

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**Decision No. [2022] NZEnvC 201**

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under clause 14(1) of the  
First Schedule of the Act

BETWEEN

DUNEDIN INTERNATIONAL  
AIRPORT LIMITED

(ENV-2018-CHC-274)

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 7 October 2022

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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the changes shown in Appendix 1 being made.
- (2) the parts of the appeal by Dunedin International Airport Limited (DCC Reference numbers 199, 200, 201 and 202) are resolved and



the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This proceeding concerns an appeal by Dunedin International Airport Limited ('DIAL') on the proposed Second Generation Dunedin City District Plan ('2GP') regarding amenity, signage and advertising, and office activity at Dunedin Airport.

[2] I have read and considered the consent memorandum of the parties dated 13 September 2022 which details the agreement reached by parties to resolve this appeal.

[3] I have also read and considered the affidavit by Mr P B Rawson of 14 September 2022, who has satisfied me that the amendments proposed will achieve the objectives of the 2GP, and that granting the relief sought will not impact on the resolution of any other proceeding.<sup>1</sup>

### **Other relevant matters**

[4] No person has given notice of an intention to become a party under s274 of the Act.

[5] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and

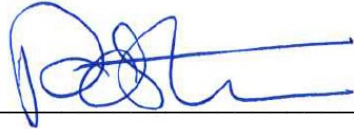
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<sup>1</sup> Affidavit of P B Rawson affirmed 14 September 2022 at [22], [37] and [44]-[45].

objectives of the Act including, in particular, Part 2.

### **Outcome**

[6] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



**P A Steven**  
**Environment Judge**



## Appendix 1

## Appendix 1

### Commercial advertising changes

1. Amend the definition of 'Tourism Advertising', as follows:

#### **Tourism Advertising**

~~A sign that advertises a tourism facility, or activity or event, that operates within Otago or Southland and is undertaken by a tourism organisation that is a member of a regional tourism organisation (RTO), New Zealand Māori Tourism Council or Tourism Industry Association of New Zealand (TIA).~~

Tourism advertising is a sub-activity of commercial advertising.

#### **{DIAL appeal point 199}**

2. Amend Policy 24.2.2.6, as follows:

#### **Policy 24.2.2.6**

~~Enable tourism advertising signage promoting Otago and Southland's tourism industry in order to facilitate the economic and social prosperity of the two regions, while ensuring the size, number and location of tourism advertising signage does not significantly affect the amenity of the airport as an international gateway, and any effects on the rural amenity outside the Dunedin International Airport Zone are minor.~~

Require tourism advertising signage and other commercial advertising in permitted locations to be of a size and number that:

- a. will not detract from the amenity of the airport as an international gateway, and
- b. ensures any adverse effects on the rural amenity outside the Dunedin International Airport Zone are no more than minor.

#### **{DIAL appeal point 201}**

3. Add a new policy after Policy 24.2.2.6, as follows:

#### **Policy 24.2.2.X**

Avoid commercial advertising outside permitted locations, unless:

- a. considering the potential for cumulative adverse effects from future signage, it will not detract from the amenity of the airport as an international gateway; and
- b. it will have no more than minor adverse effects on rural amenity outside the Dunedin International Airport Zone.

**{DIAL appeal point 201}**

4. Add a new row into Rule 24.3.3 Activity status table - land use activities, after Rule 24.3.3.10 - Tourism advertising, as follows:

| Commercial activities |                                     | a.DIA    | b.ANIC   | Performance standards  |
|-----------------------|-------------------------------------|----------|----------|--|
| 10.                   | Tourism advertising                 | P        | P        | Number and location of tourism advertising signs                 |
| <u>X</u>              | <u>Other commercial advertising</u> | <u>P</u> | <u>P</u> | <u>Number and location of other commercial advertising signs</u> |

