to. Just because “hundreds” of applications have been made, does not mean that the District Plan should be changed to allow those activities and avoid due process and proper consideration of effects.

The Decision

11. The Decision adopted the following rule for informal airports:

21.10.2 Informal Airports Located on other Rural Zoned Land

Informal Airports that comply with the following standards shall be permitted activities:

- 21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;
- 21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;

¹ Found at <http://www.qldc.govt.nz/assets/Uploads/Informal-Airports-Research-Report.pdf>.

21.10.2.3 In relation to point Rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.

* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure

12. In other words, someone could, for their own private purposes, operate a helipad with up to 1,460 movements a year without any need to consider the effects of that on their neighbours and wider environment, provided that they can locate their pad 500m from a neighbouring house or building platform. Even if they are closer than 500m, they will say that movements of that scale are anticipated by the plan.
13. There is a real risk that there will be no consideration of cumulative effects, safety effects, and no ability to prevent multiple numbers of these helipads from being developed all over the District.
14. Even if movements are fewer in practice, the Decision is likely to allow everyone who wishes to set up their own private helipads to do so, with very little supervision. Furthermore, even if consent is required, who will monitor and supervise the ongoing use of all of these helipads, particularly if greater use is made of them than is supposed to?
15. I also understand that the Decision in Rule 36.5.10 requires that: "Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas." I understand that this allows an "averaging" of helicopter noise over 24 hours. At a busy airport, that makes some sense, but for private helipads where there are a limited number of movements a day (whether at the proposed permitted level or somewhat above that), the NZ 6807 standard essentially "masks" the true effects in terms of disturbance, and allows impacts on character and amenity without proper consideration.
16. The Council refused to consider my submission on this issue as part of its Chapter 36 process, as it did not consider my submission "relevant to Chapter 36". Quite clearly, given that I sought the current "status quo" noise restrictions to apply, that is wrong.

Scope of appeal

17. My appeal relates to all of the provisions in the PDP relating to informal airports, including the noise provisions, ie objectives, policies, rules and explanations and other text relevant to those issues.

Reasons for the appeal

18. The Decision as it relates to informal airports, and in particular its enablement of helipads:
 - (a) fails to promote sustainable management of resources, including the enabling of people and communities to provide for their social well-being, and will not avoid, remedy or mitigate the adverse effects of helipads on the environment, and so will not achieve the section 5 purpose of the Act;

- (b) fails to maintain and enhance amenity values, a matter to have particular regard to under section 7(c) of the Act;
- (c) fails to achieve the functions of the Council under section 31, including the integrated management of the effects of the use and development of land and physical resources;
- (d) fails to meet the requirements of section 32;
- (e) fails to recognise the need for resource consent to be required for anything other than occasional helicopter landings, so that effects on neighbours and wider amenity and character can be considered;
- (f) fails to consider the “masking” or “minimising” effects of the 24 hour averaging approach proposed for the measurement of helicopter noise;
- (g) fails to consider the cumulative effects the development of multiple helipads under the permitted standards proposed;
- (h) fails to consider the “permitted baseline” or “existing environment” implications of the permitted standards proposed;
- (i) fails to consider the “existing environment” comprising the already consented helipads in the rural and areas (noting that the Council had “literally hundreds” of applications for those activities), and the cumulative effects of allowing further helipads against that environment under the proposed PDP regime; and
- (j) fails to achieve or implement the relevant district-wide objectives and policies of the PDP, including:
 - (i) Policy 21.2.11.1: Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity; and
 - (ii) Policy 21.2.11.2: Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports; and
- (k) is being used inappropriately to justify the application of the same rules and standards in the Wakatipu Basin (Chapter 24) (before this and other appeals will be resolved); and
- (l) otherwise fails to address the concerns stated in my submission and appeal above.

Relief sought

19. I seek:

- (a) Retention of all the provisions in the Operative Plan relating to the establishment and assessment of helipads (or “informal airports”).
- (b) In particular:

- (i) require all but infrequent landings of helicopters to require consent;
- (ii) apply the current noise standards, rather than the 24 hour averaging approach; and
- (c) any other similar, consequential, or other relief as is necessary to address the issues raised in my original submission and/or this appeal.
- (d) Costs.

Alternative dispute resolution

20. I agree to participate in mediation or other alternative dispute resolution of the proceeding.

Attachments

21. I attach the following documents to this notice.

- (a) a copy of my submission;
- (b) a copy of the relevant parts of the Decision being:
 - (i) extracts from Chapter 21 and 22 recommendation report;
 - (ii) extracts from the Chapter 36 recommendation report; and
- (c) a list of names and addresses of persons to be served with a copy of this notice, being every person who made a further submission on my submission.

DATED 13 June 2018



CLIVE MANNERS WOOD

My address for service is 101 Malaghans Road. RD1 Queenstown 9371.

I may also be emailed on clive@blo.co.nz.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal.

To become a party to the appeal, you must,—

(a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

(b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the court may be limited (see [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991).

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing requirements (see [form 38](#)).

Advice

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