

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

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of the Resumed Hearing for Streams 14 and  
15

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**STATEMENT OF EVIDENCE OF CRAIG BARR  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLANNING: CHAPTER 24 WAKATIPU BASIN VARIATION ON TABLE 24.2  
(ACTIVITIES IN THE WAKATIPU BASIN LIFESTYLE PRECINCT)**

**15 October 2018**

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## 1. INTRODUCTION

- 1.1 My full name is Craig Alan Barr.
- 1.2 I am employed by the Queenstown Lakes District Council (**QLDC** or **Council**) as a senior planner and I am a full member of the New Zealand Planning Institute. I hold the qualifications of Master of Planning and Bachelor of Science from the University of Otago.
- 1.3 I have been employed in planning and development roles since 2006, for local authorities as well as in private practice. I have been employed by QLDC since 2012 (this includes its former regulatory provider Lakes Environmental Limited) in both district plan administration and policy roles. For most of 2016 I held the position of Acting Manager Planning Policy.
- 1.4 I have been closely involved in the Proposed District Plan (**PDP**) process for QLDC, which is a partial district plan review. Of particular relevance to this s42A report:
- (a) during 2016 and 2017 I was the lead planner and reporting officer for QLDC in relation to the Rural Zones (Chapters 21, 22 and 23), which included responding to submissions on the informal airports topic; and
  - (b) During 2018 I was the reporting officer for QLDC in relation to the Wakatipu Basin Chapter 24, which included responding to submissions on policies and rules/standards that applied within the Wakatipu Basin Rural Amenity Zone.
- 1.5 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.

## 2. OVERVIEW AND SCOPE

- 2.1 The purpose of this evidence is to respond to a submission received from the Aircraft Owners and Pilots Association of New Zealand (Submission 2663) (**AOPA**). The submission was made after the Council notified a variation to Table 24.2 of Chapter 24 (consisting of Rules 24.4.25 to 24.2.29 relating specifically to activities within the Wakatipu Basin Lifestyle Precinct (**Lifestyle Precinct**)) and providing an additional opportunity for persons to make submissions.
- 2.2 The reason for the notification of the variation is because Table 24.2 and Rules 24.4.25 to 24.4.29 were omitted from the notified provisions of Chapter 24 Wakatipu Basin on 23 November 2017, but were included in the online version on 28 November 2017, three working days and 5 calendar days after the text was notified.
- 2.3 To alleviate potential for persons who had reviewed the notified text in this time period and not been aware of Rules 24.4.25 to 24.4.29 to be prejudiced, these discrete rules from Chapter 24 were notified for submissions from 9 August 2018 to 6 September 2018.
- 2.4 Only one submission was received on Table 24., which was from the AOPA in relation to the matter of informal airports, and Rule 24.4.28. Opportunities for further submissions to the AOPA submission closed on 5 October 2015. No further submissions were received.
- 2.5 Parts of the AOPA submission referred to and requested amendments to the Wakatipu Basin Rural Amenity Zone. These parts of the AOPA submission were struck out by the Hearings Panel on 30 September 2018 because they were not a submission on activities specifically within the re-notified provisions of the Lifestyle Precinct. Consequently, I will address only the following components of the AOPA submission:
- (a) that the noise limits prescribed for measuring sound from aircraft in Table 3 Chapter 36 (Noise) apply instead of Rule

24.4.28, which specifies that all informal airports in the Lifestyle Precinct are a discretionary activity;

- (b) that Rule 24.4.28 be deleted and the provisions for informal airports in the Wakatipu Basin Amenity Zone apply in the Wakatipu Basin Lifestyle Precinct, (similar to Rule 24.5.14) but that the setback from notional boundaries of dwellings not on the same site be 150 metres (as opposed to the 500m notified setback standard in Rule 24.5.14).

**2.6** In preparing my evidence, I refer to and rely on the information of Dr Steven Chiles' provided for the Council as part of the research on informal airports and filed as part of the Council's Section 32 evaluation for informal airports (**Appendix 3**), and Dr Chiles' evidence prepared for the Council as part of Stage 1 Hearing 2 (Rural) in April 2016 (**Appendix 4**) and Stage 1 Hearing 8 on Chapter 36 (Noise) in August 2016 (**Appendix 5**).

**2.7** I note that the Council have not called Dr Chiles to present new evidence in relation to the AOPA submission. Dr Chiles' evidence from the Informal Airports topic heard as part of Stage 1 of the PDP as it relates to the Rural Zones is relevant and appropriate in the context of this submission and Chapter 24, because Chapter 24 is a variation to the Stage 1 Rural Zone, Rural Residential and Rural Lifestyle zones on the valley floor of the Wakatipu Basin.

**2.8** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:

- (a) Informal Airports Research Report titled 'Queenstown Lakes District Council Management of Informal Airports. Southern Planning Group April 2012 (**Appendix 2**);
- (b) Informal Airports Section 32 evaluation August 2015 (**Appendix 3**);
- (c) Evidence of Dr Stephen Chiles for the Council on the Informal Airports topic, Hearing Stream 06 April 2016 (**Appendix 4**);
- (d) Evidence of Dr Stephen Chiles for the Council on Chapter 36 Noise, Hearing Stream 5 17 August 2016 2016 (**Appendix 5**);

- (e) Wakatipu Basin Chapter 24 Section 32 evaluation November 2017 (S32) (**Appendix 6**);
- (f) PDP Stage 1 Decisions version (**PDP 2018**) and recommending reports of the Hearings Panel with specific focus on the following:
  - (i) Chapter 3 (Strategic Direction);
  - (ii) Chapter 21 (Rural Zone);
  - (iii) Chapter 22 (Rural Residential and Rural Lifestyle Zones);
  - (iv) Chapter 35 Temporary Activities and Relocated Buildings; and
  - (v) Chapter 36 Noise;
- (g) The Resource Management Act 1991 (**RMA**);
- (h) The Operative 1998 Regional Policy Statement for Otago (**ORPS**); and
- (i) The Proposed Regional Policy Statement for Otago (**PRPS**).

**2.9** Throughout my evidence I refer to the following versions of the PDP text, as follows:

- (a) **PDP** or **PDP 2018**: to refer to the PDP Stage 1 Decisions version 8 May 2018;

**2.10** When I refer to the 'Zone', or 'Zones' in my evidence, I am referring to the Amenity Zone *and* Lifestyle Precinct notified as part of Stage 2 Chapter 24 Wakatipu Basin. The Lifestyle Precinct is a Sub Zone of the Amenity Zone. The Variation only applies to the Lifestyle Precinct.

**2.11** Attached to my evidence are the following documents:

- (a) **Appendix 1**: Summary of decisions requested;
- (b) **Appendix 2**: Informal Airports Research Report titled 'Queenstown Lakes District Council Management of Informal Airports. Southern Planning Group April 2012;
- (c) **Appendix 3**: Informal Airports Section 32 evaluation August 2015;
- (d) **Appendix 4**: Evidence of Dr Stephen Chiles for the Council on the Informal Airports topic, Hearing Stream 06 April 2016;

- (e) **Appendix 5:** Evidence of Dr Stephen Chiles for the Council on Chapter 36 Noise, Hearing Stream 5 17 August 2016; and
- (f) **Appendix 6:** Wakatipu Basin Chapter 24 Section 32 evaluation November 2017.

### **3. EXECUTIVE SUMMARY**

- 3.1** Having carefully considered the submission from the AOPA on the Lifestyle Precinct, I recommend that the rules relating to Informal Airports in the Lifestyle Precinct are retained as a discretionary activity.
- 3.2** I do not support the request from AOPA to make informal airports in the Lifestyle Precinct a permitted activity, subject only to the sound exposure limits for helicopters or fixed wing aircraft as provided for in Rules 36.5.10 and 36.5.11 of Chapter 36 (Noise).
- 3.3** I note that in addition to informal airports requiring a discretionary activity in the Lifestyle Precinct, the rules relating to noise from helicopters and fixed wing aircraft in Chapter 36 still apply (where non-compliance would be a non-complying activity). I consider that the application of both rules applying in tandem provides an appropriate regime to consider the adverse effects of informal airports in the particular context of the Lifestyle Precinct located within the Wakatipu Basin.
- 3.4** I do not support the submission of the AOPA where they seek as an alternative outcome, a rule that requires a separation of informal airports of 150 metres from the notional boundary of dwellings. I do not consider this would address the potential adverse effects on amenity arising from informal airports.
- 3.5** For the above reasons I do not recommend any amendments to the variation, in response to the AOPA submission.

### **4. BACKGROUND – STATUTORY**

- 4.1** The section 32 evaluation report for informal airports notified as part of Stage 1 of the PDP provides an overview of the higher order planning

documents that were considered when preparing the informal airports rules. In addition, a more detailed summary of relevant legislation and documents is provided below.

**4.2** I also refer to the Panel's Recommendation Report 1 (**Report 1**) on Stage 1 of the PDP, in particular paragraphs 31 to 48.<sup>1</sup> Report 1 sets out the statutory requirements for consideration of proposed district plans from *Colonial Vineyard Limited v Marlborough District Council*,<sup>2</sup> and relevant changes through subsequent amendments to the RMA in 2013. Paragraph 46 of Report 1 largely summarises the position that applies in this evidence, although I wish to emphasise some points below.

**4.3** Report 1 also refers to the relevant parts of the *King Salmon* decision.<sup>3</sup> In my recommendations on the submission of AOPA, I am conscious that a decision has been made on the Strategic Chapters of the PDP (including higher order provisions that are specific to the Wakatipu Basin), but they are not "settled" objectives and policies (i.e. they are currently subject to a number of substantive appeals).

#### **The Resource Management Act 1991 (RMA)**

**4.4** For context, Informal Airports are defined in the PDP as:

*Means any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft and specifically excludes the designated 'Aerodromes', shown as designations 2, 64, and 239 in the District Plan.*

*This excludes the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport.*

**4.5** The management of informal airports through the District Plan is limited to when aircraft are engaged with the use of land, typically as part of a take-off or landing. Section 9(5) of the RMA states that restrictions on the land use apply to overflying aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority.

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<sup>1</sup> Hearing of Submissions on Proposed District Plan. Report 1. Report and recommendations of Independent Commissioners. Introduction. 28 March 2018. [\[Weblink\]](#)

<sup>2</sup> [2014] NZ EnvC 55

<sup>3</sup> *Environmental Defence Society v The New Zealand King Salmon Company Limited* [2014] NZSC 38

- 4.6 Authority provided by way of *The Dome Valley District Residents Society Incorporated v Rodney District Council*<sup>4</sup> specifies that councils do not have jurisdiction over overflying aircraft, but that Councils do have jurisdiction when the aircraft are engaged in the use of land and under a height of 500 feet above ground level.
- 4.7 Adverse effects arising from informal airports can include general amenity effects such as dust, noise and distraction, however the overarching and main resource management issue is the management of noise.
- 4.8 Section 31(1)(d) of the RMA requires territorial authorities to give effect to the purpose of the RMA through “*the control of the emission of noise and the mitigation of the effects of noise*”, while section 16 of the RMA sets out a duty for persons to avoid unreasonable noise.
- 4.9 It is therefore clearly within the ambit of the RMA, and subsequently the PDP, to manage the effects of noise from informal airports.

#### **Operative Otago Regional Policy Statement (1998)**

- 4.10 Section 74 of the RMA requires that a district plan prepared by a territorial authority must “*give effect to*” any operative regional policy statement. In relation to the PDP, this is the operative *Otago Regional Policy Statement 1998 (RPS 1998)*.
- 4.11 The RPS 1998 contains a number of objectives and policies that are relevant to noise and informal airports:
- (a) Objective 9.4.1 promotes the sustainable management of Otago’s built environment in order to provide for amenity values; and
  - (b) Policy 9.5.5 seeks to maintain the quality of life for people and communities through avoiding remedying or mitigating the adverse effects on community health and safety.

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4 *The Dome Valley District Residents Society Incorporated v Rodney District Council* [2008] 3 NZLR 821.

**4.12** These objectives and policies provide a mandate for the Council to manage noise to maintain amenity and quality of life. I note that 'built environment' as defined in the RPS 1998 is not limited to the urban environment and I consider this objective is relevant to the Lifestyle Precinct.

**4.13** I also note that in some time in the near future, the Otago Regional Council will be making the proposed Regional Policy Statement operative in part, which will mean that the above mentioned provisions, will fall away, and the provisions I discuss directly below, will need to be given effect to.

**Proposed Otago Regional Policy Statement (decisions version plus issued consent orders)**

**4.14** Section 74(2)(a) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed regional policy statement.

**4.15** Decisions on submissions were released on 1 October 2016<sup>5</sup> (**PRPS DV**). Although the majority of the provisions of the PRPS were appealed, the Court has now issued a number of consent orders. The changes issued by the Court now form part of the PRPS and are to be had regard to.

**4.16** The following objectives and policies of the PRPS are relevant to Chapter 24 and informal airports:

(a) Objective 1.1:

*Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities*

(b) Policy 1.1.2:

*Social and cultural wellbeing and health and safety*

*Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the*

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5 The Otago Regional Council's track changed version incorporating decisions (Decisions Version) was released on 1 October 2016 and is currently subject to live appeals. Refer <https://www.orc.govt.nz/media/1552/rps-review-appeals-version.pdf>

*subdivision, use, development and protection of natural and physical resources by all of the following:*

- a) Recognising and providing for Kāi Tahu values;*
- b) Taking into account the values of other cultures;*
- c) Taking into account the diverse needs of Otago's people and communities;*
- d) Avoiding significant adverse effects of activities on human health;*
- e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;*
- f) Promoting good quality and accessible infrastructure and public services.*

(c) Objective 5.4:

*Adverse effects of using and enjoying Otago's natural and physical resources are minimised'.*

(d) Policy 5.4.3:

*Precautionary approach to adverse effects*

*Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.*

**4.17** Together, these objectives and policies aim to ensure the integrated management of natural and physical resources to support the wellbeing of people and communities, including by providing for economic wellbeing.

**4.18** Because they are now beyond challenge (and it is a matter of process before they become operative and the 'give effect to' obligation applies), they should be given significant weight.

### **Summary of Statutory Context**

**4.19** I consider that the following relevant objectives and policies of Chapter 24<sup>6</sup> give effect to the RPS 1998 and also give effect to the PRPS (updated by consent orders) (therefore also meeting the current 'have regard to' test) (green text underlined to reflect the Council's recommended reply version of the provisions):

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<sup>6</sup> Including recommended modifications (shown as coloured and strike through for deletions and underline for additions) shown in the Council's reply to Chapter 24 dated 10 August 2018.

*Objective 24.2.2*

*Non-residential activities are compatible with infrastructure constraints, and maintain and enhance landscape character and amenity values.*

*Policy 24.2.2.6*

*Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity, having regard to the differing densities of the Zone and Precinct.*

*Objective 24.2.3*

*Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.*

*Policy 24.2.3.1*

*Ensure informal airports are not compromised by the establishment of incompatible activities.*

*Policy 24.2.3.3*

*Support productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that reverse sensitivity issues do not constrain productive activities.*

## **5. BACKGROUND – DISTRICT PLAN REVIEW AND INFORMAL AIRPORTS**

**5.1** The partial review of the Operative Queenstown-Lakes District Plan (ODP) is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified for submissions on 26 August 2015, comprising 33 chapters and the majority of land in the District. Hearings on Stage 1, which consisted of ten individual hearings, one variation<sup>7</sup> and three separate hearing streams for rezoning requests and mapping annotations,<sup>8</sup> were held from March 2016 to September 2017. The remaining Stage 1 geographic area to be subject to decisions is the Wakatipu Basin (including Arrowtown, and land at and near Lake Hayes and Ladies Mile).

**5.2** Informal airports as they relate to the Rural Zone (Chapter 21), Rural Residential and Rural Lifestyle Zones (Chapter 22) were considered in Hearing 2 in April to June 2016. Noise emissions from aircraft were considered in submissions on Chapter 36 Noise. I refer to Dr Chiles'

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<sup>7</sup> Variation 1 – Arrowtown Design Guidelines 2016

<sup>8</sup> Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

evidence presented in this hearings as they relate to informal airports and noise from aircraft, attached at **Appendices 4** and **5** respectively.

**5.3** I also refer to the Council's research report on informal airports (**Appendix 2**), which provides the context for and the genesis of the following notified Stage 1 rules that were also included in Chapter 24 (for the Amenity Zone) as notified:

- (a) Rural Zone Rules 21.4.25 and standard 21.5.26 that permitted informal airports used for farming or emergencies and fire fighting, and that other informal airports are subject to limitations including that permitted activities were required to be located not less than 500 metres from the notional boundary of a residential unit or building platform not on the same site;
- (b) Rural Residential Zone and Rural Lifestyle Zone Rules 22.4.13 and 22.4.14 that permitted informal airports associated with farming, emergencies and fire-fighting, but set out that informal airports where otherwise a discretionary activity.

**5.4** I note that the decisions version of the PDP effectively retained the notified standards as they relate to the Rural Zone, by retaining the 500m setback, but has increased the permitted flights from 3 flights per week to 2 flights per day (PDP Rule 21.10.2). Within the Rural Lifestyle Zone the activity status for informal airports has been retained as a discretionary activity (Rule 22.4.11) but in the Rural Residential Zone informal airports are now a non-complying activity (Rule 22.4.13).

### **Lifestyle Precinct**

**5.5** The context for the notified discretionary activity status for informal airports in the Lifestyle Precinct in Rule 24.4.28, is that the Lifestyle Precinct anticipates residential activity at a density of an average of one residential unit per hectare (10,000m<sup>2</sup>). The PDP Rural Lifestyle Zone anticipates an average density of one residential unit per 2 hectares, with a minimum allotment size of one hectare. The Rural

Residential Zone anticipates a density of not greater than one residential unit per 4000m<sup>2</sup>.

- 5.6** I also note that the 500m minimum separation limit of informal airports from residential units specified in Standard 24.5.14 is supported by Dr Chiles' because, while this standard is more restrictive than relying solely on the L<sub>dn</sub> sound levels in Chapter 36 (in rural areas), the L<sub>dn</sub> sound exposure level does not adequately represent noise effects from sporadic infrequent aircraft movements. At [4.2] of his evidence on the Rural hearing (**Appendix 4**), Dr Chiles states:<sup>9</sup>

*NZS 6805 and NZS 6807 recommend airport noise limits of 55 dB L<sub>dn</sub> and 50 dB L<sub>dn</sub> for fixed wing aircraft and helicopters respectively. The lower limit for helicopters is due to the greater annoyance caused by their characteristic blade sounds. I consider these noise limits to be generally appropriate to determine the point at which noise effects from an airport are acceptable. However, the L<sub>dn</sub> is an average sound level over three months (fixed wing aircraft) or seven days (helicopters), which in my opinion does not adequately represent noise effects from sporadic infrequent aircraft movements that are usually associated with informal airports.*

- 5.7** Dr Chiles supports a broader consideration (i.e. the standards in 24.5.14, which are derived from the Rural Zone) of noise effects rather than relying solely on sound exposure levels set out in Rules 6.5.10 and 36.5.11, that relate to helicopters and fixed wing aircraft respectively.

## **6. POLICY FRAMEWORK**

- 6.1** I have set out the policy framework for Informal Airports in paragraph 4.19 above. I consider Policy 24.2.2.6 is the key policy that necessitates the rule requiring a discretionary activity status for Informal Airports in the Lifestyle Precinct because it seeks to maintain rural amenity, having regard to the density of residential activity in the Lifestyle Precinct. My discussion below considers the effectiveness and efficiency from a section 32 perspective of the alternative rules promoted by AOPA.

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9 Also refer to Dr Chiles evidence on Chapter 36 Noise at part 13 (Helicopters), attached at **Appendix 5**.

## 7. **RULE 24.4.28 – INFORMAL AIRPORTS IN THE LIFESTYLE PRECINCT**

- 7.1** While it could be possible and practicable to comply with Standard 24.5.14 on some larger 'un-subdivided sites' in the Lifestyle Precinct, I consider that because it is likely that development will be taken up in the Lifestyle Precinct at a density of one residential unit per hectare average<sup>10</sup> (possibly creating sites with dimensions in the order of 100m x 100m), it is unlikely that informal airports in the Lifestyle Precinct would be able to comply with the separation of 500m from the notional boundary of residential units not on the same site provided for by way of Rule 24.5.14.
- 7.2** In addition, I do not support the setback being made commensurately smaller to accommodate informal airports in the Lifestyle Precinct. My opinion on this relies on Dr Chiles' evidence (**Appendix 4**) presented in the Rural hearing where irrespective of compliance with the 55 dB  $L_{dn}$  (fixed wing) and 50 dB  $L_{dn}$  (Helicopter) sound levels in Chapter 36 and derived from NZS 6805 and NZS 6807, Dr Chiles considered that further account needs to be taken of the sporadic and infrequent nature of aircraft movements and informal airports, which are not well represented by average  $L_{dn}$  sound levels.
- 7.3** While permitted activity status and compliance with standards such as those expressed in Rule 24.5.14 for the Lifestyle Precinct are not supported, and in my opinion are not likely to be practicable within a large proportion of sites in the Lifestyle Precinct, I do not consider that a non-complying activity status is appropriate. I prefer a discretionary activity status because it provides for the full range of potential effects to be considered, allows for careful consideration of relevant objectives and policies relating to non-residential activities (i.e. Policies 24.2.2.6 and 24.2.3.1), and does not circumvent standard notification assessments (i.e. Rule 24.6 relating to certain activities being non-notified).
- 7.4** For these reasons I support notified Rule 24.4.28, which requires a discretionary activity resource consent for informal airports in the Lifestyle Precinct.

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<sup>10</sup> Refer notified Subdivision Rural 27.5.1 which specifies a minimum lot size of 1.0ha in the Lifestyle Precinct.

## **8. AOPA SUBMISSION**

**8.1** To reiterate, the parts of the AOPA submission that are applicable<sup>11</sup> are:

- (a) that the noise limits prescribed for measuring sound from aircraft in Table 3 Chapter 36 (Noise) apply instead of Rule 24.4.28, which specifies that all informal airports in the Lifestyle Precinct are a discretionary activity; and
- (b) that Rule 24.4.28 be deleted and the provisions for informal airports in the Wakatipu Basin Amenity Zone apply in the Wakatipu Basin Lifestyle Precinct (similar to Rule 24.5.14), but that the setback from notional boundaries of dwellings not on the same site be 150 metres (as opposed to the 500m notified setback standard in Rule 24.5.14).

**8.2** I note that the AOPA have researched and cite rules from the district plans of Waimakariri District and the Dunedin District in support of making informal airports permitted and managed through the sound exposure rules in Chapter 36. I do not agree with the AOPA submission, where it compares the rules for helicopter landing and take-offs of other territorial authorities in New Zealand and uses this for justification in the context of the Lifestyle Precinct.

**8.3** While the examples provided are insightful about how other territorial authorities control helicopter noise (noting I am aware that the Waimakariri District Council is about to undertake a full review of its plan), I consider there is insufficient information about the overall nature and scale of helicopter activities, the nature of the landholdings affected by the proposal and about the objectives and purpose of those zones identified to provide context. Areas within the Queenstown Lakes District can appear relatively busy from aircraft noise, when coupled with the high volumes of aircraft activity originating from recreational flying and commercial flights at Queenstown Airport (of which Queenstown and Wanaka Airports are not subject to the informal airport rules or Rules 36.5.10 and 36.5.11). The rules from the

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<sup>11</sup> Part of the AOPA submission has been struck out by the Chair of the Panel, and I do not consider it at all in this Reply.

Waimakariri/Dunedin zones cited do not provide any real insight into the density anticipated in the areas where these standards are applied.

- 8.4** For instance, I note that the Rural Zone of the Waimakariri District Plan cited in the AOPA submission specifies a minimum allotment size in its Rural Zone of 4ha,<sup>12</sup> which is 4 times lower than the density anticipated in the Lifestyle Precinct. I consider the comparison between other Council's district plans to be of little use unless the full context is provided.
- 8.5** I consider that relying solely on the sound level exposure limits in Chapter 36 for the Lifestyle Precinct, which is intended to provide for rural living activities, does not adequately manage the actual and potential adverse effects from sporadic aircraft movements typically associated with informal airports.
- 8.6** For these reasons I do not support the proposition of AOPA at [11] of their submission that reliance on the sound exposure limits in Chapter 36 (Noise) would be appropriate.
- 8.7** I have also considered the alternative relief sought by AOPA to apply similar standards to Rule 24.5.14 but that the minimum setback from the notional boundary of a residential unit is reduced to 150m. Referring to Dr Chiles noise contour (**Appendix 4**<sup>13</sup>), I note that it may be possible to achieve compliance with the 50 dB L<sub>dn</sub> of 1 flight. However, I consider that it would be inappropriate to rely solely on this and that because the predominant land use in the Lifestyle Precinct is rural living, a discretionary activity is appropriate to ensure adverse effects of noise disturbance arising from informal airports are addressed.
- 8.8** For the reasons set out in section 7 of my evidence I also do not support the amendments sought by the AOPA because they would not provide an efficient planning framework in that reliance on the noise standards alone being adhered to requires a high level of monitoring and compliance from both the Council and persons who are responsible to

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12 Operative Waimakariri District Plan. Rule 32.1.1.1 Allotment Areas and Dimensions.

13 At Page 14.

determine compliance. I also consider that there is a high potential for adverse effects on amenity values in the Lifestyle Precinct arising from noise associated with informal airports where reliance on the noise limitation in chapter 36.

**8.9** While I appreciate that it may be of little specific relevance to the relief sought from AOPA, I note that Rule 35.4.5 of Chapter 35 (Temporary Activities and Relocated Buildings) permits helicopter activity associated with the use of a site for temporary events, subject to standards limiting hours of operation, a 7 day per year limit on any site and a frequency of not more than one day in any calendar month. Rule 35.4.5 prevails of the Noise Rules in Chapter 36 and Rule 24.4.28 in Chapter 25. The PDP does provide flexibility and dispenses for the need to obtain a resource consent in the Lifestyle Precinct for helicopter activity associated with temporary events.

**8.10** For these reasons I recommend the submission of the AOPA is rejected. I recommend Chapter 24 as it relates to Table 24.2 (Rules 24.4.25 to 24.4.29) are retained as set out in my reply evidence dated 10 August 2018.



**Craig Barr**  
**SENIOR PLANNER**  
**15 October 2018**

## **APPENDIX 1**

### **Summary of decisions requested**

Original Submission No.	Further Submission No	Agent	Submitter	Provision	Position	Submission Summary	Planner Recommendation
2663.1			Aircraft Owners and Pilots Association of New Zealand	1-Chapter 24 - Wakatipu Basin Rural Amenity Zone > 1.4-24.4 - Rules – Activities	Not Stated	That Rules 24.2.28 and 24.5.14 are deleted informal airports in both the Lifestyle Precinct and Amenity Zone are controlled by the noise limits prescribed in Chapter 36 Table 3.	Reject
2663.2			Aircraft Owners and Pilots Association of New Zealand	1-Chapter 24 - Wakatipu Basin Rural Amenity Zone > 1.5-24.5 - Rules - Standards	Not Stated	Apply Standard 24.5.14 to the Lifestyle Precinct (in addition to the Amenity Zone) but that the minimum setback distance be reduced from 500m to 150m.	Reject

## **APPENDIX 2**

**Informal Airports Research Report titled 'Queenstown Lakes District Council  
Management of Informal Airports. Southern Planning Group April 2012**

# **QUEENSTOWN LAKES DISTRICT COUNCIL**

## **MANAGEMENT OF INFORMAL AIRPORTS**



Heliworks Informal Airport in Earnslaw Burn, Mt Earnslaw Station Pastoral Lease. Source - <http://www.heliworks.co.nz/earnslaw-exclusive-scenic-flight>

### **SOUTHERN PLANNING GROUP**

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**April 2012**

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## **Section 1.0**

### **Introduction**

“Informal airports” which are the focus of this report can be generally defined as all areas of land that are utilised for the arrival and departure of aircraft (both fixed and rotary wing) other than the Queenstown Lakes Districts designated commercial airports.

It is understood that aside from some activities that are specifically exempt from the current airport provisions in the Queenstown Lakes District Plan (“District Plan”) all arrivals and departure of aircraft are captured by the definition of airport.

The assessment of effects of informal airports is limited by legislation and specifically, it is understood that the Queenstown Lakes District Council (“Council”) does not have jurisdiction to consider the effects of aircraft when they are overflying pursuant to Section 9(5) of the Resource Management Act 1991 (“the Act”).

The Council only has the ability to assess the effects of aircraft when they are legally engaged in the use of land. This matter has been determined by the High Court in *Dome Valley District Residents Soc Inc v Rodney DC* [2008].

Reaching a determination as to when an aircraft is no longer in the process of using an airport and subsequently, “legally engaged in the use of land” is difficult because the flight operations are enforced by both the Resource Management Act and the Civil Aviation Authority (“CAA”) regulations.

It is understood that in terms of the CAA visual flight rules (“VFR”), a pilot in command of an aircraft in a rural area must not operate at a height of less than 500 feet (152.4 metres) above ground level from any obstacle, person, vehicle, vessel or structure that is within a horizontal radius of 150 metres from the point directly below the aircraft.

However, it is understood that this rule does not apply to a pilot when conducting a take-off or landing. Therefore, it is considered that an aircraft is overflying and outside the jurisdiction of the Act if the operator is abiding by the CAA VFR and is flying at a height equal to or in excess of 500 feet above ground level in the Rural General Zone.

As a consequence, it is considered that the scope for assessment of effects for informal airports is confined to the effects observed when an aircraft is undertaking arrivals and departures at an informal airport and is at or below 500 feet above ground level.

The issue of the District Plan provisions relating to the management of informal airports has been one of much contention between the Council, aircraft operators and members of the community in the Queenstown Lakes District since the enforcement of these existing provisions in relation to the Rural General Zone by the Council’s regulatory agent Lakes Environmental began in circa 2007.

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.

The majority of these informal airports are located within the District Plan's Rural General Zone and encompass land holdings in private ownership, Public Conservation Land and Crown Pastoral Lease Hold land.

Local aircraft operators have argued that the existing District Plan provisions “double up” on the assessments undertaken by the administrators of Public Conservation and Pastoral Leasehold land when the operators have already obtained a Recreation Permit from the Commissioner of Crown Lands or a Concession from the Department of Conservation to operate on these lands.

From an aircraft operator's perspective, this unnecessarily increases costs to their business as well as adding an additional on-going compliance monitoring requirement i.e. annual activity returns for each airport, for each statutory body, and at different times of the year.



Hunters Departing an Informal Airport. Source – Rowan Muller April 2012

The Queenstown Lakes District Council (“Council”) has recognised the potential issues raised by the local aircraft operators and as part of the upcoming review of the District Plan the Council seeks to investigate whether the objectives, policies, rules and other provisions relating to informal airports can be simplified and streamlined to improve both their effectiveness and efficiency.

This research paper will address the feasibility of simplification and streamlining of the existing District Plan provisions for informal airports with due regard to the predominant types of informal airport consents sought, the approach taken by other District Council's in managing informal airports and the assessment of effects that are completed by other statutory bodies such as LINZ (Commissioner of Crown Lands) and the Department of Conservation.

## 1.1 What Are Informal Airports?

Airports are currently defined in the District Plan to mean:

*“Any defined area of land or water intended or designed to be used whether wholly or partly for the landing, departure, movement or servicing of aircraft.”*

This replicates the definition of airport contained within the Act<sup>1</sup>

The definition although appearing simple is more complex than one may consider at a cursory reading. Specifically, there are three components to the definition which should be broken down for a complete understanding of what it captures.

### 1. Defined Area of Land

The question of what is a “defined area of land” in terms of an informal airport is likely to solicit a variety of different responses depending on whether the question is put to an aircraft operator or a resource management planner.

Specifically, most operators in our experience would prefer a defined area of land to mean ‘an area that contains the physical attributes of a formal airport such as; a concrete helipad and/or wind socks’ etc. Essentially, that an “airport” must be visually definable.



Source <http://imageshack.us/photo/my-images/168/hems2jj6.jpg/>

It is our understanding based on the results of this research and our experience in dealing with resource consents for informal airports that the District Plan definition does not suggest that an airport must be physically recognisable in order to be a defined area of land.

<sup>1</sup> Resource Management Act 1991 Section 2 Interpretation.

In interpreting a defined area of land it is our understanding that this would encompass any area of land in which any aircraft (fixed and rotary wing) were to use for landing and take-off where:

- An easement or Covenant on land identifying that the whole or part of the land can be used for the landing or departure of aircraft;
- Prior earthworks, landscaping or physical attributes that have made the area suitable for landing and take-off of aircraft;
- An agreement between a land owner and an aircraft operator to land on specific parts of a land holding. The land owner, in entering into an agreement with the aircraft operator can restrict the area on which the aircraft lands, departs and moves and this therefore defines the area intended for use;
- Identification in/on public documents and publications i.e. topographical maps.
- The frequent use of an area for landings and take offs i.e. the identification by means of prior use of the area as one appropriate for landings and take-off of aircraft although, as described below it is considered that even a single aircraft movement can meet the definition of airport.

Overall, a broad interpretation of the words “defined area of land” is required and does not require a visually or physically demarcated area.

