

# BERRY & CO

BARRISTERS & SOLICITORS

2nd Floor | Chester Building  
Corner of Camp & Shotover Streets

PO Box 179 | DX ZP 95002 | Queenstown 9348 | New Zealand

Phone: +64 3 441 0302 | Fax: +64 3 441 0307

Email: info@berryco.co.nz | www.berryco.co.nz

18 February 2011

QLDC

22 FEB 2011

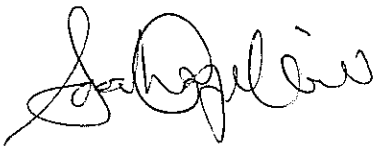
QUEENSTOWN

Dear Sir/Madam

**WAKATIPU RESIDENTS AGAINST AIRPORT NOISE INCORPORATED V QUEENTOWN LAKES DISTRICT COUNCIL**

Please find enclosed by way of service a copy of the Notice of Appeal in respect of Queenstown Airport Corporation Limited's decision on the notice of requirement to alter designation 2 : Aerodrome Designation.

Yours faithfully



On behalf of Wakatipu Residents Against Airport Noise Incorporated

BEFORE THE ENVIRONMENT COURT

ENV

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal pursuant to sections 174 and 181  
of the Act

BY

WAKATIPU RESIDENTS AGAINST AIRPORT  
NOISE INCORPORATED  
Appellant

TO

QUEENSTOWN AIRPORT CORPORATION  
LIMITED  
Respondent

---

NOTICE OF APPEAL

---

**NORTH SOUTH ENVIRONMENTAL LAW**

Barristers & Solicitors

PO Box 109045

Newmarket

AUCKLAND

Phone: 09 304 0043

Fax: 09 303 2427

Counsel: R A Makgill

To: The Registrar  
Environment Court  
PO Box 2069  
Christchurch

1. Wakatipu Residents Against Airport Noise Incorporated ("WRAAN") appeal against the decision of Queenstown Airport Corporation Limited ("QAC") on the Notice of Requirement ("NOR") to alter Designation 2: Aerodrome Designation.
2. WRAAN made a submission on the NOR.
3. WRAAN received a copy of the decision on 19 January 2011.
4. The decision was made by QAC.
5. WRAAN is appealing the whole of the decision.
6. The reasons for the appeal are as follows:
  - (a) Insufficient information has been provided to ensure that surrounding landowners/residents will not be significantly adversely affected as a result of operations at Queenstown Airport.
  - (b) It is inappropriate for the detail of the noise management plans to be determined under the designation, as such a procedure provides no certainty or clarity as to what measures will be undertaken and how such measures will appropriately avoid, remedy or mitigate the adverse effects of the operation of Queenstown Airport.
  - (c) The Queenstown Airport Liaison Committee ("QALC") fails to make provision for representation from the affected community. WRAAN and other community groups should have been provided with QALC membership.
  - (d) The airport noise mitigation does not cover all properties that are adversely affected by the operation of Queenstown Airport.
  - (e) The airport noise mitigation is inadequate to avoid, remedy or mitigate the adverse noise effects of the operation of Queenstown Airport on surrounding landowners/residents.
  - (f) The requirement for mitigated parties to enter into private agreements with the QAC to prevent future noise complaints does not promote sound resource management practice.
  - (g) The alteration is not reasonably necessary for achieving the objectives of the public work. This includes (but is not limited to) the extent of the aircraft noise contours (i.e. the Air Noise Boundary and Outer Control Boundary).
  - (h) The decision does not address or take into account the matters raised by WRAAN in its submissions or evidence presented at the hearing.
  - (i) The decision fails to adequately avoid, remedy or mitigate the adverse effects of the operation of Queenstown Airport.


- (j) The decision does not have adequate regard to the issues, objectives and policies of the District and Regional Plans.
- (a) The decision is not in accordance with sound resource management and land use planning practices.
- (b) The decision is contrary to Part II of the Resource Management Act. In particular it does not promote the sustainable management of natural and physical resources and is not in accordance with the purposes and principles of the Act.

7. The relief sought is as follows:

- (a) That the decision is refused.
- (b) The adverse effects of the operation of Queenstown Airport are adequately avoided, remedied or mitigated.
- (c) Such other relief considered necessary to give effect to the concerns of the appellant.

8. The following documents are attached to this Notice:

- (a) A copy of the submission (**Appendix A**);
- (b) A copy of the relevant decision of QAC (**Appendix B**);
- (c) A copy of WRAAN's Certificate of Incorporation (**Appendix C**); and
- (d) A list of submitters to be served with a copy of this notice (**Appendix D**).

  
\_\_\_\_\_  
Robert A Makgill  
Counsel for Wakatipu Residents Against  
Airport Noise Incorporated

Dated this 10th day of February 2011

Address for service:  
North South Environmental Law  
PO Box 37893  
Parnell  
AUCKLAND 1151  
Telephone: 09 304 0043  
Fax: 09 303 2427  
Contact person: Robert A Makgill  
Email: rmakgill@nsenvironmentallaw.com

## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (In form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

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

### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission, the decision appealed, WRAAN's Certificate of Incorporation and the list of submitters to be served with a copy of this notice. These documents may be obtained, on request, from the appellant.

### *Advice*

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

## Appendix A

Copy of the submission

SUBMISSION ON QUEENSTOWN AIRPORT CORPORATION'S PRIVATE  
PLAN CHANGE 35

&

SUBMISSION ON THE NOTICE OF REQUIREMENT TO ALTER THE  
AERODROME DESIGNATION (D2) AS PROPOSED BY THE  
QUEENSTOWN AIRPORT COMPANY

---

To Policy Department  
Queenstown Lakes District Council  
Private Bag 50072  
QUEENSTOWN

Name of Submitter

.....Wakatipu Residents Against Airport Noise Incorporated  
.....  
.....

