

Presentation to Frankton Community Association

14 August 2018

The Resource Management Act 1991 (“RMA”)

- Put simply, the RMA and District Plans formulated under the RMA regulate how people can use land
- Under the RMA no person can use land in a way that contravenes a rule in a plan

How is Queenstown Airport regulated under the RMA

- Queenstown Airport operates under its own Designation. This is a special type of planning tool, similar to the airport having its own zone and rules. The designation applies over the physical land occupied by the airport.
- Key controls in the designation relate to hours of operation - which are from 6am to 10pm; and noise emissions from aircraft.
- Under the designation, the airport is required to be managed so that noise from aircraft operations does not exceed the 65 dB Ldn outside the air noise boundary, or 55 dB Ldn outside the Outer Control Boundary. **The Air Noise Boundary and Outer Control Boundaries, are shown on the District Planning Maps.**
- Within these boundaries as shown on the planning maps, certain land uses are further regulated (some are prohibited) – for example restrictions on establishing activities sensitive to aircraft noise (or ASAN's). These include activities such as schools and day care centres.

The nature of the changes proposed

- QAC are currently consulting and seeking public feedback with respect to the changes they propose. We are not yet in a RMA process.
- In a nutshell, QAC are looking to increase the number and frequency of flights within the current operating hours of 6am to 10pm. They cannot achieve this within the current Air Noise and Outer Control Boundaries shown on the planning maps. As a consequence of this increase in activity, the Boundaries will need to expand, which means more land is affected by the controls within those boundaries.

How are changes brought about under the RMA?

- We are currently part way through a comprehensive review of the District Plan. The Council notified Stage 1 of the proposed plan for submission in 2015. Decisions have been made on Stage 1, and some 100 appeals have been lodged, with over 1000 parties joining various appeals.
- Council appointed commissioners are currently hearing topics of Stage 2. There are at least another 2 or 3 stages to go.
- QAC propose that the extended air noise boundaries be introduced somewhat belatedly into the District Plan review by way of a variation to the proposed plan. The Council can only initiate a variation. If the Council does not agree to initiate a variation, QAC will have to wait until the proposed plan is operative (that is all appeals have been resolved), and then lodge its own private plan change. That could be some years away.

Submission process under the RMA

- Whether by variation or plan change, the process for public participation is the same.
 - Minimum 20 working days (can extend to 40 working days) public notice to file a submission from date of notification
 - Submissions must be in writing and in the prescribed form
 - Council to give public notice of submissions and a 10 working day period to make further submissions in support of or opposition to original submissions
 - Preparation of Council officer and related expert reports
 - Lodgement of Submitter evidence
 - Hearing
 - Decision
 - Environment Court appeal(s)

Consultation and Submission process

- As above, we are not yet in an RMA process, so it is somewhat premature to talk about what makes a good submission and its content. For present purposes however, submissions will need

to focus on the adverse effects of the increase in both noise, and the frequency of aircraft movements. The issue is not just related to those properties within the air noise boundaries, or to noise levels received within houses. Exterior noise levels are also relevant – to those recreating on the lake surface for example, or using our foreshores around the lakes edges.

- The term “Environment” is widely defined in the RMA to include people and communities, natural and physical resources, amenity values and social and economic conditions. This wide definition of environment brings into play an array of effects.
- The other thing to bear in mind is that while the projected take-off or landing at a rate of one nearly every 4 minutes will take some time to eventuate, now is the only time to complain of the adverse effects associated with that intensity of use.
- While its often said that the RMA is not a numbers game, in terms of how many people submit (although in my opinion it does add some weight to the cause), where numbers do count is in this consultation phase. QAC is seeking your feedback via its on line survey. There is nothing to prevent you e-mailing them with your views, independently of the survey.
- Do not forget QLDC. QLDC is the majority shareholder in QAC – on behalf of the community, it gives QAC direction. That direction needs to occur **before** QAC finalises its proposal for a plan change or variation.
- **Do not wait until the RMA process.**