## 2. Intended or Designed To Be Used

Part of the definition of an airport requires an intention to use the land as an area for the landing and take-off of aircraft. The act of an aircraft operator seeking and a landowner subsequently granting permission for the use of land as an airport and perhaps even accepting landing fees therefore demonstrates a clear intention to use the land for landing and taking off of aircraft.

The frequency of use can also be considered to go a long way towards proving an intention to utilise an area for the take-off and landing of aircraft.

Subsequently, it appears the element of intention can be easily satisfied.

## 3. Used Wholly or Partly

The use of the word partly in the definition clearly implies that an airport is not required to be an area of land used exclusively for the landing and taking off of aircraft.

Rather the definition contemplates the defined area as possibly having mixed uses i.e. pastoral farm paddock or amenity lawn.

## General Comments Regarding the Definition

Based on our experience, it appears that the definition of airport in the District Plan has been used in order to capture a broad range of potential informal airports in order to ensure that the effects of these activities can be assessed through the resource consent process.

Further, the definition effectively captures all informal airports regardless of the frequency of use of a particular site. Inevitably, permission must be obtained from a landowner before an operator utilises their property for a landing and take-off event therefore, a defined area of land has been ascertained and an intention to use it established.

The results of the research indicate that with the exceptions already described in the District Plan i.e. for farming purposes, emergencies and fire fighting, all areas of land used for the landing and taking-off of aircraft require resource consent for an informal airport.

Further, the results of our research indicate that Lakes Environmental's current approach of requiring aircraft operators to apply for resource consent for an airport when they land and take off from sites in the District on Public Conservation Land and Crown Pastoral Land is correct. The existing District Plan rules clearly do not make any exceptions for land tenure.

Certainly on Crown Pastoral Land and Public Conservation Land where the operator holds the correct statutory approvals they will have defined the landing areas by way of topographical maps, place names and gps co-ordinates with the occupiers and/or administrators of the land thus easily meeting the three components of the definition discussed above.

## 1.2 Taking Off and Landing of Aircraft

It is also noted that the provisions regarding the operation of aircraft and airports in the District Plan are not consistent across all Zones.

Specifically, in the Rural General Zone resource consent is required for an "airport" when a defined area of land is used for the landing, departure or servicing of aircraft.

In other Zones such as; the Meadow Park and Rural Visitor Zones, resource consent is required for "*the take-off or landing of aircraft other than for emergency landings and rescues or fire fighting*".

We understand that the difference in terminology may have been a deliberate attempt to narrow the aircraft/airport activities in some Zones. For example, by referring to the take-off and landing of aircraft, the references to the servicing of aircraft in the definition of airport are avoided.

However, as noted in Section 1 of this report, it is considered that any take-off and landing of aircraft would meet the definition of an airport.

Regardless of the terms used to describe aircraft landings and departures, both prescribed activities would require resource consent for essentially the same activity with the same potential effects therefore, a consistent terminology across all the Zones in the District Plan would assist in removing any ambiguity.

## Section 2.0

### How Does The Management Of Informal Airports In The Queenstown Lakes District Compare To Other Districts?

This section of the report summarises the applicable provisions for informal airports in the main Rural Zones of the following District's from throughout New Zealand:

- Far North District Council;
- Southland District Council;
- Westland District Council;
- Western Bay of Plenty District Council; and
- Mackenzie District Council.

The provisions have been confirmed through initial research into the relevant District Plans followed by phone interviews with the relevant Senior/Principal Planners or Planning Managers from each District.

A summary table of the applicable rules, policies and objectives for each of the Districts is appended to this report as **Appendix [A]**.

A copy of the relevant provisions from each Districts plan is also appended to this report as **Appendix [B]**.



Alpine Choppers R44 Contracted by Civic Corp and Landed Near Ben Lomond Station January 2006. Source Sean Dent

## 2.1 Far North District Council

The Far North District Plan (“FNDP”) is more prescriptive in its control of informal airports than the Queenstown Lakes District Plan.

The definitions section of the FNDP contains a definition of both airports<sup>2</sup> and helicopter landing areas<sup>3</sup>. These terms are defined as:

**“Airport** (as defined in s2 of the Act including any amendments) refer to **glossary”**.

The glossary states:

**“Airport** (as defined in s2 of the Act including any amendments)  
Any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft”.

**“Helicopter Landing Area**

Helicopter landing area means any defined area of land intended or designed to be used, whether wholly or partly, for the landing, departure, movement or servicing of helicopters”.

The Rural Production Zone in the FNDP is the equivalent of the Queenstown Lakes District Plan’s Rural General Zone.

The Rural Production Zone provides specifically for helicopter landing areas as Permitted Activities subject to meeting the noise limits<sup>4</sup> for the Zone at the boundary of any other site in this same Zone, or at any site in the Residential, Coastal Residential or Russell Township Zones or at or within the notional boundary of any dwelling in any other rural or coastal zone.

In addition, the helicopter landing area must meet a minimum setback of 200 metres from the nearest boundary of any Residential, Coastal residential, Russell Township or Point Veronica Zones<sup>5</sup>.

If a helicopter landing area fails to comply with the Permitted Activity noise rules, which it should be noted refers to assessment in accordance with NZS 6801 and 6802: 1991, then it falls to be considered as a Restricted Discretionary Activity<sup>6</sup>.

If a helicopter landing area fails to meet the minimum 200 metre setback and the noise rules then it falls to be considered a Discretionary Activity pursuant to Rule 8.6.5.4.3.

Interestingly, there are no specific provisions for “airports” in the Rural Production Zone therefore; fixed wing aircraft may operate as a Permitted Activity subject to complying with the noise rules for the Zone and no setbacks are required from adjoining zone boundaries.

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<sup>2</sup> Far North District Plan Chapter 3 – Definitions Page 1 and Chapter 3 – Glossary Page 18

<sup>3</sup> Far North District Plan Chapter 3- Definitions Page 8

<sup>4</sup> Far North District Plan Permitted Activity Rule 8.6.5.1.7 NOISE Chapter 8.6 Page 3

<sup>5</sup> Far North District Plan Permitted Activity Rule 8.6.5.1.7 HELICOPTER LANDING AREA Chapter 8.6 Page 4

<sup>6</sup> Far North District Plan Discretionary Activity Rule 8.6.5.4(c) and 8.6.5.4.3 HELICOPTER LANDING AREA Chapter 8.6 Page 7 and 9 respectively.

A failure for an “airport” for fixed wing aircraft to comply with the Permitted Activity noise rules will lead to it being assessed as a Restricted Discretionary Activity with Council’s discretion limited to the character, level and duration of noise, the hours of operation and the effectiveness of any noise mitigation proposed.

Having spoken with the Far North District Council’s Principal Planner (Pat Killalea), it is understood that there are no District Plan provisions or other mechanisms such as Bylaws that provide for the management of informal airports including temporary activities or “one off” aircraft landings.



Alpine Choppers Squirrel at Greenstone Car Park April 2006. Source – Sean Dent

## 2.2 Southland District Council

The Southland District Plan (“SDP”) does not contain a definition of “airport” therefore, the definition contained within Section 2 of the Resource Management Act applies and this states:

*“Any defined area of land or water intended or designed to be used whether wholly or partly, for the landing, departure, movement or servicing of aircraft”.*

Utilising the above mentioned definition, transportation rule TRAN.11 – *Commercial Airports* of the SDP applies to every defined area of land that is utilised for the landing and take-off of aircraft – similarly to the Queenstown Lakes District Plan. These airports would be assessed as a Discretionary Activity pursuant to this rule.

This rule encapsulates landings in the Southland Districts Rural Resource Area on Public Conservation Land, Pastoral Leasehold and privately owned land.

An exception is provided by way of Rule TRAN.12 – *Rural Airstrips* whereby airstrips associated with normal rural land management are a Permitted Activity. This exception is with regard to both fixed and rotary wing aircraft.

The applicable noise rules of the SDP must also be complied with and refer to assessment pursuant to NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.<sup>7</sup>

The provisions in the SDP are very similar to the Queenstown Lakes District Plan in that they capture every informal airport within the District.

Discussions with the Southland District Council’s Senior Planner (Ms Jennifer Green) confirmed that the Council does not enforce any particular policy or specified threshold with regard to frequency of use of an informal airport before resource consent is required.

Quite simply, if any aircraft landing falls within the parameters of Rule TRAN.11 resource consent will be required.

Ms Green also confirmed that no other mechanisms exist for the control of airports and/or temporary/one off landings.

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<sup>7</sup> Section 3.12 Rule NSE 1 Noise Measurement Southland District Plan

## 2.3 Westland District Council

Similarly to the SDP the Westland District Plan (“WDP”) also does not include a definition of an airport.

Neither does it provide a definition for helicopter landing area. Accordingly, the definition of airport contained in Section 2 of the Act applies.

The Rural Policy Unit is the Westland Districts equivalent of the Rural General Zone. The provisions for the Rural Policy Unit are contained within Section 5 of the WDP.

There are no rules that specifically relate to airports or the take-off / landing of aircraft within the Rural Policy Unit. However, the general rules that apply to all Zones in the Westland District are applicable and specifically Rule 6.5 – Discretionary Activities which states:

*“(d) The following activities with the potential to distract traffic movement: helipads, and commercial operations of bungee jumping, hang gliding or similar types of leisure activities”*

“Helipad” is not defined within the WDP but discussions with the Council’s Manager Planning & Regulatory (Mr Richard Simpson) has confirmed the interpretation of this rule to encapture informal helicopter landing areas/airports as they are referred to in the Queenstown Lakes District.

Additionally, while Rule 6.5(d) refers specifically to helipads it also refers to “similar types of leisure activities”. Leisure activities are not defined in the WDP either however, discussions with Mr Simpson have confirmed that this rule would also encapture informal airports or airstrips for fixed wing aircraft.



Mountain Helicopters Base, Fox Glacier. Source – Rowan Muller 03 April 2012

The question of how an activity captured by Rule 6.5(d) is considered as to whether it causes a distraction to traffic and thus requires consent was put to Mr Simpson. It is understood that the

New Zealand Transportation Agency staff are consulted with regards to the State Highway but generally, anything in excess of 50 metres from a road would not conflict with this rule.

In terms of local roads within the Westland District Councils jurisdiction, the Council would use their discretion as to whether the activity would cause a distraction. It is our understanding that in most cases, an airport would not trigger this rule.

The Discretionary Activity provisions contained within Section 6.5 of the WDP specifically state that the listed activities (inclusive of those in 6.5(d)) are not subject to any performance standards other than those listed in that section.

Accordingly, the performance standard for noise within the Rural Policy Unit which, is detailed in Table 5.7 of Section 5 of the WDP does not apply to informal airports. The noise generated will be assessed as part of the overall proposal as a full Discretionary Activity.

Interestingly, a recent notified (limited) resource consent for a commercial helipad (I10092) by Greenstone Helicopters undertook assessment of noise effects utilising the noise standard NZS 6807:1994 - *Noise Management and Land Use Planning for Helicopter Landing Areas*.

Mr Simpson has confirmed that there are no other mechanisms in place that allow the Council to control informal airports.

In regards to temporary or “one off” aircraft landings the Council also has no specific rules or other provisions to control these types of landings.

Council officer discretion is used to determine when a threshold or frequency of use of a site requires resource consent pursuant to Rule 6.5(d) of the Westland District Plan.

For example, discretion is exercised not to require consent for helicopter operators undertaking a few flights at a roadside paddock for hunter pick up and drop offs during the roar (March/April).

## 2.4 Western Bay of Plenty District Council

The Rural G Zone of the Western Bay of Plenty District Plan (“WBOP DP”) covers the majority of rural land in the District. It is the equivalent of the Queenstown Lakes District Council’s Rural General Zone.

The Western Bay of Plenty commenced its District Plan review in January 2009. Aside from an appeal relating to one specific part of this plan, the Western Bay of Plenty District Council is very close to making their proposed plan operative.

As the proposed plan was notified prior to the simplifying and streamlining changes to the Act it is the proposed Plan that is being given the most weight at the current time.

The proposed WBOP DP does not contain any definitions for airports, helipads, helicopter landing areas or the like.

Accordingly, the Rural G Zone provisions do not specifically provide for informal airports in the prescribed rules or the Performance Standards for the Zone.

Subsequently, the overarching general rules for the District which are contained within Section 4 are relevant. There are no provisions for informal airports within this section of the District Plan either however, Section 4A refers to activities that are not specifically provided for and states:

***“4A.1 Activities Not Specifically Provided For  
Explanatory Statement***

*Activity lists are used in the District Plan to provide certainty for users and are intended to cover all likely expected activities. It is difficult for a District Plan to cover every eventuality with the use of such lists. Any activities not listed (other than those that fall within the jurisdiction of The Regional Council) shall, therefore, be treated as Non-Complying in order to provide a full opportunity to assess the adverse effects on the environment that the activity may give rise to”.*

Therefore, informal airports (as defined by Section 2 of the Act) require Non-Complying Activity consent.

Section 16 (Rural) of the proposed WBOP DP stipulates that the Performance Standards in this section shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities.<sup>8</sup>

Section 16 requires the Performance Standards for noise found within Section 4C (Amenity) of the proposed WBOP DP to be given regard to<sup>9</sup>.

The noise levels are to be measured in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound, and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound.

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<sup>8</sup> Proposed Western Bay Of Plenty District Plan Section 16.4.1 page 16.11

<sup>9</sup> Proposed Western Bay Of Plenty District Plan Section 16.4.1(l) page 16.16

Having spoken with the Council's Consents Manager (Mr Chris Watt) it has been confirmed that there are no other mechanisms in place that allow the Council to control informal airports.

In regards to temporary or "one off" aircraft landings the Council also has no specific rules or other provisions to control these types of landings.



Mountain Helicopters Informal Airport West Coast. Source – Rowan Muller April 2012

## 2.5 Mackenzie District Plan

The Mackenzie District is predominantly rural in character. Of the total area of 745,562ha in the District, there is approximately 3,000ha of roading, urban settlement and other use.<sup>10</sup>

Accordingly the Rural Zone of the Mackenzie District encompasses a large area of lakes, riverbeds and mountain tops and the remainder is comprised of farm land.

In regards to the management of informal airports, the Mackenzie District undertook a consultation exercise in the mid-nineties which culminated in the Mackenzie Basin Aviation Strategy 1996 which is now contained within the Mackenzie District Plan as Appendix L.

This document was developed following a report titled “Mackenzie Basin Aviation Needs and Development Strategy” (BECA 1995). Subsequently, some (but certainly not all) of the content of the Aviation Strategy has been incorporated into the Mackenzie District Plan and the relevant provisions are described below.

The Mackenzie District Plan contains a definition of ‘Aviation Activity’ which states:

*“Aviation Activity: means the use of land, air, water and buildings for commercial aviation purposes.”*

Aviation Activities are provided for within the Rural Zone of the Mackenzie District as Permitted, Controlled and Discretionary Activities<sup>11</sup>.

The determination as to which activity status is afforded to aviation activities depends upon the activity, land tenure and frequency of landings.

Specifically, the take-off and landing of aircraft for emergencies, fire fighting, farming, residential or non-commercial recreational purposes, management purposes on Public Conservation Land or activities of the NZ Defence Force are Permitted Activities pursuant to Rule 14.1.1 of the Mackenzie District Plan.

The Permitted Activity status also extends to aircraft landing sites for commercial recreation purposes within Public Conservation Land and, infrequent landing sites for commercial aviation activities on other land provided that no property shall be used for this purpose for more than five excursions in any week<sup>12</sup>.

Controlled Activities are provided for rotary wing aircraft at aviation sites identified on the Districts Planning Maps. Aviation sites are not defined in the Mackenzie District Plan but Mr Nathan Hole, the Council’s Planning and Regulations Manager has advised that these are “high use scenic sites” specifically provided for on the Districts Planning Maps.

It is our understanding that these are limited to two sites at the Tekapo Canal and Pukaki Downs on the Mt Cook Highway (SH80)<sup>13</sup>.

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<sup>10</sup> Section 7 Rural Objectives and Policies Mackenzie District Plan page 7-1

<sup>11</sup> Section 7 Rural Zone Rules, Part 14 Aviation Activities Mackenzie District Plan

<sup>12</sup> Section 7 Rural zone Rules, Rule 14.1.2 and 14.1.3 Mackenzie District Plan

<sup>13</sup> Aviation Sites Depicted on Mackenzie District Council Planning Map 28

Aviation activities that do not comply with the Permitted or Controlled activity standards for commercial aviation activities are provided for as Discretionary Activities<sup>14</sup>.

There are no specific noise rules that apply to the operation of Aviation Activities.

Mr Hole has confirmed that aside from the District Plan provisions, there are no other mechanisms that exist to control informal airports within the Mackenzie District.

The rules for aviation activities in the Rural Zone deal with all potential informal airports including setting a Permitted Activity threshold to allow for temporary or infrequent use of airports being five excursions (landing and take-off) per week from a property.



Mountain Helicopters Landing at Lake Roto Te Koeti, Jacobs River, West Coast. Source Sean Dent July 2009

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<sup>14</sup> Section 7 Rural Zone Rules, Rule 14.3.3 Mackenzie District Plan

## **Section 3.0**

### **Identification of Environmental Effects Considered When Granting Consent for “Airports” in the Queenstown Lakes District**

#### **3.1 Summary of Resource Consents Reviewed**

In identifying the other environmental effects aside from noise that are considered by the Queenstown Lakes District Council in the assessment of resource consent applications for informal airports a diverse range of resource consents were reviewed.

The specific consents are described in brief below:

1. RM080434 Totally Tourism Limited application for an airport at Arthurs Point. Rural Visitor Zone and privately owned land.
2. RM100777 QLDC application for an airport at Bob’s Peak. Rural General Zone (Recreation Reserve Designation) leased land to Skyline Enterprises Limited. This decision is still subject to an Environment Court Appeal.
3. RM080669 High Plains Wine Co application for an airport near the Winehouse kitchen and Kawarau Bungy Bridge. Rural General and Gibbston Character Zone and privately owned land.
4. RM080631 Heliworks application for an airport at the Earnslaw Burn Rock Biv. Rural General Zone and Pastoral Lease Hold land.
5. RM080731 Heliworks application for an airport on the eastern face of the Humboldt Mountains. Rural General Zone and Public Conservation Land.
6. RM081474 Ngai Tahu Wakatipu Holdings Limited application for an airport in the upper Greenstone Valley. Rural General Zone and privately owned land.
7. RM090593 Alpine Helicopters Limited application for an airport on Buchannan Peak. Rural General Zone and Public Conservation Land.
8. RM081425 Jacks Point Limited application for 5 airports at Jacks Point. Jacks Point Resort Zone and privately owned land.
9. RM080743 Heliworks application for an airport in the Sth Von River Valley Mt Nicholas Station. Rural General Zone and Pastoral Lease Hold land.
10. RM090597 Alpine Helicopters application for an airport at Ferguson Hut. Rural General Zone and Public Conservation Land.

### 3.2 Environmental Effects Assessed

The resource consents outlined above required varied assessments given the diversity in the range of environments encountered due to the different District Plan Zones and proximity to urban environments.

Primarily in each resource consent noise was undoubtedly the single biggest environmental effect that was considered. However, the consents detailed above also considered other issues such as:

- Character and Amenity including:
  - (i) Dust emissions;
  - (ii) Smell of exhaust fumes;
  - (iii) Visual effects of helicopters;
  - (iv) Cumulative Effects;
  
- Health and Safety including:
  - (i) To helicopters, pilots, passengers and people on the ground;
  - (ii) Visual distractions to motorists;
  - (iii) Flight paths.
  
- Positive Effects;

### 3.3 Could These Matters be Addressed Through Standards in the District Plan?

All of the potential adverse effects/considerations described in Section 3.2 with the exception of flight paths and positive effects are considered to be matters that could be controlled by standards in the District Plan if the existing blanket Discretionary Activity status for airports in the Rural General Zone were to be altered.

Specifically, having considered the mitigation available for a range of these matters through our experience in overseeing resource consent applications for informal airports, there is one standard that could be implemented to address the potential adverse effects of all of the above.

The solution is considered quite simple – a minimum setback distance from site boundaries and specified features.

In regards to the above mentioned matters considered in the assessment of resource consents for informal airports a minimum separation distance is considered to mitigate most of these potential effects to an environmentally acceptable level as described below.

#### Character and Amenity

Character and amenity effects are afforded similar assessment in respect of the above mentioned resource consents.

Each of the informal airports listed above are located in areas with differing characteristics but the effects on amenity must be assessed in each case albeit with a differing expectation depending on the specific environment.

Amenity values are defined in the Resource Management Act to mean:

*“Means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes”.*

Character and amenity effects are considered in terms of the existing and receiving environment. Excluding the effects of noise, the assessment on character and amenity primarily focuses on the visual effect of the aircraft and any associated infrastructure.

With the exceptions of RM080434 and RM100777, the above mentioned consents for informal airports did not bear the hall marks of an airport i.e. no physical infrastructure or servicing equipment was to exist at the subject sites.

Therefore, the most common potential adverse effect on character and amenity assessed was the visual effects of the aircraft, taking off, landing, and idling on the ground. The majority of assessments by Lakes Environmental stated the same or similar comments to that quoted below:

*“As it is generally the noise that draws attention to helicopters, it is debatable how many parties would chance to be looking in the direction of the helicopters if they were noiseless. It is considered that visually observing a ‘noiseless’ helicopter is unlikely. Even if the helicopter is seen, it will be visible for an extremely short time frame (in the order of minutes).”*

While we tend to agree with the above, it is also considered that the visual intrusion of an aircraft landing in close proximity regardless of whether it is noiseless or not could have an adverse effect on a person’s amenity values i.e. if the location is characteristically remote for example.

Accordingly, maintaining an adequate separation distance from certain locations could also mitigate informal airports from adversely imposing on character and amenity.

#### Dust

Dust emissions have only been considered in significant detail within the informal airport decisions for RM080434 (Arthurs Point), RM100777 (Skyline) and RM081425 (Jacks Point).

Primarily, dust is considered an issue when an informal airport is proposed in close proximity to existing residential and/or commercial/recreational premises or facilities. For more remote sites, dust does not appear to be a significant issue due to the separation distance that exists from any potentially sensitive receivers.

### Exhaust Fumes

Similarly, the smell of exhaust fumes was raised and considered in RM080434 and RM100777 due to the minimal separation distances between the proposed informal airport and other potential sensitive receivers.

In our view, exhaust fumes from aircraft are considered to be a Permitted Activity pursuant to Chapter 4.9, Section 16.2.5 of the Otago Regional Plan: Air. Accordingly, it is our view that it is not a matter for any great consideration by the Council.

However, in both the above cases cited above, the exhaust fumes were not considered to have a significant adverse effect and the commissioners who presided over each application considered these would dissipate quickly with natural air movement. Again, in more remote locations where separation distances from sensitive receivers are significantly greater than those within RM080434 and RM100777, this potential conflict is unlikely to occur.

### Health and Safety

Health and safety effects are generally not focused on in great detail in the above mentioned resource consents as it is generally accepted that the Civil Aviation Authority manages the rules and procedures for the operation of aircraft.

The exceptions to this are resource consents RM080434 and RM100777 where the informal airports were proposed in more “urban” environments where residences, buildings, walkways and commercial activities are found in close proximity to the proposed airport.

Safety is also specifically referred to in RM080669 and provisions were ultimately made (by way of proposed flight paths) for the avoidance of high voltage power lines that ran through a portion of the subject site.

Accordingly, a minimum separation distance could also mitigate the major potential health and safety effects including those of low probability but high impact i.e. a crash.

### Visual Distraction to Drivers

Visual distractions to motorists have been considered and the written approval of Transit New Zealand obtained with respect to the informal airport at the Kawarau Bungy Bridge (RM080669). Additionally, potential effects on driver distraction were also considered at the Sth Von informal airport site in the Von River Valley (RM080743).

In both cases, the separation distance between the State Highway and the Mt Nicholas Road were mitigatory factors in the provision of the affected party approval and ultimately issuing of the resource consents.

It is noted in Section 2.3 above that minimum separation distances from roads/high ways are also considered in determining whether an informal airport requires resource consent in the Rural Zone of the Westland District Plan.

## **Section 4.0**

### **Identification of Matters Considered by the Minister of Conservation in Considering Aircraft Landing Concessions**

#### **4.1 The Conservation Act 1987 Matters to Be Considered by the Minister**

Section 17U of the Conservation Act 1987 outlines in legislation the matters that the Minister of Conservation shall have regard to when considering any application (including those for aircraft landings) for a Concession on Public Conservation Land.

The matters as they are described in this Section of the Act are broadly encapsulating of all or any potential effects of the activity.<sup>15</sup>

Section 17U subsection 2 provides for the Minister to decline any application if it is considered that there are no adequate methods or no reasonable methods for remedying, avoiding or mitigating the adverse effects of any activity.

Having consulted with the Wakatipu Area DOC staff it has been confirmed that the wording of the legislation is interpreted and utilised to consider all potential effects of aircraft landing concessions only upon the Public Conservation Land in which it is located.

Accordingly, there is no certainty that a noise sensitive receiver i.e. a habitable building on an adjoining property would be taken into consideration in the assessment of effects for an aircraft landing concession on nearby Public Conservation Land.

While the above hypothetical situation is considered to be very rare, it is likely that the Wakatipu Area Office staff would note the presence of any such 'affected parties' when providing their recommendations to the concessions team but, the concessions processing team in Dunedin would make the final call as to the legality of assessing effects on any third party and determine whether that would be a consideration in the granting of the concession.

In addition, the assessment of effects of aircraft landing concessions on Public Conservation Land is limited in the extent to which the Concessions process can control them. Specifically, it is understood that legally, DOC cannot exert control in regards to overflying aircraft.

It is understood that their control is similar to the RMA, limited to aircraft movement (other than WARO – Wild Animal Recovery Operations) below 500 feet (152.4 metres). i.e. the effects associated only with the direct landing and departure of aircraft from a site is considered in the granting of a concession.

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<sup>15</sup> Section 17U(1)(c) Conservation Act 1987

## 4.2 The Relationship Between Conservation Management Strategies / Management Plans and the Concessions Process.

Section 17W of the Conservation Act states that, a Concession shall not be granted unless the Concession and its granting are consistent with the relevant Conservation Management Strategy or Conservation Management Plan.

As such, the provisions within each of these documents (in Queenstown Lakes the relevant documents are the Otago Conservation Management Strategy 1998 and Mt Aspiring National Park Management Plan 2011) provide the overarching provisions that enable the grant of Concessions for aircraft landings.

The Conservation Management Strategy includes the identification of “Special Places” throughout the Otago Conservancy and details the specific outcomes anticipated for each one – inclusive of aircraft landings.

Similarly, the Mount Aspiring National Park Management Plan (“MANP MP”) identifies visitor management settings where certain activities inclusive of aircraft landings, can be appropriately managed. The MANP MP achieves this by splitting the park into four zones managed to provide different experiences for visitors.

The types of visitors likely to use the various zones, and the visitor experiences each zone is managed for are detailed in the Department of Conservations Visitor Strategy 1996. Reference has also been given to the New Zealand Recreation Opportunity Spectrum Guideline for Users 1993. The resultant zones in the MANP consist of the following:

- Olivine Wilderness Area. The primary purpose of wilderness areas is not to lock up land or prevent use, but provide recreational opportunities and experiences for people seeking solitude and challenge in a natural environment free from facilities<sup>16</sup>;
- Remote Zone. The remote zones priorities are the protection of natural quiet and remote experiences whilst surrounding and acting as a buffer to the Olivine Wilderness Area. In general, there is very limited aircraft access to the remote zone although some mainly low use landing sites have been identified to allow for some exiting/historical uses<sup>17</sup>;
- Back Country Zone. The back country zone includes landscapes that remain unmodified and natural but which is generally more accessible than the remote and wilderness zones. Generally, there is a greater range of uses that can be considered within this zone including aircraft access<sup>18</sup>; and
- Front Country Zone. The front country zone is generally accessible by vehicles and may have infrastructure such as car parks, picnic and camping areas, toilets, viewpoints, public shelters and easy walking tracks. The front country zone receives the highest use of any of the parks areas by visits are normally short and visitors should expect to meet many other people.

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<sup>16</sup> MANP MP Section 6.6.2.1 page 57

<sup>17</sup> MANP MP Section 6.6.2.2 page 58

<sup>18</sup> MANP MP Section 6.6.2.3 page 58

A general summary is that the further one gets from the Front Country Zone, the less appropriate it is for mechanised transport such as; aircraft in order to maintain areas for users to achieve an expected solitude and “natural quiet”.

It should also be noted that the National Parks Act 1980 is relevant to the preparation of National Park Management Plans and Section 43 states:

*“The Department shall, subject to this Act, and in accordance with—*

*(a) any statements of general policy adopted under section 44; and*

*(aa) any conservation management strategy for the time being in force in respect of a park; and*

*(b) any management plan for the time being in force in respect of a park—*

*administer and manage all national parks in **such a manner as to secure to the public the fullest proper use and enjoyment of the parks** consistent with the preservation of their natural and historic features and the protection and well-being of their native plants and animals”. [My emphasis added].*

As stated above, aircraft landing concessions will not be granted where they are inconsistent with the provisions set for the special places and zones in each of these documents.

Both the Conservation Management Strategy and the MANP MP go through a significant amount of public consultation and are reviewed every ten years.

The consultation includes full public notification of each document and the opportunity for submitters to be heard at respective hearings – similar to the RMA District Plan review process.

Accordingly, it is considered that any aircraft landing concession granted by the Department of Conservation on Public Conservation Land has been fully, comprehensively and adequately assessed and ultimately, deemed consistent with the values specific to the Public Conservation Land upon which it is proposed to be undertaken and the users of that land.



Source - <http://rnzaf.proboards.com/index.cgi?board=agricultural&action=print&thread=12321>

### 4.3 Are There Additional Matters Captured by the RMA in the Assessment of Informal Airports

Having reviewed the legislation and having discussed the effects considered when granting an aircraft landing concession on Public Conservation Land with local DOC staff it is quite clear that DOC have a robust framework for assessing this type of activity.

The assessments for aircraft landings consider the potential impact on flora and fauna as well as those on the users of the Public Conservation Land with full regard to the special place provisions or visitor management settings that have been approved through public consultation. No concessions are granted for activities that are inconsistent with these documents.

However, as identified in Section 4.1 above, the Departments assessment of effects is restricted to only the effects on the Public Conservation Land which it administers. The assessment and decisions cannot legally include methods for the mitigation of effects on parties outside of the Public Conservation Land in question.



Mountain Helicopters Greer Stream Jacobs River. Source – Sean Dent March 2008

This appears to be the one major difference in assessment between the Conservation Act and Resource Management Act. The latter would consider effects beyond the boundary of the subject site i.e. the noise rules in Section 5 of the District Plan require noise limits to be complied with at the notional boundary of the nearest residential unit not located on the same site as the activity<sup>19</sup>.

Any future changes to the existing District Plan provisions regarding informal airports in the Rural General Zone and on Public Conservation Land would need to account for this difference in assessment.

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<sup>19</sup> Queenstown Lakes District Plan Zone Standard 5.3.5.2(v) Noise page 5-20

## Section 5.0

### Identification of Matters Considered by the Commissioner of Crown Lands in Considering Recreation Permits For Aircraft Landings

#### 5.1 Matters Considered by the Commissioner of Crown Lands

Land Information New Zealand (“LINZ”) standard LINZ S45002 outlines the information requirements for applications for Recreation Permits over Crown Pastoral Land.

Section F.2.6 of this standard requires assessment of the potential impact of the proposed recreation permit (if granted), including:

- (a) If pastoral land, the impact on the inherent values of the lease/licence land
- (b) Impact on the current use of the land
- (c) Describing any adverse effects and how they will be reduced or ameliorated.

Discussions with staff in the LINZ Pastoral office have confirmed that the key matters for consideration when the Commissioner of Crown Lands (“CCL”) grants a Recreation Permit are the effects on the inherent values and the ability to maintain the current pastoral use of the land.

Section 2 of the Crown Pastoral Land Act defines inherent values as:

*“Inherent value, in relation to any land, means a value arising from—*

*(a) a cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land; or*

*(b) a cultural, historical, recreational, or scientific attribute or characteristic of a historic place on or forming part of the land”*

The CCL is required to consult with the Director General of Conservation in regards to the effects on inherent values pursuant to Section 18 of the Crown Pastoral Land Act. Generally, the local area DOC office will be delegated this function from the Director General.

Similarly to the assessment of effects undertaken by DOC as outlined in section 4.1 of this report, consultation with LINZ staff has confirmed that the CCL is only concerned with the impact of the activity on the land under their jurisdiction.

In other words, they are not required to take into account the possible effects on other parties or land outside the Pastoral Lease concerned when making a decision on the grant of a Recreation Permit pursuant to Section 66A of the Land Act 1948.

## 5.2 Are there Additional Matters Captured by The RMA in The Assessment of Informal Airports?

Having reviewed the legislation and discussed the effects considered when granting a Recreation Permit for commercial aircraft landings on Crown Pastoral Land with LINZ Pastoral staff (Ms Penny Devine, Portfolio Manager), it is clear that the same limitations of the DOC assessment exist in regards to Crown Pastoral Land.

Specifically, that the assessment and decisions issued by the CCL under Section 66A of the Land Act 1948 cannot legally include methods for the mitigation of effects on parties outside of the Pastoral Leasehold Land in question.

