

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District Plan

Designation 64 (Aerodrome Purposes Designation –
Wanaka Airport)

Designation 65 (Airport Approach and Land Use
Controls Designation – Wanaka Airport)

EVIDENCE OF JOHN CLIFFORD KYLE

(Designations 64 and 65)

7 OCTOBER 2016

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 My qualifications and experience are set out in paragraphs 1.1 to 1.6 of my statement of evidence on Chapter 3 (Strategic Directions), Chapter 4 (Urban Development) and Chapter 6 (Landscapes) of the Proposed Queenstown Lakes District Plan (“PDP”), dated 29 February 2016.
- 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.

2. SCOPE OF EVIDENCE

- 2.1 The Queenstown Lakes District Council (“QLDC”) is a network utility operator and requiring authority under section 166 of the Resource Management Act 1991 (“RMA” of “the Act”) for Wanaka Airport.
- 2.2 QAC manages the operations at and the administration of Wanaka Airport on QLDC’s behalf.
- 2.3 Wanaka Airport is the subject of two designations in the Operative Plan, namely:
- 2.3.1 Designation 64 Aerodrome Purposes; and,
 - 2.3.2 Designation 65 Approach and Land Use Control;
- 2.4 These designations are proposed to be “rolled over” (with modifications) in the PDP.
- 2.5 In this statement of evidence, I address Designations 64 and 65 for Wanaka Airport, including the Notice of Requirements (“NOR”) given by QLDC to roll over, with modifications, these designations in the PDP. More particularly I will

- 2.5.1 provide an overview of the activity / work to which each designation relates;
- 2.5.2 assess the effects on the environment of allowing the NORs to modify the designations;
- 2.5.3 provide an evaluation of alternatives to the notified NORs, insofar as it is necessary to do so;
- 2.5.4 assess whether the proposed modifications to the designations and the works enabled by them are reasonably necessary for achieving the objectives of QLDC;
- 2.5.5 assess the NORs against the relevant planning instruments; and
- 2.5.6 assess the NORs in terms of Part 2 of the Act.

Documents Reviewed

- 2.6 In preparing this brief of evidence, I have read and reviewed:
 - 2.6.1 QLDC's Notice of Requirement for Designation 64 and 65;
 - 2.6.2 The relevant submissions and further submissions;¹
 - 2.6.3 The High Court case *McElroy v Auckland International Airport Limited* [2008] 3 NZLR 262; and,
 - 2.6.4 The relevant sections of the operative and proposed Regional Policy Statement for Otago.

3. BACKGROUND CONTEXT

Wanaka Airport

- 3.1 I have described the history of Wanaka Airport, the important role it plays in the district, and the planning framework within which it operates in my statement of evidence on Chapters 3 (Strategic Directions), 4 (Urban Development) and 6 (Landscapes) of the PDP dated 29th February 2016.²

¹ Submission 5, 6, 271, 433, 807 and Further Submissions 1030, 1117, 1097 and 1210.

² Hearing Stream 1B.

3.2 I note that this statement of evidence provides the contextual basis for some of the opinions I express in this statement. A copy of this statement of evidence are attached (as **Appendix A**), for the Commissioner's convenience.

4. WANAKA AIRPORT - DESIGNATION 64 AERODROME PURPOSES

4.1 The purpose of Designation 64, as set out in the operative designation is to *“protect the operational capability of the airport, while at the same time minimising adverse environmental effects from aircraft noise”*.

4.2 Designation 64 currently permits certain airport related activities, including:

4.2.1 aircraft operations;

4.2.2 rotary wing aircraft operations,

4.2.3 aircraft servicing;

4.2.4 fuel storage;

4.2.5 general aviation;

4.2.6 navigational aids and lighting;

4.2.7 aviation schools;

4.2.8 facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums, and aero recreation;

4.2.9 associated buildings and infrastructure, car parking, offices and cafeteria; and,

4.2.10 specified runway works.

4.3 Designation 64 is subject to a number of conditions. In summary, these include conditions relating to:

4.3.1 building height and setbacks;

4.3.2 building location;

4.3.3 operations at night;

4.3.4 the Wanaka Airport Liaison Committee;

- 4.3.5 airport Noise;
 - 4.3.6 “Other” Noise; and,
 - 4.3.7 future Proposed Parallel Runway works.
- 4.4 QLDC has sought modifications to Designation 64, as set out in the NOR dated 30 March 2015. In summary, through this NOR QLDC seeks to:
- 4.4.1 Amend and update the list of permitted activities to include the following additional (or rephrased) airport activities:
 - 4.4.1.1 Helicopter aprons and associated touch down and lift off areas;
 - 4.4.1.2 Runways, taxiways, aprons and other aircraft movement or safety areas;
 - 4.4.1.3 Terminal buildings, hangars, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, medical facilities, fuel storage and fuelling facilities, and associated offices;
 - 4.4.1.4 Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, other infrastructure activities, landscaping and all related construction and earthwork activities;
 - 4.4.1.5 Vehicle parking and storage, rental vehicles, vehicle valet activities, public transport facilities;
 - 4.4.1.6 Retail activities, restaurants and other food and beverage facilities including takeaway food facilities, and industrial and commercial activities, provided they are connected with and ancillary to the use of the Airport; and,
 - 4.4.1.7 Temporary Activities associated with Air Shows, Conferences and Meetings.

- 4.4.2 Amend and update the conditions of the Designation as follows:
 - 4.4.2.1 Increase the height limit by one metre;
 - 4.4.2.2 Amend the setback requirements from surrounding boundaries and the runway centreline;
 - 4.4.2.3 Remove conditions that can otherwise be addressed via an outline plan of works;
 - 4.4.2.4 Remove conditions that relate to matters controlled by Civil Aviation requirements; and,
 - 4.4.2.5 Update the requirements relating to the Wanaka Airport Liaison Committee and references to the former Lakes Environmental.

Effects on the Environment

- 4.5 Section 4 of the NOR provides and assessment of the environment effects anticipated as a result of the modifications proposed the designation. A summary of the key elements of this assessment are provided below:
 - 4.5.1 The majority of the modifications are minor in nature and extent and provide clarity as to the activities and works that are able to be undertaken within the designation;
 - 4.5.2 The proposed list of activities permitted by the designation more appropriately recognises and provides for the range of airport related activities that currently occur at Wanaka Airport and/or will likely occur in the future;
 - 4.5.3 Modifications to the building and setback requirements provide sufficient flexibility to provide reasonable future development within designated areas;
 - 4.5.4 Modifications to the conditions requiring development of available land to the south east of the Airport recognise that airside access is not available from this area;
 - 4.5.5 Lighting controls are guided by Civil Aviation regulations and therefore should not be included in the designation;

4.5.6 The additional 0.127ha of additional land included in the designation is required to enable the Airport to establish a taxiway for Code C aircraft in the future.

4.6 The Council Officer agrees with most of the conclusions reached in the assessment of environments effects that accompanied the NOR.³

4.7 I generally agree with the findings set out within the assessment of effects accompanying the NOR and consider that the actual and potential effects expected to arise from the proposed modifications are acceptable for an NOR in terms of the range of activities provided and the nature and scale of the built form enabled on site. A requisite outline plan of works will provide further detail around how any other effects (such as infrastructure) will be managed.

4.8 The following detailed assessment of effects therefore focuses on those elements of the NOR that are opposed by the Council Officer or submitters.

Permitted Range of Activities

4.9 The NOR sets out, in paragraphs (a) to (g), the range of activities proposed to be permitted within the Aerodrome Purposes designation.

4.10 The Council Officer has recommended rejecting the following permitted activities identified in paragraph (f) of the NOR:

Retail activities, restaurants and other food and beverage facilities including takeaway food facilities, and industrial and commercial activities, provided they are connected with and ancillary to the use of the Airport.