Address:

.....P.O. Box 1081  
.....Queenstown  
.....  
.....

Telephone/Mobile:

.....03 409 0140 / 021 325 998  
.....

Email

.....scott@southernplanning.co.nz  
.....

The purpose of this submission is to oppose the proposals by the Queenstown Airport Corporation (QAC) and the Queenstown Airport Company in relation to Plan Change 35 and the Notice of Requirement to alter the Aerodrome Designation (D2).

This submission relates to the whole of the Plan Change and Notice of Requirement.

Based on the current proposals before the Queenstown Lakes District Council, it is requested that both proposals be declined in their entirety.

The submission in opposition to the QAC's proposals is based on the following grounds (for the avoidance of doubt the following submissions pertain to the Plan Change and the Notice of Requirement):

#### General Comments

1. The submitter acknowledges the importance of the Queenstown Airport to the local economy. However, the substantial increase of proposed flights will create significant adverse noise effects on a large number of existing and future residents that surround the Queenstown Airport.
2. The QAC is seeking permission to significantly expand the airport operations over an extended time period, with the main argument that economic benefits to the wider area outweigh the actual and potential adverse noise effects on a large number of landowners and residents.
3. The basis on which the QAC contends that adverse noise effects will be mitigated relies on sound insulation and ventilation of sensitive receiving environments within residential dwellings. The introduction of the proposed Noise Management Plan and in particular the amended and new noise boundaries will not effectively mitigate the adverse noise effects from aircraft noise as purported by the QAC and its experts.
4. The proposed mitigation measures are theoretically based and are not practical in the context of the surrounding residential living environment. Of greater concern, the vague and uncertain nature of the compensation package offered by the QAC in terms of sound insulation means that it cannot be relied on to avoid, remedy or the mitigate adverse effects of the proposed airport extension. Existing and future residents need to rely on the goodwill of the QAC and this is not considered satisfactory.

#### Night Flights

5. The existing airport allows flights to land and take off between the hours of 6.00am and 10.00pm. The proposal to allow 'night flights' confined to landings only between 10.00am and 12.00am will create significant adverse noise effects including sleep disturbance for existing and future residents that surround Queenstown Airport.
6. There is a lack of information as to what the QAC is proposing in terms of night flight restrictions. The proposal provides that there will be 'limited' night flights and 11 night flights per week. The use of the word limited is ambiguous and uncertain.
7. While the QAC states that it is requiring permission for only 11 landings per week (assuming this is in fact the case), there is no real information provided that quantifies how many landings will occur each night, i.e. six landings on a Friday night and five on a Saturday night in a single week.



8. The QAC proposal notes that sleep disturbance is likely to vary depending on the number of 'night time events' and the timing of such events. Irrespective of the number of landings per day between 10.00am and 12.00am, there will still be significant adverse noise effects on the surrounding residents in the future even taking into consideration potential sound insulation and ventilation systems.
9. Overall, any night flights are strongly opposed and this aspect should be deleted from the proposals.

#### Proposed Insulation and Ventilation Systems

10. The direct financial costs of implementing the sound insulation and ventilation systems will be borne by the majority of the surrounding residents, not the QAC. The proposal will therefore create a financial burden on the landowners that has not been mitigated or remedied. No meaningful justification has been provided to warrant this approach.
11. The QAC as part of the altered Aerodrome Designation proposes to develop and implement a mitigation package for existing properties within the Air Noise Boundary and Night Noise Boundary. The mitigation package thus far presented by the QAC for properties within these noise boundaries is ambiguous and uncertain as to who would meet the cost of works, how works would be undertaken, and importantly, a timeframe as to when the mitigation package would be implemented. Further, the mitigation package should not be hidden within the Aerodrome Designation but rather placed within the zones that surround Queenstown Airport.
12. Until the QAC provides concrete information and the Council imposes specific rules to ensure that the QAC undertake responsibility for the cost of sound insulation and ventilation, the present proposal by the QAC cannot be relied upon in any assessment of the merits of the proposal.
13. The QAC acknowledges that the land located outside of the Air Noise Boundary and Night Noise Boundary but within the Sound Insulation Boundary will be affected by the proposal. However, the costs of ventilation systems will be borne by the affected landowner. This cost should fall to the QAC whose proposed expansion of airport operations requires the installation of ventilation systems.
14. It is speculation on the part of the QAC to state that 'compliance with the construction requirements are unlikely to impose a significantly greater costs than the costs currently required to obtain a building consent that complies with the Building Code'. Further, while the QAC states that it would be prudent for home owners to place a ventilation system in their dwellings due to the local environment, a ventilation system is not a requirement of the Building Code and therefore represents a cost imposed on home owners at the expense of increased operations at the Queenstown Airport.

15. The QAC seems to consider that surrounding landowners only use the area of their properties that are occupied by dwellings. This ignores that many residential landowners enjoy indoor / outdoor living amenity. Furthermore, the vast number of properties in the Frankton area are traditional sections with large areas of outside space. The sound insulation and ventilation mitigation measures proposed will not mitigate the adverse effects of noise on the external environment of surrounding residential areas.
16. The QAC considers that the potential for sleep disturbance will be mitigated by insulation. The QAC proposal assumes that the insulation of houses within the affected area will be able to offset the adverse effects from aircraft noise at all times. The practical reality is that residents (esp. in the summer months) will want to be able to open external windows and doors to enable fresh air to enter and circulate throughout their dwellings.

#### Uncertainty

17. There is a high level of ambiguity and uncertainty inherent in the information provided by the QAC, particularly regarding the extent of the effects and the information it has relied upon. This creates doubt as to the reliability of the proposed noise contours, the noise management plan and the actual and potential level of effect that landowners will experience.
18. The uncertainty is recognised, but not addressed, in the proposed addition to the District Wide Issues where it states that one of the implementation methods to compliment the rules is to undertake "regular monitoring of aircraft noise to determine the actual extent of the Air Noise Boundary (65dBA Ldn contour)".