Subsequently, any future changes to the existing District Plan provisions regarding informal airports in the Rural General Zone and on Crown Pastoral Land would need to account for this difference in assessment.



Mountain Helicopters Landing in the Butler River, West Coast 2007 Source – Sean Dent

## **Section 6.0**

### **Proposed Activity Status for Airports in Each Zone**

#### **6.1 Are There Appropriate Circumstances For A Wider Range of Activity Status For Airports in the Rural General Zone?**

##### *Airports on Public Conservation or Crown Pastoral Land*

Based upon our experience and the results of this research into the management/assessment of the same provisions by other District Councils, DOC and LINZ, it is considered that there are circumstances where an alternative activity status to the existing blanket Discretionary Activity status would be appropriate for airports in the Rural General Zone.

As identified within Sections 4 and 5 of this report, both the Department of Conservation and the Commissioner of Crown Lands undertake a thorough assessment of all the effects of permitting informal airports within lands under their respective administration and on the users of these lands.

However, it was noted that the assessment of effects undertaken by both statutory bodies concludes at the boundary of those organisations land parcels and does not provide for consideration of the wider environmental effects (most likely to be noise) that are created on adjoining land owners/users.

Further, it was identified within Section 3 of this report that the documented adverse effects considered in the assessment of a range of resource consents for informal airports can seemingly be mitigated by the imposition of a minimum separation distance.

Accordingly, it is considered appropriate to simplify the District Plan provisions in the Rural General Zone for informal airports on land administered by the Commissioner of Crown Lands and DOC subject to an appropriate separation distance.

Specifically we consider that a new Permitted Activity Rule could be imposed into Section 5 - Rural Areas of the District Plan for these land tenures as follows:

##### ***Airports on Public Conservation and Crown Pastoral Land***

*Airports that comply with the following standards shall be Permitted Activities:*

- (a) Airports located on Public Conservation Land when the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;*
- (b) Airports located on Crown Pastoral Land when the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;*
- (c) Airports for emergency landings, rescues, fire fighting and activities ancillary to farming activities.*

*And*

- (d) *In regards to both (a) and (b) the airport is located a minimum of 500 metres from any other site or road.*

Overall, the addition of the above Permitted Activity standard into the District Plan would eliminate the 'double assessment' that is currently afforded to all informal airports on Public Conservation Land and Crown Pastoral Land while still effectively managing genuine adverse environmental effects.

This Permitted Activity Standard is considered appropriate due to the level of assessment afforded to aircraft landing approvals on lands within the jurisdiction of DOC and LINZ as outlined in Sections 4 and 5 above.

The requirement for a 500 metre minimum setback from any other site or road has specifically been included to address the one identified shortcoming of the assessment by DOC and LINZ whereby the effects assessed are limited to only those on the land within their jurisdiction.

The setback should ensure that the noise provisions are complied with at the boundary of the site in question and mitigate the potential for driver distraction from any roads in or adjacent to these lands.

#### *Airports on Other Rural General Land*

Further to the above scenarios, it is also considered that there are appropriate circumstances in which airports on other rural landholdings in the District for private and commercial purposes could be covered by a Permitted Activity Rule.

As detailed above, a suitable separation distance is considered to avoid, remedy or mitigate the adverse effects of airports that were identified in the decisions reviewed in Section 3 of this report.

Accordingly, if there are locations on other Rural General Zone land where an appropriate separation distance can mitigate these effects, it is recommended that there should be no need for resource consent to be sought.

Accordingly, it is considered that an additional Permitted Activity Rule could be included to read as follows:

#### ***Airports on Other Rural General Land***

*Airports that comply with the following standards shall be Permitted Activities*

- (a) *Airports that do not exceed a frequency of 3 flights per week from any site;*
- (b) *Airports for emergency landings, rescues, fire fighting and activities ancillary to farming activities.*

*And*

- (c) *In regards to (a) the airport is located a minimum of 500 metres from any other site, public road, public place or trail.*

*\*note for the purposes of this rule a flight includes two aircraft movements i.e. a landing and a departure.*

The minimum separation distance for airports on other Rural General Zone properties is considered conservative enough that the proposed number of aircraft flights (both fixed and rotary wing) could occur without breaching the applicable relevant New Zealand Standards and District Plan provisions for noise at the distances specified.

This based on preliminary feedback from Mr Vern Goodwin, a specialist adviser for the Ministry of Health's Environmental Noise Analysis and Advice Service. Additional and more specific discussions may be required with an acoustic expert to confirm that this would be the case in all predictable scenarios i.e. downwind in severe winds.

Further, it is considered that the suggested separation distance will adequately deal with effects relating to dust emissions, exhaust fumes, visual distraction, health and safety, and visual effects to a level that is appropriate for Permitted Activities.

The separation distance is understood to be considerably more conservative than that which Southern Planning Group understands is required to comply with the relevant noise standards and particularly those contained within NZS 6807:1994 - *Noise Management and Land Use Planning for Helicopter Landing Areas*<sup>20</sup>. It has been set at a 500 metre distance as it is considered that it will also appropriately deal with potential adverse effects on character and amenity other than just noise.

It can be difficult to quantify the effects on character and amenity as these effects can be somewhat subjective and varied between different parties.

As both DOC and LINZ undertake robust assessments of informal airports on land within their respective jurisdictions, it is considered appropriate that to enable a Permitted Activity Status for "other land" there must be a strict limit in the frequency of flights on any other land given the lack of any formal assessment.

The review of other District Plans revealed that in four out of the five reviewed, there is no specified threshold regarding the frequency of use. Only the Mackenzie District Council stipulated a maximum weekly frequency of five "excursions" for Permitted Activities.

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".

In addition, the proposed Permitted Activity status would reduce the costs to operators in obtaining the required approvals to establish the informal airports and it would reduce the amount of time spent dealing with compliance and monitoring requirements for different statutory bodies.

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<sup>20</sup> Guide to determine likely noise effects on people. Vern Goodwin Environmental Noise Analysis and Advice Service, Ministry of Health. January 2008

In terms of compliance, monitoring and enforcement of the recommended Permitted Activity provisions we don't anticipate that allowing for some permitted airport use will significantly increase compliance and monitoring costs for the Council.

As outlined in Section 1, the definition of 'airports' appears to capture every aircraft movement. Accordingly, it could be suggested that this makes compliance with the rule simple i.e. a single landing reported by a member of the public that is found to have no consent for an airport on the land involved is non-complying and the appropriate enforcement action is undertaken against the landowner and operator (if known).

However, in our experience, landowners and operators alike are still unaware or confused when advised that all aircraft landings (other than those specifically exempt) require resource consent. Subsequently, there are still a number of non-complying landings being undertaken today which could result in enforcement action being required.

The recommended Permitted Activity status would provide absolute clarity to operators, landowners and the public that there is a small amount of aircraft activity Permitted in the Rural General Zone.

Accordingly, it is anticipated that with this clarity of permitted use, complaints about potentially unlawful aircraft activity may in fact be reduced.

We also note that Lakes Environmental's compliance department has been maintaining a spread sheet of all "one off" landing requests whether they have been granted or not. All of the nineteen landing requests made to Lakes Environmental for 'one off' landings in the 2011/2012 year are for three or less landings and departures. The two exceptions being landings and take offs associated with the Kingston Flyer opening and Challenge Wanaka.

Additionally, in our experience a number of informal airports in the District are utilised for single events for weddings or private functions etc. Based on our experience and the results of this research it appears unlikely that the recommended three landings per week would be exceeded at these 'low demand sites' and subsequently require monitoring and enforcement action.

However, should there be an instance where Council's compliance officers have reasonable grounds to believe that the level of helicopter activity exceeds the permitted limit, enforcement can be undertaken directly against the land owner who has authorised the airport rather than per suing one (or more) aircraft operators.

Specifically, the recommended Permitted Activity rule refers to a specified number of landings per site. As a landowner, permission must be provided to an operator to land on their site and subsequently, the landowner is the one ultimately responsible for managing the aircraft activity on their site.

Accordingly, the added clarity of the recommended rules and emphasis on land owners rather than aircraft operators to manage aircraft activity on their own sites is anticipated to result in a greater level of compliance than the status quo.

Overall, the suggested Permitted Activity Rules are thought to achieve the purpose of the Resource Management Act more appropriately than the existing blanket Discretionary Activity status.

General Comments on Activity Status for Informal Airports in the Rural General Zone

It is recommended that the existing Discretionary Activity provisions for airports in the Rural General Zone be amended to capture all airports that fail to meet the Permitted Activity standards such that it reads as follows:

**Airports**

*Airports that do not comply with one or more of the Permitted Activity standards detailed in Rule 5.3.3.1.*

This would effectively still provide Council the opportunity to rigorously assess any application where there is a potential for significant potential adverse effects from informal airports through either a less than desirable separation distance or frequency of flights.

The full Discretionary Activity status will of course allow the Council to assess any actual and potential effects of the proposed activity pursuant to Section 104 of the Act as well as any other matter the consent authority considers relevant and reasonably necessary to determine the application pursuant to Section 104(1)(c).

Overall, the suggested Rural General Zone provisions are considered to provide an adequate balance between the freedom to operate airports as of right (in terms of the District Plan) and requiring a full and comprehensive assessment of airports in which there may be potential for significant adverse effects.



Source - <http://rnzaf.proboards.com/index.cgi?board=agricultural&action=print&thread=12321>

## 6.2 Identification and Justification for Activity Status for Airports in All Zones

Based on the results of the research into the activity status for informal airports (or the taking off and landing of aircraft as described in Section 1.2 of this report) it is considered that the existing District Plan provisions for informal airports generally carry an appropriate activity status.

Specifically, in most instances, informal airports require either a Discretionary or Non-Complying activity status.

In determining whether the activity statuses are appropriate or not, consideration was given to the Zone Purposes at the commencement of each chapter in the District Plan. The only Zone Purpose in which informal airports were to some degree provided for was the Rural General Zone which states:

### **“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.**

*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”.[My emphasis added].*

Accordingly, this Zone Purpose provided some emphasis for our recommendations for the Rural General Zone activity status described in Section 6.2 of this report.

However, it also assisted in confirming our assessment that for the remainder of the District Plan Zones there has not been an intention or a significant requirement to provide for informal airports in these other Zones as the focus is on providing for other activities and amenities.

This is further backed up by the lack of requests from operators to Lakes Environmental for “one off” informal airports at sites in these other Zones.

Of the nineteen landing requests which, it is noted were all for rotary wing landings (one which wasn’t technically a landing but a construction drop off) made since 31 May 2011, less than half have been in Zones other than Rural General Zone and those that have, have been within Areas Designated as Recreation Reserves or for Education purposes.

Accordingly, based on the results of this research there appears to be insufficient evidence to demonstrate that informal airports should be provided for in Zones other than Rural General by way of a more 'relaxed' activity status.

The activity status for informal airports should rightly aim to protect the residents, workers, activities, and anticipated amenities within these other Zones from the potential adverse effects of informal airports by requiring them to be assessed by resource consent.

A Discretionary or Non-Complying Activity Status for informal airports is considered appropriate as informal airports in most other Zones are unlikely to be suitable in all locations in a Zone or generally not anticipated within those Zones at all.

A table identifying the existing District Plan Zones, the current activity status for airports and those proposed is contained below:

<b>ZONE</b>	<b>EXISTING ACTIVITY STATUS</b>	<b>PROPOSED ACTIVITY STATUS</b>
<b>Rural General</b>	Discretionary	Permitted – subject to standards; and Discretionary
<b>Ski Area Sub-Zone</b>	Discretionary	Discretionary
<b>Queenstown Airport Mixed Use Zone</b>	Permitted – subject to complying with Noise Standards	Non-Complying
<b>Low Density Residential</b>	Discretionary	Non-Complying
<b>High Density Residential</b>	Discretionary	Non-Complying
<b>Residential Arrowtown Historic Management</b>	Non-Complying	Non-Complying
<b>Rural Lifestyle</b>	Discretionary	Discretionary
<b>Rural Residential</b>	Non-Complying	Non-Complying
<b>Townships</b>	Non-Complying	Non-Complying
<b>Town centres</b>	Non-Complying	Non-Complying
<b>Business</b>	Non-Complying	Non-Complying
<b>Industrial</b>	Non-Complying	Non-Complying
<b>Resort – Millbrook</b>	Discretionary	Discretionary
<b>Resort – Waterfall Park</b>	Non-Complying	Non-Complying
<b>Resort – Jacks Point</b>	Discretionary	Discretionary
<b>Rural Visitor</b>	Discretionary	Discretionary
<b>Penrith Park</b>	Non-Complying	Non-Complying
<b>Bendemeer</b>	Non-Complying	Discretionary
<b>Remarkables Park (all activity areas)</b>	Non-Complying	Non-Complying
<b>Hydro Generation</b>	Permitted if associated with Hydro Generation Activity	Permitted and Discretionary pursuant to Hydro Generation and Rural

	Discretionary pursuant to Rules of Part 5 Rural Areas	General Zone Provisions
Quail Rise	Non-Complying	Non-Complying
Meadow Park	Non-Complying	Non-Complying
Frankton Flats A	Non-Complying	Non-Complying
Mount Cardrona Station	Discretionary	Discretionary
Ballantyne Road Mixed Use Zone	Permitted subject to meeting Zone Standard for Noise	Non-Complying
Three Parks	Non-Complying	Non-Complying
Kingston Village	Non-Complying	Non-Complying
Open Space – Landscape Protection	Prohibited	Prohibited

\*Note: All zones allow airports for emergency landings, rescues and fire fighting.

## **Section 7.0**

### **Temporary Activities**

#### **7.1 Threshold for Irregular Landings in the Rural General Zone**

Southern Planning Group has considered the types of occasions when a temporary airport may be required. Based on our experience and assessment of the process for obtaining “one off landing approvals” from Lakes Environmental’s compliance department, these types of informal airports are generally required but not necessarily limited to, weddings (dropping off/picking up bridal parties) and transport to wineries or lodges.

These temporary airports are generally assessed by Lakes Environmental in terms of the frequency in which ‘one off landings’ occur at the subject site, the reason for the flights and the number of flights required, the time of day and the type of aircraft to be used.

While this one off approval process appears to have worked well in mitigating effects (i.e. a lack of complaints about the approved landings) until the time of drafting this report, using discretion to override the District Plan Rules as they currently exist is technically unlawful.

In addition, it is our understanding that some sites have reached a threshold in terms of frequency of use that Lakes Environmental are no longer comfortable in approving one off landings at these locations.<sup>21</sup>

Based on the above, the recommended Permitted Activity Rules detailed in Section 6.2 of this report would appropriately provide for “one off” or temporary landings in the Rural General Zone, if they meet the separation distance criteria. (Those that don’t will still fall to be assessed as a Discretionary Activity).

Accordingly, specifying an additional and specific temporary activity rule for informal airports within the Rural General Zone is not considered necessary if the suggested Permitted Activity status described in Section 6.2 is adopted.

#### **7.2 Proposed Temporary Activity Provisions**

As detailed in Section 7.1, it is considered that the suggested Permitted Activity Rule for the Rural General Zone will provide for ‘one off’ or temporary landings in the appropriate circumstances within that Zone.

Accordingly, any possible additions or amendments to the Temporary Activity Rules in Section 19 of the District Plan in regards to informal airports should be considered in light of what other Zones may reasonably require the use of informal airports.

The need for one off or temporary approvals within the other District Plan Zones forms less than half the seventeen one off landing requests made to Lakes Environmental since May 2011<sup>22</sup>.

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<sup>21</sup> Phone Conversations with Lakes Environmental Senior Compliance Officer Anthony Hall in 2011

<sup>22</sup> Spreadsheet of one off landing applications made to Lakes Environmental’s compliance department 31 May 2011 - Current

Accordingly, based on this information it seems most appropriate to maintain the opportunity for an informal airport for private or commercial purposes to be assessed through a resource consent (Discretionary or Non-Complying Activity) in these other Zones rather than to promote informal airports within them through the provision of “one off” or temporary provisions.

It makes sense to protect these other District Plan Zones, their inhabitants and activities from the potential effects of informal airports (outlined in Section 3 above) except in exceptional circumstances.

However, it is noted that informal airports may on rare occasions, be used for community purposes such as the Arrowtown Primary School Fair on 19 November 2011<sup>23</sup> where helicopter rides were provided as a means of fundraising.

Another example (also for Arrowtown Primary School) was where England Rugby Team players were flown to the school as part of their ‘community engagement’ requirements in association with the Rugby World Cup.

It is therefore considered appropriate that a temporary activity exemption is provided for informal airports for rotary wing aircraft landings that are ancillary to community events.

In addition to providing an exemption for the informal airport itself, it would also be necessary to exempt the airport from the noise provisions of the District Plan as it is likely that an informal airport for this purpose may not comply for the District Plan noise provisions however, for a special and appropriately limited duration event such as that described above, it is considered an appropriate exemption.

Such a rule could read as follows:

### ***Informal Airports***

*Informal airports for rotary wing aircraft flights in association with the use of the site for public carnivals, fairs, galas, market days, meetings exhibitions, parades rallies, cultural and sporting events, concerts, shows, musical and theatrical festivals are permitted activities provided that;*

- *The informal airport is only used during the hours 8am – 6pm;*
- *No more than 5 flights shall occur for each day that the event runs;*
- *No site shall be used for an informal airport for more than 7 days in any calendar year;*
- *The operator has notified Council’s compliance department of the use of the informal airport; and*
- *For the purpose of this Rule the relevant noise standards of the Zone shall not apply to informal airports.*

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<sup>23</sup> <http://www.arrowtown.com/events/festival/2011-11/arrowtown-primary-school-fair.31/>

*\*note for the purposes of this rule a flight includes two aircraft movements i.e. a landing and a departure.*

The above mentioned rule would appropriately capture the rare events where an aircraft (specifically a helicopter) is used in association with activities that benefit the Queenstown Lakes District community directly i.e. through fundraising or by association with high profile sporting events and similar engagements that highlight the District nationally and internationally i.e. the Rugby World Cup.

These events are considered to be rare enough that the exemption to the noise rules to allow them to occur for a limited duration is appropriate.

The use of the term “public” within the wording of the suggested rule will ensure that it is only events open to the public that fall within this exemption. For example, landing a celebrity such as the All Blacks Captain at the Rugby Sevens or Father Christmas at a local school. The proposed wording would not permit landings for private wedding functions or similar public excluded events.

The exemption to the noise rule is required to allow for these rare events to be undertaken without any resource consent. A special landing(s) undertaken at Arrowtown Primary School for example may have the potential to breach the Low Density Residential Zone noise provisions.

An exemption to the noise rules for such limited duration public events is not considered to result in any significant adverse effects

In terms of the other potential adverse effects associated with informal airports, safety is considered to be the effect with the greatest potential risk to the community.

In this regard, it is noted that safety still ultimately lies with the Civil Aviation Authority (“CAA”) and the requirements for the pilot in command of any aircraft to comply with the applicable CAA visual flight rules.

These rules apply regardless of whether resource consent is required or not and thus it is considered that there is not necessarily a significantly greater risk to the public than if the informal airport was operated with or without resource consent.

## **Section 8.0**

### **Other Relevant Considerations**

#### **8.1 Noise Standards for Helicopter and Fixed Wing Noise**

The current District Plan provisions relating to the measurement and assessment of noise refer to NZS 6801 and 6802 2008 except where specifically provided otherwise.

In terms of aircraft noise assessment the only New Zealand Standard referenced within the District Plan Zone Standards is NZS 6805:1992 - *Airport Noise Management and Land Use Planning*.

I am advised by Mr Vern Goodwin that this standard is for the measurement and assessment of airport noise from commercial airports and does not provide scope for the appropriate assessment of aircraft noise from infrequent and low use informal airports.

NZS 6807:1994 - *Noise Management and Land Use Planning for Helicopter Landing Areas* which is the appropriate acoustic standard for the measurement and assessment of helicopter noise has been included in the District Plan through Plan Change 27A however, the mediated outcome only provided for this standard as an Assessment Matter with limited functionality.

Ultimately, at the current time the District Plan requires the assessment of aircraft noise to be undertaken in accordance with NZS 6801 *Acoustics - Measurement of Environmental Sound* and NZS 6802 *Acoustics – Environmental Noise 2008*. Mr Vern Goodwin advises that the scope of these standards does not extend so far as to cover transportation noise and especially that from aircraft.

In fact, in terms of the resultant outcome of Plan Change 27A in regards to the limited references to NZS 6807:1994 now contained within the District Plan, Mr Vern Goodwin made the following comments in evidence before Commissioners David Whitney and Sally Middleton at the Council hearing for RM100777 (Skyline Helipad):

*“To the extent it applies because of an amended District Plan Rule, NZS 6802:2008 was never intended to be applied to assessment of helicopter noise. This is explicit in the scope of the standard. A more detailed explanation has been provided in the ANE (see paragraphs 11-19). It is also implicit in the new rule amendment at Rule 5.3.5.2 Zone Standards (v) Noise (d) which states:*

*“(d) The noise limits in (a) shall not apply to sound associated with airports or wind farms. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992 or NZS 6802:1998. 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”*

*Not mentioned in this new rule provisions in the same way as NZS 6802 or NZS 6805, lack of any mention of NZS 6807 in relation to the object of the clause, i.e.*

noise limits under clause (a) means all the provisions of NZS 6802:2008 apply, including the limitations to its scope. This states:

*“1.2.1 This standard does not apply to the assessment of sound where the source is within the scope of and subject to, the application of other New Zealand Acoustical Standards, except as provided for in 1.2.3 and 1.2.4. In particular, assessment of specific sources of sound including road or rail transport, flight operations of fixed or rotary winged aircraft associated with airports or helicopter landing areas, construction, port noise, wind turbine generators and impulsive sound (such as gunfire and blasting), requires special techniques that generally are outside the scope of this Standard. This Standard covers air borne sound, but does not cover structure borne sound and vibration”.*

*The amended District Plan Rule does not specifically state that this Section of NZS6802 does not apply or is to be disregarded or read as subordinate to the District Plan rules. There is no guidance to the relationship between plan parts, and of plan parts to cited external documents including New Zealand Standards. Being generous about the District Plan Rule drafting not aspiring to chancery standards, the intention of Council seems to be without saying so overtly, that the limitation to the scope in NZS 6802 is to be read down by the specific provision of the Council’s new rule addition Rule 5.4.2.3 Assessment Matters General, pp. 5 – 36, xvii Discretionary Activity – Airports. This states at subsection (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 in Table 1 do not override the noise limits in Rule 5.3.5.2 v”*

*So in effect, Rule 5.3.5.2 (v) appears to be a screening tool where general Zone noise limits applicable to all noise except from other aircraft, wind farms and construction noise are applied to helicopter noise notwithstanding the express limitation of NZS 6802.<sup>24</sup>*

While there is a specific acoustic standard for dealing with helicopter noise (despite its current limitations in the District Plan provisions) we have been advised by Mr Goodwin that there is no existing acoustic standard for addressing the low levels of use of informal airports by fixed wing aircraft.

However, Mr Goodwin has advised that it would not be a difficult task for the Queenstown Lakes District Council to implement its own standard within the District Plan for fixed wing aircraft.

It would require some investigation into an appropriate sound exposure level by an appropriately qualified acoustic expert but we are advised this would not be a particularly onerous task – especially if the noise provisions were already being reviewed in association with the informal airport provisions.

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<sup>24</sup> Evidence of Vern Goodwin for RM100777

Subsequently, based upon the acoustic advice of Mr Vern Goodwin, it is our opinion that the noise provisions in the District Plan are inadequate for the assessment and measurement of the noise effects from informal airports and should be re-visited in conjunction with any future Plan Change that addresses the issue of informal airports.

## 8.2 Aircare Accreditation

Southern Planning Group has considered whether or not it would be appropriate to require aircraft operators who wish to utilise land for informal airports as Permitted Activities to be Aircare Accredited.

The Aviation Industry Association of New Zealand describes AIRCARE™ as

*“an integrated accreditation programme for all of an aviation business. It brings flight safety and environmental safety together in one safety assurance programme”.*

There are a number of standards under the Aircare Safety Management System to which organizations can be accredited depending on what activities they undertake.

The Environmental Management System component of the Aircare Accreditation contains four codes of practice.

The Safety Management System and the Codes of Practice are third party audited, offering assured performance to regulators, customers and the public at large.

Of specific relevance to the District Plan provisions and the mitigation of potential adverse effects is the Code of Practice for noise abatement.

The Department of Conservation is now requiring all existing and new concessionaires to become Aircare Accredited. In addition, other organizations/statutory bodies including, LINZ, Animal Health Board and LandCorp are requiring aircraft operators to be Aircare Accredited.

Staff at Southern Planning Group (Sean Dent) has gained certification under the Code of Practice for noise abatement.

Having completed the seminar and read the course material for the noise abatement Code of Practice it is considered that being Aircare Accredited would not necessarily result in any greater level of noise mitigation over and above that achieved through the provisions suggested in Section 3 and 6 of this report.

Specifically, the noise abatement Code of Practice requires a culture change in the aviation industry such that operators of aircraft think about the noise effects of their aircraft, the differences in noise emission when an aircraft is operated in different maneuvers and consideration to the overall environment in which noise from aircraft is emitted.

For example, this Code of Practice outlines environmental planning regimes such as; where possible avoiding repetition of flight paths or identification of watersheds where aircraft over flights should be expected and stick to those areas or flying along high noise routes such as highways where possible.

Other matters related to aircraft noise are recognizing the side of the aircraft (rotary wing) which produces the greatest level of High Speed Impulsive noise (HSI) during approach and high speed cruise and flying with noise sensitive receivers (habitable buildings or built up locations) on the opposite side of the aircraft to avoid the highest noise level being emitted onto those receivers.

Likewise, when undertaking in flight maneuvers recognizing the point at which the aircraft (rotary wing) creates Blade Vortex Interaction (BVI) otherwise known as “blade slap” which, is one of the more impulsive characteristics of helicopter noise.

While all of the above factors are considered likely to reduce an aircraft’s noise footprint if adhered to, it is important to note that they predominantly relate to noise mitigation during flight – something that the RMA has no control over.

It is our understanding that the noise mitigation measures recommended in the Noise Abatement Code of Practice would not afford any significant mitigation to the effects of noise and subsequently the effects on character and amenity experienced in direct association with the landing and taking off of aircraft.

While there may be no direct noise mitigation benefits from adherence to this Code of Practice in terms of the noise effects that occur during take-off and landing we do acknowledge the benefit in the Code of Practice for high use landing sites (those that would require Discretionary Activity Consent in the Rural General Zone for example).

In those situations, the mitigation of in-flight noise characteristics can be a welcome and additional mitigation tool proposed by applicants.

In this regard, while not forming a required component of the Permitted Activity rule, we do consider that Aircare Accreditation could be of benefit if it were inserted into the Assessment Matters for airports in all Zones within the District Plan.

It is also acknowledged that it is a matter that can be given regard to in the assessment of a Discretionary or Non-Complying airport consent pursuant to Section 104(1)(c) of the Act.

In addition to the above, it should be noted that there is a cost to becoming Aircare Accredited and maintaining that accreditation. Some aircraft operators particularly those of small companies or private operators may not join this voluntary scheme.

Given the lack of perceptible benefits in reducing/mitigating the effects of noise specifically from landing and departure operations of a flight, it does not seem equitable to exclude these smaller operators from the suggested Permitted Activity Status in the Rural General Zone by requiring all operators to be Aircare Accredited.

## **Section 9.0**

### **Summary and Recommendations**

Southern Planning Group began this research with considerable professional experience in overseeing resource consent applications for informal airports within the Queenstown Lakes District.

That background experience allied with the information gained throughout this research project has led to our conclusion that the blanket Discretionary Activity status for informal airports in the Rural General Zone is unnecessarily restrictive.

While some of the District Plans that were reviewed contain similar provisions and rely to some degree on officer discretion as to when a threshold has been met whereby consent is required, it is our opinion that the most appropriate provisions identified were those contained within the Mackenzie District Plan.

Specifically, providing for a distinction between Public Conservation Land and “infrequent” informal airports (Aviation Activities in the Mackenzie District Plan) as Permitted Activities on other land tenure provides for an equitable balance between allowing appropriate environmental effects from informal airports and assessment of those with the potential for effects that could be significant to be assessed through the resource consent process.

The similarities that exist in terms of geography and land tenure between the Mackenzie and Queenstown Lakes Districts demonstrated an immediate link between the two Districts.

After closer review of the Mackenzie District plan provisions and investigation into the assessments undertaken by DOC on Public Conservation Land and then expanding this to include Crown Pastoral Land, it became clear that the Mackenzie example could be moulded to achieve provisions for informal airports in the Queenstown Lakes Districts Rural General Zone that would ultimately better align with the purpose of the Act than the existing provisions.

Subsequently, it is recommended that the Rural General Zone provisions are amended to provide for informal airports as Permitted Activities in limited circumstances (subject to minimum separation distances and frequency of flights) and retaining the Discretionary Activity status in all other cases.

Based on the results of our research it is considered that the majority of the District Plan activity statuses for informal airports in other Zones are appropriate and afford an appropriate opportunity for the assessment of private commercial informal airports in these Zones on the rare occasions and locations in which they are proposed.

Equally, the activity statuses afford a reasonable level of certainty and protection to the Districts residents who occupy these other Zones in a far greater density and with differing expectations for character and amenity than is the case with the Rural General Zone.

As such, only minor amendments have been suggested to the provisions for informal airports in a limited number of other Zones.

Overall, it is Southern Planning Groups recommendation that the Queenstown Lakes District Council considers our suggested recommendations and utilises them as a basis to move towards a formal change to the District Plan provisions for informal airports.

It is also recommended that further consultation is undertaken with the appropriate experts with regards to the noise provisions of the District Plan and reviewing whether a specific reference to assessment of helicopter noise pursuant to NZS 6807:1994 is appropriate.

Certainly from the preliminary acoustic advice that has been obtained, we understand that the current noise provisions for the measurement and assessment of helicopter noise contain insurmountable interpretation problems<sup>25</sup> and should be re-assessed in conjunction with any change to the activity status for informal airports.

Similarly, as airports include fixed wing aircraft and no acoustic standard exists specifically for the assessment of noise from limited frequency fixed wing use of informal airports<sup>26</sup> consultation should be progressed with the appropriate acoustic experts to define an appropriate noise level specific to the Queenstown Lakes District for this type of noise.

It is our recommendation that any changes to the informal airport provisions are undertaken simultaneously with steps to provide the most appropriate assessment methodology for the noise effects generated.

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<sup>25</sup> Evidence of Mr. Vern Goodwin RM100777 paragraph71

<sup>26</sup> Phone conversation with acoustic expert Vern Goodwin 04.04.12

# **Appendix [A]**

## **Table of Airport Rules for Other Districts Main Rural Zones**

## **Appendix [B]**

### **Copy of District Plan Provisions for Other Districts Rural Zones**

**APPENDIX 3**

**Informal Airports Section 32 evaluation August 2015**



# Section 32 Evaluation Report

## Informal Airports

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# Section 32 Evaluation Report: Informal Airports

## 1. Purpose of the report

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

Accordingly, this report provides an analysis of the key issues, objectives and policy response to manage informal airports within the District Plan.

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
  - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
  - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
    - identifying other reasonably practicable options for achieving the objectives,
    - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
    - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- Consideration of **Risk**

## 2. Statutory Context

### Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

#### **5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The District's landscapes and natural environment are highly recognised and valued. The Council's Economic Development Strategy 2015 states:

‘The outstanding scenery makes the District a highly sought after location as a place to live and visit.’ And, ‘The environment is revered nationally and internationally and is considered by residents as the area’s single biggest asset.’

The Queenstown Lakes District is one of the fastest growing areas in New Zealand and the recent estimates (refer to more detail in the Strategic Directions Section 32 report) predict that the District will continue to experience significant population growth over the coming years, largely off the back of strong forecasted growth in visitors. A strategic policy approach is essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

*31 Functions of territorial authorities under this Act*

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

*(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district*

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of use, development or protection of land and associated natural and physical resources of the district.

Consistent with the intent of Section 31, the proposed informal airport provisions enable an integrated approach to the management of the multiple interests in the District.

Section 6 Matters of National Importance is of direct relevance to the Rural and Landscape chapters.

*6 Matters of National Importance*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

*(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

*(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

*(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

*(f) the protection of historic heritage from inappropriate subdivision, use, and development:*

*(g) the protection of protected customary rights*

Section 7 Other matters also includes a number of matters directly relevant to these chapters.

*7 Other matters*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) kaitiakitanga:*
  - (aa) the ethic of stewardship:*
  - (b) the efficient use and development of natural and physical resources:*
  - (ba) the efficiency of the end use of energy:*
  - (c) the maintenance and enhancement of amenity values:*
  - (d) intrinsic values of ecosystems:*
  - (e) [Repealed]*
  - (f) maintenance and enhancement of the quality of the environment:*
  - (g) any finite characteristics of natural and physical resources:*
  - (h) the protection of the habitat of trout and salmon:*
  - (i) the effects of climate change:*
  - (j) the benefits to be derived from the use and development of renewable energy.*

In particular, Section 7(b) requires regard is had to the efficient use and development of natural and physical resources, while section 7(c) requires regard to be had to the maintenance and enhancement of amenity values.