4.11 The Council Officer considers that the NOR does not adequately address the potential effects on the surrounding environment resulting from the permitted activities, including (but not limited to) increased vehicle movements, car parking demand, noise, light spill, sewage disposal, outdoor storage of goods and signage.⁴

4.12 In order to determine whether the proposed range of activities is appropriate, it is appropriate to consider the overall purpose of the designation.

³ Refer to section paragraph 6.46 of the section 42A report dated 23 September 2016.

⁴ Refer to paragraph 6.55 of the NOR.

4.13 Schedule 37.2 of the PDP describes Designation 64 as being for “Aerodrome Purposes”.⁵

4.14 The PDP defines aerodromes as:

“... a defined area of land used wholly or partly for the landing, departure, and surface movement of aircraft including any buildings, installations and equipment on or adjacent to any such area used in connection with the aerodrome or its administration”.

4.15 This definition largely accords with the definition of aerodrome contained in section 2 of the Civil Aviation Act 1990 and the definition of airport contained in section 2 of the Airport Authorities Act 1966.⁶

4.16 I understand that the Courts have given detailed analysis to the range of activities that can be properly considered as being “wholly or partly ... used in connection with the aerodrome or its administration”. I understand that in a case concerning Auckland International Airport the Court held that, in today’s terms, an aerodrome includes:

*“all facilities connected with the operation of airports and meeting the expectations of airport uses – travelers, staff, security and border agents, travellers’ services, “meters and greeters” and general airport users”.*⁷

4.17 I defer to the legal submissions of Ms Balme for further discussion and interpretation of the decision referred to above, but my understanding is that a broad range of activities legitimately make up a modern day airport.

4.18 In my experience with airport planning over the past 12 years, the use of aerodromes has evolved well beyond the traditional ‘runways and terminals’ focus. Modern and sophisticated aerodromes now demand a diverse mix of commercial, industrial and retail land uses that serve the needs of passengers, crew, ground staff, airport workers and those that meet and greet travelers.

⁵ Refer to section 37.2 of the PDP.

⁶ Under the Civil Aviation Act 1990, an “aerodrome” is defined as any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, and surface movement of aircraft; and includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.

Under the Airport Authorities Act 1966, an “airport” is defined as any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, movement, or servicing of aircraft; and includes any other area declared by the Minister to be part of the airport; and also includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the airport or its administration.

⁷ Paragraph 196 of *McElroy v Auckland International Airport Limited* [2008] 3 NZLR 262.

They also need to be adaptable to respond to technological advances and growth in the aviation sector.

- 4.19 While I acknowledge that Wanaka Airport is not of the scale and national significance of Queenstown Airport for example, in my view, it is still appropriate for the designation to provide for a broad range of activities in order to allow QLDC to respond to growth and changes in the aviation sector. This includes both airside facilities that support aircraft operations, such as runways and aprons, as well as those ancillary activities that are demanded of modern airports, such as commercial and retail offerings for passengers and crew.
- 4.20 Enabling a broad range of activities also provides certainty for airport operators when undertaking long term master planning that they will be reasonably able to fulfil the objectives of the master plan.
- 4.21 It is also important to understand that while Wanaka Airport is currently primarily used as hub for general aviation, helicopters and private jets, up until early 2013, Air New Zealand provided scheduled flights directly into Wanaka Airport. While these flights have currently ceased, the airside infrastructure remains in place to allow a similar service to be provided again in the future. Similarly, there is nothing in the current designation that would prevent such flights from recommencing.
- 4.22 Furthermore, I understand that in 2010, QLDC promulgated Plan Change 26 and an associated NOR which sought to put in place an appropriate land use management regime for activities sensitive to aircraft noise (ASAN) around Wanaka Airport, while at the same time providing for predicted and ongoing growth in airport operations. Accordingly, PC26 updated the noise boundaries at Wanaka Airport to provide for predicted growth in airport operations to 2036 and amended various zone provisions relating to land within the updated boundaries and likely to be affected by the increasing levels of aircraft noise. It is therefore important to understand that today's airport usage scenario is not the ultimately authorised outcome for Wanaka Airport.
- 4.23 On this basis, I consider that the environmental effects identified by the Council Officer with respect to noise, servicing, transportation and landscape are somewhat overstated and they are already reasonably anticipated to occur under the Operative and Proposed Plans (if the PC26 provisions are

incorporated in the PDP without substantive amendment). It is inevitable that as aircraft operations grow (within the authorised projections), additional provision for services and transportation will need to be addressed at Wanaka Airport. Furthermore, an opportunity exists under section 176A(3)(f) of the Act for “any other matters to avoid, remedy or mitigate any adverse effects on the environment” to be considered prior to any future work commencing within the designation. In my view, it is appropriate for an assessment around servicing and access to be addressed at this time.

- 4.24 The Council Officer also cites the policies contained within Chapter 4 (Urban Development) and 21 (Rural Zone) of the PDP and considers that the permitted range of activities is not consistent with the outcomes sought by these policies.⁸
- 4.25 In my experience, one of the many reasons that requiring authorities establish designations is to allow activities to occur within land use zones that would not ordinarily anticipate such activities. If all land use zones anticipated the range and breadth of activities undertaken by requiring authorities, the purpose of designations would be somewhat negated. To suggest that the range of activities is inappropriate due to a handful of provisions contained within Chapter 4 (Urban Development) and Chapter 21 (Rural Zone) of the PDP is inappropriate and does not properly take into consideration the statutory framework within which the NOR must be assessed, specifically, the full range of matters in section 168A RMA..
- 4.26 In accordance with section 168A(3)(a), particular regard must be had to any relevant national, regional or district level plans and policy statements.
- 4.27 As set out in paragraphs 4.43 to 4.57 below, there are a number of regional policy directives that promote the sustainable management and development of the regions infrastructure. Similarly, the PDP contains provisions that seek to “*maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District’s existing infrastructure ... to provide for community wellbeing*”.⁹
- 4.28 Providing for the future development and use of Wanaka Airport is therefore consistent with these strategic level objectives.

⁸ Refer to paragraphs 6.56-7 and 6.60-6.61 of the section 42A report for Queenstown and Wanaka Airport, dated 23 September 2016.

⁹ Proposed Objective 3.2.8.1 of Chapter 3 of the PDP (Right of Reply version dated 7 April 2016).

4.29 The Council Officer has also expressed concerns around the potential for the range of permitted activities to give rise to fragmentation of rural and urban land due to Wanaka Airport's location approximately 12km from the Wanaka Town Centre. In my experience, due to the large amount of land required to operate an airport, it is not uncommon to find rurally located aerodromes. Invercargill and Dunedin Airports are just two examples where the respective airports are located some distance from the city centre and surrounded by rural land use zones. The range of activities enabled at these airports are not dissimilar from those proposed for Wanaka and recognise that it is appropriate to provide airport users with a diverse range of offerings given their distance from the nearest commercial centre.

Freight Facilities

4.30 With respect to range of activities provided for by the NOR, I understand that only one other submission was lodged (Submission 5). The submitter opposed freight facilities being included in the list of permitted activities unless they are related to aerodrome purposes. I note that, although it is not expressly stated in the list, there is an inherent requirement for activities undertaken within the designation to be airport related. In order to address the concerns of this submitter, in my view a condition should be imposed on the designation that requires all activities undertaken at Wanaka Airport to be "connected with or ancillary to the use of the Airport".