#### Statutory Requirements

19. The proposed objectives and policies are heavily slanted towards the QAC with very little protection offered to residents affected by the airport's proposed operation.
20. Unless a guaranteed form of mitigation can be provided by the QAC, many of the objectives and policies will be unable to be fulfilled, i.e. Policy 7.2 (District Wide Issues) seeks to manage the adverse effects of noise from aircraft on any activity sensitive to aircraft noise within the Airport Noise Boundaries whilst at the same time providing for the efficient operation of Queenstown Airport. Given the paucity of mitigation measures to be offered to affected landowners, the operation of the airport cannot be achieved with compromising the amenity of sensitive activities. This is not efficient because the externalities of the airport operation are not internalised.
21. The proposal will have significant adverse effects on the social and economic well being, and also the health and safety of surrounding residents. The resultant effects are not avoided, remedied or mitigated. On balance, the economic benefits of the proposal do not outweigh the significant adverse effects that will be incurred by surrounding residents and therefore the

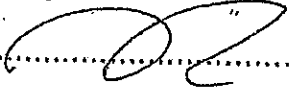
proposal is inconsistent with Part II of the Resource Management Act 1991 (RMA)

22. The proposal is inconsistent with the sustainable management purpose of the RMA to introduce objectives and policies into the District Plan to provide for growth of Queenstown Airport without providing for objectives and policies which make the "QAC responsible for avoiding, remedying or mitigating adverse noise effects on surrounding landowners. The QAC should meet the cost should of avoiding remedying or mitigating the adverse effects of noise including the costs of the installation of insulation and ventilation systems.
23. The proposal is inconsistent principles of the RMA, including (but not limited to):
  - Section 7 (c) – *the maintenance and enhancement of amenity values*
  - Section 7 (c) – *maintenance of enhancement of the quality of the environment*
24. The proposed objective and policies are inappropriately skewed towards the economic growth of the airport and insufficient provision has been made to protect the health and well being of residents.
25. Overall it is considered that the proposal is inconsistent with Part 2 of the RMA and cannot be considered as sustainable management.
26. The proposal does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and is therefore inappropriate in terms of section 32 and the other provisions of the RMA.
27. The section 32 report does not properly assess the alternatives, including the alternatives of making no changes to such things as extending the noise boundaries and number of flights.
28. Section 32 requires the Council to properly assess the benefits and costs of the Plan Change. However, the section 32 Report does not identify, quantify, or assess these costs and benefits to an appropriate level, including the economic cost to landowners of extending the airport noise boundaries and number of flights.
29. The Requiring Authority has not demonstrated that adequate consideration has been given to alternative sites or that the work and designation are reasonably necessary pursuant to section 168A of the RMA.
30. Lastly, it is noted that the Council sent a further information request to the QAC on the 4<sup>th</sup> of August 2009. The response by the QAC to this request was inadequate. Therefore, the majority of the concerns expressed by the Council in its letter have not been satisfactorily addressed by the QAC at the time of writing this submission.

I/We wish to be heard in support of my submission.

I will consider presenting a joint case with other presently similar submissions.

Signed by the Submitter:



Date:

25/2/10

**Appendix B**

Copy of the relevant decision of QAC

17 January 2011



The Brett Giddens Trust  
20 McBride Street  
Frankton  
Queenstown

File:

Dear Submitter

**DECISION OF QUEENSTOWN AIRPORT CORPORATION ON NOTICE OF  
REQUIREMENT TO ALTER AERODROME DESIGNATION- REQUIRING AUTHORITY  
DECISION UNDER SECTION 172 OF RESOURCE MANAGEMENT ACT**

On 16 December 2010 Queenstown Lakes District Council received the decision of Queenstown Airport Corporation on Queenstown Lakes District Council's recommendation on the Notice of Requirement to Alter the Aerodrome Designation. This decision can be viewed on the Council website [www.qldc.govt.nz](http://www.qldc.govt.nz), at the Council offices on Gorge Road or at the Queenstown Library. Please note that this decision relates to the QAC designation only and not the private plan change which has already been notified.

A hearing was held for this designation between 14 and 22 June 2010 and was reconvened on 21 September 2010 for three days. Queenstown Airport Corporation was advised of the recommendation by Commissioners Bob Batty, Stephen Chiles and David Clarke in November 2010.

Any person who made a submission on the designation may, if they are unsatisfied with the decision of the Queenstown Airport Corporation, appeal that decision to the Environment Court.

Any decision appealed to the Environment Court by a submitter must relate to a submission made by that submitter and must be lodged with the Environment Court within 15 working days of being served with notice for the decision. Any notice of appeal shall be in accordance with *Form 7* of the Resource Management Act Forms and Regulations, and must include:

- A summary of the decision or part of the decision;
- The reasons for the appeal;
- The relief or decision you seek from the Environment Court.

You are also required to lodge with your appeal:

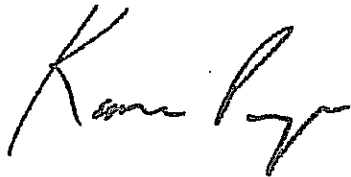
- A copy of your submission;
- A copy of the relevant decision;
- Any other documents necessary for an adequate understanding of the appeal;
- A list of names and addresses of persons to be served with a copy of the notice of appeal.

Private Bag 50072, Queenstown 9348, New Zealand, [www.qldc.govt.nz](http://www.qldc.govt.nz)  
10 Gorge Road, QUEENSTOWN, Phone +64-3-441 0499, Fax +64-3-450 2223  
47 Ardmore Street, WANAKA, Phone +64-3-443 0024, Fax +64-3-443 8826

If you lodge an appeal with the Environment Court you are also required to serve a copy of the notice on the Queenstown Lakes District Council within 15 working days of being served with a notice of the decision. In addition, within 5 days of lodging the appeal, you must serve a copy of the notice on every person who made a submission on the designation. A list of the people who made submissions and their address details is available from Council. Please contact Ruth Joiner at [ruthj@qldc.govt.nz](mailto:ruthj@qldc.govt.nz) or (03) 450 1710.