## **Local Government Act 2002**

### Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
  - (i) the diversity of the community, and the community's interests, within its district or region; and*
  - (ii) the interests of future as well as current communities; and*
  - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
  
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
  
- (h) in taking a sustainable development approach, a local authority should take into account—*
  - (i) the social, economic, and cultural interests of people and communities; and*
  - (ii) the need to maintain and enhance the quality of the environment; and*
  - (iii) the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

## **3. Iwi Management Plans**

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

*The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)*

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

#### 3.4.2 High Country Pastoral Farming

*Policy 1. Encourage sustainable pastoral farm land management practice whereby impacts on soil, vegetation and water quality are minimised.*

#### 3.4.8 Access and Tourism

*Policy 2. Development that includes building activity should consider specific landscape and geographical features and the significance of these to Ngāi Tahu Whānui. Activity whereby buildings will protrude above ridgelines or displace site of cultural significance should be avoided.*

Part 3.5.10: General Water Policy: includes, Policies:

- 3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.*
- 4. Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.*
- 5. Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.*
- 6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.*
- 16. Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.*
- 17. Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water quantity in lower catchments.*

Part 3.5.19: Riparian Zones, includes the following policies:

*Policy 6. Avoid stock access to riparian zones and streambeds, except when required for intermittent vegetation control.*

*Policy 7. Encourage fencing of streams to protect riparian vegetation, and promote healthy riparian establishment.*

#### 3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

*Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.*

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

#### 3.5.2 Wastewater

*9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production*

*(e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).*

### 3.5.7 Subdivision and Development

Policies 1- 18 of the MNRMP contain a range of policies that are relevant to Subdivision and Development, and cover iwi involvement in planning processing and plan development, and interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

#### Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

#### 5.3.4: Bank Erosion:

*Policy 43. To discourage activities on riverbanks that have the potential to cause or increase bank erosion.*

*Policy 44. To encourage the planting of indigenous vegetation from the local environs to help reduce continual erosion of the edge of rivers.*

#### 5.3.4: Land Use and management

*Policy 54. To promote land use that suits the type of land and climatic conditions.*

*Policy 55. To encourage the exclusion of stock from waterways.*

*Policy 56. To oppose the draining of wetlands. All wetlands are to be protected.*

*Policy 57. To require a programme to monitor the effect of stock and agricultural activity on groundwater quality be established.*

*Policy 58. To promote integrated riparian management throughout entire catchments.*

*Policy 59. To oppose the indiscriminate use of chemicals or poisons in or near waterways.*

#### 5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
2. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
  - i. *All consents related to the subdivision to be sought at the same time.*
  - ii. *Protection of Kāi Tahu ki Otago cultural values.*
  - iii. *Visual amenity.*
  - iv. *Water requirements.*
  - v. *Wastewater and storm water treatment and disposal.*
  - vi. *Landscaping.*
  - vii. *Location of building platforms.*
3. *To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .*

4. To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.
5. To require public foot access along lakeshores and riverbanks within subdivisions.

#### Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.
10. To promote sustainable land use in the Clutha/Mata-au Catchment.
11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

## 4. Regional Planning Documents

### Operative Regional Policy Statement 1998

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago's land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

### Proposed Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must "have regard to" any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies relevant to the use of informal airports in the District:

<b>Proposed RPS 2015 Objective</b>	<b>Objectives</b>	<b>Policies</b>	<b>Relevance to the review of the informal airports</b>
The principles of Te Tiriti o Waitangi are taken into account in resource management decision.	1.1	1.1.1, 1.1.2	The Ngāi Tahu Claims Settlement Act 1998 and associated Statutory Acknowledgement Areas in the Queenstown Lakes District are located within the Rural Zone.
Kai Tahu values, rights and customary resources are sustained	1.2	21.2.1, 1.2.2, 1.2.3	Informal airports have the potential to operate on land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
Protection, use and development of natural and physical resources recognises environmental constraints.	3.1	3.1.1	Informal airports would operate in areas of varying sensitivity that may create opportunities or constraints for activities seeking to utilise the respective resource.
Public access to areas of value to the community is maintained or enhanced.	4.1	4.1.1	A large component of informal airport activity is associated with access for persons in remote areas for recreational opportunities.

Sufficient land is managed and protected for economic production.	4.3	4.3.1, 4.3.2, 4.3.6	Informal airports ancillary to farming is relevant to this objective.
Otago's communities can make the most of the natural and built resources available for use.	4.4	4.4.3	Both permitted farming and viticulture and horticulture activities, in addition to other development proposals that seek to locate in the rural areas can degrade ecosystem health and recognition for opportunities to enhance existing areas.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.1, 4.5.4, 4.5.5, 4.5.6, 4.5.7, 4.5.8	People are drawn to the rural areas for a wide range of farming and entrepreneurial opportunities and recreational activities. How these activities are managed will impact the communities' experience of the resource.

## 5. Resource Management Issues

The resource management issues set out in this section have been identified from the following sources:

- QLDC Research Report entitled Management of Informal Airports<sup>1</sup>;
- Public Responses to the QLDC Brochure - Managing Airports in Rural Areas Issues and Options<sup>2</sup>;
- Meetings with local aircraft operators<sup>3</sup>.
- Acoustic Review and Advice by Chiles Ltd<sup>4</sup>
- January 9 – February 10 2015 Draft provisions and Section 32 reports placed on the Council's website and circulated to persons on the Council's District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA

The key issues are:

**Issue 1:** The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

Specifically, many of the informal airports within the Queenstown Lakes District occur on land that is administered by the Department of Conservation or Commissioner of Crown Lands. Robust statutory assessments are undertaken by each of these of these agencies before granting approval (in the form of a Concession under the Conservation Act 1987 or a Recreation Permit under the Crown Pastoral Land Act 1948) for informal airports on these land tenures.

<sup>1</sup> QLDC Research Report – Management of Informal Airports, prepared by Southern Planning Group dated April 2012.

<sup>2</sup> Publicly Notified for Comment on 4<sup>th</sup> October 2012

<sup>3</sup> Queenstown Meeting 21 July 2014 & WAUG 07 November 2012

<sup>4</sup> Acoustic Review dated 15 September 2012 of Southern Planning Groups April 2012 Research report and subsequent e-mail correspondence and phone conversations between SPG and Chiles Ltd August 2014

Requiring a land use consent from the Council over and above the approvals described above adds a secondary layer of cost and on-going compliance to the aircraft operators and has resulted in a large number of resource consents for Council staff to process (many of which currently remain 'on hold').

As the effects of most informal airports on these land tenures are internalised and assessed by the government agencies responsible for their administration and management, requiring land use consents from the Council for the same activities is inefficient, expensive and unnecessary.

**Issue 2:** The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

As described above and in detail in the research report, almost every aircraft arrival and departure is captured by the current definition of airport and subsequently, requires resource consent. However, members of the public often believe the term 'airport' implies a high level of aircraft activity and the physical hall marks of a traditional airport.

Additionally, there has been confusion amongst aircraft operators as to whether a limited number of aircraft landings can occur without triggering the need for resource consent.

## **6. Purpose and Options**

The overarching purpose of the proposed changes to the Operative District Plan provisions is to simplify and streamline the provisions for the management of informal airports, while maintaining amenity values.

This has been undertaken with due regard to the predominant types of informal airport consents sought, the approach taken by other District Council's in managing informal airports and the assessment of effects that are completed by other statutory bodies such as LINZ (Commissioner of Crown Lands) and the Department of Conservation.

### **Strategic Directions**

The objectives and policies of the Strategic Directions chapter of the proposed District Plan are relevant to this assessment.

In general terms, and within the context of this review, these goals and objectives are met by:

- Reducing the doubling up of statutory approvals that are required for informal airports on Crown Pastoral Lease and Public Conservation Land to reduce the financial implications on aircraft operators / tourism providers;
- Enabling aerial transportation of sightseers, recreationists and adventurers into the back country and natural areas of the District on Crown Pastoral Lease and Public Conservation Land where it has been authorised by the relevant administrators;

Determining the most appropriate methods to resolve the issues highlighted for the management of informal airports will enable the Plan to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the Act.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

## Broad options considered to address issues

**Issue 1:** The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.

**Issue 2:** The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.

Option 1: Retain the operative provisions;

Option 2: Retain and improve the operative provisions;

Option 3: Undertake a comprehensive review.

	Option 1: Status quo/ No change	Option 2:	Option 3:
Costs	<ul style="list-style-type: none"> <li>The 2012 research report identifies a number of costs associated with the existing provisions, including the triggering of a high number resource consent applications. This option fails to address new Central Government policy direction to simplify and streamline Resource Management Act processes.</li> <li>Aircraft operators / landowners are required to lodge and pay for the processing of resource consents for tens if not hundreds of individual 'informal airports' throughout the District;</li> <li>Costs incurred in obtaining resource consents will either be passed on to consumers and / or aircraft operators will</li> </ul>	<ul style="list-style-type: none"> <li>Existing airport rule and definition are 'all encapsulating'. Improving the existing provisions is unlikely to resolve the 'double dipping' issue of statutory assessment and subsequently the resource consent costs imposed on the aircraft operators;</li> <li>This approach would not deal with other related issues such as the ambiguity / debate with the assessment of noise from informal airports;</li> <li>Time and cost involved to research and consider alternatives;</li> <li>Potential for Environment Court appeals against amended provisions.</li> </ul>	<ul style="list-style-type: none"> <li>A greater level of time and cost would be incurred by Council to comprehensively review and subsequently create new provisions for informal airports;</li> <li>Greater potential for Environment Court appeals to be lodged against any new plan provisions that are more comprehensive than just the existing airport rule.</li> </ul>

	<p>cease using some sites to save costs;</p> <ul style="list-style-type: none"> <li>• Council will need the staff capacity to process all the resource consents that have been and/or will be lodged if the current provisions remain;</li> </ul>		
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Council staff are already familiar with the existing provisions and processes for assessing informal airports.</li> </ul>	<ul style="list-style-type: none"> <li>• Retaining but improving the existing provisions may reduce some of the current ambiguity with the application of the existing rules;</li> <li>• Council has already budgeted for a complete review of the District Plan so there are no significantly greater costs imposed upon the Council to undertake this process.</li> </ul>	<ul style="list-style-type: none"> <li>• A more comprehensive review with better quality information, including technical input, would enable the rules to be more appropriately refined. Better quality information may reduce the number of future resource consent triggers and prevent unnecessary 'double dipping' of statutory assessment and approvals;</li> <li>• Removing the 'double dipping' situation will have economic benefits for the aircraft operators by not requiring resource consents for every single landing site they utilise;</li> <li>• Council staff will not have to process and monitor hundreds of resource consents of which the environmental effects are less than minor;</li> <li>• A comprehensive review will remove all ambiguity and incorrect perceptions around what an informal airport is and what level of aircraft activity requires consent.</li> <li>• A comprehensive review will enable other relevant provisions to be considered</li> </ul>

			<p>holistically i.e. applicable acoustic standards, temporary activities etc.</p> <ul style="list-style-type: none"> <li>• Council has already budgeted for a comprehensive review of the District Plan so there are no significantly greater costs incurred by the Council in undertaking this process.</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>2</b>	<b>1</b>

The principal aims of the District Plan review is to simplify the plan where appropriate and to provide greater clarity and certainty around development matters in the District. It is anticipated that this will remove some of the uncertainties that can restrict potential economic growth and associated employment provision.

In accordance with these aims and based on the assessment above, Option 3 is considered the most practicable option.

## 7. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions for informal airports in the District Plan. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline;
- Have effects on matters of national importance;
- Adversely affect those with specific interests, e.g., Tangata Whenua;
- Involve effects that have been considered implicitly or explicitly by higher order documents;
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. Informal airports are an important method of transport and are the core business for businesses established in the District. Informal Airports can also have nuisance effects on persons, particularly those who reside near to rural areas.

<b>Proposed Objective</b>	<b>Appropriateness</b>
<p><b>Objective 11</b> <b>Manage the location, scale and intensity of informal airports.</b></p>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it provides a framework to permit informal airports providing they comply with a set of parameters to ensure sustainable management in terms of (S5(2)(c) RMA).</p> <p>The objective has regard to section 7(b) and 7(c) of the RMA.</p> <p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Relevant to 3.2.1.4 - Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character and healthy ecosystems.</li> </ul> <p>Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative <i>Otago Regional Policy Statement 1998</i> is the relevant regional policy statement to be given effect to within the District Plan.</p> <p>Gives effect to the Operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by:</p> <ul style="list-style-type: none"> <li>• Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;</li> <li>• Avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource;</li> </ul> <p>Has regard to the Proposed RPS 2015:</p> <ul style="list-style-type: none"> <li>• Objective 1.2 – Kai Tahu values, rights and interests and customary resources are sustained</li> <li>• Objective 4.2 - Public access to areas of value to the community is maintained or enhanced.</li> </ul>

## **8. Evaluation of proposed Objectives Section 32 (1) (a)**

Section 32(1) of the RMA requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the Act.

Specifically, the proposed Objective for informal airports has been developed to set a clear direction for the establishment, operation and management of informal airports in the Rural General Zone which balances the environmental, social, economic and cultural needs of the District.

The proposed Objective is considered the most appropriate way to achieve the Act because it addresses the fundamental matters identified in the Research Report<sup>5</sup>.

Specifically, location or perhaps more correctly, separation of informal airports from noise sensitive receivers was identified as the key attribute in mitigating the variety of adverse environmental effects that may arise from the operation of informal airports.

Accordingly, managing the location of informal airports (including directing where they may be appropriate) is a key determinant in achieving the purpose of the Act.

Similarly, the scale and intensity of informal airports has been identified as a matter that warrants higher level direction because increasing scale and intensity can decrease people's amenity and potentially breach the District Plan noise limits.

The proposed Objective is therefore considered to provide for the economic well-being of a prosperous tourism industry whilst also protecting the social and cultural wellbeing, health and safety of the Districts residents.

Accordingly, the proposed Objective is considered to be the most appropriate method of achieving the purpose of the Act.

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<sup>5</sup> Management of Informal Airports by Southern Planning Group dated April 2012, Section 3.2, page 20.

## 9. Evaluation of the proposed provisions Section 32 (1) (b)

The following table considers whether the proposed provisions are the most appropriate way to achieve the relevant Objective. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient.

<p><b>Issue 1:</b> The Operative District Plan provisions for informal airports capture almost every aircraft arrival and departure undertaken within the District. This leads to a 'doubling up' of statutory approval processes between the Council, Department of Conservation and Commissioner of Crown Lands.</p> <p><b>Issue 2:</b> The Operative District Plan provisions for informal airports are considered to be unclear / misunderstood by aircraft operators and the general public.</p> <p><b>Objective 21.2.11: Manage the location, scale and intensity of informal airports</b> Summary of proposed provisions that give effect to the objective:</p>			
<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Policy 21.2.11.1</b></p> <p><i>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.</i></p>	<p>It is considered that there are no costs associated with this proposed Policy.</p>	<p>This proposed Policy promotes informal airports as an important part of recreational activities within the District as opposed to the current plan provisions which are silent regarding this activity.</p> <p>While promoting the operation and management of informal airports the policy also directs recognition of the effects that can be generated and to adequately mitigate these.</p>	<p>The recognition of mitigating adverse effects on rural residents and visitors directly links with the proposed Permitted Activity Rule which sets appropriate setbacks and limits on the scale of Permitted Activities to mitigate / avoid significant conflict with rural residents and visitors.</p>

	<p>Promotes the use of the Rural General Zone for informal airports.</p> <p>This could increase proposals for informal airports in this Zone with a decrease in rural amenity if incorrectly managed.</p>	<p>The Rural General Zone has historically been the location for most informal airports to date. Recognising the appropriateness of this Zone for informal airports will send a clear direction that this is where the Council and the Districts residents would prefer to see such activity occur.</p> <p>The proposed Policy still emphasises the need to minimise adverse effects on rural amenity so is considered to be appropriately balanced between providing for informal airports in an appropriate rural location and on a limited scale whilst protecting the Districts residents from potential adverse effects.</p>	<p>The proposed Policy is considered effective and efficient. It is a logical means of achieving the proposed Objective as it confirms the Rural General Zone as an appropriate location for informal airports but, also directs decision makers to minimise effects on rural amenity.</p> <p>The potential effects on rural amenity are ultimately a result of the scale and intensity of an informal airport and the proposed Policy acknowledges this by requiring amenity effects to be minimised.</p> <p>The proposed Policy directly informs proposed Rule 21.4.25 in Table 1 that permits informal airports subject to qualifiers in Table 6 to be met for informal airports that will have minimal effects and which are considered appropriate as Permitted Activities in the Rural Zone.</p>
<p><b>Proposed Policy 21.2.11.2</b></p> <p><b>Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.</b></p>	<p>Provides direction that not all areas in the Rural General Zone will be appropriate for informal airports. This potentially reduces the locations at which informal airports may be operated.</p>	<p>The proposed Policy will provide protection of adverse effects from informal airports that operate at a scale and intensity above that which is determined appropriate for Permitted Activities.</p> <p>The Policy enables a case by case assessment of adverse effects from informal airports that seek a higher level of use than provided for as a permitted activity.</p>	<p>The proposed Policy is considered effective and efficient.</p> <p>It provides a robust directive in support of the overarching Objective by requiring that informal airports for which resource consent is required must assess and protect rural amenity from the inappropriate siting, scale and intensity of their operation.</p> <p>The proposed Policy is directly relevant to the management of informal airports that</p>

		This will ensure that despite the District Plan acknowledging the Rural General Zone as an appropriate location for informal airports, adjoining residents, visitors and landowners are assured that the effects of high use informal airports will be avoided or appropriately mitigated.	require resource consent pursuant to proposed Rules in Table 6.
<p><b>Proposed Rules</b>  <b>Rule 21.4.25 –</b>  <b>Table 1</b></p> <p>Informal Airports which comply with Table 6 are permitted.</p>	<p>The proposed Permitted Activity Rule will enable the majority of informal airports to operate without requiring resource consent from the Council.</p> <p>This rule requires Council to relinquish the assessment of effects and control of a large number of informal airports to the Statutory bodies who administer Public Conservation Land and Crown Pastoral Land.</p>	<p>The Permitted Activity rule will remove the need for aircraft operators to obtain both a resource consent and a DOC Concession or Recreation Permit for a large number of informal airports. This will result in significant cost savings to aircraft operators.</p> <p>The Permitted Activity Rule will also establish set parameters in terms of location/separation distance and scale of informal airport activity that is appropriate on other Rural General Zone land. This will enable some sites to be used for limited private aircraft landings or infrequent commercial use. Again this will result in significant cost savings to aircraft operators.</p> <p>This proposed Rule directly addresses the new Central Government policy direction to simplify and streamline Resource Management Act processes.</p>	The proposed Rule is considered very effective and efficient. It directly supports proposed Objective 21.2.11 and implements proposed Policy 21.2.11.1 by acknowledging the Rural General Zone as the appropriate location for informal airports subject to set standards that adequately minimise any potential adverse effects on rural amenity.
<b>Rule 21.5.25 and 21.5.26 in Table 6</b>	The standards of the proposed Rules and in particular the required separation distances mean that in some locations i.e. the	Maintaining the Discretionary Activity status for these informal airports is considered more beneficial than a Non-Complying	Higher level use or locations that are likely to be more sensitive will require an application for resource consent.

	<p>Wakatipu Basin where the rural environment is more heavily domesticated, it is unlikely informal airports could meet the Permitted Activity rules.</p> <p>In this instance the proposed Rules provide for a Discretionary Activity status for informal airports that fail to meet the Permitted Activity provisions.</p> <p>This essentially maintains the status quo for assessment of informal airports and will result in a case by case assessment of effects.</p> <p>This may create uncertainty regarding the approval process (I.E. notification) for aircraft operators and tourism providers that wish to seek resource consent for informal airports that breach the Permitted Activity standards.</p>	<p>Activity Status.</p> <p>A Discretionary Activity status more accurately represents the intent of the proposed Rules that the Rural General Zone is the appropriate Zone for informal airport activity albeit recognising that the activity may not be acceptable in all parts of the Rural General Zone.</p> <p>The Discretionary Activity status of this Rule therefore provides the Council the ability to undertake a robust case by case assessment of informal airport proposals and any adverse environmental effects that may arise from their establishment and operation in each specific location.</p> <p>The Discretionary Activity status provides the Council with the ability to notify any proposals with significant adverse effects. However, this activity status is no more restrictive than the existing blanket provisions for informal airports.</p>	
<p><b>Noise Rule in Proposed Noise Chapter</b></p>	<p>There are not considered to be any costs associated with the proposed change to the existing Zone Standard for noise and specifically, the reference to assessment of helicopter noise pursuant to NZS 6807:1994.</p> <p>Acoustic advice provided to the Council confirms that the existing Zone Standard for</p>	<p>Inclusion of NZS 6807:1994 into the noise conditions removes all ambiguity over the appropriate assessment of noise for helicopter landings that occurs via the existing Rural General Zone Standard 5.3.5.2(v) and references to portions of NZS 6807:1994 in Assessment Matter 5.4.2.3(xvi).</p>	<p>The proposed amendments to the noise provisions are considered to be very effective and efficient. There is often a lot of ambiguity and debate as to what acoustic standards should be used to assess applications for informal airports and particularly those for helicopters.</p> <p>The inclusion of NZS 6807:1994 into the</p>

	<p>noise is not suitable for assessing helicopter noise (and in fact NZS 6802:2008 was never intended to be applied to assessment of helicopter noise. This is explicit in the scope of the standard.)</p> <p>The recommendation to use NZS 6807:1994 for assessment of helicopter noise will not exacerbate the number of compliant informal airports for helicopters in the District.</p> <p>This is because the proposed rule relies on setbacks and set limits for flights per week as well as requiring compliance with the proposed noise rule.</p> <p>Any informal airport that triggers resource consent pursuant to the proposed rules should still be assessed in accordance with the proposed Objective, Policies and Assessment Matters that consider all effects of informal airports regardless of whether the noise complies with the proposed noise rule.</p>	<p>The proposed amendments to the noise rules and the associated noise levels are considered to be conservative. Specifically, for an informal airport containing both helicopter and fixed wing aircraft the noise level is 5dB Ldn lower than NZS 6805:1992 recommends. This is to ensure that in the unlikely event that helicopters are more dominant than fixed wing aircraft; the lower noise limit for helicopters is always the controlling factor.</p>	<p>noise rules will remove this ambiguity and debate.</p> <p>Further, based on acoustic advice provided to the Council, it is understood that the proposed noise limits for informal airports are capable of being complied with by those informal airports permitted pursuant to Table 1..</p> <p>Accordingly, the proposed provisions are considered to be an effective means of implementing the proposed Objective and Policies.</p>
<p><b><i>Alternative options considered less appropriate to achieve the relevant objectives and policies:</i></b></p>			
<p><i>Option 1: Status quo - retain the operative airport Rule.</i></p>	<ul style="list-style-type: none"> <li>• <i>Maintaining the operative Rule would be incredibly inefficient. As research has confirmed, in this scenario every single informal airport (other than for emergencies, fire-fighting or farming purposes) in the Rural General Zone would require resource consent.</i></li> <li>• <i>Many of these informal airports can be undertaken without generating significant adverse</i></li> </ul>		

	<p><i>effects on the environment due to significant separation distances from sensitive receivers and thorough assessment by other governing agencies.</i></p> <ul style="list-style-type: none"> <li>• <i>The costs associated with still having to obtain a resource consent in these circumstances are significant to aircraft operators and will utilise a lot of time of Council processing planners.</i></li> <li>• <i>In addition, retaining the operative rule does not address the existing issues of the ambiguity of the noise provisions and their inability to appropriately assess helicopter noise.</i></li> <li>• <i>Collectively the abovementioned matters mean that retaining the operative airport rule is a highly inefficient approach.</i></li> </ul>
<p><i>Option 2: Amend / create new rules for the management of informal airports and retain existing noise provisions.</i></p>	<ul style="list-style-type: none"> <li>• <i>Amending and/or creating new rules for the management of informal airports would not be efficient without looking at the other provisions of the Rural General Zone which currently affect their assessment and overall activity status.</i></li> <li>• <i>Specifically, the key effect of informal airports is the noise emitted. It is understood from research and acoustic advice provided to the Council that the existing noise rules are ambiguous at best and incapable of assessing some aircraft (helicopter) noise.</i></li> <li>• <i>Amending and/or creating new rules for informal airports would not be particularly efficient or effective if they were not considered holistically with the noise provisions.</i></li> </ul>

## **10. Efficiency and effectiveness of the provisions**

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well.

By adding Objectives, Policies and Rules (the provisions) that are specific to the management of informal airports, the intent for management of informal airports in the Rural General Zone becomes easier to understand for users of the Plan inclusive of applicants and processing planners.

Removal of technical errors and ambiguous references to the assessment of noise from informal airports also enables correct assessments in accordance with industry best practise and associated standards.

With a clearer understanding and direction, the proposed provisions for informal airports create a more efficient consent process by reducing the number of resource consents required and by clarifying the appropriate form of assessment when processing resource consents received for informal airports.

### **1. The risk of not acting**

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

## **Attachments**

1. Management of Informal Airports Research Report April 2012; - [link](#)
2. Acoustic Advice from Stephen Chiles dated 15 September 2012. - [link](#)

**APPENDIX 4**

**Evidence of Dr Stephen Chiles for the Council on the Informal Airports topic,  
Hearing Stream 06 April 2016**

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

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

**AND**

**IN THE MATTER** of the Rural Hearing  
Stream 2 (Rural Zone  
chapter)

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**STATEMENT OF EVIDENCE OF DR STEPHEN GORDON CHILES  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**NOISE – INFORMAL AIRPORTS**

**6 APRIL 2016**

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## **1. INTRODUCTION**

- 1.1** My name is Dr Stephen Gordon Chiles.
- 1.2** I am an acoustics engineer and independent commissioner, self-employed by my company Chiles Ltd. I am separately employed half-time by the NZ Transport Agency as a Principal Environmental Specialist, responsible for state highway noise and vibration. I am a visiting academic at the University of Canterbury Acoustics Research Group.
- 1.3** I have a Doctorate of Philosophy in Acoustics from the University of Bath, and a Bachelor of Engineering in Electroacoustics from the University of Salford, UK. I am a Chartered Professional Engineer, Fellow of the UK Institute of Acoustics and Member of the Resource Management Law Association.
- 1.4** I have been practicing in acoustics since 1996, as a research officer at the University of Bath and as a consultant for the international firms Arup, WSP, and URS, and for the specialist firms Marshall Day Acoustics and Fleming & Barron. I have previously been responsible for acoustics assessments and design for numerous different activities including infrastructure, industrial, commercial, recreational and residential developments. I routinely work for central and local government, companies and individual residents.
- 1.5** With respect to aircraft noise issues, I have previously worked for the UK Royal Air Force, where I was involved in a wide range of airport environmental noise assessment and control. I was an independent commissioner, hearing plan changes and notices of requirement relating to aircraft noise at Queenstown and Wanaka Airports. I have also worked for a developer regarding potential noise issues from Omaka Airfield, and for the Queenstown Lakes District Council with respect to numerous helicopter landing areas and the skydiving operation at Jacks Point.
- 1.6** I am convenor of the New Zealand industry reference group for the international standards committee ISO TC43 (acoustics) and its subcommittees SC1 (noise) and SC2 (building acoustics), which is responsible for approximately 200 published "ISO" standards relating to acoustics. I was Chair of the 2012 Standards New Zealand acoustics standards review group;

Chair for the 2010 wind farm noise standard revision (NZS 6808); and a member for the 2008 general environmental noise standards revision (NZS 6801 and NZS 6802).

**1.7** I have been engaged by the Queenstown Lakes District Council (**QLDC**) to provide evidence in relation to informal airports in the Rural Zone of the proposed District Plan (**PDP**), in particular in relation to the Rural Zone chapter 21.

**1.8** Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

**1.9** The key documents that I have used, or referred to, in forming my view while preparing this brief of evidence are:

- (a) QLDC Operative District Plan (**ODP**);
- (b) QLDC Proposed District Plan (**PDP**), in particular Chapters 21 (Rural) and 36 (Noise);
- (c) an advice letter from Chiles Limited (that I prepared) to Mr Blair Devlin of QLDC relating to Airport Noise, dated 15 September 2012 (in **Appendix A**) (**Chiles Ltd Letter**);
- (d) New Zealand Standard NZS 6805:1992 *Airport noise management and land use planning* (**NZS 6805**); and
- (e) New Zealand Standard NZS 6807:1994 *Noise management and land use planning for helicopter landing areas* (**NZS 6807**).

## **2. EXECUTIVE SUMMARY**

**2.1** The key findings from my evidence are that:

- (a) Informal airports can potentially give rise to daytime annoyance, disturbance and amenity effects;

- (b) Aircraft sound levels will generally be acceptable if restricted to within the 55 and 50 dB  $L_{dn}$  criteria recommended in NZS 6805 and NZS 6807. However, further account needs to be taken of the sporadic and infrequent nature of aircraft movements at informal airports, which is not well represented by average  $L_{dn}$  sound levels;
- (c) The standards proposed in the PDP for informal airports, with modifications recommended by Mr Barr in Appendix A of his Officer's report, are generally conservative and should result in acceptable sound levels at neighbouring properties. I consider these rules to be appropriate to control noise effects from informal airports; and
- (d) I have detailed three possible scenarios under which higher sound levels may arise under the rules for informal airports. However, the aircraft noise would still be constrained by the proposed general rules 36.5.13 and 36.5.14, which provide that sound from any helicopter landing area or fixed wing aircraft airport must be measured and assessed in accordance with NZS 6807 and NZS 6805 respectively. They also must comply with the limits of acceptability set out in those standards.

### **3. AIRCRAFT NOISE EFFECTS**

- 3.1** Chapter 2 of the PDP defines 'Informal airports' as the use of land or water for the landing, departure, movement or servicing of aircraft and excludes any designated aerodrome, namely Glenorchy airstrip, Queenstown and Wanaka airports.
- 3.2** With many sources of environmental noise, a key consideration is potential night-time sleep disturbance effects. I understand informal airports are only used during the day and therefore this health effect would not occur. I note however, aircraft operations are only restricted to hours of daylight (approximately between sunrise and sunset) under Civil Aviation Act controls, rather than being restricted to within the ODP and PDP noise rule definition of daytime, which is 0800h to 2000h. Therefore, under the proposed rules for informal airports some aircraft movements could occur outside the district plan daytime period, such as in the early morning during Summer.

- 3.3** The main potential noise effect from informal airports is temporary disturbance and annoyance. An aircraft take-off or landing is a short duration event, and for locations close to an informal airport the sound might cause startle, momentary distraction, and interference with activities, such as holding a conversation or reading.
- 3.4** Aircraft can also generate sound while idling on the ground, and when taxiing. The audibility of aircraft on the ground could affect amenity. However, for most aircraft these activities only last for a few minutes. At a receiver over 500 metres away, while the sound may be audible it should not cause unreasonable disturbance.
- 3.5** Aircraft in flight can be audible over a wide area and can also affect amenity. I am aware the Resource Management Act 1991 (**RMA**) has limitations on the extent to which the noise effects of aircraft in flight can be addressed. In some situations, consideration has been restricted to the noise effects from aircraft only when they are lower than 500 feet above the ground, but in other situations effects have been considered several kilometres from an airport at which point aircraft are higher than 500 feet. For example, noise contours and associated land use controls in district plans extend a significant distance from major airports including Christchurch, Auckland and Queenstown airports.
- 3.6** For this evidence I have considered aircraft in flight on approach to a landing, or departing following a take-off, to the extent the aircraft in flight might result in certain sound levels. I will discuss this in the following section of my evidence. I have not considered noise effects from aircraft in flight at more distant receivers.

#### **4. NOISE LIMITS - CRITERIA**

- 4.1** I refer to  $L_{dn}$  and  $L_{AE}$  sound levels in my evidence. These abbreviations mean:
- (a) The  $L_{dn}$  is the day/night sound level. It is essentially an average level over 24 hours, with any sound occurring at night penalised by +10 dB before being included in the average. For aircraft, the  $L_{dn}$  level is usually further averaged over a number of days or months; and

(b) The  $L_{AE}$  is the sound exposure level. It is used to represent single events, such as aircraft movements, by summing all of the sound energy during the single event and representing it over one second.

**4.2** NZS 6805 and NZS 6807 recommend airport noise limits of 55 dB  $L_{dn}$  and 50 dB  $L_{dn}$  for fixed wing aircraft and helicopters respectively. The lower limit for helicopters is due to the greater annoyance caused by their characteristic blade sounds. I consider these noise limits to be generally appropriate to determine the point at which noise effects from an airport are acceptable. However, the  $L_{dn}$  is an average sound level over three months (fixed wing aircraft) or seven days (helicopters), which in my opinion does not adequately represent noise effects from sporadic infrequent aircraft movements that are usually associated with informal airports.

**4.3** I am not aware of a standardised or recommended approach for assessing sound from infrequently used informal airports. As set out in the **Chiles Ltd Letter** in **Appendix A**, 95 dB  $L_{AE}$  is a criterion that has been adopted at several airports in New Zealand for individual aircraft movements with respect to sleep disturbance. This could also be used as a guide to daytime noise effects, although the Chiles Ltd Letter shows the  $L_{dn}$  criteria are generally more stringent anyway other than for airports with only one or two flights each day.<sup>1</sup>

**4.4** Given the absence of an objective parameter to comprehensively quantify noise effects from infrequently used airports, in my opinion in addition to making reference to the sound level criteria discussed above, a broader consideration of noise effects is required when determining appropriate controls. For example, additional controls on the number of movements each day may be an appropriate regulatory response.