4.31 The Council Officer has recommended deleting freight facilities from the list of permitted activities. I note that this was not the relief sought by the submitter. The Council Officer has expressed concern that inclusion of 'freight facility' could imply that the site is used as a transport hub whereby different modes of transport and transport networks join, including aviation, rail and road.¹⁰

4.32 I do not share the concerns of the Council Officer with respect to a 'freight hub' establishing at Wanaka Airport. In my view, such an activity would be appropriate at Wanaka Airport if the goods were being conveyed by air. Furthermore, airports by their very nature are a form of transportation hub which facilitate the movement of people and goods. I therefore consider that such an activity is appropriate at Wanaka Airport.

¹⁰ Refer to paragraph 6.65 and 6.66 of the section 42A report for Queenstown and Wanaka Airports, dated 23 September 2016.

Operation at Night

- 4.33 The operative designation contains a condition that requires the provision of a lighting plan should the Airport be used for scheduled passenger services after dark. The condition goes on to define the hours within which aircraft operations can occur at the Airport.
- 4.34 QLDC sought to remove the first part of this condition, citing that lighting is controlled by Civil Aviation regulations. No amendments were proposed to the hours of operation.
- 4.35 The Council Officer appears to have misread the NOR and has assessed the amendments on the basis that the entire condition is proposed to be deleted.¹¹ Notwithstanding this, the Council Officer's recommendation accords with the amends proposed by QLDC, which I support.

Alternatives

- 4.36 I understand that under section 168A(3)(b) of the Act, consideration of alternative sites or methods of undertaking the work is required if the requiring authority does not have an interest in the land sufficient for undertaking the work, or it is likely that the work will have a significant effect on the environment.
- 4.37 Based on my evaluation contained in paragraphs 4.5 to 4.35, I do not consider that any significant environmental effects are likely to arise as a result of these modifications.
- 4.38 QLDC owns the land subject to the designation with the exception of an area of land 0.127ha in size. QAC (as the manager of Wanaka Airport) wrote to the landowner advising of this proposal prior to submissions closing on the PDP. No submission or further submission was made by this landowner with respect to this designation.
- 4.39 The proposed modifications do not therefore require and assessment under section 168A(3)(b).

¹¹ Refer to paragraphs 6.47 to 6.49 of the section 42A report for Queenstown and Wanaka Airport, dated 23 September 2016.

Reasonably Necessary

- 4.40 I understand that under section 168A(3)(c) of the Act, consideration must be given to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
- 4.41 QLDC's objectives for this designation, as described in the NOR, include:
- 4.41.1 To maintain and enhance operating capacity at the Airport, particularly to maintain capacity for domestic services to and from Wanaka Airport.
 - 4.41.2 To act as an alternate for certain aircraft types unable to land at Queenstown Airport because of weather conditions.
 - 4.41.3 To enable sustainable future use of the Airport particularly to accommodate the ongoing growth in general aviation activities.
 - 4.41.4 To meet international aviation standards and CAA rules in relation to runway, taxiway dimensions and other airport operational requirements.
 - 4.41.5 To provide the community with certainty as to the long-term form of development of the Airport.
- 4.42 I consider that the proposed modifications to the Aerodrome Purposes Designation are reasonably necessary for achieving the objectives of the requiring authority because:
- 4.42.1 The increased range of activities will support the future growth of airport, as enabled through PC26 and the associated NOR filed at that time;
 - 4.42.2 The modifications to the setback and height requirements will allow QLDC to optimise the existing land resource (which is currently nearing capacity in terms of available hangar space), whilst at the same time, retaining development controls to ensure the built form remains within a reasonably acceptable range of effects; and,
 - 4.42.3 Designating 0.127ha of additional land will allow for a Code C taxiway to be constructed in the future, should the need arise.

Planning Instruments

- 4.43 In accordance with section 168A(3)(a), when considering a NOR, particular regard must be given to the relevant provisions of any national policy statement, regional policy statement (operative and proposed) and plans (operative and proposed).
- 4.44 I have considered the proposed modifications to Designation 64 under the relevant provisions of the Regional Policy Statement for Otago (“Operative RPS”), the Proposed Otago Regional Policy Statement (“Proposed RPS”) and Strategic Directions and Urban Development provisions of the PDP. I do not consider that there are any relevant national policy statements or regional plans that are relevant to this NOR.
- 4.45 The Operative and Proposed RPS provide specific policy recognition of infrastructure and acknowledge its importance in providing for the social, economic and cultural wellbeing of people and communities.¹² I provide a summary of the key provisions below. A copy of the provisions (in full) is attached as **Appendix B**.

Operative Regional Policy Statement for Otago

- 4.46 Chapter 9 of the Operative RPS addresses resource management issues relating to the built environment. In summary, Objective 9.4.2 seeks to promote the sustainable management of Otago’s infrastructure to meet the present and reasonably foreseeable needs of Otago’s people and communities.
- 4.47 Policy 9.5.2 seeks to promote and encourage efficiency in the development and use of infrastructure through encouraging development that maximises the use of existing infrastructure, promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure and avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.
- 4.48 Policy 9.5.3 is also an important policy, as it seeks to promote and encourage the sustainable management of Otago’s transport network. This includes through promoting a safer transport system.

¹² Note that I have only summarised those provisions that I consider to be of key relevance to this hearing. Please refer to **Appendix B** for the provisions in full plus other provisions that are not discussed in this statement, but are of relevance to the NOR.

Proposed Regional Policy Statement

- 4.49 The Proposed RPS also contains a number of provisions of relevance to this NOR. Decisions of the Proposed RPS were notified on 1 October 2016 and therefore some weight should be afforded to these provisions.¹³
- 4.50 Objective 4.3.5 of the Proposed RPS is one of the key objectives relating to infrastructure and seeks to ensure that infrastructure is managed and developed in a sustainable way. Most notably for Wanaka Airport, Policy 4.3.2 recognises the national and regional significance of airports.
- 4.51 Policy 4.3.3 aims to minimise the effects of infrastructure of national or regional significance through avoiding, remedying or mitigating adverse effects.¹⁴
- 4.52 Policy 4.3.4 is also of relevance as it seeks to protect nationally or regionally significant infrastructure from reverse sensitivity effects and seeks to avoid significant effects on the functional needs of infrastructure.

Proposed District Plan

- 4.53 The PDP also contains a number of high order objectives and policies of relevance to this NOR. Most notably, Objective 3.2.8.1 seeks to maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District's existing infrastructure and the provision of new infrastructure to provide for community wellbeing.
- 4.54 Within the Energy and Utilities chapter of the PDP, relevant objectives¹⁵ also seek to ensure that "The growth and development of the District is supported by utilities that are able to operate effectively and efficiently" and "The wellbeing of the community is supported by the establishment, continued operation and maintenance of utilities."
- 4.55 Policy 30.2.5.4 is also of particular relevance to the NOR. Specifically, Policy 30.2.5.4 seeks to ensure that the adverse effects of utilities on the environment are managed, while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including (as relevant):

¹³ But noting the appeal period is yet to run.

¹⁴ Note that there are other elements to this policy, however the extent to which they relevant to Queenstown Airport is limited.

¹⁵ Refer to Proposed Objectives 30.2.5 and 30.2.6 as set out in QLDC's Right of Reply for Chapter 30 of the PDP, dated 22 September 2016.

- 4.55.1 Enabling the functioning of businesses;
- 4.55.2 Enabling economic growth;
- 4.55.3 Enabling the transportation of freight, goods and people.