If you have any queries regarding this designation or would like information regarding the appeal process and your obligations if lodging an appeal, please contact Karen Page on (03) 450 1715.

Yours sincerely

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

Karen Page  
**SENIOR POLICY ANALYST**



16<sup>th</sup> December 2010

Our Ref: 6686

Queenstown Lakes District Council  
Private Bag 50072  
QUEENSTOWN

Attention: Karen Page

Dear Karen

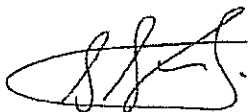
**QUEENSTOWN AIRPORT CORPORATION - NOTICE OF REQUIREMENT FOR AN ALTERATION TO A DESIGNATION - REQUIRING AUTHORITY DECISION UNDER SECTION 172 OF THE RESOURCE MANAGEMENT ACT 1991**

1. Following the Queenstown Lakes District Council's (QLDC) recommendation on the Notice of Requirement for the alteration to the Aerodrome Designation (Designation 2, QLDC Partially Operative District Plan) to provide for the management of aircraft noise has been **accepted in part and rejected in part**.
2. QAC has resolved that, subject to the wording of the designation and conditions as set down in attachment 1 to this decision, the designation is **confirmed**.
3. Some of the conditions set out in the QLDC's recommendation have not been accepted by the requiring authority. The reasons for these rejections are set out below:
4. The recommendation included the heading and refers to 'Airport Noise' in conditions 6 – 11. The conditions relate to *aircraft* noise rather than general *airport* noise. The term has been changed accordingly.
5. Condition 8 has been amended to provide clarification on the software that should be used to generate Annual Aircraft Noise Contours and the aircraft movement data to be used. The requirement for the Queenstown Airport Liaison Committee (QALC) to determine the software has been deleted as the appropriate software has now been defined in the condition. It is essential for the long term viability of operations at Queenstown Airport, that the basis of assessment of its noise compliance is determined by a defined and stable technical process. Selection of this technical process (INM version) by a predominantly lay committee is not considered to be appropriate.

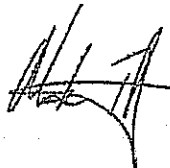


6. Condition 9 has been amended to ensure the monitoring requirements are clearly stated.
7. Wording changes have been made to condition 12 for clarity.
8. Conditions 14 and 15 have been amended to enable QAC to undertake mitigation works earlier than required at their discretion.
9. Condition 14 has been amended to ensure the 2037 contours are used when calculating internal design sound level.
10. Condition 18 related to more than one issue. This has been separated into two separate conditions; conditions 18 and 19. Consequential numbering changes have also been made.
11. The Noise Management Plan (NMP) deals predominantly with noise mitigation in terms of existing buildings in the 60 dB Ldn AANC. Condition 20(d) has been amended to reflect this. The ANB has also been referred to in conditions 20(d) for clarity.
12. The District Plan sets out the noise limits for the Airport and addresses the effects of this through rules and standards. The NMP details compliance measures and procedures for QAC. Condition 20(f) has been amended to reflect this.
13. Condition 13 requires the NMP to detail noise management practices for unplanned engine testing. This requirement has been added to condition 20, which sets out what should be included in the NMP.
14. Condition 21(a) has been amended to enable QAC to have up to 2 representatives on the QALC. It is important that QAC can be represented by technical staff dealing with airport operations as well as a key decision maker.
15. The wording of 21(d) has been amended to ensure QAC only pay reasonable expenses for the QALC.
16. The QALC should determine the frequency of meetings. Condition 21(e) has been amended to enable this.
17. Overall QAC is of the view that these amendments better meet the considerations contained in Section 171 (1) of the Resource Management Act.

Yours sincerely,



**S SANDERSON**  
CHIEF EXECUTIVE



**M TAYLOR**  
CHAIRMAN

## Appendix B. Recommendations to QAC on modifications to the NoR.

Underlined text indicates insertions and text that has ~~strike through~~ indicates deletions.

### D QUEENSTOWN AIRPORT

The area of land covered by the Aerodrome Designation shall include the sites described below:

- Part Sections 59, 60, 61, 62, 63, 65 Block I, Shotover Survey District
- Lots 1 – 3 DP12475
- Lot 9 DP22121
- Part of Glenda Drive, and all legal roads within the above described land.
- Lots 2, 8, 11, 22 and 32 DP304345
- Part of Lots 1 and 2 DP394343
- Lot 1 and 2 DP300177
- SO14262
- Part of Lot 1 DP306621
- Part Sections 141, 142 and 145 Block I, Shotover Survey District
- The portion of an unformed legal road bounded by Lot 1 DP306621, Part Sections 141, 142 and 145 Block I Shotover Survey District and Lots 8 and 32 DP304345 to the east and Lot 2 DP304345 to the west.

#### D.1 AERODROME PURPOSES

The following conditions and provisions be included in the Plan as D.1 - Aerodrome Purposes.

This designation is defined to protect the operational capability of the airport, while at the same time minimising adverse environmental effects from aircraft noise on the community at least to the year 204537.