## **5. INFORMAL AIRPORTS ON PUBLIC CONSERVATION OR CROWN PASTORAL LAND**

**5.1** Proposed Rule 21.5.25 in the PDP permits informal airports that operate under a recreation permit<sup>2</sup> or concession<sup>3</sup> and are at least 500 metres from the

1 At page 4, paragraph 1.

2 Issued pursuant to Section 66A of the Land Act 1948.

3 Issues pursuant to Section 17 of the Conservation Act 1987.

notional boundary of any residential unit or approved building platform.<sup>4</sup> As set out in the Chiles Ltd Letter,<sup>5</sup> the separation distance of 500 metres should result in compliance with a 50 dB  $L_{dn}$  criterion for common helicopter types unless there are more than approximately 10 flights a day. There would also be compliance with a 95 dB  $L_{AE}$  criterion for individual helicopter movements.

**5.2** There is potentially greater variability in sound levels from fixed wing aircraft than helicopters, and also a greater difference between levels to the side of the airport and in the direction of the runway. This variability is due to the wider variety of fixed wing aircraft sizes and types encountered, compared to helicopters. With respect to the runway orientation, fixed wing aircraft always generate higher sound levels along the fixed flight paths in the direction of the runway, whereas helicopters can have variable flight paths and steeper approach angles causing less sound exposure on the flight paths. Based on a recent assessment submitted to QLDC for a fixed wing aircraft airfield using Cessna 182 aircraft, at 500 metres to the side of the runway there would be compliance with 55 dB  $L_{dn}$  and 95 dB  $L_{AE}$  criteria for up to 10 flights a day. However, compliance might not be achieved in the direction of the runway until approximately 1 km away from the runway, due to the direction the planes take off and land in.

**5.3** In summary, under Rule 21.5.25 in the PDP (as recommended by Mr Barr in his Officer's Report) I consider that there will be acceptable sound levels at neighbouring properties from informal airports. While there are three possible examples where acceptable criteria from NZS 6805 and NZS 6807 could be exceeded under this specific rule, which are listed below, these situations would still be constrained by other rules in the Noise Chapter of the PDP, which I will discuss briefly below. I therefore consider proposed Rule 21.5.25 provides a pragmatic and appropriate control.

**5.4** The possible examples where sound levels could exceed the recommended criteria under Rule 21.5.25 are:

(a) Informal airports with more than approximately 10 flights a day;

4 Rule 21.5.25 also provides that informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities are permitted activities.

5 At page 2, paragraph 1.

- (b) Informal airports for fixed wing aircraft with the runway orientated towards neighbouring houses; and
- (c) Informal airports with aircraft types that are significantly noisier than those in common use.

**5.5** While these examples are unlikely, they could result in sound levels above the acceptable criteria based on the controls set out in Rule 21.5.25. However, sound levels above acceptable criteria would still be limited by Rules 36.5.13 and 36.5.14 for helicopters and fixed wing aircraft respectively. These rules in the Noise Chapter of the PDP provide that sounds from any helicopter landing area or fixed wing aircraft airport must be measured and assessed in accordance with NZ 6807 and NZS 6805, and must comply with the limits of acceptability set out in those standards. Non-compliance with these rules is a non-complying activity. I understand that these rules are not within the scope of this hearing and will be considered when the Noise Chapter is heard in the District Wide Matters hearing.

**5.6** In the notified version of the PDP the 500 metre separation requirement also applies to roads. In terms of noise effects, road users are generally not considered noise sensitive and I am not aware of other aircraft noise controls in New Zealand applying at roads. I consider it is appropriate to remove the requirement of 500 metres separation from roads as they are not noise sensitive locations.

**5.7** The PDP permits aircraft movements associated with emergencies, without controls on locations or number of flights, which is common practice and in my opinion is appropriate. Rules 21.5.25.3 and 21.5.26.3 of the PDP also permit aircraft movements for "activities ancillary to farming activities", without restrictions. I note this provision could potentially give rise to undue adverse noise effects if the permitted use of aircraft extends beyond short-duration seasonal agricultural activities. Mr Barr discusses the practical implementation of these provisions in his report, and based on that, I accept this potential effect can be adequately managed under the proposed rules.

## 6. INFORMAL AIRPORTS ON OTHER RURAL ZONED LAND

- 6.1 For informal airports on other rural zoned land, Rule 21.5.26 of the PDP applies and also requires a 500 metre separation from any formed legal road or notional boundary of any residential unit or building platform discussed above. In addition, the rule provides a limitation of three flights a week. In response to submissions Mr Barr has recommended this should be increased to two flights a day.
- 6.2 With the recommended increase to two flights a day, the control for other rural zoned land is still more stringent than the control for public conservation or crown pastoral land under Rule 21.5.25. Of the possible examples listed in paragraph 5.4 above, which are permitted in Rule 21.5.25 but could result in higher sound levels than acceptable criteria from NZS 6805 and NZS 6807, (a) cannot occur in the other rural zoned land as the number of flights is restricted to two a day.
- 6.3 I consider proposed Rule 21.5.26 provides a pragmatic and appropriate control for noise effects from informal airports in other rural zoned land.

## 7. SUBMISSIONS

- 7.1 I have read Mr Barr's summary of submissions relating to the noise controls for informal airports. He has not raised any technical acoustics issues from the submissions, rather in general some submissions seek more lenient controls and some seek more stringent controls.
- 7.2 As discussed above, in response to submissions Mr Barr has recommended increasing the number of flights permitted in other rural zoned land from three per week to two per day (equating to a maximum of 14 per week). This increased number of flights remains within the envelope discussed in my report in **Appendix A**, and I consider it still constrains aircraft movements to an extent that will maintain acceptable noise effects.
- 7.3 Mr Barr discusses a submission from the Department of Conservation, requesting that its activities be exempted from Rule 21.5.25. In terms of noise effects, I am not aware of any features that would differentiate these activities from other potential aircraft activities operating under a concession. I therefore

consider that informal airports used by the Department of Conservation should only be permitted on Public Conservation Land by rule 21.5.25 when they are at least 500 metres from the notional boundary of any residential unit or approved building platform not on Public Conservation Land.

**7.4** With respect to Mr Barr's other recommendations I note that in my view:

- (a) it is appropriate to remove the requirement of 500 metres separation from roads as they are not noise sensitive locations; and
- (b) requiring a 500 metre separation from the boundary of other zones is a cautious approach that will further limit potential noise effects.



**Dr Stephen Gordon Chiles**

**6 April 2016**

**APPENDIX A**  
**CHILES LIMITED LETTER (15 SEPTEMBER 2012)**

# Chiles Ltd

Private Bag 55037, Christchurch 8154

15 September 2012

Ref: 120502

Queenstown Lakes District Council  
Private Bag 50072  
Queenstown 9348

Attention: Blair Devlin

Dear Blair

**Subject: Airport noise**

This letter provides acoustics advice on:

- 1) A proposed 500 metre buffer/setback distance from helicopter landing areas on Public Conservation or Crown Pastoral Land, and
- 2) Limitations of the  $L_{dn}$  parameter for assessing noise effects of airports with low flight numbers.

## **500 metre buffer**

Southern Planning Group prepared a report on the management of informal airports for the QLDC dated April 2012. Within that report it sets out how informal airports on Public Conservation or Crown Pastoral Land require formal approvals from the Department of Conservation or the Commissioner of Crown Lands respectively. The report suggests that those approvals should be appropriate to manage adverse noise effects on other users within that land. However, those approvals do not consider occupiers of neighbouring land.

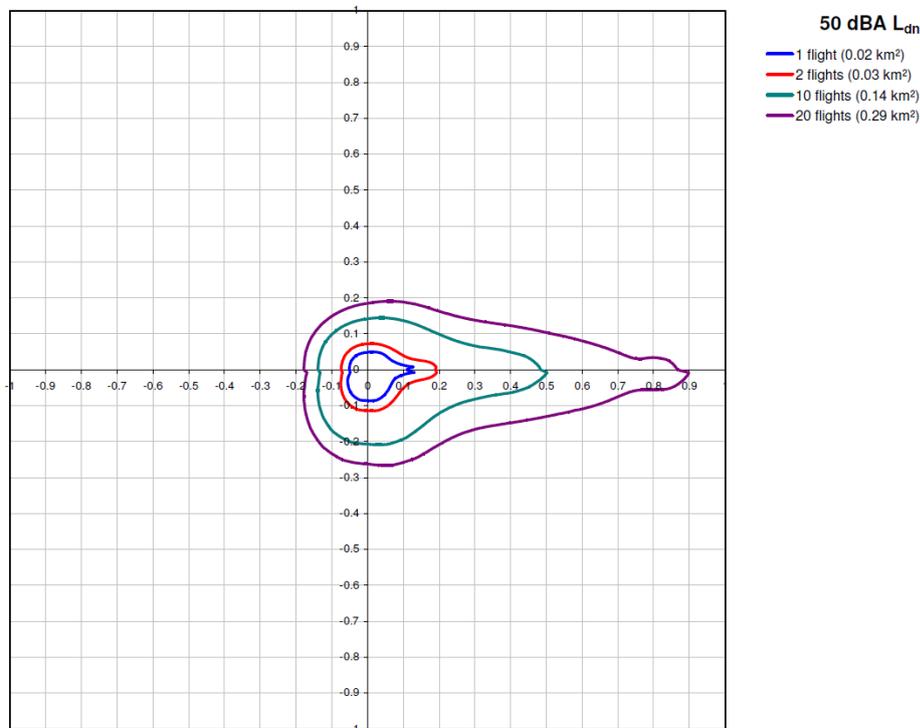
Southern Planning Group suggests that airports on Public Conservation or Crown Pastoral Land could be made permitted activities under the Queenstown Lakes District Plan, but proposes a 500 metre buffer/setback to control any noise effects on neighbouring land. This letter discusses that proposed setback.

Noise effects from helicopters are usually assessed using NZS 6807, which recommends a noise limit of 50 dB  $L_{dn}$  at the notional boundary of houses in rural areas (the notional boundary is 20 metres from a house). Experience from existing informal airports in the Queenstown Lakes District is that the 50 dB  $L_{dn}$  criterion is usually achieved within a few hundred metres. The actual distance depends on:

- aircraft types,
- aircraft flight paths,
- number and time of movements, and
- terrain.

In previous work for Lakes Environmental Ltd, the author examined a hypothetical airport on flat ground with an AS350 helicopter. The following figure shows the 50 dB  $L_{dn}$  contour for different flight numbers, predicted using INM v7.0 software, on a grid extending 1 km in each direction from a

landing site at the centre of the figure. The green contour shows that if there are 10 flights (10 landings and 10 take-offs, being 20 movements) in a day then in the direction of the arrival and departure flight path (to the right of the figure) the 50 dB  $L_{dn}$  contour extends to approximately 500 metres. In other directions the contour only extends to approximately 200 metres. If steeper arrival and departure flight paths were used then the extent of the contour could be reduced.



There has previously been debate with respect to resource consent applications in the Queenstown Lakes District as to whether NZS 6807 and the 50 dB  $L_{dn}$  criterion are appropriate controls for helicopter noise. In the case of Plan Change 27A, the NZS 6807 criteria were removed from the proposed district plan noise rules during mediation, and as a result there is not a specific helicopter noise limit in the district plan. Our opinion is that, subject to the discussion below on sites with low movement numbers, NZS 6807 and the 50 dB  $L_{dn}$  criterion do provide an appropriate control for helicopter noise.

The proposed permitted activity rules for informal airports on Public Conservation or Crown Pastoral Land do not explicitly limit the factors that determine the extent of the sound level contours detailed above. However, from our experience of informal helicopter landing areas in the Queenstown Lakes District it would be unusual to have as many as 10 flights a day. Therefore, the proposed 500 metre setback would generally result in a noise level at neighbouring land within the NZS 6807 criterion of 50 dB  $L_{dn}$ , which we consider acceptable.

If greater certainty is desired then the rules could be extended to specify:

- A maximum of 10 flights (20 movements) a day, and
- No flights at night (2200h to 0700h).

The disadvantage of specifying a limit on flights is that airports that are significantly further from neighbouring land would be unnecessarily constrained, or would be unable to take advantage of the permitted activity status.

### Low flight numbers

Subjective response to aircraft (fixed wing and helicopter) noise depends on a range of factors. The main factors are the:

- noise level of each aircraft movement,
- number of aircraft movements, and
- time of day of aircraft movements.

The  $L_{dn}$  criteria in NZS 6805 (airports) and NZS 6807 (heliports), provide a method to combine these factors in a way that has been shown to correlate to subjective response. The  $L_{dn}$  is an average noise level over 24 hours and is sometimes described as a 'noise bucket'. The bucket is filled quicker by noisier aircraft movements and hence the number of flights and their noise levels can be traded-off to some extent. The  $L_{dn}$  also includes a penalty for any flights at night, which fill the noise bucket ten times more than the same flights during the day. For informal airports there generally are no night flights.

The  $L_{dn}$  provides an effective framework for managing noise effects from airports. However, NZS 6805 is not designed for informal airports and NZS 6807 is only intended to apply to helicopter landing areas with more than ten movements in a month. Regardless of the stated scope of the Standards, it is considered that the  $L_{dn}$  criteria do provide a useful reference point for assessment of informal airports. For busier informal airports, such as sky-diving operations for example, it is recommended that the  $L_{dn}$  criteria should still be applied, with additional controls if necessary.

An issue with informal airports having low flight numbers is that the  $L_{dn}$  criteria could allow excessively noisy individual events. The report by Southern Planning Group suggests that the QLDC could devise specific criteria for informal airports, and indicates that this may be in terms of a sound exposure level (SEL),  $L_{AE}$ , which would control individual events.

The  $L_{AE}$  is the total sound energy of a single aircraft movement. The  $L_{dn}$  'spreads' sound from all movements over 24 hours, whereas the  $L_{AE}$  represents all sound from a single movement effectively in 1 second, hence values of  $L_{AE}$  are higher than values of  $L_{dn}$ . For example, if a movement has a  $L_{AE}$  value of 95 dB, and there are 20 such movements in a day the resulting  $L_{dn}$  (59 dB) can be calculated as follows (assuming none of the movements are at night):

$L_{dn} =$	$L_{AE}$	$+10 \times \log(\text{number of movements})$	$- 10 \times \log(\text{time in seconds})$
$L_{dn} =$	95 dB $L_{AE}$	$+10 \times \log(20 \text{ movements})$	$- 10 \times \log(24 \times 60 \times 60 \text{ seconds})$
$L_{dn} =$	95 dB $L_{AE}$	+13 dB	- 49 dB
$L_{dn} =$	59 dB		

In NZS 6805 the primary  $L_{dn}$  criterion is 55 dB and in NZS 6807 it is 50 dB (this is more stringent to account for the particular characteristics of helicopter sound). The following table shows the maximum

$L_{AE}$  for a given number of flights (two movements each) that would result in compliance with these  $L_{dn}$  criteria.

Number of flights (2 movements)	Maximum $L_{AE}$ to meet 55 dB $L_{dn}$ (NZS 6805)	Maximum $L_{AE}$ to meet 50 dB $L_{dn}$ (NZS 6807)
1	101 dB $L_{AE}$	96 dB $L_{AE}$
2	98 dB $L_{AE}$	93 dB $L_{AE}$
5	94 dB $L_{AE}$	89 dB $L_{AE}$
10	91 dB $L_{AE}$	86 dB $L_{AE}$
20	88 dB $L_{AE}$	83 dB $L_{AE}$

It can be seen from the table that for low daily flight numbers high values of  $L_{AE}$  would be possible for individual flights/movements. The resulting adverse effects might not be well represented by the daily average  $L_{dn}$ . This could be avoided by also setting a  $L_{AE}$  criterion as suggested by Southern Planning Group.

Within New Zealand we are not aware of a precedent that links subjective responses to a particular  $L_{AE}$  criterion. If this issue is pursued, a search could be conducted of international literature to seek further guidance/research. For major airports in New Zealand, 95 dB  $L_{AE}$  is often proposed for night-time noise on the basis of sleep disturbance. This established use of a 95 dB  $L_{AE}$  criterion for night-time noise might indicate that it would also result in reasonable daytime aircraft noise effects. However, as shown in the table above, this would be achieved in most cases regardless, and potentially a lower  $L_{AE}$  criterion could be considered for informal airports.

A 95 dB  $L_{AE}$  criterion would have an influence on fixed wing airports with very low flight numbers. For example, if there was a noise limit of 55 dB  $L_{dn}$  (NZS 6805), but an airport only had one flight a day, then as shown in the table, the  $L_{AE}$  of each movement could be as high as 101 dB  $L_{AE}$ . In this instance the imposition of a 95 dB  $L_{AE}$  criterion would limit the potential noise effects. This criterion could be achieved with a relatively short setback distance, generally within 100 m if not on the flight path.

An additional issue for informal airports with low flight numbers is that anecdotally the relationship between subjective response to aircraft noise and the  $L_{dn}$  appears to be weaker. For low movement numbers subjective responses may be related to the number of movements more so than the noise level ( $L_{AE}$ ) of each movement. Consequently, in consent RM060820 for example, a maximum number of flights (4/day) was imposed in addition to a  $L_{dn}$  limit.

In summary, possible controls for noise from informal airports include:

- $L_{dn}$  criteria,
- $L_{AE}$  criteria,
- Maximum numbers of flights, and
- Setback distances.

For informal airports with low movement numbers we are not aware of robust precedents in New Zealand that could be used to accurately combine these factors to relate to subjective response. For the Rural General Zone, Southern Planning Group proposes permitted activity rules for informal airports as a maximum number of flights (3/day) and a setback (500 m). This is a relatively

conservative approach that has the advantage of being straightforward to monitor and avoids the need for an acoustics specialist.

In other zones a conservative 500 m setback generally cannot be accommodated, and it may be more appropriate to set criteria in terms of  $L_{dn}$  and/or  $L_{AE}$ . While this adds complexity to the assessment and compliance monitoring, it allows the conservatism to be removed.  $L_{dn}$  criteria can be taken from NZS 6805 (55 dB  $L_{dn}$ ) and NZS 6807 (50 dB  $L_{dn}$ ), but these should be augmented with a  $L_{AE}$  criterion or setback distance, and a limit on the number of flights.

There is not a simple standard currently available for informal airports. A number of potential controls are discussed above, but broader judgement may be required to determine appropriate values for some parameters.

Yours sincerely

**Chiles Ltd**

A handwritten signature in black ink, appearing to read 'Stephen Chiles', written in a cursive style.

Dr Stephen Chiles

**APPENDIX 5**  
**Evidence of Dr Stephen Chiles for the Council on Chapter 36 Noise, Hearing**  
**Stream 5 17 August 2016.**

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

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

**AND**

**IN THE MATTER** Hearing Stream 05  
- District Wide chapters

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**STATEMENT OF EVIDENCE OF DR STEPHEN GORDON CHILES  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**ACOUSTICS ENGINEER**

**17 August 2016**

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## 1. INTRODUCTION

- 1.1 My name is Dr Stephen Gordon Chiles.
- 1.2 I am an acoustics engineer and independent commissioner, self-employed by my company Chiles Ltd. I am a visiting academic at the University of Canterbury Acoustics Research Group.
- 1.3 I have a Doctorate of Philosophy in Acoustics from the University of Bath, and a Bachelor of Engineering in Electroacoustics from the University of Salford, UK. I am a Chartered Professional Engineer, Fellow of the UK Institute of Acoustics and Member of the Resource Management Law Association.
- 1.4 I have been practising in acoustics since 1996, as a research officer at the University of Bath, as an acoustics specialist at the NZ Transport Agency (**NZTA**), and as a consultant for the international firms Arup, WSP, URS and for the specialist firms Marshall Day Acoustics and Fleming & Barron. I have previously been responsible for acoustics assessments and design for numerous different activities including infrastructure, industrial, commercial, recreational and residential developments. I routinely work for central and local government, companies and individual residents.
- 1.5 I have worked extensively on acoustics issues in the Queenstown Lakes District (**District**) over many years. Recently my role has primarily been as a consultant to the Queenstown Lakes District Council (**Council**) and in the last two years I have provided advice on over 50 resource consent applications. I also advised the Council on technical issues associated with Plan Change 27A (**PC27A**) to the Operative District Plan (**ODP**), which related to noise provisions.
- 1.6 I am convenor of the New Zealand industry reference group for the international standards committee ISO TC43 (acoustics), which is responsible for approximately 200 published "ISO" standards relating to acoustics. I was Chair of the 2012 Standards New Zealand acoustics standards review group; Chair for the 2010 wind farm noise standard revision (NZS 6808); and a member for the 2008 general environmental noise standards revision (NZS 6801 and NZS 6802).

- 1.7** This is the second statement of evidence I have prepared on behalf of the Council for the Stage 1, Proposed District Plan (**PDP**). The first was in the Rural Hearing, related specifically to informal airports, dated 6 April 2016.<sup>1</sup>
- 1.8** I have now been engaged by the Council to provide acoustics evidence in relation to Chapter 36, Noise, of the PDP. I provided some comments to the consultant planner engaged by the Council during the drafting of Chapter 36, but I note that I was not engaged to review the completed draft before it was notified.
- 1.9** Following my engagement by the Council in relation to the Noise chapter of the PDP I was also asked to comment on a few discrete noise related issues on Chapter 30, Utilities and Renewable Energy and Chapter 35 Temporary Activities and Relocated Buildings.
- 1.10** With respect to this evidence I declare that:
- (a) I was an independent commissioner for the Council for Plan Change 26 (**PC26**) and Plan Change 35 (**PC35**) to the ODP relating to Wanaka and Queenstown Airports respectively; and
  - (b) I was previously employed by the NZTA and my role included technical aspects of land use controls relating to noise around state highways. However, I had no involvement in NZTA's submission (#719) on the PDP. I now consult for NZTA on various matters, but not with respect to the PDP.
- 1.11** Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 1.12** The key documents that I have used, or referred to, in forming my view while preparing this brief of evidence are:

1

<http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-2/Section-42-A-Reports/Expert-Evidence/QLDC-02-Rural-Stephen-Chiles-Evidence.pdf>.

- (a) QLDC Operative District Plan, including Plan Changes 26, 27A and 35 to the ODP;
- (b) QLDC Proposed District Plan, in particular Chapter 36 (Noise);
- (c) New Zealand Standard NZS 6801:2008 *Acoustics – Measurement of environmental sound (NZS 6801)*;
- (d) New Zealand Standard NZS 6802:2008 *Acoustics – Environmental noise (NZS 6802)*;
- (e) New Zealand Standard NZS 6803:1999 *Acoustics – Construction noise (NZS 6803)*;
- (f) New Zealand Standard NZS 6805:1992 *Airport noise management and land use planning (NZS 6805)*;
- (g) New Zealand Standard NZS 6806:2010 *Acoustics – Road-traffic noise – new and altered roads (NZS 6806)*;
- (h) New Zealand Standard NZS 6807:1994 *Noise management and land use planning for helicopter landing areas (NZS 6807)*;
- (i) New Zealand Standard NZS 6808:2010 *Acoustics – Wind farm noise (NZS 6808)*;
- (j) International Standard ISO 2922:2000 *Acoustics - Measurement of airborne sound emitted by vessels on inland waterways and harbours (ISO 2922)*; and
- (k) International Standard ISO 14509-1:2008 *Small craft - Airborne sound emitted by powered recreational craft - Part 1: Pass-by measurement procedures (ISO 14509-1)*.

## 2. EXECUTIVE SUMMARY

### 2.1 The key findings from my evidence are that:

- (a) The ODP had already been updated through PC27A to use current acoustics parameters and standards, and these have been carried through into the PDP. Moving all the noise limits to a district wide chapter in the PDP provides better clarity that noise limits relate to receiving zones. However, I consider several issues with the drafting of the PDP need to be addressed as discussed by Ms Evans in her Officer's Report.

- (b) Sound from emergency generators is likely to be acceptable at a higher level than other sources, and I consider it would be appropriate for it to be exempted from the noise limits.
- (c) Specific noise measurement and assessment standards are appropriate for motorised craft on rivers and lakes. I consider the noise limits for motorised craft specified in the ODP and PDP as notified to be appropriate. However, I recommend that the test details be addressed through reference to standards, and the requirement for annual testing by QLDC to be impractical.
- (d) Assessment of helicopter sound is complex, and there is not a perfect way to equate noise limits for helicopters with noise limits for other sources. I consider the approach to helicopter noise limits in the ODP to be deficient, and a better approach to be to require compliance with the noise limits set out in NZS 6807.
- (e) In response to submissions, I recommend refinements to the sound insulation and ventilation controls for noise sensitive activities around Queenstown and Wanaka Airports. These are aimed at making the controls more practical to apply, in a way that is consistent with the intent of the submissions.
- (f) Numerous other more minor issues have been raised in submissions with respect to the noise rules in the PDP as notified. I have provided technical evidence in response to those submissions.

### **3. PARAMETERS**

**3.1** Several submissions raise issues relating to acoustics parameters and I discuss these in my evidence. To assist with that discussion, the following is a brief summary of the key parameters, with a summary table below:

- (a) the  $L_{A10}$  is the tenth centile sound level. Mathematically it is the level exceeded for 10% of a measurement (typically 10 or 15 minutes' duration). In practice, the  $L_{A10}$  represents the sound from an activity being measured rather than background sounds. The  $L_{A10}$  was the

main parameter used in New Zealand Standards before 1999 and was used for noise limits in most first generation district plans;

- (b) the  $L_{Aeq(15 \text{ min})}$  is essentially an average sound level measured over 15 minutes. This also relates to the sound of an activity, but has advantages over the  $L_{A10}$  in that it allows for more accurate corrections and adjustments to be made. The  $L_{Aeq}$  is the parameter most commonly used internationally, including by bodies such as the World Health Organisation. The  $L_{Aeq(15 \text{ min})}$  is specified by current New Zealand Standards and has been used in all second generation district plans that I am aware of;
- (c) the  $L_{AFmax}$  represents the highest sound level in one eighth of a second during a measurement (typically 10 or 15 minutes' duration). This relates to peaks of noise from individual events such as a car door slamming or a dog barking. New Zealand Standards only recommend applying an  $L_{AFmax}$  limit at night, as an additional control to protect sleep;
- (d) the  $L_{ASmax}$  represents the highest sound level in one second during a measurement. This parameter is not commonly used in New Zealand, but is included in international standards for measuring sound from motorised craft (e.g. boat) pass-bys; and
- (e) the  $L_{dn}$  is the day/night sound level. It is essentially an average level ( $L_{Aeq}$ ) over 24 hours, with any sound occurring at night penalised by +10 dB before being included in the average. This parameter is used in New Zealand Standards and most district plans for sound from airports, helicopter landing areas and ports. For fixed wing aircraft, the  $L_{dn}$  is further averaged over three months and for helicopters the  $L_{dn}$  is further averaged over seven days.

### Summary of acoustics parameters

Parameter	Comments
$L_{A10}$	The main parameter used for activity noise limits in old versions of New Zealand Standards and old district plans
$L_{Aeq(15 \text{ min})}$	The main parameter currently used for activity noise limits in New Zealand Standards and updated district plans
$L_{AFmax}$	A supplementary parameter used for peaks of sound from individual events at night
$L_{ASmax}$	This parameter is used in international standards for sound from boats, but is not commonly used in New Zealand
$L_{dn}$	This parameter is used in New Zealand Standards for airports, helicopter landing areas and ports

## 4. PLAN CHANGE 27A

- 4.1** Before PC27A, the ODP used the  $L_{A10}$  parameter and did not include specific rules for helicopter landing areas. The use of the  $L_{A10}$  parameter had caused practical issues for situations such as measurement and assessment of sound from bars in the Queenstown Town Centre. PC27A sought to update the acoustics standards and parameters in the ODP and to introduce specific measures for helicopters (and airports and wind farms) in accordance with New Zealand Standards.
- 4.2** PC27A did not seek to change the structure of noise limits in the ODP or to change the general standard of amenity achieved by the noise limits. I understood this was because the Council considered these changes would be better addressed at a later stage through notification of the PDP (Stage 1).
- 4.3** As a result of PC27A the ODP uses current New Zealand Standards and the  $L_{Aeq(15 \text{ min})}$  parameter. These aspects have been carried forward into the PDP.
- 4.4** PC27A was appealed to the Environment Court, primarily in relation to noise limits for helicopter landing areas. My understanding is that the Council reached a compromised position in a mediated agreement that was subject to a consent order.

- 4.5** The mediated agreement on PC27A removed the proposed requirement for helicopter landing areas to be assessed in accordance with the recommended noise limits in the relevant standard (NZS 6807), and instead required them to be assessed under the general zone noise limits. While the intent of this agreement was clear, in my opinion the resulting wording has created a contradiction in the ODP as the general noise limits are required to be assessed in accordance with NZS 6802, which explicitly excludes helicopters from its scope. The rules are further complicated by NZS 6807 being specified in the ODP as part of the assessment matters for helicopter sound, although with reference to the general district plan noise limits.
- 4.6** I foreshadow these issues now, as they are relevant to specific issues and submissions that I discuss later in my evidence with respect to helicopter landing areas.

## **5. FORMATTING**

- 5.1** I have identified a number of issues with the notified version of the PDP, where the formatting of the noise rules might result in inefficiencies, inconsistencies and ambiguities. Some of these matters have been raised in submissions and I will discuss them later in my evidence. However, there are some other matters that I will now discuss, and I understand are not covered by a specific submission point.
- 5.2** The noise chapter has been structured to set general noise limits for receiving zones rather than setting noise limits specifically for sites containing activities generating sound. The ODP sets noise limits in the same way, but interpretation of the ODP noise limits is complicated by them being distributed between different chapters in the ODP. In the PDP the drafting needs amendment to give effect to the approach of noise limits applying to receiving zones, as set out by Ms Evans in her Officer's Report.
- 5.3** The noise limits in Rule (notified 36.5.7; redrafted 36.5.6) are erroneous. For the same zones this rule includes duplicate and conflicting noise limits for overlapping time periods using different parameters. As a consequence, I consider that the rule as notified is unusable. To correct these issues, I recommend the following:

- (a) the Kingston Village Special Zone (Activity Area 2) should be subject to noise limits as set out in Rule (notified 36.5.6; redrafted 36.5.5); and
- (b) Industrial Zones should be subject to a noise limit of 65 dB  $L_{Aeq(15 \text{ min})}$  at all times. However, I understand that the Council propose that this matter be addressed in Stage 2 of the PDP.

**5.4** The structure of notified Rule 36.5.17 does not fit with the format of the table, making the requirements ambiguous. However, I understand the Council propose that this matter could be addressed in another chapter of the PDP.

## **6. EMERGENCY AND BACKUP GENERATORS**

- 6.1** Aurora Energy Limited (#635) submitted that emergency and temporary generators should be exempt from noise limits, through amendments to notified Rule 36.3.2.7 and a new Rule 36.4.8 to be added. A similar submission was made by Aurora Energy Limited on notified Rule 30.4.6 of the Utilities and Renewable Energy Chapter, and my recommendations apply to both provisions and submission points.
- 6.2** In my opinion the amendment sought to notified Rule 36.3.2.7 would not be required to give effect to the submission, as notified Rule 36.3.2.5 already exempts all permitted activities in notified Rule 36.4 from the noise limits.
- 6.3** Temporary sound from an emergency generator is likely to be tolerated by most people at higher levels than other permanent sound sources. This is both due to the temporary nature of the source and also due to its essential function. As such, in general I consider the exemption sought to be appropriate in terms of noise effects. The submission refers to "emergency and backup" generators, but in terms of this likely acceptance of the sound, a key feature is that the generator is running for emergency purposes.
- 6.4** Emergency generators are often permanently installed and subject to routine testing. If there were to be an exemption from the noise limits, in my view the timing and duration of generator operation for testing and maintenance should

be restricted. I consider an appropriate allowance for testing would be less than 60 minutes each month during a weekday between 0900h and 1700h.

- 6.5** I consider that notified Rule 36.3.2.7 should not be altered, but in terms of noise effects it would be appropriate to add a new rule permitting noise from emergency generators as set out by Ms Evans in her Officer's Report.
- 6.6** With respect to Rule 30.4.6 the submitter seeks to also exempt generators more generally, and cites examples of backup generators on remote sites and a temporary generator at the hospital. As set out above, I consider it is appropriate to provide an exemption from the noise limits for emergency generators. However, it is not clear why the other examples given should be exempt.
- 6.7** Generators on remote sites should be able to comply with the noise limits at their nearest neighbours without any particular constraints. This is because sound will reduce as it travels over large distances. I am not aware of a justification for exempting this sound from the noise limits.
- 6.8** With respect to generators at the hospital, if it were needed for an emergency then it would be covered by the proposed exemption. However, other generators, such as a temporary generator that might be used for a prolonged period during construction works, should be subject to the noise limits.
- 6.9** For the reasons set out above I consider that the reference to the noise chapter in Rule 30.4.6 should be retained.