Summary with respect to the Operative RPS, Proposed RPS and Higher Order Provisions of the PDP

- 4.56 In my view, the proposed modifications to the Designation are consistent with the relevant matters raised in the Operative and Proposed RPS and the higher order matters raised in the PDP. Specifically:
 - 4.56.1 Wanaka Airport is a significant generator and facilitator of economic activity in the District.
 - 4.56.2 The proposed modifications will provide for the sustainable growth and development of Wanaka Airport, an existing and significant infrastructural asset within the Queenstown Lakes District;
 - 4.56.3 QLDC will retain the ability to provide for the growth in aircraft operations at Wanaka Airport and any future demand to provide a range of activities and services at the Airport;
 - 4.56.4 The airports continued operation and growth will contribute positively to the local, regional and national economy, particularly the tourism industry;
 - 4.56.5 Providing flexibility in the range of activities permitted at the Airport will meet the reasonably foreseeable needs of passengers, visitors to the airport, those that work there, and the wider community who use the facility;
 - 4.56.6 The modifications to the built form conditions will ensure the efficient use of the limited land resource available at Wanaka Airport;
 - 4.56.7 The retention of the built form standards (albeit in a modified form) ensure the Airport remains cognisant of the nature and scale of activities surrounding the Airport;

4.56.8 The retention of provisions relating to noise management will ensure that the airport can continue to grow and operate, whilst managing its effects of the surrounding community.

4.57 In my view, the proposed modifications are consistent with the identified objectives and policies of the Operative and Proposed RPS and the higher order objectives and policies of the PDP.

Part 2

4.58 The NOR meets the purpose of the Act by enabling the continued operation and growth of Wanaka Airport in an efficient and sustainable way.

4.59 Wanaka Airport is a significant existing physical resource that complements the functioning and operation of Queenstown Airport and contributes towards the social and economic wellbeing of the community through employment opportunities within the local community. The Airport also contributes towards tourism activity in the region, providing general aviation facilities for the tourism market.

4.60 The amendments proposed via the NOR will ensure that Wanaka Airport is able to meet the needs of current and future generations through providing the ability to respond quickly to changes in the aviation sector, including changes in aircraft operations at Queenstown Airport which may have flow on effects for Wanaka Airport.

4.61 The modifications to the Designation will not affect the life supporting capacity of air, water and soil ecosystems, and through appropriate development controls, coupled with outline plan of works for specific developments, the effects arising as a result of the proposed modifications can be appropriately avoided, remedied or mitigated.

4.62 With the exception of section 7(b), (c) and (f), the section 6 matters of national importance, section 7 other matters and section 8 Treaty of Waitangi are not relevant or not affected by the modifications proposed to this designation.

4.63 The modifications proposed in the NOR will allow the Airport to be developed in an efficient manner and will allow QLDC to best utilise the use of an increasingly scarce land resource at Wanaka Airport.

4.64 Overall, I consider that the proposed NOR assists in achieving Part 2 of the Act.

5. DESIGNATION 65 AIRPORT APPROACH AND LAND USE CONTROLS

- 5.1 The purpose of Designation 65 is to “...define the essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances...”.
- 5.2 QLDC has sought modifications to this designation, as set out in the NOR dated 30 March 2015. The full suite of changes proposed to the Designation are set out in detail in the NOR, however in summary, the NOR seeks to make typographical amendments to the designation text and also to remove reference to the RESA and the location of the runway strip as these features are provided for by the Aerodrome Purposes Designation.
- 5.3 The Council Officer has recommended accepting QLDC’s proposed amendments.¹⁶
- 5.4 I consider the amendments are sensible and assist with clarifying the application of the designation. As these amendments are more structural than substantive, I do not address them any further.

6. CONCLUSION

- 6.1 Wanaka Airport is an existing physical resource within the Queenstown Lakes District. Enabling the continued operation and development of the Airport is therefore consistent with the sustainable management premise set out in Part 2 of the Act.
- 6.2 Wanaka Airport currently provides a complementary service to Queenstown Airport through its role as a hub for general aviation in the District. Notwithstanding this, Wanaka Airport has historically and may again in the future, accommodate scheduled flights directly into the District.
- 6.3 Against this background, it is appropriate in my opinion to provide for a broad range of activities at Wanaka Airport that would complement these services into the future.

J Kyle

7 October 2016

¹⁶ Refer to paragraph 6.72 to 6.73 of the section 42A report for Queenstown and Wanaka Airport, dated 23 September 2016.

Appendix A

Copy of the Statement of Evidence of John Kyle dated 29 February 2016

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

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IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed
District Plan

Chapter 3 (Strategic Direction),
Chapter 4 (Urban Development) and
Chapter 6 (Landscape)

STATEMENT OF EVIDENCE JOHN CLIFFORD KYLE

(29 FEBRUARY 2016)

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1. INTRODUCTION

Qualifications and Experience

- 1.1 I hold an honours degree in Regional Planning from Massey University, obtained in 1987. I am a Partner with the firm Mitchell Partnerships, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Tauranga and Dunedin.
- 1.2 I have been engaged in the field of town and country planning and resource and environmental management for 28 years. My experience includes a mix of local authority and consultancy resource management work. For the past 22 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management and environmental effects assessment. This includes extensive experience with large-scale projects involving inputs from a multidisciplinary team.
- 1.3 An outline of the projects in which I have been called upon to provide environmental planning advice in recent times is included as **Appendix A**.
- 1.4 I am familiar with and have made numerous visits to Queenstown Airport and the areas surrounding the Airport. I have assisted the Queenstown Airport Corporation with planning matters for more than a decade. I am generally familiar with planning issues in the Queenstown Lakes District, having actively practiced there since 1994.
- 1.5 I advise that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. In particular, unless I state otherwise, this evidence is within my scope of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.6 My firm, Mitchell Partnerships Limited (**MPL**) has been commissioned by Queenstown Airport Corporation (**QAC**) to provide resource management planning advice with respect to the Proposed Queenstown Lakes District Plan (**Proposed Plan**). My firm prepared the submissions and further submissions on behalf of QAC.

Scope of Evidence

1.7 In this brief of evidence, I will:

- Set out the planning context for Queenstown and Wanaka Airports;
- Provide an overview of the strategic significance of Queenstown and Wanaka Airports and why they warrant recognition in the Proposed Plan;
- Provide the contextual background and genesis behind Plan Change 35 and the associated Notice of Requirement initiated by QAC in 2008;
- Set out why the provisions that were settled via the Environment Court process as part of Plan Change 35 (**PC35**) remain the most suitable means of managing the effects of aircraft noise at and around Queenstown Airport;
- Explain how the higher order objectives and policies of PC35 should be carried forward and incorporated into the Proposed Plan; and,

2. QUEENSTOWN AIRPORT – PLANNING CONTEXT

2.1 QAC operates the regionally and nationally significant Queenstown Airport, and the regionally significant Wanaka Airport. Mr Edghill has provided some context about QAC and the role of Queenstown and Wanaka Airports in facilitating the transportation of people and goods to the region. I do not intend to repeat that here.

2.2 Queenstown Airport is managed by QAC. QAC is a network utility operator and a requiring authority under section 166 of the Resource Management Act 1991 (the **RMA** or the **Act**).

2.3 Queenstown Airport is the subject of three designations in the operative Queenstown Lakes District Plan (**Operative Plan**), namely:

- **Designation 2 – Aerodrome Purposes:** The purpose of this designation is 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 year 2037;

- **Designation 3 – Air Noise Boundary:** This designation defines the location of the Airport’s Air Noise Boundary (**ANB**). The location of the ANB shown in the designation is outdated however, and was updated, to provide for airport operations until 2037, via noise boundaries promulgated as part of Plan Change 35; and,
- **Designation 4 – The Approach and Land Use Control (transitional slopes and surfaces):** The purpose of this designation is to provide obstacle limitation surfaces around the Airport to ensure the safe operation of aircraft approaching and departing the Airport.

