

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

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

**AND**

**IN THE MATTER OF** Queenstown Lakes Proposed District Plan Hearing  
Stream 13 (Queenstown Mapping Hearings)

**AND** Submitter 336 (Middleton Family Trust)

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**REBUTTAL EVIDENCE OF JOHN CLIFFORD KYLE  
(SUBMITTER 433 AND FURTHER SUBMITTER 1340)**

7 July 2017

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## **1. INTRODUCTION**

### **QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is John Kyle. I am a founding director of the firm Mitchell Daysh Limited.
- 1.2 I have prepared evidence in chief for Hearing Stream 13 (dated 9 June 2017).
- 1.3 I confirm my obligations in terms of the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **SCOPE OF EVIDENCE**

- 1.4 This statement of rebuttal evidence relates to the evidence presented on behalf of Submitter 336 (Middleton Family Trust) with respect to Hearing Stream 13 – Queenstown Mapping Hearing.
- 1.5 In preparing this brief of evidence, I confirm that I have read and reviewed:
- 1.5.1 The evidence of Mr Nick Geddes (Planning) dated 2 June 2017; and,
- 1.5.2 The supplementary statement of evidence of Kim Banks relating to Dwelling Capacity dated 19 June 2017.

#### *General comment regarding the scope of rebuttal evidence*

- 1.6 I have only prepared rebuttal evidence where Evidence in Chief (EIC) that has been prepared by a witness in support of a rezoning request which specifically addresses potential aircraft noise effects and related issues in respect of which a response is required that is in addition to what is set out in my EIC.

- 1.7 To clarify, the fact that I have not prepared rebuttal evidence in respect of all submissions addressed in any EIC should not be taken as acceptance of the matters raised in the EIC filed for those submitters.
- 1.8 Rather, for the rezoning requests affected by aircraft noise for which no EIC has been filed that addresses aircraft noise effects or related issues I maintain the opinions expressed in my EIC, and do not consider it necessary to make any further comment on those submissions at this point in time.
- 1.9 I note however that issues may be raised in submitters' rebuttal evidence that do require a further response from me, which will be provided at the hearing.

#### **OVERVIEW OF QAC'S FURTHER SUBMISSION**

- 1.10 QAC submitted in opposition to the submission by the Middleton Family Trust to remove the Queenstown Heights Overlay Area from its land. The overlay restricts residential development to a density of one residential dwelling per 1500m<sup>2</sup>.<sup>1</sup>
- 1.11 The reasons given by QAC for its submission included a concern that the rezoning request would result in the intensification of Activities Sensitive to Aircraft Noise (ASAN) establishing within close proximity to Queenstown Airport; that removing the overlay would comprise a significant departure from the nature, scale and intensity of development currently provided for under the Operative District Plan, and that such development may result in adverse effects on QAC over the longer term.<sup>2</sup>

## **2. REBUTTAL EVIDENCE**

- 2.1 Mr Geddes does not support the relief sought by QAC via its further submission (as summarised above). In summary Mr Geddes considers that the further submission should be rejected as the submitters property

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<sup>1</sup> Rule 7.5.6 of Chapter 7 (Low Density Residential Zone) of the Proposed District Plan as notified. Note the Council's Right of Reply for Chapter 7 deferred consideration of this rule until the Queenstown Mapping hearing.

<sup>2</sup> Further Submission 1340.76.

is located beyond the Queenstown Airport ANB and OCB.<sup>3</sup> I do not agree and consider that QAC's further submission raises valid issues that ought to be considered, notwithstanding the submitter's land is located beyond the Airport's ANB and OCB.

- 2.2 As discussed in my EIC, rezoning proposals which enable the intensification of ASAN near the Airport will ultimately bring more people to the effect of aircraft noise both now and into the future. This has the potential to give rise to an increased risk of reverse sensitivity which could result in the future curtailment of activities at Queenstown Airport.<sup>4</sup> Moreover, such proposals would likely lead to residential development in locations where levels of amenity are compromised, and will increasingly become so as aircraft operations at the airport increase over time.
- 2.3 In my view, the best form of protection available to avoid potential reverse sensitivity effects is to avoid development coming to the effect in the first place.<sup>5</sup> With respect to the long-term passenger growth projections described by Ms Tregidga<sup>6</sup>, I understand that passenger growth forecasts are driven primarily by growth in scheduled aircraft using the main runway. In my view, it is therefore appropriate to adopt a cautious approach to rezoning proposals located within those areas identified in Appendix D of Mr Day's evidence that are most heavily influenced by scheduled aviation. The area of the Submitter's land is in an area likely to be influenced by growth in scheduled aviation. In my opinion, it would be prudent to take a careful and long term view to as the appropriateness of this rezoning request.
- 2.4 I also note that since filing my evidence in chief, the Council has released the outputs of the Dwelling Capacity Model (DCM) for the Queenstown and Wakatipu Basin areas. Based on the results of the DCM, it appears that there is sufficient feasible and realisable capacity within existing zoned land for the Queenstown Ward to provide for residential demand

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<sup>3</sup> Section 8, Statement of Evidence of Nick Geddes, dated 4 June 2017.

<sup>4</sup> Paragraph 6.7, Statement of Evidence of John Kyle, dated 9 June 2017;

<sup>5</sup> Paragraph 6.7, Statement of Evidence of John Kyle, dated 9 June 2017;

<sup>6</sup> Paragraphs 13 to 19, Statement of Evidence of Rachel Tregidga, dated 9 June 2017.

over the next 30 years.<sup>7</sup> Whilst I accept that such models have their constraints, the current supply of undeveloped residential land appears to have considerable capacity. The benefits of rezoning the Middleton Family Trust land from a residential demand/capacity perspective therefore appears limited.

- 2.5 In light of the above, I maintain that rejecting the rezoning request would assist to appropriately protect operations at Queenstown Airport from adverse reverse sensitivity effects. The Airport is infrastructure of regional and national significance, which in my opinion serves to justify such protection.

**J KYLE**

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<sup>7</sup> Paragraphs 3.1 and 3.2, Supplementary Statement of Evidence of Kim Banks, dated 17 June 2017.