## **7. MOTORISED CRAFT ON THE SURFACE OF RIVERS AND LAKES**

- 7.1** The ODP includes a specific rule controlling the sound of all motorised craft on the surface of rivers and lakes. That rule has been carried forward into the PDP essentially without amendment. However, the rule in the PDP only applies to commercial craft rather than all craft as in the ODP. In terms of noise effects, I consider the same controls should apply to all motorised craft, although I understand there may be no scope to make this change to the PDP.
- 7.2** I highlight two issues with the motorised craft rule in the ODP:

- (a) the rule requires all motorised craft to have sound levels measured by QLDC every 12 months at a test day. This requirement is not practical, and despite being in the ODP I have not found any record of it occurring, at least in recent years; and
- (b) the rule replicates requirements for testing that are contained in the referenced standards. This complicates the ODP (and now the PDP) and gives rise to potential inconsistencies. I consider it would be better to reference the standards rather than paraphrase them.

**7.3** Neither of these issues were addressed in the notified version of the PDP. However, submissions on this issue range from submissions seeking a complete exemption of sound from motorised craft in the rules (#607/#621) and more lenient noise limits for certain activities (#758), through to more stringent noise limits (#243).

**7.4** Te Anau Developments Limited (#607) and Real Journeys Limited (#621) submitted that vessels (motorised craft) should be completely exempt from the noise rules by adding them to notified Rule 36.4. Sound from motorised craft has previously been identified as a particular issue in the district, resulting in the specific noise limits being included in the ODP and now the PDP. While the annual testing required under those provisions has not occurred in practice, the noise limits have served as appropriate criteria for resource consents for various activities involving motorised craft.

**7.5** From my experience in the district, I consider that sound from motorised craft has the potential to cause significant adverse noise effects in terms of degradation of amenity and disturbance. I note that unlike sound propagating over land, sound from motorised craft generally travels further across a lake as it is unimpeded and above an acoustically reflective surface. I consider that it is appropriate for a noise limit for motorised craft to be retained in the PDP. However, as noted above, I do not consider the existing annual test requirements to be practical or necessary.

**7.6** For the reasons discussed above, while I do not consider a full exemption of motorised craft from the noise limits to be appropriate, I consider removing the testing requirements would partly address the concerns raised in the submissions.

- 7.7** Submitters #607 and #621 also seek more specifically for notified Rule 36.8.1 to be amended to exclude vessels operating low or medium speed passenger transport services. If the testing requirement is removed as I have discussed, Rule 36.8 would be deleted in its entirety.
- 7.8** Jet Boating New Zealand (#758) submit that a more lenient noise limit should be applied to motorised craft competing in jet boat races between 0800h and 1800h. The submission proposes a noise limit of 92 dB  $L_{ASmax}$ , compared to the current requirement of 77 dB  $L_{ASmax}$ . This increase would be clearly noticeable and could have significant adverse noise impacts. I consider that a more appropriate way to address sound from jet boat races would be for their noise effects to be considered on a case-by-case basis, such as through a resource consent process, with specific regard to the particular location and scale of each jet boat race event. In my opinion it is not practical to make this assessment on a district wide basis for unspecified events.
- 7.9** Christine Byrch (#243) submitted that noise limits for motorised craft should be reduced and should include commentary from onboard sound systems. The noise limits have been in place in the ODP for many years and I am not aware of widespread disturbance occurring or significant complaints. Reducing the noise limits would be likely to prevent some motorised craft operating in the district. I consider the noise limits notified in the PDP represent an appropriate balance between enabling activities with motorised craft, and controlling adverse noise effects.
- 7.10** Sound from on-board sound systems cannot practically be controlled under the test standards specified for motorised craft. This is because the motorised craft noise limit relates to one second of sound as the craft passes a measurement location; but for a sound system a longer measurement is needed as the sound levels are constantly changing. I consider sound from on-board systems could be more effectively controlled by the standard district plan noise limits for general sound sources.
- 7.11** Ms Evans has set out amendments to the PDP that would address the issues I have raised above in her Officer's Report.

## **8. QUEENSTOWN AIRPORT MIXED USE ZONE**

- 8.1** Queenstown Airport Corporation (#433) submitted that notified Rule 36.5.2 should be deleted as it is a duplication of notified Rule 17.5.6.1 in the Queenstown Airport Mixed Use Zone Chapter. The rules are duplicates and I consider that one of them should be deleted. For the reasons set out below, in my opinion notified Rule 17.5.6.1 should be deleted and notified Rule 36.5.2 should be retained.
- 8.2** A significant advantage of the structure of the noise rules in the PDP compared to the ODP is that they are now in a district wide chapter. This is beneficial as for most zones, noise limits are set for sites *receiving* sound rather than sites containing activity generating sound. I therefore consider that notified Rule 36.5.2 should be retained, to keep it in the District Wide Chapter, and notified Rule 17.5.6.1 should be deleted.
- 8.3** As an aside to this submission, I note the noise limits in notified Rule 17.5.6.1 for the Queenstown Airport Mixed Use zone are inconsistent with all other zones. This is in terms of the limits applying to the location of the specific activity rather than relating to the receiving environment; and also the limits being more lenient and having a longer daytime period. There is no obvious reason for these inconsistencies and they undermine the level of amenity provided in surrounding locations by district wide noise limits.

## **9. JACKS POINT**

- 9.1** RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks Point Ltd (#632) submitted that the noise limits in notified Rule 36.5.3 should also apply to the Village Activity Area in the Jacks Point Resort zone. While this change would provide a good standard of amenity in the Village Activity Area, the noise limits in notified Rule 36.5.3 are stringent for commercial activities and would not allow for some activities such as cafés with patrons sitting outside. For commercial activities, I consider that more lenient noise limits such as those in Rule (notified 36.5.6; redrafted 36.5.5) would be more appropriate.

## **10. COMMERCIAL OVERLAY**

- 10.1** Lake Hayes Cellar Limited (#767) submitted that noise limits for emissions from the Amisfield site should be made more lenient through the creation of a commercial overlay with a daytime period for noise limits extending to 2200h rather than 2000h.
- 10.2** The Amisfield site contains established commercial activities authorised by resource consents. There were detailed noise assessments made as part of those resource consents. There are several residential properties opposite the entrance to the Amisfield site and specific noise effects have previously been assessed at those locations as well as other nearby residential properties.

## **11. ASSESSMENT LOCATIONS**

- 11.1** Sean and Jane McLeod (#391) submitted that noise limits should apply at site boundaries rather than at any point within any site. While it could be assumed that sound levels will be highest at the boundary of a site nearest to a neighbouring site containing a sound source, this is not always the case. Often topography or a boundary fence will mean sound levels will be higher at some other point within a site. Therefore, specifying that noise limits apply at any point within any site (including at the boundary) is more stringent than specifying application just at the site boundary.
- 11.2** As a guide to good practice, I also note that Clause 8.4.3 of NZS 6802 is explicit that noise limits should apply at any point within a site and should not apply at a boundary.

## **12. FROST FANS**

- 12.1** The Southern District Health Board (#649) submitted that the noise limit for frost fans in the PDP should be changed from 85 dB  $L_{AFmax}$  to 55 dB  $L_{Aeq(15 min)}$ . I am not aware of the origins of the 85 dB  $L_{AFmax}$  noise limit in the ODP, but  $L_{AFmax}$  is not an appropriate parameter for frost fans and 85 dB  $L_{AFmax}$  is a level that would not adequately control noise effects. In my opinion a noise limit of 55 dB  $L_{Aeq(15 min)}$  as proposed in the submission would be appropriate to control adverse noise effects from frost fans. Such a noise limit is likely to restrict use of frost fans within approximately 200 metres of neighbouring properties,

although the exact distance will depend on the specific frost fan type and local topography.

- 12.2** The proposed frost fan noise limit of 55 dB  $L_{Aeq(15 \text{ min})}$  is significantly more lenient than the general night-time noise limit of 40 dB  $L_{Aeq(15 \text{ min})}$ . While this may be acceptable for a temporary seasonal sound source, I note that some other district plans include additional controls to ensure frost fans are only used when essential. I understand there may be no scope to address such issues in the PDP.

### **13. HELICOPTERS**

- 13.1** Five submitters (#607, #621, #660, #662 and #713) propose that the  $L_{dn}$  control for helicopters should be replaced by a control specified in terms of the  $L_{AFmax}$  parameter. The adverse noise effects of helicopters are related to both the sound level of individual helicopter movements, and also the frequency of movements. While there are some limitations to an  $L_{dn}$  noise limit it does control both these factors, whereas specifying an  $L_{AFmax}$  would only control the sound level but not the number of movements. I do not consider an  $L_{AFmax}$  control to be appropriate as it would allow an unlimited number of helicopter movements and therefore would not adequately manage the adverse noise effects.
- 13.2** A separate issue with  $L_{AFmax}$  noise limits, is that they relate to one eighth of a second of sound, which can be highly variable for helicopter movements. This results in poor repeatability between measurements and difficulty obtaining reliable assessments.
- 13.3** Skyline Enterprises Limited (#574) submitted that the noise limits recommended for commercial areas by NZS 6807 should be applied in the PDP, in addition to the noise limits at residential properties. In general, I agree with this submission as I consider the noise limits in NZS 6807 for all types of zones to be appropriate. However, the submission relates to a specific location for which the Environment Court has considered an application for resource consent and recently determined the commercial area noise limit from NZS 6807 is not appropriate<sup>2</sup>. The Court found a helicopter noise limit of

<sup>2</sup> [2015] NZEnvC 205, para 91.

60 dB  $L_{dn}$  in conjunction with a limit of four helicopter flights a day to be appropriate.<sup>3</sup> I am not aware of any justification for inserting specific helicopter noise limits for this location in the PDP, particularly with different noise limits to those found to be appropriate by the Court.

- 13.4** Christine Byrch (#243) and the Arthurs Point Protection Society (#475) submitted that the general zone noise limits in the PDP should apply to helicopter landing areas, rather than the specific noise limits in NZS 6807. The submissions are correct that the noise limits recommended by NZS 6807 are more permissive.
- 13.5** The appropriate method to address helicopter sound has been a long-running issue in the district. Compared to other districts there are a large number of helicopter operations and some of these occur near to residential properties. All current helicopter operations that I am aware of in the district (other than potentially search and rescue/emergency flights) only occur during Civil Aviation daytime hours, and therefore, unlike many other sound sources, sleep disturbance is not a significant issue. The key concerns are daytime disturbance or annoyance and degradation of amenity.
- 13.6** In the past, many complaints about helicopter sound in the District have related to noise effects from helicopters in flight, and it is likely that ongoing sensitivities to helicopter sound are largely related to this aspect. Constraining the localised noise effects around helicopter landing areas could restrict the number of flights occurring in an area, and thereby indirectly reduce noise effects from helicopters in flight. However, in my evidence I have not had any regard to noise effects from helicopters in flight (generally from 500 metres above the ground) and I have only considered the localised noise effects on residential properties in the immediate vicinity of helicopter landing areas.
- 13.7** When considering noise effects around a helicopter landing area the key issue related to submissions #243 and #475 is how to appropriately allow for the infrequent nature of helicopter movements compared to other sound sources. To illustrate this issue an extreme example could be to compare the sound from the outside unit of a heat pump operating continuously over 24 hours and a single helicopter movement lasting less than one minute. In my experience

3

[2015] NZEnvC 205, para 197.

most people would find the helicopter movement much less disturbing even if it were significantly louder than the heat pump.

- 13.8** There is not an exact method to equate the adverse effects of sound sources with different characteristics, as in the example above. Given the variations and complexities in subjective responses to different sound sources, a broad judgement is required to determine equivalent standards. Even moving on from the example with different sound sources, and just comparing two helicopter landing areas with different numbers of flights, there is not an exact method to quantify the relative effects. However, in my opinion, New Zealand Standards provide helpful guidance on these matters.
- 13.9** The issue discussed above is not unique to helicopter sound. For general sounds, NZS 6802 includes a duration adjustment to account for different temporal characteristics of sound sources. With this adjustment a heat pump that only operates for one hour a day would be deemed less disturbing than a heat pump that operates continuously. In my opinion, while this regime in NZS 6802 is appropriate for general sound sources, it is inappropriate for helicopter movements as they are of particularly short duration, generally less than one minute.
- 13.10** To address these issues, NZS 6807 specifies that helicopter sound should be averaged over seven days. This means that a single helicopter event that might be relatively loud, would be assessed as being relatively quiet when that sound is averaged over seven days. To an extent this makes a fair allowance for the relative annoyance that might be caused by less than one minute of sound compared to other more continuous sound sources. However, this method only provides an approximate balance between the sound levels and frequency of helicopter movements.
- 13.11** In my opinion, constraining helicopter sound on the basis of 15 minute periods as proposed by submitters #243 and #475 would be unduly stringent and would not adequately account for the lesser noise effects caused by an infrequent sound source, as is the case for most helicopter landing areas.
- 13.12** There are limitations with the  $L_{dn}$  criteria recommended in NZS 6807, and in my opinion when there are very few helicopter movements the noise effects might be understated. For this reason, I consider that additional controls on

movement numbers in the rural zone are appropriate, as contained in notified and redrafted Rules 21.5.25 and 21.5.26 of the PDP. However for residential zones, such controls are not required as the smaller section sizes means that the  $L_{dn}$  control is effectively more stringent anyway.

**13.13** On balance, I consider that the  $L_{dn}$  control for helicopter noise in notified Rule 36.5.13, coupled with the additional controls on movement numbers in the rural zone, sets an appropriate noise limit to manage adverse noise effects. I consider that a more stringent control based around  $L_{Aeq(15\text{ min})}$  criteria would not adequately account for the lesser noise effects of an infrequent sound source.

**13.14** Regardless of my opinions set out above, if it is decided to apply  $L_{Aeq(15\text{ min})}$  criteria to helicopters then I consider the drafting of the PDP would need to be amended to avoid the potential contradictions in the ODP.

#### **14. AIRPORT SOUND INSULATION**

**14.1** I repeat my declaration in paragraph 1.10 that I have previously been involved as an independent commissioner for PC26 and PC35 to the ODP, including rules relating to sound insulation of houses around Wanaka and Queenstown Airports.

**14.2** The Council in its corporate capacity (#383) has submitted that the "Minimum Constructions" in notified Rule 36.6.2 are outdated and a mechanism should be included to allow modern building solutions.

**14.3** I note that for most sites around Queenstown Airport that fall between the Outer Control Boundary and Air Noise Boundary, and for all sites around Wanaka Airport, notified Rules 7.5.3, 21.5.12, 21.5.13.b and 36.6.1 only require provision of ventilation and do not require sound insulating constructions in accordance with notified Rule 36.6.2 or equivalents.

**14.4** In the areas nearest to Queenstown Airport, notified Rules 7.5.4 and 21.5.13.a do require sound insulation if necessary to comply with an internal noise limit. However, use of the constructions in notified Rule 36.6.2 is not mandatory. The sound insulation requirements are defined with a performance standard of 40 dB  $L_{dn}$ . Use of the constructions in notified Rule 36.6.2 is a method that

can be used to demonstrate compliance. Another method is to obtain certification from an acoustics specialist of the adequacy of the particular building system.

- 14.5** The main issue that I am aware of with the table of constructions in Rule 36.6.2 is that glazing configurations specified do not correspond to those in common use. I understand from two local glazing suppliers that the most common glazing configuration for new houses in the district is double-glazing with two 4mm thick panes separated by a cavity typically 12 mm wide, but sometimes wider. The sound insulation performance of this typical system is similar to the specified configuration of 4 mm single glazing in Rule 36.6.2, although there is one frequency where the performance of the double-glazing is slightly worse due to the resonance of the system. However, given that the overall performance of the double-glazing is marginally better than the single glazing, I consider this should be an acceptable substitution.
- 14.6** On the basis of the performance of double-glazing with 4 mm panes discussed above, I consider that it would be appropriate for Rule 36.6.2 to be updated so the existing glazing requirements are removed and replaced with double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide. This would allow greater use of the constructions table to avoid the cost of individual acoustics assessments for new houses.
- 14.7** The ceiling construction in Rule 36.6.2 in the PDP as notified has a typographical error. The specification for “1 mm gypsum or plasterboard” should read “9 mm plasterboard”. (I note that “gypsum board” and “plasterboard” refer to the same material).
- 14.8** Queenstown Airport Corporation (#433) and David Jerram (#80) both submit that the ventilation requirements in notified Rules 36.6.3 and 36.7 should be adjusted. Queenstown Airport Corporation propose amended requirements but the submission does not include a detailed explanation of the reasons behind the changes proposed.
- 14.9** The ventilation requirements in notified Rules 36.6.3 and 36.7 originated from a study done by Beca consulting engineers for Auckland Airport in 2000. However, there appears to be a typographical error in the rules in the ODP and PDP in that the original requirement in Auckland for 0.5 air changes per

hour has been incorrectly transcribed as 1-2 air changes an hour, presumably in error for 1/2 air changes per hour.

**14.10** The ventilation requirements from Auckland Airport have also been used extensively by NZTA for ventilation of houses near state highways. Through my previous work for NZTA, I became aware of various issues with these ventilation requirements and also wide variations in other ventilation requirements used in district plans for the same purpose. From this experience, I agree with both submitters that some adjustment to the ventilation requirements in the PDP is appropriate.

**14.11** The aim of the ventilation system rules is to provide sufficient thermal comfort for occupants, so they have a free choice to leave windows closed if required to reduce sound from aircraft. Given the issues identified with the Auckland Airport criteria, on behalf of the Transport Agency I commissioned Beca to review appropriate ventilation requirements in 2014. Their review report<sup>4</sup> recommended an amended specification to the original Auckland Airport provisions. I consider this amended specification is also appropriate to replace the requirements of notified Rules 36.6.3 and 36.7.

**14.12** This specification would give effect to submission #80, but only adopts the specification put forward in submission #433 in part. Based on the 2014 Beca report I do not consider the lower air flow rates proposed in submission #433 to be adequate. Furthermore, contrary to the specification proposed in submission #433, in my opinion the sound levels allowed from a ventilation system itself should not be allowed to increase over the levels specified in the ODP and PDP; but should be maintained at a lower level than aircraft sound to avoid cumulative noise effects and to prevent the system itself causing noise disturbance.

## **15. TEMPORARY ACTIVITIES CHAPTER**

**15.1** Various submitters have requested notified Policy 35.2.1.7 be amended to refer to *residential activities in residential zones* rather than *residential amenity*.

<sup>4</sup>

Beca, Ventilation systems installed for road-traffic noise mitigation, 20 June 2014, <http://nzta.govt.nz/assets/Highways-Information-Portal/Technical-disciplines/Noise-and-vibration/Research-and-information/Other-research/Ventilation-systems-installed-for-road-traffic-noise-mitigation.pdf>.

**15.2** In my opinion notified Policy 35.2.1.7 appears to be generally given effect to by:

- (a) time limits in notified Rules (notified 35.4.8; redrafted 35.4.6) and (notified 35.4.9; redrafted 35.4.7), which correspond to the residential night-time period; and
- (b) time limits in notified Rule (notified 35.4.7; redrafted 35.4.5) relating to the "relevant zones".

**15.3** With respect to the time limits specified in notified Rules 35.4.7, 35.4.8 and 35.4.9, these do not just apply to residential zones so it would be inconsistent to limit notified Policy 35.2.1.7 to residential zones. For example, the rules are also protecting residential amenity in rural zones and resort zones between 2000h and 0800h.

**15.4** In the Town Centre zones (which have a later start to the night at 2200h) the night-time noise limits are still set for residential amenity. It is a lesser standard of residential amenity than in residential, resort or rural zones, but it is still related to residential amenity.

**15.5** I therefore consider that the wording of notified Policy 35.2.1.7 is appropriate and should not be restricted by the specification of "residential zones" as this would be too narrow a focus, inconsistent with the rules.



**Dr Stephen Gordon Chiles**

**17 August 2016**

**APPENDIX 6**  
**Wakatipu Basin Chapter 24 Section 32 evaluation November 2017**



## **Section 32 Evaluation Report**

### **Chapter 24 Wakatipu Basin**

Comprising the

## **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct (for Proposed Variation to the PDP)**

And consequential Variations to Proposed District Plan 26 August 2015:

### **Chapter 2 Definitions**

### **Chapter 22 Rural Residential and Rural Lifestyle**

### **Chapter 27 Subdivision and Development**

### **Chapter 36 Noise**

Report dated: November 2017

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## 2. Section 32 Evaluation Report: Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct

### 2.1 Purpose of the report

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

Accordingly, this report provides an analysis of the key issues, objectives and policy response to be incorporated within the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct (Chapters 21A and 22A)** of the Proposed District Plan;

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
  - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
  - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
    - identifying other reasonably practicable options for achieving the objectives,
    - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
    - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- Consideration of **Risk**

### 2.2 Introduction

The Wakatipu Basin Chapter 24 applies to all land identified as Wakatipu Basin Rural Amenity Zone (**the Zone or WBRAZ**) or Wakatipu Basin Lifestyle Precinct (**the Precinct or WBLP**) within the Planning Maps attached to the Stage 2 Proposed District Plan (PDP) notification bundle. The Precinct is a sub-zone within the Zone and all references to the Zone include the Precinct. The Wakatipu Basin Chapter 24 also contains rules relating to visitor accommodation, refer to the separate section 32 evaluation report addressing that matter. also, a separate section 32 evaluation has been prepared for the variation to the definition of *site*.

All of the land covered by the WBRAZ was notified in Stage 1 as Rural Zone, Rural Lifestyle Zone or Rural Residential Zone. The notification of the Chapter 24 Wakatipu Basin and the WBRAZ is therefore a variation to the Stage 1 Planning Maps. The Wakatipu Basin Chapter 24 itself, forms part of Stage 2 of the PDP.

The Strategic chapters, and a number of District Wide annotations and District Wide chapters<sup>1</sup> were notified for submissions in Stage 1 and they therefore already apply to all land notified in Stage 1 including all of the WBRAZ. Through Stage 2, some additional zone specific District Wide provisions are being notified that apply specifically to the WBRAZ and WBLP zones and Chapter 24, for example new standards for subdivision, noise and also new definitions.

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<sup>1</sup> For instance, including but not limited to Heritage Items, Protected Trees, Outstanding Natural Features and Landscapes.

For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review. All other land within the District continues to fall into Volume B of the District Plan.

**Table 1. District Plan Volume A components, showing Stage 2 components as related to the Wakatipu Basin Rural Amenity Zone Chapter 24.**

<b>Volume A</b>	
<b>Stage 1 Proposed District Plan 26 August 2015</b>	<b>Stage 2 As it relates to the Wakatipu Basin Chapter 24 only</b>
<b>Introduction</b>	
1. Introduction 2. Definitions	<ul style="list-style-type: none"> <li>Variation to Stage 1 Definitions Chapter 2. Definition of site is related in part to the Wakatipu Basin Rural Amenity Zone components. The variation to the definition of site is applicable district wide.</li> </ul>
<b>Strategy</b>	
3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	
<b>Urban Environment</b>	
7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use  Variation 1: Arrowtown Design Guidelines 2016	
<b>Rural Environment</b>	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	<ul style="list-style-type: none"> <li>Variation to Stage 1 Rural Lifestyle and Residential Zone Chapter 22, as related to Stage 2 Wakatipu Basin Rural Amenity Zone components.</li> </ul>
<b>District Wide Matters</b>	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> <li>Variation to Stage 1 Subdivision Chapter 27, as related to Wakatipu Basin Rural Amenity Zone components.</li> <li>Variation to Stage 1 Noise Chapter 36, as related to Wakatipu Basin Rural Amenity Zone components.</li> </ul>
<b>Special Zones</b>	
41. Jacks Point 42. Waterfall Park 43. Millbrook	

## District Plan Review

The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation<sup>2</sup> and three separate hearing streams for rezoning requests and mapping annotations<sup>3</sup> were held from March 2016 to September 2017.

On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan, which includes variations to Stage 1, and all the land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.

All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 - Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

## Jurisdictional Matters

No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the time of notification of Stage 2, and therefore this Stage 2 Wakatipu Basin Chapter 24 cannot anticipate what Panel recommendations and subsequently the Council's decision might be, in terms of notifying zone specific standards. The chapter therefore refers to PDP chapters/zones as notified in Stage 1 and any statutory changes made since notification<sup>4</sup>.

## 2.3 Statutory Context

### Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

#### **5 Purpose**

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The District's landscapes and natural environment are highly recognised and valued. The Council's Economic Development Strategy 2015 states:

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<sup>2</sup> Variation 1 – Arrowtown Design Guidelines 2016

<sup>3</sup> Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

<sup>4</sup> For instance, Variation 1 Arrowtown Design Guidelines, withdrawal of land subject to PC 46, PC 50 and PC 51.

'The outstanding scenery makes the District a highly sought after location as a place to live and visit.' And, 'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'

The Queenstown Lakes District is recognised as one of New Zealand's high growth areas and is expected to see doubling of usually resident population over the next 30 years. Together with the demand for residential visitor accommodation, this will see demand for nearly 14,000 additional dwellings over the next 30 years. The 'Queenstown Ward' area (which includes both the Queenstown and Wakatipu Basin areas as defined for the purposes of the PDP hearings) is expected to see substantial growth with nearly 4,800 new dwellings required by 2028 and 9,500 by 2048<sup>5</sup>.

Section 31 of the Act (as amended in April 2017) outlines the function of a territorial authority in giving effect to the purpose of the Act:

*s31 Functions of territorial authorities under this Act*

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

*(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

*(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*

Section 31 of the Act provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of use, development or protection of land and associated natural and physical resources of the district. S31 is further supported by the National Policy Statement on Urban Development Capacity (NPS-UDC), which came into effect on 1 December 2016. The NPS-UDC directs councils on how to provide sufficient development capacity for current and future housing and business demand under the RMA.

The level of feasible residential capacity in the Queenstown Ward available under the PDP's provisions (as notified) is currently estimated as being in the range of 15,100- 20,300 dwellings (spread across a range of different zones). This capacity exceeds the demand projection for 9,500 new dwellings by 2048<sup>6</sup>. by a significant margin.

A strategic policy approach is essential to manage future growth pressures in the Wakatipu Basin in a logical and coordinated manner to promote the sustainable management of the valued landscape, nature conservation, productive land and infrastructure resources within it. Consistent with the intent of Section 31 of the Act, the proposed provisions of the **Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct** chapter enables an integrated approach to the management of the multiple resources, opportunities and constraints within the land areas subject to the zone and precinct. Whilst the primary purpose of the Variation is to protect the Wakatipu Basin's landscape resource, the proposed zoning provisions will also contribute to the requirements of the NPS-UDC by enabling additional capacity for a low density 'rural living' form of residential development within the precinct (in particular)<sup>7</sup>.

Section 6 Matters of National Importance is of direct relevance to the **Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct** and **Landscape** chapters.

*6 Matters of National Importance*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

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<sup>5</sup> Refer evidence before the PDP Hearings Panel: SECOND STATEMENT OF EVIDENCE OF PHILIP MARK OSBORNE ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL DWELLING CAPACITY 19 June 2017.

<sup>6</sup> *ibid*

<sup>7</sup> Note the council's Development Capacity Model currently reflects PDP zonings within the Wakatipu Basin, and will need to be updated in respect to the land areas subject to the WBRAZ and WBLP in due course.

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights*

The Wakatipu Basin Rural Amenity Zone is located primarily on the valley floor of the Wakatipu Basin and is enclosed by the Outstanding Natural Landscapes of the District. Roche Moutonnee are located amidst the valley floor of the Wakatipu Basin. Development adjacent to Outstanding Natural Features and landscapes has the potential to degrade the important quality, character and visual amenity values of these and the Council is required to protect these from inappropriate use, subdivision and development as a matter of national importance.

Section 7 Other matters also includes a number of matters directly relevant to these chapters.

#### *7 Other matters*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
  - (aa) *the ethic of stewardship:*
  - (b) *the efficient use and development of natural and physical resources:*
    - (ba) *the efficiency of the end use of energy:*
  - (c) *the maintenance and enhancement of amenity values:*
  - (d) *intrinsic values of ecosystems:*
  - (e) *[Repealed]*
  - (f) *maintenance and enhancement of the quality of the environment:*
  - (g) *any finite characteristics of natural and physical resources:*
  - (h) *the protection of the habitat of trout and salmon:*
  - (i) *the effects of climate change:*
  - (j) *the benefits to be derived from the use and development of renewable energy.*

Section 7(b) requires having particular regard to the efficient use and development of natural and physical resources. The **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct** contain land utilised for a variety of rural production, low density housing and rural lifestyle options. Section 7(c) requires having particular regard to the maintenance and enhancement of amenity values, while section 7(f) is the maintenance and enhancement of the quality of the environment. Section 7(g) requires that particular regard is had to any finite characteristics of natural and physical resources. All these matters are applicable and important in the context of the Wakatipu Basin in determining the most appropriate way to manage the natural and physical resources located within the Wakatipu Basin in terms of the landscape and amenity values, maintaining and enhancing the quality of those values and recognising the finite nature of the landscape quality and character of the Wakatipu Basin. Careful management of these matters is required to ensure that the overall landscape quality and character of the Wakatipu Basin valley floor environment is maintained.

## **Local Government Act 2002**

### Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—
- (i) the diversity of the community, and the community's interests, within its district or region; and
  - (ii) the interests of future as well as current communities; and
  - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
- (h) in taking a sustainable development approach, a local authority should take into account—
- (i) the social, economic, and cultural interests of people and communities; and
  - (ii) the need to maintain and enhance the quality of the environment; and
  - (iii) the reasonably foreseeable needs of future generations

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Section 14(g) is of relevance in so far as a planning approach emphasises that the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct** are located amidst District's valued landscapes, and rural productive land resources.

Having regard to these provisions, the planning approach is to not interpret these provisions through a single lens, but to manage the resource for the benefit of the District and wider region. The approach through the PDP review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, there is an emphasis on presenting the provisions in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

## 2.4 Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

*The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)*

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

### 3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

*Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.*

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

### 3.5.2 Wastewater

*9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production (e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).*

### 3.5.7 Subdivision and Development

Policies 1- 18 contain a range of policies that are relevant to the Subdivision and Development cover iwi involvement in planning processing and plan development, interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

#### Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

#### 5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
2. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
  - i. *All consents related to the subdivision to be sought at the same time.*
  - ii. *Protection of Kāi Tahu ki Otago cultural values.*
  - iii. *Visual amenity.*
  - iv. *Water requirements.*
  - v. *Wastewater and storm water treatment and disposal.*
  - vi. *Landscaping.*
  - vii. *Location of building platforms.*
3. *To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .*
4. *To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.*
5. *To require public foot access along lakeshores and riverbanks within subdivisions.*

#### Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*
10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*
11. *To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.*
12. *To require reticulated community sewerage schemes that have the capacity to accommodate future population growth.*

## **2.5 Regional Planning Documents**

### Operative Regional Policy Statement 1998

Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative *Otago Regional Policy Statement 1998* is the relevant regional policy statement to be given effect to within the District Plan.

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;

- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Objective 9.4.3 (Built Environment) and related policies are relevant and seek to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources, and promote the sustainable management of infrastructure.

These objectives and policies highlight the importance of the rural resource both in terms of the productive resources of the rural area and the protection of the District's outstanding natural features and landscapes.

#### Proposed Regional Policy Statement 2015<sup>8</sup>

Section 74 of the Act requires that a District Plan must "have regard to" any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015. Decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the Proposed RPS. However, the provisions of the Proposed RPS are relevant in highlighting the direction given toward local authorities managing land use activities in terms of the protection and maintenance of landscape, infrastructure, hazards and urban development. The following objectives and policies are relevant to the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct**:

<b>Proposed RPS 2015 Objective (Decision Version 1 October 2016)</b>	<b>Objectives</b>	<b>Policies</b>	<b>Relevance to the Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b>
Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago	1.1	1.1.1, 1.1.2	The <b>Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b> , provide for both permitted farming and viticulture and horticulture activities to use natural and built resources, subject to requirements to protect existing natural and built amenity.
The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions. Kai Tahu values, rights and customary resources are sustained	2.1	2.1.1, 2.1.2 2.2.1	The <b>Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b> manage land that is of interest and value to Kāi Tahu's traditions, culture and practices (including ancestral lands, sites of significance, water, wahi tapu and other taoka).
The values of Otago's natural and physical resources are recognised, maintained and enhanced	3.1	3.1.1 to 3.1.12	The integrated management of resources includes the management of activities with regard to freshwater values, margins of water bodies, soil values, ecosystem and biodiversity values, recognising values of natural features and landscapes.
Otago's significant and highly-valued natural resources are identified, and protected or	3.2	3.2.3-3.2.8	The <b>Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b> apply to an area that

<sup>8</sup> The council's track changed version incorporating decisions was released on 1 October 2016 and is currently subject to live appeals. Refer <http://www.orc.govt.nz/Documents/Publications/Regional/RPS/RPS%20Appeals%20Version.pdf>

enhanced			<p>contains significant natural areas, outstanding natural features and landscapes, special amenity landscapes, lakes and soil resource. These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development.</p> <p>Policies 3.2.5 and 3.2.6 require District Plans to identify and protect or enhance highly valued natural features, landscapes or seascapes, defined in the PRPS as <i>'those which have natural values that are of significance under Sections 6(a), 6(c), 7(c) and 7(f), but are not 'outstanding natural features and landscapes' under Section 6(b) of the RMA'</i>.</p>
Risk that natural hazards pose to the communities are minimised.	4.1	4.1.1.-4.1.13	The <b>Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b> contain land that is subject to natural hazards. Many non-farming activities including residential activity require resource consent as a restricted discretionary or discretionary activity (with assessment criteria) and this provides the Council with the opportunity to assess the risk of natural hazards to development proposals.
<p>Infrastructure is managed and developed in a sustainable way.</p> <p>Energy supplies to Otago's communities are secure and sustainable.</p>	4.3 and 4.4	4.3.1-4.3.4 4.4.1-4.4.6	<p>While much of the Districts infrastructure is located within urban areas, roads, walkways/trails and utilities (e.g. electricity, telecommunications, stormwater) pass through or affect the development potential of the <b>Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b>. The creation and maintenance of infrastructure needs to be managed to be protected and to avoid impacts on users and receivers, whilst contributing to their economic and social wellbeing.</p>
Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments	4.5	4.5.1, 4.5.2	The <b>Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b> adjoin urban areas. Unanticipated growth places pressure on adjoining productive land and maintenance of landscape amenity values. The maintenance of amenity landscape values and

			retention of soil resource is co-dependant on the strategic planning of urban areas and the certainty provided by the identification of urban growth boundaries.
People are able to use and enjoy Otago's natural and built environment  Public access to areas of value to the community is maintained or enhanced.	5.1	5.1.1	Public trails are contained within the <b>Wakatipu Basin Rural Amenity Zone and Rural Lifestyle Precinct</b> . Public access is often raised as an issue that presents both opportunities and constraints for development proposals and the maintenance of productive activities.
Sufficient land is managed and protected for economic production.	5.3	5.3.1	Notwithstanding the value of the landscape and recreational resources to the District, the rural economy is an important component and the protection of the soil resource is recognised.  The maintenance of relatively large landholdings in the WBRAZ will contribute to the predominance of open spaces and low intensity of housing and subdivision of land for rural lifestyle purposes, and contribute to the retention of productive farms and avoidance of reverse sensitivity effects
Adverse effects of using and enjoying Otago's natural and built environment are minimised	5.4	5.4.8	People are drawn to the <b>Wakatipu Basin</b> primarily for low density housing and recreational activity amidst the amenity benefits of the surrounding ONL's/ONF's. A precautionary approach to non-residential activities that have potential to detract from people's enjoyment of the natural environment (e.g. mining) has been taken in the zone activity tables.