**{DIAL appeal point 201}**

5. Amend Rule 24.5.9 Number and Location of Tourism Signs, as follows:

**24.5.9 Number and Location of Tourism Advertising Signs**

1. Tourism advertising located outside terminal buildings must not:
    - a. exceed a total maximum signage area of 200m<sup>2</sup>;
    - b. be visible from a public place outside the Dunedin International Airport Zone;
    - c. exceed 8m in height (as measured from finished ground level); **{DIAL appeal point 201}**
    - d. exceed 400mm in depth;
    - e. have any display face that exceeds 18m<sup>2</sup>; or
    - f. obstruct parking, loading or access areas.
  2. Activities that contravene this performance standard are restricted discretionary activities.
6. Add after Rule 24.5.9 Number and Location of Tourism Signs, a new rule, Rule 24.5.X Number and location of other commercial advertising signs, as follows:

**Rule 24.5.X Number and location of other commercial advertising signs**

1. All commercial advertising (other than tourism advertising) must:
  - a. be located in the permitted locations specified in Table 24.5.XA; and

- b. not exceed the maximum number of signs or the maximum dimensions of signs for that location in Table 24.5.XA.

**Table 24.5.XA**

| <u>Permitted Locations</u>  | <u>Maximum number of signs</u>   | <u>Maximum dimensions of signs</u>  |
|---|--|---|
| <b><u>Main Airport Area (Figure 24.5A)</u></b>                              |  |   |
| 2. <u>Area A</u>  | a. <u>one double-sided freestanding sign</u>   | b. <u>Maximum height of 8m;</u><br>c. <u>Maximum depth of 400mm</u><br>d. <u>Maximum area of 18m<sup>2</sup> per display face</u>   |
| 3. <u>Area B</u>  | a. <u>one single-sided freestanding sign</u>   | b. <u>Maximum height of 8m;</u><br>c. <u>Maximum depth of 400mm</u><br>d. <u>Maximum area of 18m<sup>2</sup> per display face.</u>  |
| <b><u>Airport parking areas (carparks)</u></b>                              |  |   |
| 4. <u>Airport parking areas for use by the travelling public (carparks)</u> | a. <u>No maximum number of signs</u>   | a. <u>Maximum height of 8m;</u><br>b. <u>Maximum depth of 400mm</u><br>c. <u>Maximum area of 18m<sup>2</sup> per display face</u><br>d. <u>Any signs in parking areas (carparks) in Area C of Figure 24.5A must be oriented:</u><br>i. <u>to be viewed primarily by users of the carpark;</u><br><u>and</u><br>ii. <u>such that the display faces are not visible from Airport Road</u> |
| <b><u>Momona Garage Site (Figure 24.5B)</u></b>                             |  |   |
| 5. <u>Area A</u>  | a. <u>No maximum number of signs</u><br><br>b. <u>Signs must be attached to only one</u> | c. <u>Maximum area of 50% of the surface area of the building façade</u>  |

| <u>Permitted Locations</u> | <u>Maximum number of signs</u>               | <u>Maximum dimensions of signs</u>   |
|----------------------------|--|--|
|                            | <u>building façade of any building</u>       |  |
| 6. <u>Area B</u>           | <u>a. one double-sided freestanding sign</u> | <u>b. Maximum area of 5.25m<sup>2</sup> per display face ; and</u><br><u>c. Maximum height of 1.1m</u> |

7. For the purposes of this rule maximum height is height as measured from finished ground level.
8. Commercial advertising (other than tourism advertising) that contravenes the permitted locations in Table 24.5.XA is a non complying activity.
9. Commercial advertising (other than tourism advertising) that contravenes the maximum number of signs or maximum dimensions of signs in Table 24.5.XA is a restricted discretionary activity
10. Commercial advertising if illuminated or digital must also comply with Rule 6.7.3.3, including by not being flashing

