

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-CHC-2018-

IN THE MATTER

Of an appeal pursuant to clause 14
of the First Schedule of the
Resource Management Act 1991

BETWEEN

**DUNEDIN INTERNATIONAL
AIRPORT LIMITED**

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF APPEAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. Dunedin International Airport Limited (DIAL) appeals against a decision of the Dunedin City Council on the following:
 - (a) Decisions on submission 724 on the
2. I made a submission regarding the Major Facilities Dunedin International Airport Zone (DIAZ), and on the Cross Plan (Commercial Advertising) provisions (OS724)
3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. I received notice of the decision on 7 November 2018.
5. The decision was made by Dunedin City Council.
6. The decision I am appealing is:
 - (a) Cross Plan: Commercial Advertising decisions:
 - (i) Decision 3.2.1
7. The reasons for my appeal are:
 - (a) The Council's decision wrongly treats the DIAZ as a public space within which the District Plan has a proper function to control amenity values. The whole of the DIAZ is owned by DIAL which is obliged to carry on an airport under the Airport Authorities Act 1966. Section 4(3) of that Act requires the airport to be operated as a commercial undertaking.
 - (b) The travelling public utilising Dunedin Airport are the customers.
 - (c) Commercial advertising is a vital source of revenue to enable DIAL to operate Dunedin Airport as a commercial undertaking.

- (d) Provision for Tourism advertising at Dunedin Airport was not requested by DIAL but in any case misunderstands the opportunity to sell advertising to the Airport's customers.
- (e) The distinction between Commercial Advertising, Ancillary Advertising, and Tourism Advertising is nonsensical, an unwarranted interference with DIAL's business, and unrelated to managing any adverse effects on the environment.
- (f) The market for tourism advertising at Dunedin Airport is for outbound travel destinations and so the definition should be amended accordingly.
- (g) The proper function of the District Plan is to protect the function of Dunedin Airport, and to managing the adverse effects of activities within the DIAZ as they may be experienced from beyond the DIAZ.
- (h) The Momona Garage at 494 Centre Road has existing use rights in relation to commercial advertising on the building that should be recognised in the rules of the Plan.
- (i) Provision for limited office activities ("Airport Office") has no adverse effect on the surrounding Rural zone nor is likely to compete with the functioning of the CBD in any way.
- (j) The District Plan has no proper function in managing the quality of customer experience within the DIAZ.

8. I seek the following relief:

- (a) Policy 24.2.1.3 is deleted.
- (b) Delete Objective 24.2.2(a)
- (c) Policy 24.2.2.3 is amended so that the words 'within or' are deleted.
- (d) Policy 24.2.2.4 is deleted and replaced with, "Require signs and commercial advertising to be located and designed to maintain

visual amenity from public spaces outside the Dunedin International Airport Zone.”

- (e) Policy 24.2.2.6 is deleted.
- (f) Delete Rule 24.5.4: There is no reason to restrict office activities
- (g) Amend table 24.3.3 to provide for Commercial Advertising as a permitted activity subject to compliance with the following performance standards:
 - (i) Must not be visible from a public place outside the Dunedin International Airport Zone;
 - (ii) exceed 8m in height;
 - (iii) exceed 400 m in depth;
 - (iv) have any display face that exceeds 18 m²; or
 - (v) obstruct parking, loading or access areas.
- (h) Amend Table 24.3.3 to permit Commercial Advertising of any size on the Garage building at 494 Centre Road Momona.
- (i) Amend the definition of “Tourism Advertising” so that it says:

“A sign that advertises a tourism facility, activity, or event likely to be of interest to the travelling public.”
- (j) A new definition “Airport Office” - An office activity that has a maximum tenancy area of 100m² and is located within the Dunedin International Airport Zone due to the function or location of the airport.” is inserted into the 2GP.
- (k) Table 24.3.3 is amended to classify Airport Office as a permitted activity.
- (l) Land Use Performance Standard 24.5.4 is deleted.

9. I attach the following documents to this notice:

- (a) A copy of my original submission];
- (b) A copy of the decisions, and
- (c) A list of names and addresses of persons to be served with a copy of this notice.



Phil Page

Solicitor for the Appellant

DATED this 19 December 2018

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Advice to Recipients of Copy of Notice

How to Become a Party to Proceedings

You may be a party to the appeal if you made a 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, and serve copies on the other parties, 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 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 relevant decision. 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.

Table of Submitters to be served with this Notice.

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Dunedin City Council	PO Box 5045, Dunedin 9054	2gpappeals@dcc.govt.nz
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