#### Permitted Activities

1.      The nature of the activities covered by this designation are described as follows:

- (a) Aircraft operations, private aircraft traffic, domestic and international aircraft traffic, rotary wing operations, aircraft servicing, fuel storage and general aviation;
- (b) Associated activities, buildings and infrastructure, navigational aids and lighting, car parking, offices and cafeteria provided there is a functional need for the activity to be located within the designation;
- (c) The main runway has a maximum usable length of 1,931 metres oriented 05-23 and a width of 45 metres. The main runway will have a runway seal dimension of 1,891 metres, 60 metre sealed starter extension/strip west, 118 metre runway extension west, 1,341 metre original runway, a 320 metre runway extension

east and a 52 metre starter extension strip allowance east, with 20 metre strip lengths beyond both starter extension thresholds and a 90 metre runway end safety area at both the eastern and western ends of the runway end strip;

- (d) A crosswind runway orientated 14-32 with a grass runway strip length of 944 metres including a 90 metre starter extension to the south and a 60 metre width;
- (e) The following roading alterations:
  - stopping the southern part of Glenda Drive
  - stopping three roads off Glenda Drive
  - provision of a road link to provide access to Hawthorne Drive from Glenda Drive

The fixed wing operations are concentrated on runways 05-23 and 14-32. Helicopters currently operate to the south west of the terminal.

### **Restrictions on Aerodrome Purposes Activities**

#### ***Building Height***

- 2.        Maximum height of any building shall be 9.0 metres except that this restriction does not apply to the control tower, hangars, lighting towers or navigation and communication masts and aerials.

#### ***Building Setback***

- 3.        Minimum setback from all boundaries shall be 10.0m.

#### ***Operations during Hours of Darkness-Operational Hours***

~~The airport shall not be used for scheduled passenger during the hours of darkness. "Hours of darkness" shall mean the hours between 10pm and 6am.~~

- 4.        No aircraft operations, other than emergency aircraft operations shall occur between 10pm and 6am.

#### ***Prohibited Activities***

- 5.        Non-airport related activities are prohibited within the Aerodrome designation.

#### ***Airport Master Plan***

~~Queenstown Airport Corporation is to provide an Airport Master Plan within 12 months of the airport designation being finalised.~~

#### ***Hawthorne Drive***

~~Hawthorne Drive shall be maintained in its present position for a distance of 75 metres each side of the centre line of the cross wind runway.~~

Aircraft Noise

Deleted: Airport

6. Aircraft noise shall be measured, predicted and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning, by a person suitably qualified in acoustics. The terms ANB, OCB, AANC, ASAN, and Design Sound Level shall be as defined in the District Plan.

Deleted: Airport

7. Queenstown Airport Corporation (QAC), shall provide the Queenstown Lakes District Council (QLDC) with predicted aircraft noise contours for the year 2037 in 1 dB increments from 70 dB Ldn to 55 dB Ldn inclusive. These contours shall be provided in an electronic format. The 2037 contours in 1 dB increments shall also be appended to the Noise Management Plan (NMP).

Deleted: airport

8. Each year, QAC, shall produce 55 dB, 60 dB and 65 dB Ldn Annual Aircraft Noise Contours (AANCs), using airport noise prediction software INM v7a and records of actual aircraft movements for the busiest three consecutive months of the preceding year.

Deleted: The software type and version to be used each year shall be determined by the Queenstown Airport Liaison Committee (QALC) and shall be recorded in the Noise Management Plan (NMP).

9. Every three years, QAC shall undertake a monitoring programme and shall check that measured levels are no more than 2 dB greater than the AANCs. The monitoring programme shall include the following measurements within a three year period: a minimum of one month summer and one month winter at each of two measurement locations determined by the QALC. The AANCs shall be corrected for any differences from the measurements greater than 2 dB.

Deleted: including

10. Each year the AANCs shall be reported to the QALC. Every three years the results of the monitoring programme and any corrections required to the AANCs shall be reported to the QALC.

11. The Airport shall be managed so that the noise from aircraft operations does not exceed 65 dB Ldn outside the Air Noise Boundary (ANB) or 55 dB Ldn outside the Outer Control Boundary (OCB). The ANB and OCB are as shown on the District Plan Maps. Compliance with the ANB and OCB shall be determined on the basis of the AANCs, including corrections.

Other Noise

12. Sound from activities, which are outside the scope of NZS 6805:1992, shall comply with the District Plan noise limits set in the zone standards for each zone in which the sound is received. This requirement includes engine testing other than for essential unplanned engine testing of aircraft for scheduled passenger services.

Deleted: operating in this designation

Deleted: is

13. No noise limits shall apply to essential unplanned engine testing of aircraft for scheduled passenger services. The NMP shall detail noise management practices for unplanned engine testing including preferred locations and times. Following each unplanned engine test the QAC shall report to the next meeting of the QALC why the testing was required and what noise management practices were followed.

**Airport Noise Mitigation**

14. Each year the QAC shall offer to provide 100% funding of noise mitigation for buildings that existed on [insert date designation confirmed] containing Activity Sensitive to Aircraft Noise (ASAN) and are predicted to be within the 65 dB Ldn AANC for the following year. This offer may be earlier at QAC's discretion. The mitigation shall achieve an internal design sound level of 40 dB Ldn or less based on the 2037 1dB Noise Contours contained in the NMP.
15. Each year the QAC shall offer to provide 75% funding of mechanical ventilation for buildings that existed on [insert date designation confirmed] containing ASAN, and are predicted to be within the 60 dB Ldn AANC for the following year. This offer may be earlier at QAC's discretion. Where a building owner accepts this offer they shall not be eligible for further funding of mechanical ventilation if the building later becomes within the 65 dB Ldn AANC, but they shall become eligible for 100% funding of any sound insulation required.
16. Mechanical ventilation shall be in accordance with Table 2 of Appendix 13 to the District Plan.
17. Noise mitigation funding offered by the QAC shall only be required where the benefitting building owner agrees to the methods offered and agrees to enter into a binding property agreement or covenant based on no future complaints against airport noise.
18. Alternative mitigation strategies may be adopted by agreement of QAC and the building owner. A procedure for dispute resolution shall be provided in the NMP.
19. A Noise Mitigation Plan detailing the processes required to give effect to the funding of sound insulation and mechanical ventilation, shall be included as part of the Noise Management Plan (NMP).