2.4 Excepting Designation 3, these designations are proposed to be “rolled over” (with modifications), in the Proposed Plan. Designation 3 has been subsumed by Plan Change 35 which provides for an updated ANB to be included in the District Plan (Planning Map 31a) (refer to paragraph 5.31 of my evidence for further background). QAC has therefore given notice of its intent to withdraw Designation 3.

2.5 Maps depicting the extent of Designation 2 (Aerodrome Purposes) and two figures showing the extent of Designation 4 (Approach and Land Use Controls) are attached in **Appendix B**. The extent of QAC’s landholdings (designated and undesignated) is attached as **Appendix C**.

3. WANAKA AIRPORT – PLANNING CONTEXT

3.1 The Queenstown Lakes District Council (**QLDC**) is the requiring authority for Wanaka Airport, with QAC managing the operations of the Airport on QLDC’s behalf.

3.2 Wanaka Airport is designated for “Aerodrome Purposes” (Designation 64) and a designation exists for “Approach and Land Use Control” purposes (Designation 65) in the Operative Plan. The purpose of these designations is to:

- Protect the operational capability of the Airport, while at the same time minimising adverse effects from aircraft noise (Designation 64); and,
- Define essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances (Designation 65).

- 3.3 These designations are also proposed to be “rolled over” (with modifications), in the Proposed Plan.
- 3.4 A map depicting the extent of these designations is attached as **Appendix D**.

4. THE NATIONAL AND REGIONAL SIGNIFICANCE OF INFRASTRUCTURE

- 4.1 Queenstown and Wanaka Airports comprise significant infrastructure that plays a critical role in providing for the economic and social wellbeing of the Queenstown Lakes District.

Queenstown Airport as a facilitator of economic growth and wellbeing

- 4.2 Research undertaken by QLDC in 2013¹ estimated that more than a third of the local economy is based on tourism and around half of all employment is related to the tourism sector².
- 4.3 Queenstown Airport serves an important role in facilitating the movement of people and goods, which in turn feeds the District’s tourism industry and commerce more generally. Queenstown Airport is the primary arrival and departure port for many visitors to the District.
- 4.4 As explained by Mr Edghill, over the previous 12 month period, Queenstown Airport accommodated in excess of 1.5 million passengers. Recent growth projections have indicated that passenger growth is set to continue, with 2.5 million passengers projected by 2025.
- 4.5 Based on the Ministry of Business, Innovation and Employment tourism forecasts and passenger number growth rates, total tourism spending is projected to increase by between 3.4 per cent and 3.9 per cent per annum. A 2014 economic assessment³ indicated this is expected to take the total tourism spending facilitated by Queenstown Airport to between \$1.1bn and \$1.4bn by 2037. However, that amount will likely now be significantly greater, given the Airport’s most recent growth predictions.

¹ Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

² Note, these figures did not the wider tourism activities inputs (supply chains).

³ Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

- 4.6 Quite clearly the economic impact of the Airport both now and in the future is significant. Moreover, as indicated in the evidence of Mr Edghill, Queenstown Airport comprises an important tourist gateway into the Queenstown Lakes District. In recent times, the growth in passenger numbers has been pronounced, with greatest percentage growth occurring in international passengers. Queenstown is a nationally significant tourist destination. Tourism is a crucially important industry to the New Zealand economy as a whole. It is evident that the on-going ability of Queenstown Airport to function is essential to the tourism industry, both regionally and nationally.
- 4.7 The on-going ability of Queenstown Airport to function and grow without undue constraint is therefore of significant importance to the tourism industry, both regionally and nationally.
- 4.8 Because the tourism industry is such a significant contributor to the District's economy, the ongoing operation and development of the Airport is also of significant importance to the social and economic wellbeing of the community.

QAC as a Lifeline Utility Entity

- 4.9 Queenstown Airport is a lifeline utility under the Civil Defence Emergency Management Act 2002 (**CDEM**) in respect of its operation of Queenstown Airport. Accordingly, QAC has duties under that Act which are aimed at ensuring the wellbeing of people and the community is maintained during and after an emergency.
- 4.10 While not an identified lifeline utility under the CDEM, Wanaka Airport is likely to provide important air access to the Queenstown Lakes District in the event that road access is compromised during an emergency event⁴.

Regional Policy Statements (RPS)

- 4.11 The Operative and Proposed Regional Policy Statements for Otago provide specific policy recognition of infrastructure and acknowledge its importance in providing for the social, economic and cultural wellbeing of people and communities. Of note are the following provisions:

⁴ In the Queenstown Lakes District Council Emergency Management Plan 2013-2016.

Operative Regional Policy Statement for Otago

- Queenstown Airport is recognised in the explanation to issue 9.3.3⁵ of the RPS as one of the region's major airports.
- Objective 9.4.2⁶ seeks to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.
- Policy 9.5.2⁷ seeks to promote and encourage efficiency in the development and use of Otago's infrastructure through:
 - Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology;
 - Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure;
 - Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and
 - Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.
- Policy 9.5.3⁸ aims to promote and encourage the sustainable management of Otago's transport network through:
 - Promoting the use of fuel efficient modes of transport; and
 - Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and
 - Promoting a safer transport system; and
 - Promoting the protection of transport infrastructure from the adverse effects of land use activities and natural hazards.

⁵ Issue 9.3.3, page 123 of the Operative Regional Policy Statement for Otago 1998.

⁶ Objective 9.4.2, page 125 of the Operative Regional Policy Statement for Otago 1998.

⁷ Policy 9.5.2, page 126 of the Operative Regional Policy Statement for Otago 1998.

⁸ Policy 9.5.3, page 127 of the Operative Regional Policy Statement for Otago 1998.

Proposed Regional Policy Statement

- Objective 3.5⁹ aims to ensure that infrastructure of national and regional significance is managed in a sustainable way.
- Policy 3.5.1¹⁰ seeks to recognise the national and regional significance of infrastructure, including airports (as noted in subparagraph (e)).
- Policy 3.5.3¹¹ seeks to protect infrastructure of national or regional significance, by:
 - Restricting the establishment of activities that may result in reverse sensitivity effects;
 - Avoiding significant adverse effects on the functional needs of infrastructure;
 - Avoiding, remedying or mitigating other adverse effects on the functional needs of the such infrastructure;
 - Assessing the significance of the adverse effects on those needs, as detailed in the “Significance threshold” schedule (Schedule 3) of the Proposed Regional Policy Statement);
 - Protecting infrastructure corridors for infrastructure needs, now and for the future.

4.12 The Proposed Plan is required to give effect to the Operative and have regard to the Proposed Regional Policy Statements.

Summary

4.13 It is clear from the above that Queenstown and Wanaka Airports comprise significant infrastructure that contributes to the social and economic wellbeing of the community. In my opinion, it is therefore imperative that such infrastructure is properly recognised and provided for in the Proposed Plan. Put simply, the wider benefits that accrue from the airport should attract significant weight in preparing and confirming the provisions of the Proposed Plan.

⁹ Objective 3.5, page 59 of the Proposed Regional Policy Statement for Otago 2015.

¹⁰ Policy 3.5.1, page 59 of the Proposed Regional Policy Statement for Otago 2015.

¹¹ Policy 3.5.3, page 60 of the Proposed Regional Policy Statement for Otago 2015.

4.14 Given the role of the Strategic Directions chapter of the Proposed Plan in setting the policy framework for the management of growth, land use and development, it is important in my view that the significance of infrastructure is recognised and provided for within this chapter. It is also required in order to give effect/have regard to the Operative and Proposed Regional Policy Statements. My colleague, Ms Kirsty O'Sullivan, will provide evidence with respect to the form that such policy recognition should take. I have reviewed her evidence and endorse what she has to say in this respect.