The evaluation and provisions have regard to the Proposed RPS. In particular, there are consistencies in the application of the Proposed RPS Schedule 4 '*Criteria for the identification of outstanding natural features and landscapes*' and the Proposed District Plan (PDP) assessment matters in outstanding natural landscapes and features, for guiding decision makers when considering proposals for activities within identified outstanding natural landscapes and features. Activities within the **Wakatipu Basin Rural Amenity Zone and Lifestyle Precinct** will also be subject to specific assessment matters included in the provisions of the Variation.

## 2.6 Proposed District Plan

The Variation is consistent with the objectives and policies of the Strategic Directions chapter of the proposed District Plan (PDP).

In general terms, and within the context of this Variation, these goals and objectives are met by:

- enabling anticipated residential development and enhancement while maintaining the Districts landscape values and amenity values within and adjoining the WBRAZ and LP;
- creating efficiencies in the administration of the District Plan and reducing costs for the community;
- avoiding commercial activities that have the potential to undermine the amenity of the zone and the role of commercial centres;
- avoiding urban subdivision and development in sensitive landscapes;
- recognising natural hazards exist in the WBRAZ and LP and managing the risks of development, where hazards have been identified.

Determining the most appropriate methods to resolve the issues highlighted for the WBRAZ and WBLP will enable the Plan to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

The following objectives and policies provide an indication of the PDP's strategic directions underpinning the Variation:

### **Proposed District Plan Notified 26 August 2015, Chapter 3 Strategic Directions:**

#### **3.2.4 Goal - The protection of our natural environment and ecosystems**

##### **Objective 3.2.4.1**

Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.

##### **Objective 3.2.4.2**

Protect areas with significant Nature Conservation Values.

##### **Policies**

###### **3.2.4.2.1**

Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.

###### **3.2.4.2.2**

**Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.**

##### **Objective 3.2.4.3**

Maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.

##### **Policies**

###### **3.2.4.3.1**

That development does not adversely affect the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities

##### **Objective 3.2.4.4**

Avoid exotic vegetation with the potential to spread and naturalise.

##### **Policies**

###### **3.2.4.4.1**

That the planting of exotic vegetation with the potential to spread and naturalise is banned.

##### **Objective 3.2.4.5**

**Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.**

##### **Policies**

###### **3.2.4.5.1**

That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.

##### **Objective 3.2.4.6**

Maintain or enhance the water quality and function of our lakes, rivers and wetlands.

##### **Policies**

#### **3.2.4.6.1**

That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.

#### **Objective 3.2.4.7**

Facilitate public access to the natural environment.

#### **Policies**

##### **3.2.4.7.1**

Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

### **3.2.5 Goal - Our distinctive landscapes are protected from inappropriate development.**

#### **Objective**

##### **3.2.5.1**

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

#### **Policies**

##### **3.2.5.1.1**

Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development.

#### **Objective**

##### **3.2.5.2**

Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.

#### **Policies**

##### **3.2.5.2.1**

Identify the district's Rural Landscape Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.

#### **Objective 3.2.5.3**

Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

#### **Policies**

##### **3.2.5.3.1**

Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships.

#### **Objective**

##### **3.2.5.4**

Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.

#### **Policies**

##### **3.2.5.4.1**

Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.

##### **3.2.5.4.2**

Provide for rural living opportunities in appropriate locations.

#### **Objective**

##### **3.2.5.5**

Recognise that agricultural land use is fundamental to the character of our landscapes.

#### **Policies**

##### **3.2.5.5.1**

Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.

##### **3.2.5.5.2**

Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.

## **Council reply versions upon completion of hearings on submissions:**

Following the hearings on submissions held between March 2016 and October 2017, the following include updated versions of Chapter 3 objectives and policies particularly relevant to the Variation, as recommended to be modified by the Council's s42A report authors. Underline text identifies the additions, and strikethrough for deletions.

### **Ch. 3: Strategic Direction (Reply dated 07/04/2016)**

**3.2.1.4 Objective** – Recognise and provide for the significant socioeconomic benefits of tourism activities across the District are provided for and enabled.

**3.2.1.4.1 Policy** -Enable the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied or mitigated.

**3.2.4.4 Objective** - Avoid the spread of wilding exotic vegetation ~~to~~ protect nature conservation values, landscape values and the productive potential of land.

**3.2.4.4.1** Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise

**3.2.4.6 Objective** - Maintain or enhance the water quality and function of our lakes, rivers and wetlands.

#### **Policies**

**3.2.4.6.1** That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.

**3.2.5.1 Objective** – Protection of the natural character quality of the Outstanding Natural Features and Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development.

**3.2.5.2 Objective** - The quality and visual amenity values of the Rural Landscapes are maintained and enhanced, whilst acknowledging the potential for managed and low impact change.

**3.2.5.3 Objective** - ~~Direct a~~ New urban subdivision, use or development ~~to~~ will occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

## **Proposed District Plan Notified 26 August 2015, Chapter 6 Landscapes:**

### **6.3.1 Objective**

- The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

#### **Policies**

##### **6.3.1.1**

Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.

##### **6.3.1.2**

Classify the Rural Zoned landscapes in the District as:

- Outstanding Natural Feature (ONF)
- Outstanding Natural Landscape (ONL)
- Rural Landscape Classification (RLC)

##### **6.3.1.3**

That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.

##### **6.3.1.4**

That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.

**6.3.1.5**

Avoid urban subdivision and development in the Rural Zones.

**6.3.1.6**

Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change.

**6.3.1.7**

When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.

**6.3.1.8**

Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.

**6.3.1.9**

Ensure the District's distinctive landscapes are not degraded by forestry and timber harvesting activities.

**6.3.1.10**

Recognise that low-intensity pastoral farming on large landholdings contributes to the District's landscape character.

**6.3.1.11**

Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

**6.3.1.12**

Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.

**6.3.2 Objective**

- Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

**Policies**

**6.3.2.1**

Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.

**6.3.2.2**

Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.

**6.3.2.3**

Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.

**6.3.2.4**

Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.

**6.3.2.5**

Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

**6.3.3 Objective**

- Protect, maintain or enhance the district's Outstanding Natural Features (ONF).

**Policies**

**6.3.3.1**

Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.

**6.3.3.2**

Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.

#### **6.3.4 Objective**

- Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).

#### **Policies**

##### **6.3.4.1**

Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.

##### **6.3.4.2**

Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.

##### **6.3.4.3**

Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.

##### **6.3.4.4**

The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that large scale renewable electricity generation or new large scale mineral extraction development proposals including windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District.

#### **6.3.5 Objective**

- Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).

#### **Policies**

##### **6.3.5.1**

Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.

##### **6.3.5.2**

Avoid adverse effects from subdivision and development that are:

- Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and
- Visible from public roads.

##### **6.3.5.3**

Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.

##### **6.3.5.4**

Encourage any landscaping to be sustainable and consistent with the established character of the area.

##### **6.3.5.5**

Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption to the landform and rural character.

##### **6.3.5.6**

Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.

#### **6.3.6 Objective**

- Protect, maintain or enhance the landscape quality, character and visual amenity provided by the lakes and rivers and their margins from the adverse effects of structures and activities.

#### **Policies**

##### **6.3.6.1**

Control the location, intensity and scale of buildings, jetties, moorings and utility structures on the surface and margins of water bodies and ensure these structures maintain or enhance the landscape quality, character and amenity values.

##### **6.3.6.2**

##### **6.3.6.3**

Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinct landscapes.

### **6.3.7 Objective**

- Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.

#### **Policies**

##### **6.3.7.1**

Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.

##### **6.3.7.2**

Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.

### **6.3.8 Objective-**

Recognise the dependence of tourism on the District's landscapes.

#### **Policies**

##### **6.3.8.1**

Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.

##### **6.3.8.2**

Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.

in recognition of its contribution to tourism and viticulture while controlling the impact of buildings, earthworks and non-viticulture related activities on the wider environment.

### **Council reply versions upon completion of hearings on submissions:**

Following the hearings on submissions held between March 2016 and October 2017, the following include updated versions of Chapter 6 as recommended to be modified by the Council's s42A report authors. Underline text identifies the additions, and strikethrough for deletions.

### **Ch. 6 Landscape (Reply evidence dated 7 April 2016) notes:**

"Some rural areas, particularly those closer to Queenstown and Wanaka town centres and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities. While acknowledging these rural areas have established housing rural living and development, and there is limited capacity for sensitive and sympathetic housing and development in appropriate locations, a substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development. It is realised that rural lifestyle living development has a finite capacity if the District's distinctive rural landscape values are to be sustained". The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes C classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations".

**6.3.1 Objective** - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development Landscapes are managed and protected from the adverse effects of subdivision, use and development

**Policies**

**6.3.1.2** That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes meaning successful applications will be exceptional cases.

**6.3.1.5** Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential and Resort Zone plan changes Encourage Rural Lifestyle and Rural Residential Zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change

**6.3.2 Objective** - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development Landscapes are protected from the adverse cumulative effects of subdivision, use and development

**Policies**

**6.3.2.1** Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.

**6.3.2.2** Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.

**6.3.2.3** Require that proposals for residential subdivision or development in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.

**6.3.2.4** Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.

**6.3.2.5** Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.

## **2.7 Resource Management Issues**

The Variation arises from the Wakatipu Basin Land Use Planning Study March 2017 (WB Study) which was undertaken in response to a detailed brief from Queenstown Lakes District Council (QLDC) which followed from a minute from the Chair of the Hearings Panel for the QLDC PDP. Upon completion of the hearing of submissions on the Strategic Direction, Landscape, Urban Development and Rural Zone chapters of the Proposed District Plan, the Hearing Panel issued a memorandum on 1 July 2016 which stated:

“that continuation of the fully discretionary development regime of the Rural General Zone of the ODP, as proposed by the PDP, was unlikely to achieve the Strategic Direction of the PDP in the Wakatipu Basin over the life of the PDP. We are concerned that, without careful assessment, further development within the Wakatipu Basin has the potential to cumulatively and irreversibly damage the character and amenity values which attracts residents and other activities to the area. In addition, we consider there is some merit in the proposition that the rural character and amenity values of the Wakatipu Basin do not derive predominantly from farming and agricultural practices”.

The Panel set out a number of specific matters that they sought responses to. The primary matters were summarised in the Council's brief as follows:

- a) *Identify the environmental characteristics and amenity values of the area that should be maintained and enhanced, noting that these will vary across the Wakatipu Basin floor;*
- b) *Identify those areas able to absorb development without adversely affecting the values derived in (a) and without adversely affecting the values associated with the surrounding Outstanding Natural Landscapes and Outstanding Natural Features;*
- c) *Identify those areas that are unable to absorb such development;*
- d) *Determine whether, given the residual development already consented, there is any capacity for further development in the Wakatipu Basin (WB) floor and, if there is, where it should be located and what form it should take.*

The Council's brief (dated September 2016) identified a number of primary resource management matters that needed further assessment and analysis in order to assist the Council [and the Panel] in making its recommendations.

- a. To critically review the Council's reports and evidence used to date to support the PDP as it relates to the approach to manage development in the Wakatipu Basin, and to consider submissions received on zoning in the Wakatipu Basin and the evidence relevant to the Wakatipu Basin heard in the PDP Hearing Streams 1 & 2.
- b. To identify and consider, given the residual development already consented and approved HASHA developments, the capacity of the Wakatipu Basin to accommodate further development, and the nature and type of any such development.
- c. To identify, at a high level, any other important planning opportunities and constraints including but not limited to transportation, walking and cycle trails, water, waste water and stormwater management, and any environmental constraints such as natural hazards which should be taken into account when considering the future capacity of the Wakatipu Basin to absorb further development.
- d. Based on a-c, to provide an assessment of the capacity of the Wakatipu Basin to absorb further development and to recommend resource management methods to appropriately manage the character and amenity values of the Wakatipu Basin to achieve the Strategic Direction of the PDP.

As background to the WB Study, the Council's Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone 2009 examined the effectiveness of the existing operative provisions and reflected on the amount of residential subdivision and development that had been consented in the Rural General Zone.

The 'Rural Monitoring Report 2009' had a particular focus on subdivision and development in the WB, an area which has received a relatively high number of resource consent applications and approvals for subdivision and development.

A key theme of the report was whether the existing provisions were effectively managing cumulative effects of residential subdivision and development. The report noted that the WB area has also been subject to private plan changes to create rural lifestyle living and resort activities and accommodation, and identified that the cumulative effects of development pressure within the WB were not being effectively managed.

In particular, the report identified a lack of connection between the objectives and policies of the landscape categories identified within the Plan and the assessment matters. The report suggested that these could

more explicitly outline the desired landscape outcome, particularly for the areas subject to the 'Visual Amenity Landscapes category' assessment criteria.

The following summary of the planning history of the Queenstown Lakes District's rural areas planning regimes is drawn from the Council's Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone 2009:

### **The Transitional District Plan (Pre-1995)**

In the Transitional District Plan, the majority of the rural area was zoned "Rural". Within the Rural zone, subdivision that met a minimum allotment size was allowed as a conditional activity. A further rule provided for the subdivision of land in order to enable a retiring farmer to establish a home on the property. In regard to the establishment of dwellings in the zone, a dwelling was allowed to be established provided it was a necessary adjunct to an economic farming unit.

### **Notified Proposed District Plan 1995 (1995 – 1998)**

The now Rural Zone and much of the Rural Lifestyle Zone was zoned as a mixture of Rural Uplands and Rural Downlands, which, as the names suggest, were largely based on topography. There were also defined "Areas of Landscape Importance". There were also small areas of Rural Residential and other living and tourist-related zones within the rural area.

In both the Rural Downlands and Rural Uplands areas, the minimum site for a residential unit was 20ha. Further rules set out a limit of one residential unit on any land comprised in a separate certificate of title less than 150ha, and on sites greater than 200ha, there could be more than one residential unit, where the additional residential unit(s) are accessory to and situated on the same site as a farming activity.

Throughout the Rural zone, all subdivision was a discretionary activity (requiring an assessment of landscape effects) and the minimum lot size was 20 ha, which, if breached, triggered a non-complying activity resource consent. In Areas of Landscape Importance buildings other than accessory buildings, buildings in the ski areas, buildings on particular scheduled sites (for which it was considered that an existing development right should be retained) were non-complying. In the rest of the Rural Zone, residential dwellings on less than 20ha or where there was more than 1 dwelling on a single title were non-complying, with the exception of particular scheduled sites.

### **Proposed District Plan following decisions on submissions (1998 – 2001)**

As a result of decisions on submissions released in 1998, the Rural Uplands and Rural Downlands Zones were replaced with a single Rural General Zone. That Zone provided for subdivision of lots greater than 20 hectares as a controlled activity, lots between 4 and 20 hectares as a discretionary activity, and lots of less than 4 hectares as a non-complying activity. Residential building could then occur at these densities as a controlled activity.

### **The 'Operative District Plan' (2001 – present)**

As a result of decisions from the Environment Court on appeals to the Decision version, (issued from late 1999 onwards) the provisions were changed considerably. The Rural General zone remained but there was no longer a minimum lot size, and all subdivision and land uses comprising a request for a residential building platform were a discretionary activity.

Landscape categories were introduced and applications for development assessed against a range of landscape assessment matters depending on whether the site is an Outstanding Natural Landscape Wakatipu Basin or Outstanding Natural Feature - District Wide, Outstanding Natural Landscape District Wide, Visual Amenity landscape or Other Rural Landscape. Development

applications were also assessed against the District Wide and Subdivision policy frameworks. Landscape classification maps areas were provided in Appendix 8 of the Operative District Plan. The maps contain both indicative and determinative landscape boundary positions. Part 5.4 in the Rural General Zone sets out a 3-step process for assigning the landscape classification.

Development within an approved building platform required resource as a controlled activity. In most cases conditions imposed through the subdivision and registered on the resultant certificate of title were also required to be adhered to.

### **Proposed District Plan 2015 (PDP)**

In the context of the Wakatipu Basin study area, the PDP 2015 retained the 'discretionary regime' of the Operative Plan in the Rural Zone, and identified 3 landscape classifications on the Planning Maps: Outstanding Natural Features and Outstanding Natural Landscapes (the RMA s(6) landscapes), and Rural Landscape Classification. The RMA s(7) landscapes that make up the majority of the valley floor are classified as Rural Landscapes.

New Rural Lifestyle Zones were identified in several locations, both recognising the built environment and areas where there was capacity for development. An average density of 2ha was retained. In both the Rural and Rural Lifestyle zones it is permitted to construct buildings and undertake alterations within approved building platforms, subject to additional conditions imposed by the 'discretionary' approval in principal.

The WB Study was completed in March 2017. The WB Study found that the existing character of the study area is perceived to no longer reflect a traditional rural productive farming landscape and built environment character; rather it has a rural amenity value and character that derives from a mix of rural activities that reflect lifestyle uses of land, with a limited component of what could best be termed 'hobby farming'. There are few larger blocks of land that are actively farmed for productive purposes, and they tend to be located in the outer 'peripheral parts' of the Basin (e.g. Crown Terrace).

That existing environment context is influenced by: a) a range of Special Zones where development has occurred in a predominantly urban form; as well as, b) a number of Special Housing Areas (SHAs) which enable pockets of urban development within the rural area. That environment has also been shaped by the legacy ODP Rural Lifestyle and Rural Residential zones, coupled with the discretionary opportunity to consent subdivision and building platforms up to 1,000m<sup>2</sup> in area, and provide for dwellings as a permitted activity, in the General Rural zone.

Those influences have combined cumulatively to create the existing environment against which the appropriateness of the PDP zones has been re-assessed.

Returning to the more specific matters raised in the Council's brief, the 2014 Read Report<sup>9</sup> recognised that the WB comprises a landscape in its own right, and that a range of landscape character units are nested within that larger landscape, loosely defined by the large-scale and very high (landscape) value mountain ranges that encircle the Basin.

The WB Study identified a total of 25 landscape character units within the study area, each with a varying capability to absorb additional development. Overall, the study found that the identifiable (and established) rural character and amenity values of the Basin do not derive predominantly from rural productive/agricultural land-uses. The nature and extent of approved/existing development and the lot size (and ownership) patterns that exist in the Basin do not support the characterisation of the study area as having a dominant rural production landscape character<sup>10</sup>. The study found that the area is best described as an Amenity

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<sup>9</sup> Landscape Character Assessment( June 2014), prepared by Dr Marion Read for QLDC

<sup>10</sup> On an employment basis, the primary production sector in the Basin is at a similar level (estimated to account for around 200 jobs) to what it was a decade ago (2006). By contrast there has been significant growth in 'non-farming' employment sectors (e.g.

Landscape, largely as a consequence of its high recreational values, generally high aesthetic values (derived from both natural and man-made elements) and its almost unbroken connection with the ONL / ONF context throughout and surrounding the Basin.

Further, the spatial distribution and number of dwellings (noting there is no lot size minimum) approved under the ODP discretionary regime has resulted in approved building platforms (many of which are still undeveloped) and an associated built environment with a cumulative built form patterning that runs contrary to many of the PDP's landscape driven planning directives.

In addition it was evident that the current extent of the PDP Rural Residential and Rural Lifestyle zones do not reflect the actual patterning of rural residential development in places (particularly taking into account consented and unbuilt development), and suggest the potential for development creep in some locations where PDP zone edges do not align with defensible edges.

The Wakatipu Basin Land Use Study produced the following conclusions:

- The Basin is a special landscape that is critical to retaining the high quality of Queenstown's environment. The Basin is integral to the visitor and resident experience of Queenstown and plays an important part in the local economy;
- Increasing populations from both residents and visitor accommodation is a core driver of the development pressures on the Basin and contribution to cumulative adverse effects on its values;
- Protection of the Basin from inappropriate development is the fundamental driver to establishing an appropriate planning regime. The existing rural character of the area is no longer derived solely from farming activities but a mix of rural activities that reflect lifestyle uses of land, with pockets of small scale "hobby farming". Larger farming blocks that are actively farmed for productive purposes are generally located in the outer 'peripheral parts' of the Basin;
- Areas within the Basin can be characterised as having High to Very Low capability to absorb additional development. This varying absorption capability commends a range of potential planning strategy responses;
- The 'Discretionary Activity' planning regime is unlikely to achieve the Strategic Direction of the Proposed District Plan; and
- Planning provisions of the Basin should stand alone and be clearly distinguishable from the general zonings that apply to the rest of the District.

The proposed Variation sets out a planning response to the findings and recommendations of the WB study and reflects subsequent further investigations to develop the detail of specific zoning provisions. The Variation seeks to address the key resource management issues of:

1. appropriately managing the character and amenity values of the Wakatipu Basin, and
2. managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development

The proposed **Wakatipu Basin Rural Amenity Zone** zone works together with the proposed **Wakatipu Basin Lifestyle Precinct (WBLP)** to define a total area of the Wakatipu Basin that enables activities and development to occur on an appropriate basis having regard to the current landscape amenity values.

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Accommodation and Food Services) in the study area over the same period, which reflects the increased presence of residential and visitor accommodation/facilities development and land-use activities in the area.

The Variation applies the **Wakatipu Basin Rural Amenity Zone (WBRAZ)** provisions to landscape character areas assessed as having a 'moderate' to 'very low' capability to absorb additional development, and the **Lifestyle Precinct (WBLP)** provisions to areas assessed as having a 'moderate - high' or higher capability to absorb additional development.

The Proposed WBRAZ and WBLP supersede the current Rural, Rural Residential and Rural Lifestyle Zones as they apply to the Wakatipu Basin under the PDP but with the following significant changes:

1. The WBRAZ and WBLP apply to land areas that may currently be zoned either Rural, Rural Residential or Rural Lifestyle but do not coincide with those zone's current boundaries in the PDP. These boundary differences derive primarily from the following factors:
  - The use of more detailed GIS data to inform the delineation of the WB Study landscape character units (and consequently the zone/precinct boundaries).
  - A fundamental aim of the WB Study is to align the zone and precinct boundaries with defensible edges wherever possible to minimise the potential for development creep.
2. The WBLP provides residential living opportunities within specific locations amidst the WBRAZ (similar in effect to the Rural Residential and Rural Lifestyle Zones in the PDP but with revised provisions).
3. The existing PDP approach applies a fully discretionary regime across the Basin for sites located in the Rural Zone (and no minimum lot size). The PDP Rural Lifestyle zone requires a minimum 2ha average site size and 1ha minimum, with subdivision a controlled activity, and buildings on an approved platform (subject to development controls) provided for as a permitted activity. The PDP Rural Residential zone requires a 0.4ha minimum site size, with subdivision a controlled activity and building platforms are not required to be identified, and buildings are provided for as a permitted activity subject to development controls. In both the WBRAZ and the WBLP a minimum allotment size and the introduction of a restricted discretionary activity status for buildings (with location specific assessment criteria) is considered necessary to maintain the character and quality of the natural and built landscape.

The PDP's provisions relating to other resource management matters (e.g. natural hazards, tangata whenua, landscapes) are not altered in the Variation. While development is anticipated in the WBRAZ and WBLP, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards and other matters at the time of subdivision or when seeking consents for the construction of buildings.

## **2.8 Evolution of the Variation**

Following the publication of the WB Study report on the QLDC website (2017 [link](#)), QLDC have embarked on a more detailed study to determine the appropriate planning policy approach across the Study area. The scope of this work is outlined below, and comment is made (where appropriate) on any instances where the proposed zoning provisions and spatial extents of the WBRAZ and WBLP as promulgated in this Variation, vary from the recommendations and mapping in the WB Study report.

### **Mapping**

In tandem with the more detailed analysis to determine the appropriate planning provisions outlined below, the WBLP and WBRAZ mapping was reviewed. The WBLP mapping was retained intact for the most part, with three exceptions. These related to the southern side of Tucker Beach Landscape Character Unit (LCU) 4, a portion of the Fitzpatrick Basin LCU 2 to the north of Littles Road, and to the north west of the Speargrass Flat Road/Hogans Gully intersection (LCU 8). In each of these locations the WB Study recommended that buildings were not allowed above a certain contour line.

Consideration of the policy options required to deliver such an outcome were explored as part of the detailed work following the completion of the WB Study. On balance it was determined that a more preferable approach would be to amend the WBLP boundary in these locations to correspond to the relevant contour line (Tucker Beach: 400m; Fitzpatrick Basin: 440m; Speargrass Flat Road/Hogans Gully intersection 360m). In the case of the Speargrass Flat Road/Hogans Gully intersection, the more detailed work subsequent to the WB Study revealed that the 360m contour rather than the 370m contour line was the more appropriate 'boundary'. Following this more detailed workstream, a number of consequential changes were made to the Landscape Character Unit worksheets to ensure that they were in sync with the revised mapping.

Amendments were also made to the mapping along the northern side of Tucker Beach where the line was reconfigured in response to public land ownership and cadastral patterns.

The Ladies Mile Gateway Precincts and Arrowtown Precincts recommended in the WB Study was not mapped in the case of the Ladies Mile Gateway Precinct and in the case of Arrowtown was remapped as WBRAZ (as explained below). Graphically, the WBLP and WBRAZ mapping was amended to co-ordinate with the mapping styles used in the Queenstown Lakes District Plan.

The Slope Hill and Lake Hayes, Arrow River and Shotover River Outstanding Natural Features and Landscapes as identified in the Stage 1 PDP that are located within or adjacent to the study area have been retained as Rural Zone.

The WBRAZ and WBLP replace the areas of land identified in the PDP as Rural, Rural Lifestyle or Rural Residential zones within the non ONF or ONL land in the Wakatipu Basin, some residual land zoned Rural Lifestyle within the ONF/L of the Shotover River near Littles Road, and at Arrow Junction near the Crown Range Road were identified and these areas have been rezoned to Rural, consistent with the remainder of the land within those ONF/L areas.

Also as part of the Stage 2 notification, the Open Space and Recreation Zone will apply to Council owned parks and reserves and several Council owned properties in the Wakatipu Basin Study Area have been identified by the Council for inclusion in the Open Space and Recreation Zone.

### **Wakatipu Basin Rural Amenity Zone**

Further assessment was undertaken of the existing lot sizes throughout the non WBLP area of the WBRAZ which indicated that a 80ha minimum lot size was an appropriate threshold to ensure that limited development could occur as of right throughout this part of the Basin, consistent with the recommendations of the WB Study.

In addition, the spatial extents of the zone as incorporated in the Variation, vary slightly from the map of the WBRAZ in the WB Study report. The changes comprise adjustment of the interface boundary between the WBRAZ and WBLP to reflect natural topological features (e.g. ridgelines, contours) in some landscape character units. For clarity, no changes have been made to ONF/ONL boundaries as shown in the PDP planning maps.

### **Wakatipu Basin Lifestyle Precinct**

With respect to the WBLP, this included the detailed investigation of four case study areas to understand:

- The nature of the approved resource consents for each case study area including lot sizes, protected areas (pastoral land/vegetation/landform features etc.), mitigation/enhancement planting, setbacks and typical consent conditions.
- The 'potential' yield applying a range of minimum and average lot size scenarios.
- The 'actual' yield applying a range of minimum and average lot size scenarios together with the typical suite of mitigation associated with rural residential development in the area (and that would be required under a restricted discretionary activity regime).

The four case study areas were selected to include a range of circumstances within the WBLP including 'greenfield' land, subdivided and undeveloped land, and established rural residential development. The case study areas included an area in the Fitzpatrick Basin, part of the Hawthorne Triangle, part of Arrow Junction and land at the intersection of Arrowtown Lake Hayes Road and Hogans Gully.

The WB Study recommended a minimum lot size of 4,000m<sup>2</sup> throughout the WBLP as a starting point for consideration. That recommendation was largely informed by the existing lot size regime associated with the PDP Rural Residential zone and on-site servicing requirements. As a consequence of the more detailed investigations undertaken (and as outlined above), it was determined that a minimum lot size of 6,000m<sup>2</sup> together with an average lot size of 1ha are required to secure the maintenance of landscape and visual amenity values within the WBLP.

The review of the resource consents supported the recommendations within the WB Study report with respect to the scope of matters to be addressed in assessment criteria. This work also revealed the importance of considering the following matters in the development of the WBLP planning provisions:

- The protection and retention of existing exotic and native vegetation over a height of 4m (excluding pest species). This vegetation contributes to the attractive leafy character of the WBLP in places and also plays a key role in assisting the integration of existing buildings.
- Consideration of existing covenants and consent notice conditions, given the role that they play in managing the adverse landscape and visual amenity effects of existing development.
- The introduction of a 75m road setback for buildings from all public roads throughout the WBLP (rather than just scenic routes as recommended in the WB Study). The general prevalence of this patterning in more recent developments throughout the case study areas points to its importance across the WBLP.
- The introduction of a 50m setback for dwellings, accessways or earthworks associated with residential activity, from Identified Landscape Features.
- Restricting the further subdivision of an allotment that has previously been used to calculate the minimum and average lot size for subdivision in the Wakatipu Basin Lifestyle Precinct.
- Restricting the subdivision of an existing or approved residential flat from the residential unit it is ancillary to, or the subdivision of a second dwelling on any allotment in the Wakatipu Basin.

### **Ladies Mile**

The WB Study recommended the introduction of a specific precinct for this area (Ladies Mile Gateway Precinct) that enabled urban parkland type development, subject to a 75m road setback for buildings and a structure plan process to assess amenity, landscape and infrastructure issues at a granular level. Since the WB Study was prepared the Ladies Mile area has been subject to an Indicative Master planning exercise which has addressed many of these issues.

Although it is still considered part of the wider WB amenity landscape the Ladies Mile Area is deliberately not included in the WBRAZ under this Variation and is not subject to an additional Ladies Mile Gateway Precinct. The Council is currently progressing plans to carefully manage urban development in this area, to address the above issues and to address the need to facilitate urban growth in the future in suitable locations such as this in an efficient way. Other factors include that it may be subject to a Special Housing Area Application or a future detailed plan variation. More detailed assessment of a range of factors such as transport infrastructure capacity is required in order to complete a detailed plan change for this area.

### **Arrowtown**

The WB Study recommended consideration be given to a similar urban parkland type precinct in the vicinity of Arrowtown (Arrowtown Precinct), together with the integration of defensible edges and the implementation of a structure plan process to address amenity, landscape and infrastructure issues.

The Council have no current plans to develop the Arrowtown Golf Course for urban development and since the WB Study was prepared the Arrowtown area has not been subject to any structure planning process. The Golf Course itself is identified as Open Space and Recreation: Community Purpose Golf Course Zone<sup>11</sup> and other areas have been included in the WBRAZ, to reflect that it is also part of the wider WB amenity landscape, and it is appropriate to apply the WBRAZ at this time. Any provision for subdivision or development beyond that provided for in the WBRAZ should require a comprehensive structure plan process to be completed and incorporated in a future Variation or Plan Change. This also includes the small triangular parcel at the far eastern end of the Millbrook LCU bordered by Arrowtown-Lake Hayes and McDonnell Roads.

### **Landscape Character Unit Worksheets**

It was agreed that it would be beneficial to cross reference to the LCU worksheets in the provisions to provide more detailed guidance for plan users as to the features and attributes of each area that need to be protected, maintained or enhanced. Minor consequential amendments were made to the LCU worksheets to ensure consistency with the provisions.