**Figure 24.5A:**





**Figure 24.5B:**



**{DIAL appeal point 201}**

11. Add a new row to Rule 24.7.3 Assessment of land use performance standard contraventions, after row 5 Service station standards, as follows:

| <b>24.7.3 Assessment of land use performance standard contraventions</b> |  |  |  |
|--|--|--|--|
| Performance standard   |  | Matter of discretion   | Guidance on the assessment of resource consents  |
| 5.   | Service station standards  | a. Effects on the safety and efficiency of the transport network | See Rule 6.10  |
| X.   | Number and location of other commercial advertising signs (Maximum number of signs or maximum dimensions of signs) | a. <u>Effects on amenity of the airport</u>                      | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. <u>Objective 24.2.2</u></li> <li>ii. <u>Other commercial advertising in permitted locations is of a size and number that will not detract from the amenity of the airport as an international gateway (Policy 24.2.2.6.a)</u></li> </ul> |

|  |  |                                    |   |
|--|--|------------------------------------|---|
|  |  | b. <u>Effects on rural amenity</u> | <u>Relevant objectives and policies:</u><br>i. <u>Objective 24.2.2</u><br>ii. <u>Other commercial advertising in permitted locations is of a size and number that ensures any adverse effect on the rural amenity outside the Dunedin International Airport Zone are no more than minor (Policy 24.2.2.6.b)</u> |
|--|--|------------------------------------|---|

**{DIAL appeal point 201}**

12. Amend Rule 24.10.2.2 Assessment of non-complying land use activities - Commercial advertising (except tourism advertising), as follows:

| <b>24.10.2 Assessment of non-complying land use activities</b> |  |  |
|--|--|--|
| Activity   |  | Guidance on the assessment of resource consents  |
| 1.   | All non-complying land use activities                          | <i>Relevant objectives and policies (priority considerations):</i><br>a. ...   |
| <del>2.</del>  | <del>Commercial advertising (except tourism advertising)</del> | <del><i>Relevant objectives and policies (priority considerations):</i></del><br><del>a. Objective 2.4.1</del><br><del>b. Policy 2.4.1.6.e</del> |

**{DIAL appeal point 201}**

13. Amend Rule 24.10.3 Assessment of non-complying performance standard contraventions, as follows:

| <b>24.10.3 Assessment of non-complying performance standard contraventions</b> |  |   |
|--|--|---|
| Performance standard   |  | Guidance on the assessment of resource consents   |
| 1.   | <ul style="list-style-type: none"> <li>Light spill</li> <li>...</li> </ul>               | <i>Relevant guidance from other sections (priority considerations):</i><br><br>a. ...   |
| <u>X.</u>  | <u>Number and location of other commercial advertising signs (permitted locations of</u> | <u><i>Relevant objectives and policies:</i></u><br>a. <u>Objective 2.4.1.</u><br>b. <u>Policy 2.4.1.6.c</u><br>c. <u>Objective 24.2.2</u> |

|  |  |   |
|--|--|---|
|  | <u>commercial advertising signage)</u> | d. <u>Avoid commercial advertising outside permitted locations, unless:</u><br><br>i. <u>considering the potential for cumulative adverse effects from future signage, it will not detract from the amenity of the airport as an international gateway; and</u><br><br>ii. <u>it will have no more than minor adverse effects on rural amenity outside the Dunedin International Airport Zone (Policy 24.2.2.X)</u> |
|--|--|---|

**{DIAL appeal point 201}**

14. Amend the definition of 'Airport' within Rule 1.4.1 Definitions, as follows:

**Airport**

The use of land and buildings for any of the following:

- aircraft operations and aircraft servicing
- fuel storage
- customs and quarantine facilities
- temporary accommodation for air crews, training and airport related personnel
- training activities and facilities associated with the aeronautical industry; ~~and~~
- any activities directly associated with the functioning of the airport, including offices for contractors and companies providing services necessary for, or closely related to, the operation or maintenance of the airport and airport land, for example offices and facilities for contractors and companies providing services such as freight and logistics, aviation products and services; and
- business lounges, meeting rooms and hot-desk facilities that can be used by air travellers (and their guests) on a short term hire basis.

**{DIAL appeal point 202}**

15. Make any consequential changes to plan numbering as required as a result of the above amendments. Minor referencing and style changes may also be made for consistency with the 2GP formatting.