Deleted: 8

**Noise Management Plan**

20. Within twelve months of [insert date designation confirmed], QAC shall provide a Noise Management Plan (NMP) to the QALC to:
  - a) continue dialogue between QAC and the local community regarding noise management matters at Queenstown Airport.
  - b) establish and articulate a clear process for the monitoring and reporting of noise levels at Queenstown Airport and actions to be followed in the event of a noise level exceedance.
  - c) provide a mechanism for the recording and investigation of noise complaints in relation to operations and activities at Queenstown Airport.
  - d) establish a process and measures for the mitigation of noise effects at Queenstown Airport on existing buildings accommodating ASAN within the ANB and the 60 dB Ldn AANC.

Deleted: 19

Deleted: avoidance, remediation and

Deleted: ,

Deleted: particularly effects

- e) To manage the effects of aircraft noise on the community, and
- f) To provide the community with certainty as to compliance with the noise limits and effects on all surrounding land uses.
- g) To detail noise management practices for unplanned engine testing including preferred locations and times.

21. The NMP shall include provisions for a Queenstown Airport Liaison Committee (QALC) including:

Deleted: 0

- a) the membership of the QALC shall be: chair, QAC (up to 2 members), QLDC (1 member), community (3 members), Airways Corporation (1 member), airline representative (1 member), Milford Users Group (1 member).
- b) a quorum of the QALC shall be four members including at least one representative of each of QAC, QLDC and the community.
- c) the QALC shall have an independent chair appointed by QAC in consultation with the QLDC.
- d) The QAC will provide a venue and secretarial and support services to the QALC at QAC's own expense, and
- e) up to 4 times per annum or as agreed by the QALC.

Deleted: 1

Deleted: all expenses of the QALC including secretariat and the independent chair's remuneration shall be met by QAC

Deleted: the QALC shall meet at least once every three months

Deleted: 1

22. The NMP shall provide guidance for noise mitigation by owners of new and altered buildings for ASAN within the OCB. This shall include details of the likely mitigation required within each 2037 noise contour, including identification of the point at which no mitigation is required.

23. The current version of the NMP shall be made available to the public on QAC's web site.

Deleted: 2

**Eastern Runway End Safety Area (RESA)**

**Construction Management Plan**

23. (i) Prior to the commencement of construction of the RESA, and in conjunction with the outline plan required by Section 176A, a Construction Management Plan shall be submitted to the Council for review and approval. The purpose of the Construction Management Plan shall be to:
- (a) Describe the methods proposed for the construction of the RESA and the programme for construction of each element;
  - (b) Describe what actions will be taken to manage the actual or potential effects of construction activities associated with the RESA and to satisfy conditions on the designation;

- (c) Provide a list of key personnel and points of contact during RESA construction;
  - (d) Describe how stakeholders will be kept informed during construction of the RESA and how complaints will be managed; and
  - (e) Ensure compliance with the conditions of the designation as they relate to RESA construction work.
- (ii) The Construction Management Plan shall include the following details:
- (a) A staging plan, identifying the RESA works and proposed duration of each stage;
  - (b) Description of all RESA construction works including (as required) identification of fill sources and additional construction material required, access roads and tracks, identification of areas for storing plant and machinery, locations and colours of any temporary buildings, design details of the blast fence at the west of the runway, mitigation measures, rehabilitation, monitoring and reporting to be undertaken;
  - (c) Design responsibilities and method of RESA construction, including methods of conducting vegetation clearance and earthworks, disposal (if required) of excavation material, in river works management, sediment management, surface water and erosion management, methods for management of hazardous substances, dust management, noise (including vibration) management and fire fighting;
  - (d) The name and contact details of personnel holding key positions during RESA construction, including an appropriately qualified person on site to have responsibility for managing environmental issues, responding to community complaints, and ensuring that conditions in the designation and management plans are adhered to throughout the RESA construction; and
  - (e) Details of the minimum requirements for investigations, inspections and monitoring throughout RESA construction to ensure that construction is being undertaken in accordance with the requirements of this designation.
- (iii) The Requiring Authority shall adhere to the requirements of the Construction Management Plan at all times during the construction of the RESA.

24. The earth-fill embankment shall be constructed such that it generally incorporates the ability to provide for the horizontal and vertical alignment of the future arterial road, as outlined on Airey Consultants Ltd, plan number 5814/155, SK02-1. The construction shall allow for this road corridor to have a width of between 16 and 22 metres, a design speed of 60km/hr and a posted speed limit of 50km/hr.

25. The use of Old School Road and Spence Road, Hawthorne Drive and Glenda Drive shall not be permitted as haulage routes for truck movements during the construction period for the RESA.

26. Prior to commencing works on site, and after consultation with potentially affected occupiers, the Requiring Authority shall submit a RESA Construction Traffic Management Plan, endorsed by the New Zealand Transport Agency, to Council for approval. The RESA Construction Traffic Management Plan shall include a Traffic Impact Assessment that provides an assessment of the actual and potential effects of construction traffic on the surrounding State highways and other roads (including the Shotover Delta Access Track outside the construction area) by an appropriately qualified traffic engineer. The Traffic Impact Assessment shall incorporate:
- (i) Proposed construction haulage routes, excluding Glenda Drive, Hawthorne Drive and Old School Road/Spence Road and excluding use of the public road network for night time deliveries of any materials;
  - (ii) Construction traffic volumes over haulage routes; and
  - (iii) Recommendations for the RESA Construction Traffic Management plan, including any physical works including ongoing maintenance work required on the State highways, other roads and/or other access routes (including the Shotover delta access track) to provide for safe and efficient access, and mitigate against all adverse effects including those of dust and noise (including vibration).
27. The RESA Construction Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (certification gained by attending the STMS course and getting registration) and incorporate the recommendations of the Traffic Impact Assessment. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Construction Traffic Management Plan.
28. Prior to the commencement of works on site, all recommendations for physical improvement works on the State highways and/or other roads or access routes, as outlined in the RESA Construction Traffic Management Plan, and as approved or required the New Zealand Transport Agency and/or Council, shall be implemented.
29. During RESA construction the Requiring Authority shall monitor all access roads used as part of the construction to ensure that they are maintained in a suitable condition (including being kept free from potholes) in order to assist in achieving condition 8 and to mitigate the effects of dust.