5. PLAN CHANGE 35 - THE GENESIS AND BACKGROUND TO THE PLAN CHANGE

5.1 In 2008 QAC initiated Plan Change 35 (**PC35**) and an associated Notice of Requirement (**NOR**) to alter Designation 2. The purpose of PC35 was to put in place an appropriate management regime for managing land use around Queenstown Airport while providing for the predicted ongoing growth of the aircraft operations to 2037. Accordingly, the Plan Change updated the Airport's noise boundaries¹² (Air Noise Boundary (**ANB**) and Outer Control Boundary (**OCB**)) to provide for predicted growth in aircraft operations to 2037, and amended various zone provisions relating to the use of land within those updated boundaries likely to be affected by increased aircraft noise.

5.2 Specifically, PC35 sought changes to the following chapters of the Operative District Plan:

Chapter 4 District Wide Issues;

Chapter 5 Rural Areas

Chapter 6 Queenstown Airport Mixed Use

Chapter 7 Residential Areas

Chapter 11 Business and Industrial Areas;

Chapter 12 Special Zones

Chapter 14 Transport

Appendix 1 Designations

Appendix 13 (relating to Sound Insulation and Ventilation Requirements);
Definitions;

¹² Prior to which the OCB being contained in the Operative District Plan and the ANB in Designation 3.

- 5.3 In conjunction with the land use management regime proposed by PC35, the associated NOR proposed to introduce obligations for QAC (via its Aerodrome Purposes Designation) to undertake and fund noise mitigation works for those existing houses within the updated noise boundaries likely to be exposed to increased levels of aircraft noise.
- 5.4 PC35 was adopted by QLDC and following the hearing of submissions, was confirmed on 1st November 2010.¹³
- 5.5 PC35 was the subject of a number of appeals to the Environment Court. The appeals were largely resolved by agreement in early 2012, which was jointly presented to the Court during the course of two hearings and the filing of subsequent memoranda.
- 5.6 During the course of the Court proceedings the provisions were, at the Court's direction, redrafted by the parties to correct errors, ambiguities and inconsistencies contained in QLDC's decision on the Plan Change. A final set of provisions, giving effect to the Court's directions, was filed jointly by the parties in May 2013.
- 5.7 To provide some context for the Panel, I attach as **Appendix E** of my evidence, the full suite of provisions confirmed by the Environment Court on 8th May 2013. The three interim Environment Court decisions that relate to PC35 and together confirm its provisions and those of the associated NOR are attached as **Appendix F** to my evidence. I note the Noise Management Plan included in the Appendix contains a summary of QAC's noise mitigation obligations under the Designation. This may be of some assistance to the Panel in understanding the more technical aspects of PC35.
- 5.8 I note that the Environment Court confirmed PC35 provisions affect the following chapters of the Proposed Plan:
- Chapter 3 Strategic Direction;
 - Chapter 4 Urban Development
 - Chapter 7 Low Density Residential

¹³ Excepting provision for a limited number of scheduled flights after 10pm, which decision was accepted by QAC (i.e. not appealed).

- Chapter 15 Local Shopping Centre
- Chapter 17 Airport Mixed Use
- Chapter 21 Rural
- Chapter 36 Noise
- Chapter 37 Designations

- 5.9 It is therefore appropriate in my view to provide an overview of PC35 and the associated NOR in this phase of the hearing of submissions on the Proposed Plan in order to ensure the Panel has the contextual background necessary to consider QAC's submissions on the chapters which are the subject of this hearing and on later chapters.
- 5.10 In order to understand why, in my opinion, the Environment Court confirmed provisions remain the most current and appropriate means of managing the effects of aircraft noise on activities sensitive to aircraft noise (ASAN), and why similar provisions should be incorporated in the Proposed Plan, I will provide some background around the promulgation of PC35, and how the provisions were developed.

New Zealand Standard on Airport Noise Management and Land Use Planning (NZS6805:1992)

- 5.11 The foundation of the approach adopted by PC35 is the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 (the **New Zealand Standard** or the **Standard**). This Standard is recognised as the key guiding document for managing aircraft noise at New Zealand airports.
- 5.12 As noted, PC35 seeks to provide for growth in aircraft operations at the Airport until 2037, that being 25 years from when the Plan Change was first promulgated. The initial part of the PC35 process involved undertaking aircraft noise monitoring, and modelling how this would change over time, out to the year 2037¹⁴. The modelling determined that the noise boundaries contained in the Operative District Plan were quickly becoming out of date and that QAC needed to investigate how best to provide for its future operational requirements.

¹⁴ This work was carried out by Marshall Day Acoustics. The modelled aircraft noise predictions utilised flight growth projections which were forecast by Airbiz Limited.

- 5.13 In approaching the task of how best to provide appropriate aircraft noise management provisions in the District Plan, the decision was taken to respect the structure of the Operative District Plan, as far as could be achieved. Reliance on a designation approach (addressing QAC's obligations), in tandem with the imposition of new or amended objectives, policies and methods within the zones that relate to land around the Airport (addressing the community's obligations) was determined to be the best approach to managing the effects of aircraft noise at Queenstown Airport. This approach has since been endorsed by the Environment Court¹⁵.
- 5.14 I maintain of the view that this approach remains the most appropriate and should be carefully considered in formulating the Proposed Plan.

Air Noise Boundary (ANB)

- 5.15 The New Zealand Standard recommends the *implementation of practical land use planning controls and airport management techniques to promote and conserve the health of people living and working near airports, without unduly restricting the operation of airports*.¹⁶
- 5.16 The New Zealand Standard sets out that a balance needs to be achieved between accommodating the needs of the Airport on an on-going basis and providing for the health and the amenity values enjoyed by those occupying and using land surrounding the Airport.
- 5.17 One of the techniques advocated in the New Zealand Standard for achieving this outcome is the imposition of an ANB. An ANB is a "*mechanism for local authorities to establish compatible land use planning and to set limits for the management of aircraft noise at airports where noise control measures are needed to protect community health and amenity values*"¹⁷.

¹⁵ Refer to the three interim decisions attached as Appendix F of my evidence.

¹⁶ New Zealand Standard 6805:1992: Airport Noise Management and Land Use Planning (NZS 6805:1992); Section 1.1.3, page 5.

¹⁷ NZS 6805:1992, Section 1.1.2, page 5.

- 5.18 The ANB comprises a noise boundary inside of which noise exposure is expected to exceed 65dB L_{dn}. The New Zealand Standard recommends that new residential activities, schools, hospitals or other noise sensitive uses should be prohibited inside the ANB¹⁸. The approach adopted within PC35 in respect of the ANB was therefore guided by the New Zealand Standard, with amendments as necessary to reflect the current nature and scale of established activities occurring around the airport.
- 5.19 The ANB at Queenstown Airport, as amended by PC35¹⁹, includes land which accommodates a number of existing residential dwellings in Frankton, particularly to the west of the main runway. Where such circumstances apply, the New Zealand Standard advocates that steps should be taken to provide existing residential dwellings with appropriate acoustic insulation to ensure a satisfactory internal noise environment. QAC therefore offered, as part of PC35 and the associated NOR package, to fund mitigation measures, including acoustic insulation and mechanical ventilation for existing dwellings within the proposed ANB to the extent necessary to achieve an internal noise environment of 40dB L_{dn}. QAC is obliged to provide this mitigation treatment through conditions of Designation 2.
- 5.20 It is important to understand that the ANB (as amended by PC35) reflects the position of the 65dB L_{dn} boundary in the year 2037. In reality, the growth in flight numbers at Queenstown Airport, and thus the aircraft generated noise increase, will be gradual over time. QAC is therefore obligated to complete acoustic insulation mitigation of these existing residential properties within the ANB ahead of the full noise exposure limit being reached at that particular property.
- 5.21 As set out by Mr Edghill²⁰, QAC has recently commenced with this work, offering acoustic mitigation packages to 13 houses within the 2037 ANB.
- 5.22 The New Zealand Standard recommends that no new²¹ ASANs should be provided for in the ANB, however during the promulgation of PC35 QAC recognised that historical development and associated zoning for residential purposes has occurred in close proximity to the Airport runway. QAC therefore

¹⁸ NZS 6805: 1992, Table 1, page 15.