## **2.9 Variation Purpose and Options**

The Variation proposes to establish a new Wakatipu Basin Rural Amenity Zone together with a Lifestyle Precinct overlay:

### **Wakatipu Basin Rural Amenity Zone (WBRAZ) key elements:**

- Covering the majority (close to 90%) of the WB Study Area (68% if excluding the WBLP overlay)
- Location specific objectives and policies
- Minimum lot size of 80 ha
- All buildings except small farm buildings 50m<sup>2</sup> area require consent (Restricted Discretionary)
- Landscape (or location) driven assessment criteria
- Introduce setbacks and controls to minimise adverse building impact:
  - 20 m from any public road
  - 50m from Identified Landscape Features

### **Wakatipu Basin Lifestyle Precinct (WBLP) key elements:**

- Covers 22% of the WB Study Area
- WBRAZ Objectives and Policies also apply to the WBLP
- Location specific objectives and policies to the WBLP
- Average lot size of 1ha with minimum lot size of 6,000m<sup>2</sup>
- Stringent controls to ensure the special qualities of the Basin are preserved
- All buildings require consent (Restricted Discretionary)
- Landscape (or location) driven assessment criteria
- Introduce setbacks and controls to minimise adverse building impact:
  - 75 m from any public road
  - 50m from Identified Landscape Features.

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<sup>11</sup> Refer to PDP Stage 2 Notification Planning Maps 13d Wakatipu Basin and Map 27 – Arrowtown.

This chapter applies to the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct. The purpose of the Zone is to protect, maintain and enhance the particular rural landscape character and amenity of the zone which distinguishes the Wakatipu Basin from other parts of the District that are zoned Rural.

A primary focus of the Zone is on protecting, maintaining and enhancing rural landscape and amenity values while noting that productive farming is not a dominant activity in the Wakatipu Basin. To achieve the purposes of the Zone a minimum lot size of 80 hectares is required if subdividing and all buildings require resource consent as a means to ensure rural landscape character and visual amenity outcomes are fulfilled.

A wide range of supportive activities that rely on and seek to locate within the rural landscape resource are contemplated in the Zone including rural living at low densities, recreation, commercial and tourism activities as well as enabling farming and farming related activities. There are also some established industrial type activities that are based on rural resources or support rural type activities.

Land within the District is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision and applications for resource consent for buildings.

Within the Wakatipu Basin, variations in landscape character support higher levels of development in identified areas that have been defined as the Wakatipu Basin Lifestyle Precinct. The Precinct provides for rural residential living opportunities within areas where additional development can be absorbed without detracting from the landscape and visual amenity values of the Precinct and the wider landscape character and amenity values of the Zone and its surrounding landscape context.

There is a diversity of topography and landscape character within the Precinct which has a variety of existing lot sizes and patterns of development. The Precinct incorporates a range of rural lifestyle type developments, generally characterized as low-density residential development on rural land, as well as farmlets and horticultural sites. Existing vegetation including shelter belts, hedgerows and exotic amenity plantings characterise the Precinct.

While the Zone and Precinct do not contain Outstanding Natural Features or Landscapes, they form part of the District's distinctive landscapes and are located adjacent to or nearby Outstanding Natural Features and Landscapes. Some land within the Precinct has been identified as being of particular landscape sensitivity. A rule identifying a setback of buildings and development from these Identified Landscape Features is utilised to require that an assessment is undertaken to ensure the values of these landscapes are maintained.

Development within the Zone or Precinct is to be managed to ensure that Outstanding Natural Features and Landscapes located adjacent to or nearby are protected from inappropriate subdivision, use and development. While there are no specific setback rules for development in relation to Outstanding Natural Features and Landscapes, all buildings and subdivision require resource consent with discretion to manage the effects of subdivision, use and development on any adjacent or nearby Outstanding Natural Feature or Landscape, as well as managing the effects on landscape character and visual amenity values within the Zone and Precinct.

In the Precinct a limited opportunity for subdivision is provided with a minimum lot size of 6000m<sup>2</sup> provided for in conjunction with an average lot size of one hectare (10,000m<sup>2</sup>). Controls on the location, nature and visual effects of buildings are used to provide a flexible and design led response to the landscape character and visual amenity qualities of the Precinct.

Building location, access, services, earthworks, landscaping, infrastructure and natural hazards are managed through the identification of suitable building platforms at the time of subdivision. These matters as well as the bulk and location, building design and finish may also be assessed at the time of obtaining resource consent for a building.

The WBRAZ and WBLP applies to the areas identified as such on the PDP Stage 2 Notification maps. In particular, Planning Map 13d has been created to show the entire extent of the WBRAZ, WBLP, landscape features and the Open Space and Recreation Zones.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address the resource management issues which generate the need for the Variation and makes recommendations as to the most appropriate course of action.

**Broad options considered to address the key resource management issues of: “appropriately managing the character and amenity values of the Wakatipu Basin and managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development”.**

Option 1: Retain the PDP Rural, Rural Residential and Rural Lifestyle zones and provisions (Status Quo).

Option 2: Apply a Wakatipu Basin Rural Amenity Precinct Overlay over the PDP Rural Zone component of the Basin to recognise the value of the landscape resource by applying a minimum lot size of 80ha; otherwise retain Rural Residential and Rural Lifestyle zones and provisions as per the PDP

Option 3: Apply new zoning provisions and zone boundaries that reflect the landscape character values of the Basin and provide for new development subject to landscape assessment criteria (**Recommended**).

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: Apply a WBAZ Precinct Overlay to PDP Rural zoned land only</b>	<b>Option 3: Rezone to WBRAZ with LP over defined areas</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• The spatial application of the PDP zones (Rural, Rural Residential and Rural Lifestyle) in the Wakatipu Basin is not considered to adequately reflect the capability of areas to absorb additional development without compromising landscape character and amenity values</li> <li>• The PDP zoning provisions (e.g. subdivision and development controls) do not provide a sufficient basis for avoiding subdivision and development in areas that are identified as being unsuitable for development or for managing cumulative effects in the Basin</li> <li>• The zoning controls do not reflect a sufficiently strong link to the Strategic Directions or Landscapes chapters in the context of the Basin and the landscape resource is subject to potential degradation from further subdivision</li> <li>• The existing policies do not particularly assist with the retention of rural production activities given a flexible ‘enabling’ approach to subdivision of existing lots and dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• Would reduce potential for development of smaller (non-complying) lots in the Rural zone in the Basin</li> <li>• Some landscape character areas assessed in the WB Study as having moderate to high potential to absorb further development would remain inappropriately restricted under the PDP Rural Lifestyle Zone (as current boundaries would remain)</li> <li>• Costs associated with going through the Variation process (but this is required by legislation)</li> <li>• Would retain the development control regime (including assessment matters) of the PDP Rural-Residential and Rural Lifestyle zones which do not include specific reference to the context of the Wakatipu Basin</li> <li>• Inconsistent with the WB Study and does not respond to concerns about the appropriate location of the Rural Lifestyle Zone or Rural Residential Zone (likely lead to increasing demand for private plan changes or non-complying consents)</li> </ul>	<ul style="list-style-type: none"> <li>• Would reduce potential for development of existing lots in the PDP Rural Zone (due to minimum lot size)</li> <li>• Would reduce development potential in current Rural-Residential zoned areas (due to higher lot size of 6,000m<sup>2</sup> and 1ha average)</li> <li>• Would increase development potential able to be achieved in current Rural Lifestyle zoned areas (due to reduced lot size from 2ha average)</li> <li>• Costs associated with going through the Variation process (but this is required by legislation)</li> <li>• High costs for Council from potential litigation if many resource consents for dwellings have expired and would be non-complying under the WBRAZ/LP</li> </ul>

	<p>development in the Rural Zone (e.g. no minimum lot size for subdivision in the Rural Zone)</p> <ul style="list-style-type: none"> <li>• Does not respond to issues identified in the WB study about the appropriate locations for accommodating rural-residential types of development (which could lead to increasing demand for private plan changes or non-complying consents)</li> <li>• Would continue the current approach which has been identified as being a major cause of the erosion of landscape and amenity values in the Basin</li> </ul>		
<p><b>Benefits</b></p>	<ul style="list-style-type: none"> <li>• Retains the established approach which parties are familiar with</li> <li>• No 'cost of change' for Council</li> </ul>	<ul style="list-style-type: none"> <li>• Would bolster the protection of productive rural land and landscape amenity values</li> <li>• Low degree of change to administer compared to PDP- subdivision would remain fully discretionary in the WBRAZ (no change in activity status) whilst activity status for dwellings in the Rural-Residential and Rural Residential zones would remain as per the PDP</li> <li>• Improve consistency with the Strategic Directions Chapter for the Rural zoned area</li> </ul>	<ul style="list-style-type: none"> <li>• Applying a more development restrictive zoning such as the WBRAZ would enable the Council to more effectively protect, maintain and enhance the districts distinctive landscapes</li> <li>• Reduces development pressure on the 'main' Wakatipu Basin Rural Amenity Zone (WBRAZ) whilst allowing efficient use of the limited 'rural living' resource</li> <li>• WBLP enables a spread of future development potential over a wider pool of existing lots (less concentration of development potential)</li> <li>• Requires all buildings to be set back from public road boundaries, Identified Landscape Features and internal boundaries so that they do not compromise the qualities of those features and landscapes or outlook from neighbouring properties and scenic vantage points</li> <li>• Would treat areas assessed as having moderate to high potential to absorb further development on a consistent basis and allow a higher yield to be achieved than current PDP Rural Lifestyle zone</li> <li>• Improved alignment of zone boundaries with</li> </ul>

			landscape character units and defensible edges <ul style="list-style-type: none"> <li>• Cumulative effects of residential subdivision and development able to be managed</li> <li>• Tighter connection between the objectives and policies of the WBRAZ and WBLP (and assessment matters), with the PDP's objectives and policies in the Strategic Directions and Landscapes chapters</li> <li>• Lower transaction costs for resource consents moving from fully discretionary to restricted discretionary</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>2</b>	<b>1</b>

## 2.10 Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the Proposed District Plan.
- Have effects on resources that are considered to be a matter of national importance in terms of section 6 of the Act.
- Adversely affect those with specific interests, e.g. Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. The WBRAZ and WBLP chapter contains resources of strategic importance to the District, region and nation. Many elements of the chapter build on existing approaches within the Proposed District Plan, but there is a significant change in policy direction.

A number of the provisions also change existing approaches in terms of implementation.

The proposed objectives provide for new buildings to be subject to amenity standards, set-back rules, better integration of the subdivision and land use framework, control over vegetation removal etc.

Other reasons for the moderate-high detail of analysis include that the provisions set an important direction for an area outside of the general zoning framework of the balance of the District Plan. The District's economy is largely based on the benefits derived from tourism and the landscape resource. Activities within the WBRAZ and LP can impact on the vitality and integrated management of this area.

## 2.11 Evaluation of proposed Objectives Section 32 (1) (a)

<b>WBRAZ Proposed Objectives</b>	<b>Appropriateness</b>
<p><b>24.2.1 Objective - Landscape and visual amenity values are protected, maintained and enhanced.</b></p>	<p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and the location of the WBRAZ within it (S5(2)(c) RMA). The objective acknowledges the expectation of limiting development in the zone so as to maintain and avoid degrading the existing landscape.</p> <p>This objective establishes the framework for a wide range of landscape related provisions. The District contains high quality landscapes that are of national importance and these shall be recognised and provided for when considering development (S6(a) and 6(b) RMA). The Council, in exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to the ethic of stewardship (S7(a) of the Act) and the broad range of rural landscapes with amenity values (S7(c) of the Act).</p> <p>An integrated policy framework is applied to control further subdivision, land and building development, and activities on sites within the zone. Controls on vegetation clearance will complement the PDP's protection of scheduled trees in the Basin, recognising that existing vegetation contributes to the Basin's existing landscape character. The policy framework in summary:</p> <ul style="list-style-type: none"> <li>• Provides for a 80 hectare minimum lot size</li> <li>• Ensures subdivision and developments are designed (including accessways, services, utilities and building platforms) to minimise modification to the landform, and maintain and enhance the landscape character and visual amenity values of the Zone</li> <li>• Establishes a basis for assessment against landscape character and visual amenity values identified for the landscape character units as described in Schedule 24.8.</li> <li>• Requires all buildings to be located and designed so that they do not compromise the qualities of Outstanding Natural Features, Outstanding Natural Landscapes and, Identified Landscape Features.</li> <li>• Provides for control over the colour, scale, form, coverage, location (including via road boundary, Identified Landscape Feature setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.</li> <li>• Provides for activities that maintain a sense of openness and spaciousness in which buildings are subservient to natural landscape elements.</li> <li>• Controls earthworks and vegetation clearance so as to minimise adverse changes to rural landscape character and visual amenity values.</li> <li>• Facilitates the provision of walkway, cycleway and bridle path networks.</li> </ul>

	<p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’.</li> <li>• Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> <li>• Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</li> <li>• Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.</li> <li>• Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.</li> </ul> <p>Gives effect to RPS 2015 Objectives:</p> <p>1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago</p> <p>3.1 The values of Otago’s natural and physical resources are recognised, maintained and enhanced</p> <p>3.2 Otago’s significant and highly-valued natural resources are identified, and protected or enhanced</p>
<p><b>24.2.2 Objective – Non-residential activities are compatible with infrastructure, and maintain and enhance landscape character and amenity values.</b></p>	<p>The proposed objective is the most appropriate way to achieve the purpose of the Act (S5(2)(c)) Sets expectation for predominantly rural activities on large lots and identifies ability for residential and non-residential activities, subject to scale and intensity, where these activities can be appropriately accommodated within the landscape.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> <li>• Provides for commercial, recreation and tourism related activities where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.</li> <li>• Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in relation to other generated effects (e.g. traffic, noise, and hours of</li> </ul>

	<p>operation) with surrounding uses and the natural environment.</p> <ul style="list-style-type: none"> <li>• Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua</li> <li>• Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.</li> <li>• Ensures non farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.</li> </ul> <p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’.</li> <li>• Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> <li>• Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</li> <li>• Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.</li> <li>• Consistent with Objective 3.2.5.5 - Recognise that agricultural land use is fundamental to the character of our landscapes.</li> </ul> <p>Gives effect to RPS objectives 1.1, 3.1, 3.2 (as above) and:</p> <p>4.3 Infrastructure is managed and developed in a sustainable way. 10.3 Sufficient land is managed and protected for economic production</p>
<p><b>24.2.3 Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.</b></p>	<p>The proposed objective is the most appropriate way to achieve the purpose of the Act (S5(2)) because it acknowledges that notwithstanding the enabling zoning, reverse sensitivity risk is present within the zone and needs to be managed.</p> <p>This objective recognises and maintains the existence of established rural activities and that activities such as residential development seeking to locate amidst established rural activities have an expectation to not hinder these activities, providing the rural activity being undertaken is within reasonable limits. For instance, with particular regard to aspects such as odour, noise, lighting and traffic generation.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> <li>• Protects legally established informal airports from the establishment of incompatible activities.</li> <li>• Ensure reverse sensitivity effects likely to arise between residential lifestyle and non-residential activities are avoided or mitigated.</li> </ul>

	<ul style="list-style-type: none"> <li>• Supports productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that potential reverse sensitivity issues do not constrain productive activities.</li> </ul> <p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> <li>• Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</li> <li>• Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural area as if the qualities of our landscape are to be maintained.</li> </ul> <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS 2015 objectives 1.1, 3.1, 3.2, 4.3 (as above) and: 5.4 Adverse effects of using and enjoying Otago's natural and built environment are minimised</p>
<p><b>24.2.4 Objective - Subdivision and land use development maintains and enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.</b></p>	<p>Recognises the need to avoid adverse cumulative impacts on ecosystem services and nature conservation and heritage values, whilst ensuring development does not generate servicing and infrastructure costs that fall on the wider community associated with connecting its infrastructure to subdivision and development isolated from existing network capacity.</p> <p>The objective is the most appropriate way to achieve the purpose of the Act in accordance with Section 5 and 7 of the RMA.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> <li>• Avoids adverse cumulative impacts on ecosystem services and nature conservation values.</li> <li>• Ensures development does not generate servicing and infrastructure costs that fall on the wider community.</li> <li>• Provides for improved public access to and the maintenance and enhancement of the margins of waterbodies including Mill Creek and Lake Hayes.</li> <li>• Ensures that other utilities including Regionally Significant Infrastructure are located and operated to maintain landscape and visual amenity values, having regard to the important function and location constraints of these activities.</li> </ul>

	<p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Consistent with Objective 3.2.5.1 ‘ Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development’.</li> <li>• Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> <li>• Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</li> <li>• Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.</li> <li>• Consistent with Objective 3.2.1.5 - Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks.</li> </ul> <p>The objective has regard to section 7(b), (d) and (g) RMA.</p> <p>Gives effect to RPS 2015 objectives 3.2, 4.3, and 5.4 (as above)</p>
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<p><b>WBLP Proposed Objectives</b> NB. The above objectives for the WBRAZ also apply to the precinct.</p>	<p><b>Appropriateness</b></p>
<p><b>24.2.5 Objective - The landscape quality, character and amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.</b></p>	<p>The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and the location of the WBRAZ within it (S5(2)(c) RMA). The objective acknowledges the expectation of additional development in the Precinct with the understanding that development is subject to controls to maintain and enhance the landscape.</p> <p>The policy framework:</p> <ul style="list-style-type: none"> <li>• Provides for rural residential subdivision, use and development only where it protects, maintains or enhances the identified landscape character and visual amenity values as described within the landscape character unit as defined in Schedule 24.8.</li> <li>• Promotes design-led and innovative patterns of subdivision and development that respond to the</li> </ul>

	<p>specific landscape setting.</p> <ul style="list-style-type: none"> <li>• Manages the bulk and location of all buildings through minimum standards for height, coverage and by specifying minimum setbacks from site and road boundaries and Identified Landscape Features so as to avoid or minimise adverse effects on landscape character and visual amenity values.</li> <li>• Provides for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained.</li> <li>• Ensure the visual dominance of buildings is avoided or mitigated particularly development and associated earthworks on prominent slopes and ridgelines.</li> <li>• Implements minimum, and average lot size standards in conjunction with permitted building coverage and height standards so that the landscape character and visual amenity values of the Wakatipu Basin are not compromised by the cumulative adverse effects of development.</li> <li>• Maintain and enhance a distinct and visible 'defensible' edge between the Precinct and the wider Wakatipu Basin Rural Amenity Zone.</li> <li>• Retain vegetation where this contributes to landscape character and visual amenity values, and assists with the maintenance of the established character of the Precinct.</li> </ul> <p>Strategic Directions:</p> <ul style="list-style-type: none"> <li>• Consistent with Objective 3.2.5.1 'Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development'.</li> <li>• Consistent with Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</li> <li>• Consistent with Objective 3.2.5.3 - Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</li> <li>• Consistent with Objective 3.2.5.4 - Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.</li> </ul> <p>Gives effect to RPS 2015 Objectives:</p> <p>1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago</p> <p>3.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced</p> <p>3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced</p> <p>4.3 Infrastructure is managed and developed in a sustainable way.</p> <p>5.3 Sufficient land is managed and protected for economic production.</p> <p>5.4 Adverse effects of using and enjoying Otago's natural and built environment are minimised.</p>
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## 2.12 Evaluation of the proposed provisions Section 32 (1) (b)

The following tables consider whether the proposed provisions are **the most appropriate way** to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed objectives are grouped together for each of the WBRAZ and WBLP.

*(Also refer to the Table detailing broad options considered, above)*

### **Appropriately managing the character and amenity values of the Wakatipu Basin and managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development**

#### **WBRAZ**

**24.2.1 Objective - Landscape and visual amenity values are protected, maintained and enhanced.**

**24.2.2 Objective - Non-residential activities are compatible with infrastructure, and maintain and enhance landscape character and amenity values.**

**24.2.3 Objective - Reverse sensitivity effects are avoided or mitigated where rural residential lifestyle living opportunities, visitor and tourism activities, community and recreation activities occur.**

**24.2.4 Objective - Subdivision and land use development maintains and enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.**

Summary of proposed provisions and broad evaluation of the environmental, economic, social and cultural costs and benefits:

- Require all buildings to be located in relation to ONF's, ONL's, public road boundaries, Identified Landscape Features and internal boundaries so that they do not compromise the qualities of those features and landscapes or outlook from neighbouring properties and scenic vantage points
- Require all buildings to obtain resource consent so that the scale, form, colour and location of buildings, plantings and associated ancillary elements do not result in adverse effects on the landscape character and visual amenity values of the zone.
- Ensure non farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.
- Identify and where appropriate, require the provision of walkways, cycleways and bridle path networks
- Require any new lots to be no less than 80ha in order to maintain a rural character and preserve the conservation, ecological and visual amenity values of the zone.
- Only enable rural land use activities that protect, maintain and enhance the range of landscape and amenity values associated with the Wakatipu Basin

area (as identified for the landscape character units as described in Schedule 24.8).

- Ensure development does not exceed capacities for infrastructure servicing
- Support productive activities such as agriculture, horticulture and viticulture in the zone whilst managing any associated reverse sensitivity issues.
- The maximum site coverage shall be 15% of lot area or 500m<sup>2</sup> whichever is the lesser
- The minimum setback of any building from side and rear lot boundaries shall be 10m
- The minimum setback of any building from a public road boundary shall be 20m.
- Control and mitigate earthworks and vegetation clearance so as to minimise adverse changes to rural landscape character and amenity.
  
- The construction of and/or exterior alteration/additions to buildings including buildings located within an existing approved building platform area, will be subject to Restricted Discretionary assessment criteria for all of the following:
  - building height;
  - building colours/materials;
  - building coverage;
  - design, size and location of accessory buildings.
  - the design and location of fencing / gates, external lighting;
  - earthworks, retaining, fencing, gates, accessways, external lighting, domestic infrastructure (water tanks etc.), vegetation removals, and proposed plantings;
  - accessway alignment and paving materials;
  - the retention of existing vegetation and landform patterns;
  - earth mounding, and framework planting to integrate buildings and accessways;
  - planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8;
  - riparian restoration planting;
  - the retirement and restoration of steep slopes over 15° to promote slope stabilisation or indigenous vegetation enhancement;
  - The integration of existing and provision for new public walkways and cycleways/bridlepaths.

<b><i>Proposed provisions</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>
<b>Policies:</b>  24.2.1.1 to 24.2.1.12 (inclusive)  24.2.2.1 to 24.2.2.6 (inclusive)  24.2.3.1 to 24.2.3.3	<b><i>Environmental</i></b> Low. The provisions emphasise that the predominant activity is rural use; and earthworks and indigenous vegetation clearance will be managed to minimise adverse changes to rural landscape character and amenity.  <b><i>Economic</i></b> The provisions will have the potential to	<b><i>Environmental</i></b> The provisions will better protect the zones and surrounding rural areas from ad-hoc subdivision and development.  <b><i>Economic</i></b> The provisions provide more certainty for the Council and persons contemplating activities in the zones.	The provisions are effective at protecting the landscape resource within the zone by referencing to landscape assessment policy which gives effect to the strategic directions chapter and enables consideration of activities within the zone that may affect the District's landscape resource.

<p>(inclusive) 24.2.4.1 to 24.2.4.6 (inclusive)</p> <p><b>Rules:</b></p> <p>24.4.1 to 24.4.29 (inclusive) 24.5.1 to 24.5.16 (inclusive)</p>	<p>constrain residential, industrial or commercial activities in the zones.</p> <p><b>Social &amp; Cultural</b> Land owners will incur costs to obtain resource consents (e.g. controlling the scale, form, colour and location of buildings to ensure they do not result in adverse effects on the landscape character and visual amenity values of the zone).</p>	<p>Would protect the landscape resource which the District relies on for tourism.</p> <p><b>Social &amp; Cultural</b> Maintaining the landscapes within the zone will provide for peoples well-being by not degrading these landscapes.</p> <p>More certainty for future landowners with regard to locations suited or not suited to further development.</p>	<p>Seeking to determine/control the extent of future development through a complex plan change requires a lot of resources to defend and implement successfully.</p> <p>Efficiencies would be established to introduce clearer parameters for permitting anticipated activities, while providing direct policies to gauge the appropriateness of residential or farming activities, or activities that can have a significant impact on amenity.</p>
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**Alternative options considered less appropriate to achieve the relevant objectives and policies:**

<p><i>Option 1: Status quo (PDP)</i></p>	<ul style="list-style-type: none"> <li>• <i>The PDP's objectives and policies are not considered to place adequate emphasis on the importance of the landscape resource, nor do they provide a strong link to District Wide/Strategic Directions chapter.</i></li> <li>• <i>The integrity of the existing objective and policy framework has been weakened by the cumulative effects of subdivision and development (due in part to an ad hoc fully discretionary regime across the Basin for sites located in the Rural Zone). The landscape resource is subject to potential degradation from further subdivision.</i></li> <li>• <i>Would also retain inappropriate boundaries between the Rural Zone and Rural-Residential and Rural-Lifestyle zones (having regard to the Wakatipu Land Use study's assessment of landscape character areas) .</i></li> </ul>
<p><i>Option 2: Apply a Wakatipu Basin Rural Amenity Precinct Overlay over the PDP Rural Zone component of the Basin to recognise the value of the landscape resource by applying a minimum lot size of 80ha; otherwise retain Rural Residential and Rural Lifestyle zones and provisions as per the PDP</i></p>	<ul style="list-style-type: none"> <li>• <i>Applying a 80ha minimum lot standard would offer greater protection of landscape values from subdivision and development. However, subdivision would be subject to the Rural zone policies and rules which are considered inadequate in the context of the Wakatipu Basin study area</i></li> <li>• <i>The type and scale of non-residential activities which require resource consent has not substantially changed, however the rule structure has clarified what activities require consent and the policies make it clearer what types of non-residential activities may be appropriate. There is not considered the need to make non-residential activity either more permissive or constrained, but to better identify the appropriateness of these activities by providing more thorough policy to assess the merits of proposals</i></li> </ul>

**Appropriately managing the character and amenity values of the Wakatipu Basin and managing the capacity of the Wakatipu Basin to accommodate further development, and the appropriate nature and type of any such development**

**WBLP**

**24.2.5 Objective - The landscape quality, character and amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.**

Summary of proposed provisions that give effect to this objective:

- Manage the bulk and location of all buildings including height, coverage and minimum setbacks from site, public road and identified landscape features so as to avoid or minimise any potential adverse effects on landscape character, visual amenity values and outlook from neighbouring properties
- Enable appropriately located and scaled non-residential activities, including restaurants, visitor accommodation, recreation and rural support activities while ensuring that the visual amenity, quality and character of the Lifestyle precinct is not compromised.
- Implement minimum and average lot size standards in conjunction with permitted building coverage and height standards so the landscape character and amenity qualities of the Wakatipu Basin are not compromised
- Maintain and enhance the landscape character and visual amenity values associated with the Precinct by controlling the colour, scale, form, location and height of buildings and associated infrastructure, vegetation and landscape elements.
- Maintain and enhance a distinct and visible defensible edge between the Precinct and the WBRAZ
- Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in other generated effects (e.g. traffic, noise, and hours of operation) with surrounding rural residential uses and the natural environment
- Ensure subdivision and developments are designed (including accessways, services, utilities and building platforms) to be in keeping with the visual and landscape characteristics of the precinct
- The maximum site coverage shall be 15% of the net site area or 500m<sup>2</sup> whichever is the lesser
- The minimum setback of any building from a public road boundary defined on the planning maps shall be 75m
- The minimum setback of any building from an identified landscape feature boundary on the planning maps shall be 50m
- The construction of and/or exterior alteration/additions to any buildings including buildings located within an existing approved and registered building platform area will be subject to Restricted Discretionary consent criteria for all of the following:
  - building height;
  - building colours/materials;
  - building coverage;
  - design, size and location of accessory buildings.
  - the design and location of fencing / gates, external lighting:

- earthworks, retaining, fencing, gates, accessways, external lighting, domestic infrastructure (water tanks etc.), vegetation removals, and proposed plantings;
- accessway alignment and paving materials;
- the retention of existing vegetation and landform patterns;
- earth mounding, and framework planting to integrate buildings and accessways;
- planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8;
- riparian restoration planting;
- the retirement and restoration of steep slopes over 15° to promote slope stabilisation or indigenous vegetation enhancement;
- The integration of existing and provision for new public walkways and cycleways/bridlepaths.

<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Policies:</b> 24.2.5.1 to 24.2.5.6</p> <p><b>Rules:</b> 24.4.1 to 24.4.29 (inclusive) 24.5.1 to 24.5.16 (inclusive)</p>	<p><b>Environmental</b> Low impact due to requirements for set-back from landscape features and ONL/ONFs.</p> <p><b>Economic</b> Potential for higher costs with subdivision and development than previously due to wide range of assessment matters required to be addressed.</p> <p>Some loss of development potential for owners in PDP Rural-Residential zoned areas due to increase in minimum lot size in LP.</p> <p><b>Social &amp; Cultural</b> Potential for amenity effects on neighbouring owners of some properties due to the reduction in minimum lot size compared to PDP Rural Lifestyle Zone</p>	<p><b>Environmental</b> Enables additional development in those areas that have been assessed as being capable (from a landscape perspective) of absorbing this level of change</p> <p>Effects from earthworks and vegetation clearance will be minimised as part of assessment of accessways and the location of building platforms and associated utilities.</p> <p>The proposed colour range is considered to provide a suitable balance to control the visual effects of buildings by ensuring that built development is visually recessive.</p> <p>More emphasis for landscaping requirements to be at the time of subdivision. The introduction of landscape driven assessment criteria for subdivision and buildings will ensure rural residential development is well integrated into the landscape and maintains the existing landscape character and visual amenity</p>	<p>The new urban zoning would better reflect development that has occurred in these areas or is anticipated to occur.</p> <p>The proposed provisions restrict the grounds for discretion for a resource consent by permitting buildings subject to a clear range of controls to achieve objectives and policies to maintain landscape values.</p> <p>The introduction of a maximum building size and colour standards are necessary to enable the Restricted Discretionary activity status of buildings and alterations to buildings; in this context the additional standards are both effective and efficient and are significantly more appropriate than the PDP provisions in terms of meeting the purpose of the RMA.</p>

		<p>values</p> <p>If required, any controls imposed on a site by a subdivision consent notice will still apply, thus ensuring location specific landscaping requirements are provided for.</p> <p><b>Economic</b> Reduces development pressure on the 'main' Wakatipu Basin Rural Amenity Zone (WBRAZ) whilst allowing efficient use of the limited 'rural living' resource (estimated theoretical capacity for 880 additional lots, subject to application of consent assessment criteria).</p> <p>Significantly reduces pressure for subdivision of larger lots in the Basin, which may be retained for rural productive purposes.</p> <p><b>Social &amp; Cultural</b></p> <p>Emphasis on avoidance and mitigation of landscape amenity effects applied at the time of subdivision to mitigate effect of infrastructure and future buildings.</p> <p>More certainty for future landowners with regard to locations with development potential.</p>	
<p><b>Alternative options considered less appropriate to achieve the relevant objectives and policies:</b></p>			
<p>Option 1: Status quo (PDP)</p>	<ul style="list-style-type: none"> <li>• Would retain differing standards for subdivision of land in the Rural Residential and Rural Lifestyle zones which is inconsistent with the WB Study's assessment of areas</li> </ul>		

	<p><i>with moderate to high potential to absorb additional development</i></p> <ul style="list-style-type: none"> <li>• <i>Would also retain inappropriate boundaries of Rural Residential and Rural Lifestyle zones compared to the LP</i></li> </ul>
<p><i>Option 2: Apply a Wakatipu Basin Rural Amenity Precinct Overlay over the PDP Rural Zone component of the Basin to recognise the value of the landscape resource by applying a minimum lot size of 80ha; otherwise retain Rural Residential and Rural Lifestyle zones and provisions as per the PDP</i></p>	<ul style="list-style-type: none"> <li>• <i>The type and scale of non-residential activities which require resource has not substantially changed, however the rule structure has clarified what activities require consent and the policies make it clearer what types of non-residential activities may be appropriate. There is not considered the need to make non-residential activity either more permissive or constrained, but to better identify the appropriateness of these activities by providing more thorough policy to assess the merits of proposals</i></li> </ul>

## 2.13 Efficiency and effectiveness of the provisions

The above provisions are drafted to specifically address the resource management issues identified for the Wakatipu Basin. The objectives, policies and rules (the provisions), provide greater certainty than the PDP current provisions in respect to the zoned areas and will be easier to understand for users of the Plan both as applicant and administrator (processing planner). The provisions create a more efficient consent process by reducing the number of fully discretionary consents required and by expediting the processing of those consents.

## 2.14 The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

## 3. References

Also refer to any footnotes within the text

1. Wakatipu Land use Planning Study March 2017 [link](#)
2. Council Reply Evidence on the PDP
3. Read Landscapes Limited 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features' 2014. - [link](#)
4. Read Landscapes Limited 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment' June 2014 - [link](#)
5. District Plan Monitoring Report, Monitoring the Effectiveness and Efficiency of the Rural General Zone, April 2009 - [link](#)
6. District Plan Monitoring Report, Rural Living Zones of the Queenstown Lakes District Plan, January 2010 - [link](#)
7. Ministry for the Environment. 2014. A guide to section 32 of the Resource management Act: incorporating changes as a result of the Resource Management Amendment Act 2013. Wellington. Ministry for the Environment – [link](#)