#### **RESA Construction Noise and Vibration Management Plan**

30. Prior to the commencement of RESA construction works on site the Requiring Authority shall prepare and submit to Council for review and approval a noise and vibration management plan. The purpose of that Plan is:
- (i) To identify the measures the Requiring Authority will take to comply with the requirements of Section 16 RMA, including in relation to vibrations;
  - (ii) To ensure that at all times during the RESA construction, construction noise complies with NZS 6803:1999 – Acoustic Construction Noise. For



the avoidance of doubt compliance with the Acoustic Construction Noise Standard is not required for residential occupiers located in the Glenda Drive Industrial zone;

- (iii) To identify the measures for reducing the noise generated by vehicles associated with the RESA construction work including alternative methods for dealing with reversing vehicle warning systems;
- (iv) The Noise and Vibration Management Plan may make different provisions for daytime and night time noise; and
- (v) To provide details of a leaflet drop to all neighbouring residents situated on Glenda Drive recommending they keep windows shut during the short term night construction phase.

31. The Requiring Authority will ensure that all work and operations are carried out in accordance with the Noise and Vibration Management Plan.

#### **Lighting (Night Time) Management Plan**

32. Prior to the commencement of construction works at night on the site, a Lighting (night time) Management Plan shall be submitted to Council for review and approval. This shall detail the best practicable options to reduce off site light spill if RESA construction work is undertaken during night time hours. The Requiring Authority shall adhere to the provisions of this plan during night time construction.

#### **General**

33. No RESA construction machinery shall be parked within the active Shotover riverbed at any time.

34. Prior to the commencement of the RESA construction work a detailed planting and ongoing planting maintenance plan for the RESA shall be submitted to Council for review and approval. The planting plan shall have the following objectives:

- (i) To visually integrate the RESA and the future arterial road bench into the surrounding landscape;
- (ii) To improve the ecological integrity and functioning of the site; and
- (iii) To assist in the management of surface erosion.

The planting plan shall be progressively implemented as the RESA is constructed and shall be completed within the first planting season following the construction of the RESA.

35. If the Requiring Authority:

- (i) Discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the requiring authority shall without delay;
- (ii) Notify the Consent Authority, Tangata Whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police;

- (iii) Stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required;
- (iv) Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation;
- (v) Site work shall recommence following consultation with the requiring authority, the New Zealand Historic Places Trust, Tangata Whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained; and
- (vi) Te Ao Marama shall be advised about construction activity prior to construction commencing.

36. The RESA fill shall at all times, including after completion of the RESA construction work, be protected in an appropriate manner from the risk of erosion by the river in accordance with accepted engineering practice.

## Appendix C

### Copy of WRAAN's Certificate of Incorporation

Ministry of Economic  
Development



Mohata ōkanga

Companies Office

## CERTIFICATE OF INCORPORATION

**WAKATIPU RESIDENTS AGAINST AIRPORT NOISE  
INCORPORATED  
2451714**

This is to certify that WAKATIPU RESIDENTS AGAINST AIRPORT NOISE INCORPORATED was incorporated under the Incorporated Societies Act 1908 on the 7th day of April 2010.

*Neill Harris*

Registrar of Incorporated Societies  
14th day of January 2011



For further details visit [www.societies.govt.nz](http://www.societies.govt.nz)

Certificate printed 14 Jan 2011 14:43:42 NZT

## Appendix D

A list of the names and addresses  
of persons to be served with a copy of this notice

# Submitters And Addresses

Plan Change 35

Name	C/O	Address1	Address2	Address3	Address4
5M No.2 Limited	Anderson Lloyd Lawyers (Wentick Geldsmith)	Level 2	13 Camp Street	Queenstown 9300	
Adamson, Irene		1 Loop Road	Kalvin Peninsula	Queenstown 9300	
Air New Zealand Limited	Russell McVeagh (James Gardner-Hopkins)	Level 24, Vodafone on the Quay	167 Lambton Quay	PO Box 10-214	Wellington
Airways Corporation of NZ Ltd		P O Box 294	Wellington		
Alfeld, Lou		33 Aspen Grove	Ferhill	Queenstown	
Auroa Energy Limited		P O Box 1404	Dunedin 9054		
Aviemore Corporation Ltd	Brown & Pemberton Planning Group Ltd (Blair Devlin)	PO Box 1467	Queenstown		
Bain, Gary		28 Copper Beach Avenue	Frankton	Queenstown	
Ballantyne, G F		50 Stewart Street	Frankton	Queenstown	
Barret, Gail		49 B Remarkables Crescent	Frankton	Queenstown	
Brinsley, Andrew		Rapid 52	Hogans Gully Road	RD 1	Queenstown
Brooks Family Trust		16 McBride Street	Frankton	Queenstown	
Buckham, Reveal William and Victoria May		c/o Bery & Co	Corner Camp and Shotover Streets	Queenstown	
Charlene Kowalski, Denis Mander		2 Remarkables Park Crescent	Frankton	Queenstown	
Cocks, Nick		11 Northfield Avenue	Opoho	Dunedin 9010	
Cocks, Nick		11 Northfield Avenue	Dunedin		
Coddington, James		P O Box 369	Queenstown		
Coircascade Ltd		34 Birmingham Drive	Middiefton	Christchurch 8024	
Culler, Eryn		108 Birse Street	Frankton	Queenstown	
Dickson, Philip G		13 Stewart Street	Frankton	Queenstown	
Eaton, Judith Ann		226 Speargrass Flat Road	RD1	Queenstown	
Eaton, Roy W		226 Speargrass Flat Road	RD1	Queenstown	