¹⁹ And attached to the legal submission of R Wolt dated 29 February 2016.

²⁰ Paragraph 3.29 of the Evidence in Chief of Mr Mark Edghill, dated 26 February 2016.

²¹ "New" includes alterations and additions to existing ASAN.

adopted a more moderated approach to that recommended by the Standard whereby new residential dwellings and alterations and additions to existing dwellings are able to be built inside the ANB, provided they occupy an already zoned site and where the dwelling incorporates appropriate sound insulation and mechanical ventilation measures, at the property owner's cost.

5.23 While the 2037 ANB extends over the Residential, Remarkables Park, Rural and Airport Mixed Use zones of the District Plan, existing residential dwellings are only provided for by zoning and exist within the Residential Zone.

5.24 At the time PC35 was promulgated, residential dwellings were a permitted activity in the Residential Zone²². These existing development rights were therefore "grandfathered" in the new PC35 provisions. I understand that QAC intends to support the grandfathering approach for properties in the Proposed Plan subject to retention of the Operative Plan standards regarding density and lot size. Despite being a more moderate approach than the New Zealand Standard, I agree that the continuation of this approach is appropriate.

5.25 As indicated earlier, PC35 also introduced proposed new acoustic insulation and mechanical ventilation requirements for any new or alterations or additions to existing buildings containing ASAN located within the new ANB, to be provided at the property owner's cost, at the time of development. This approach was considered appropriate because the provisions of PC35 provide a definitive flag to property owners within the ANB that their property will experience high levels of aircraft noise should they choose to construct new dwellings within this area.

Outer Control Boundary

5.26 The New Zealand Standard identifies that the Outer Control Boundary (OCB) is based on a noise contour at or beyond which aircraft noise should not exceed 55dB L_{dn}.

5.27 The New Zealand Standard recommends that any new residential dwellings, schools, hospitals or other noise sensitive uses (ASANs) should be prohibited within the OCB, unless the District Plan permits such uses. Then they should

²² Subject to compliance with Site and Zone Standards. These include Zone Standards 7.5.5.3vi and 7.5.6.3viii require residential properties and other ASANs to meet an internal design sound level of 40dB L_{dn}.

be subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment. The New Zealand Standard also recommends that alterations or additions to existing residences or other ASANs inside the OCB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

5.28 Generally in line with the New Zealand Standard, PC35 sought to prohibit any new ASAN inside the OCB in the Rural, Industrial and Frankton Flats zones and to require mechanical ventilation for new dwellings, or for alterations or additions to existing dwellings inside the Rural, Residential, Frankton Flats and Remarkables Park zones. The cost associated with such works is met by the developer, at the time the development work is undertaken. This approach is consistent with the approach advocated within the New Zealand Standard.

5.29 In practical terms, what has been found from sound insulation studies around other New Zealand airports is that the level of mitigation required within the OCB can be readily grouped as follows:

- Modern houses located between 55.0 to 58.0dB Ldn – will generally achieve 40dB Ldn inside with windows slightly ajar.
- Modern houses located between 58.0 to 65.0dB Ldn – will generally achieve 40dB Ldn inside with windows closed and thus mechanical ventilation is required to provide an alternative form of ventilation

5.30 PC35 also promoted strong policy based dissuasion against the promulgation of further plan changes that would result in land within the OCB being rezoned for noise sensitive (ASAN) development. Whilst it is accepted that some land around the Airport has been allowed to develop in a way which incorporates ASANs or where ASANs have been previously consented²³, in my view it is important to now recognise that any future opportunity to similarly develop currently undeveloped land should be dissuaded.

²³ Frankton Flats Zone for example.

5.31 A good deal of land has historically been dedicated to urban development (including provision for ASANs) on land at Frankton, sometimes in very close proximity to the Airport runway. Moreover, more recent initiatives (such as PC19 for example) have reflected an on-going desire to continue to consolidate development (including ASANs) at Frankton. A cautious approach to the location of further ASANs on land around the Airport was adopted via PC35 and in my opinion, should be transferred through to the Proposed Plan. Having said that, the PC35 approach pays a good deal of respect to the pattern of urban development that already exists on land around the airport, as evidenced by the grandfathering of existing development rights (refer to paragraph 5.24).

Notice of Requirement

5.32 To complement the land use management regime established under PC35, QAC gave notice of requirement to alter Designation 2 to introduce obligations on QAC for the management and mitigation of noise generating activities at the airport. In summary, this NOR:

- Obliges QAC to offer 100% funding of noise mitigation for Critical Listening Environments of buildings located within the ANB (65dB Noise Contour) that existed at the time the NOR was confirmed. This mitigation is required to achieve an indoor design sound level of 40dB Ldn or less based on the 2037 Noise Contours;
- Obliges QAC to offer to part fund retrofitting, over time, of mechanical ventilation of any Critical Listening Environment within existing buildings containing ASAN between the ANB and the 2037 60dB Noise Contour. Specifically, QAC is required to provide 75% funding;
- Sets out QAC's monitoring requirements for aircraft noise at Queenstown Airport to ensure compliance with noise limits at the defined noise boundaries;
- Requires QAC to prepare and implement a Noise Management Plan; and,
- Establishes and sets out the purpose of the Queenstown Airport Liaison Committee.

The confirmed Environment Court NOR conditions have been included in the notified Aerodrome Designation (Designation 2), and as explained by Mr Edghill, QAC has commenced giving effect to them. These matters will be addressed in detail in the relevant hearing for the Designation.

Zone Specific Rules

5.33 I do not intend to address the zone specific rule structure established during PC35 in any detail today, nor how the proposed zone rules should be integrated into the relevant zone chapters, as these will be addressed at later hearings in due course. For context however, the Proposed Plan should ensure that Queenstown Airport is protected from reverse sensitivity effects arising from ASAN as follows:

- Recognise, within the higher order provisions of the Proposed Plan, the need to manage existing and limit the establishment of further noise sensitive activities in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.
- Within the Low Density Residential zone (or areas of land proposed to be rezoned from Low Density Residential zone in the Operative Plan to an alternative zoning in the Proposed Plan), require any new and alterations or additions to existing buildings containing ASAN to provide mechanical ventilation for Critical Listening Environments on sites located within the PC35 OCB, and mechanical ventilation and sound insulation for sites located within the PC35 ANB, to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours²⁴. Failure to achieve this standard should result in a non-complying activity status.
- Within the Rural and Industrial zone, prohibit any new ASAN within the PC35 OCB. For alterations or additions to existing buildings containing ASAN, require mechanical ventilation of Critical Listening Environments for sites located within the OCB, to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours.
- Within the Remarkables Park zone, prohibit all residential, visitor accommodation and community activities within the 2037 60dB Noise Contour. For all new and alterations or additions to existing buildings

²⁴ The 2037 noise contours are the predicted airport noise contours for Queenstown Airport for the year 2037 in 1dB increments from 70dB Ldn to 55dB Ldn inclusive.

containing residential, educational facilities or visitor accommodation, within the specified area shown as Figure 2 (refer to the full suite of Environment Court endorsed provisions attached as **Appendix E** for Figure 2) require Critical Listening Environments to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours²⁵.