Tuesday, 23 March 2010

Familion Estate, V J	Hawthorne Street	Strowan	Christchurch 8052
Familion, H R	88 Hawthorne Street	Strowan	Christchurch 8052
Familion, Hamish and Alexander	68 Hawthorne Street	Strowan	Christchurch 8052
Familion, Herb and Doma	68 Hawthorne Street	Strowan	Christchurch 8052
Familion, J D and Son Trust	68 Hawthorne Street	Strowan	Christchurch 8052
FM Custodians Limited	Level 2	13 Camp Street	Queenstown 9300
Anderson Lloyd Lawyers (Warwick Goldsmith)			
Forbes, Alexa	8 Robertson Street	Queenstown	
Freeman, Scott	62 McBride Street	Frankton	Queenstown
Giddens, Brett	18 McBride Street	Frankton	Queenstown
Gillick, Mervyn Desmond	46 Lake Avenue	Frankton	Queenstown
Good Group Limited	P O Box 1085	Queenstown	
Grant, Bruce	2A Marina Drive	Queenstown	
GW Trusts Partnership	PO Box 302	Nelson	
Hamilton, Roz	PO Box 6022	Queenstown	
Hawkey, Dave	P O Box 1	Te Anau	
Henderson, Steven	42 Quarry Place	Queenstown	
Hesse, Annika	2A Marina Drive	Queenstown	
Hodgson, Bill	71 McBride Street	Frankton	Queenstown
Housing New Zealand Corporation	PO Box 2083	Wellington	
Hunt, Anna	10 Chandler Lane	Fernhill	Queenstown
Imagine Property Group Limited	Level 2	13 Camp Street	Queenstown 9300
Anderson Lloyd Lawyers (Warwick Goldsmith)			
Inglis, Maxine	59 Loop Road	Kelvin Heights	Queenstown
Jacks Point Limited	Level 2	13 Camp Street	Queenstown 9300
Anderson Lloyd Lawyers (Warwick Goldsmith)			
Jackson, G Peter	PO Box 966	Invercargill	
Joel, David	86a McBride Street	Frankton	Queenstown
Jucy Rentals	x		
Kay, J	25 Brown Street	Ponsonby	Auckland

Kelly, Shaun	Marina Drive	Frankton	Queenstown
Kirk, Steven and Jane	18 Boyes Crescent	Frankton	
Lake Hayes Estate Limited	PO Box 553	Queenstown	
Lewis, Mark	17 Alia Place	Frankton	Queenstown
Loehr-Haenig, Elisabeth	61 Robertson Street	Frankton	Queenstown
Lowe, Tracey	P O Box 239B	Queenstown	
Manapouri Beech Limited	Level 2	13 Camp Street	Queenstown 9300
McDonald, William and Elaine	6 Lake Avenue	Frankton	Queenstown
McKellar for McKellar Stevenson Family Trust, Malcolm John	18 Rimu Street	Riccarton	Christchurch
Milford Sound Flights Ltd	P O Box 920	Queenstown	
Ministry of Education	Private Bag 1913	Dunedin	
Moers, Bill and Kari	4428938		
Nieveen, Johannes Diederich	61 Robertson Street	Frankton	Queenstown
Over the Top Ltd	Tex Smith Lane	Queenstown Airport	Queenstown
Public Health South	PO Box 2180	Frankton	Central Otago
Queenstown Airport Corporation	PO Box 489	Dunedin 9054	
Queenstown Lakes District Council	Private Bag 50072	Queenstown	
Queenstown Resort College Ltd	P O Box 682	Queenstown	
Remarkables Park Limited and Shotover Park Limited	Brookfields	P O Box 240	Auckland
Rottenbury, Andy	4 Anun Crescent	Island Bay	Wellington
Rowe, Natasha and Jonathan	36 Remarkables Crescent	Frankton	Queenstown
Rutherford, Robert and Janet	91 McBride Street	Frankton	Queenstown
S E Read, C C Hansen	PO Box 378	Queenstown	
Schilling, Debra	33 Aspen Grove	Ferrisill	Queenstown
Skydive Lake Wanaka Ltd	P O Box 322	Wanaka	



Smith, Jo	McBride Street	Frankton	Queenstown
Sophie Mander, Bruce Hasler	24 Herries Lane	Lake Hayes Estate	Queenstown
Sounds, Peter	774 Malaghans Road	RD 1	Queenstown
Southern Lakes Helicopter Ltd	P O Box 41	Te Anau	
Stone, Mike	10 Chandler Lane	Fernhill	Queenstown
Stromer, Joycelyn	35 Greenstone Place	Fernhill	Queenstown
Syme, Keith	15 Stewart Street	Frankton	Queenstown
Syme, Keith and Barbara	15 Stewart Street	Frankton	Queenstown
Tapper, Kleryn	68 McBride Street	Frankton	Queenstown
The Bratt Giddens Trust	20 McBride Street	Frankton	Queenstown
Thelma Olive Buckingham Family Trust	59 McBride Street	Queenstown	
Todd, W and M	103 A McBride Street	Frankton	Queenstown
Totally Tourism	P O Box 684	Queenstown	
Twist for Twist Family Trust, Peter	19 Des Street	Oamaru	
Wakapu Residents Against Airport Noise Incorporated	P O Box 1081	Queenstown	
Wallace, Don and Heather	23 McBride Street	Frankton	Queenstown
Welsh, Angus	No. 8	495 Frankton Road	Queenstown
WHK Group Ltd	P O Box 123	Queenstown	
Williams, Barbara	P O Box 240	Queenstown	