- Within the Frankton Flats A Zone, specify a maximum threshold for visitor accommodation units, health care facilities and educational facilities and Critical Listening Environments these activities to achieve an Indoor Sound Level of 40dB Ldn, based on 2037 Noise Contours. All other ASAN within the zone are prohibited.
- Ensure that the number of ASAN occurring within the PC35 ANB and OCB is maintained as far as can be achieved at the levels currently anticipated by the Operative District Plan, avoiding an increase in the number of sensitive receivers being exposed to aircraft noise within the ANB and OCB.
- Ensure that appropriate noise boundaries are in place to enable operations at Queenstown Airport to continue and expand to meet foreseeable future demand until 2037.

6. HIGHER ORDER PC35 PROVISIONS

6.1 PC35 introduced two new objectives into the operative District Plan. The proposed new objectives were deliberately specific to Queenstown Airport on the basis that the Airport is the pre-eminent commercial airport in the district and it has increasingly become so since the operative District Plan was first notified in 1995. The objectives were included in the District Wide Issues section of the District Plan to reflect this significance.

6.2 District Wide Objective 7 seeks to:

Maintain and promote the efficient operation of Queenstown Airport and set appropriate noise limits in order to protect airport operations and to manage the adverse effects of aircraft noise on any Activity Sensitive to Aircraft Noise.

²⁵ The 2037 noise contours are the predicted airport noise contours for Queenstown Airport for the year 2037 in 1dB increments from 70dB Ldn to 55dB Ldn inclusive.

6.3 This objective is primarily directed at achieving the balance sought by the New Zealand Standard. It clearly acknowledges the need to set noise limits for the management of aircraft noise at the Airport. It recognises that land use planning methods can be an effective way to manage exposure to aircraft noise around airports. It is a recognised fact that despite best endeavours in adapting aircraft technology and flight management, it is not possible to avoid aircraft noise on land around airports. Whilst changes in aircraft design have progressively yielded reductions in the noise signature of most aircraft, modelling can only be based on the quietest technology currently available and not some unknown future technology.

6.4 Uncontrolled use of airport infrastructure can unnecessarily expose people to high levels of noise, and in turn reverse sensitivity concerns in response to this noise can constrain the operation of airports. The objective is intended to address the need to place suitable limitations on aircraft noise, consistent with the approach advocated within the New Zealand Standard.

6.5 As indicated earlier, Queenstown Airport is a key strategic asset to the District and it is important to plan now for its future. PC35 Objective 7 reflects this importance and should be incorporated in Chapter 4 of the Proposed Plan without further amendment.

6.6 District Wide Objective 8 seeks to:

Manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.

6.7 This objective is directed at managing urban growth on land around the Airport. It also endeavours to ensure that land use planning decisions encourage compatible uses rather than those that will conflict directly with Airport operations. In my opinion this objective is still relevant in the context of the Proposed Plan and will assist to sustain the potential of the Airport to meet the reasonably foreseeable needs of future generations, through ensuring only appropriate development takes place in the immediate vicinity of the Airport, and reducing the potential for reverse sensitivity effects that could compromise Airport operations.

- 6.8 This objective recognises that Frankton is one of the Council's preferred locations for accommodating urban growth. As expressed earlier, it is essential that this growth is managed in a way that ensures that the potential for incompatibility is mitigated as far as can be possible.
- 6.9 I consider that adequate balance has been achieved within the PC35 objectives between the interests of the Airport, and those of the surrounding community, noting again the PC35 provisions have been endorsed by the Environment Court. The existing investment in Airport infrastructure at Frankton is significant. This infrastructure is well developed and can be enhanced to accommodate projected growth in flight numbers. If the operation of the Airport is unduly curtailed and projected growth is not accommodated, then this will compromise the attractiveness of Queenstown as a destination for airlines, which could result in the curtailment of regular passenger services over time. This would likely have a significant effect on the essential underpinnings of the Queenstown economy.
- 6.10 Limiting the ability for new ASANs to establish on land not yet developed around the Airport is in my opinion appropriately precautionary, and is a method supported by the New Zealand Standard. Any relaxation of that approach has the potential to lead to reverse sensitivity effects on the Airport and poor land use planning outcomes in the future. In my opinion, any decision that brings additional people to the impact of aircraft noise would not appropriately provide for the needs of future generations.
- 6.11 I understand that the section 42A report has recommended rejecting QAC's submission with respect to carrying forward PC35 Objectives 7 and 8 and their associated policies into Chapter 4 of the Proposed Plan. Whilst the Council Officer notes that it is important to translate the substantive objectives, policies and rules from PC35 into the Proposed Plan, he considers that QAC's amendments would create a lengthy Chapter 4 with an unbalanced focus on the Airport's interests ahead of more general urban development considerations. The Council Officer considers that QAC's key objectives are provided for in lower order chapters²⁶.

²⁶ Paragraph 12.72, page 28 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.

6.12 I disagree with the recommended approach of the Council Officer, for the reasons set out above. The two objectives discussed in this section and their attendant policies have been extracted directly from the Urban Development chapter of the Operative District Plan, as amended by PC35. These policies provide the fundamental objective and policy framework that underpins the lower order chapters referred to by the Council Officer. Without them there may be insufficient foundation for the related provisions in the lower chapters. In my opinion, the approach proposed by the Council Officer is therefore not the most appropriate in terms of section 32.

6.13 I note that Objectives 7 and 8 and associated policies proposed by QAC have been endorsed by the Environment Court. During this process, the provisions were closely scrutinised

7. CONCLUSIONS

7.1 All too often the experience in New Zealand (and off shore) is that insufficient foresight has been applied to the protection of significant assets such as airports, meaning unwise land use decisions are taken to allow sensitive uses to encroach on the footprint of impact created by such facilities. Already ports, airports and other industries in New Zealand have had their operations curtailed due to reverse sensitivity concerns. Whilst I accept that compromise is often necessary, early recognition that facilities such as airports inevitably grow and development is important in informing land use planning decisions. The best form of protection available to avoid reverse sensitivity concerns is to avoid development “coming to the effect” in the first place.

7.2 The provisions developed via PC35 enable Queenstown Airport to continue to host growth in commercial airlines and other aviation use of its facilities in line with growth projections to 2037, whilst recognising and safeguarding the Airport as an existing strategic asset, the growth enabled by PC35 will yield a substantial benefit to the regional and national economies. The provisions of PC35 therefore assist in safeguarding Queenstown Airport as an existing strategic asset.

7.3 Given this, the currency of the PC35 provisions, and the recent and extensive Court proceedings involving QAC, QLDC and other affected parties to achieve them, it is imperative in my opinion that the Proposed Plan adopts and incorporates the land use management regime established under PC35, without substantive amendment.

John Kyle

29 February 2016

Appendix B

Select provisions from the operative and proposed Regional Policy Statement for Otago and the Strategic Directions Chapter of the PDP

Operative Regional Policy Statement for Otago

Objective 9.4.2

To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.

Objective 9.4.3:

To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources

Policy 9.5.2:

To promote and encourage efficiency in the development and use of Otago's infrastructure through:

- (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and
- (b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and
- (c) Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and
- (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.

Policy 9.5.3:

To promote and encourage the sustainable management of Otago's transport network through:

- (a) Promoting the use of fuel efficient modes of transport; and
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and
- (c) Promoting a safer transport system; and
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.

Proposed Regional Policy Statement (decisions released 1 October 2016)

Objective 4.3.5

Infrastructure is managed and developed in a sustainable way.

Policy 4.3.1: Managing infrastructure activities

Manage infrastructure activities, to achieve all of the following:

- a) Maintaining or enhancing the health and safety of the community;
- b) Avoiding, remedying or mitigating adverse effects of those activities on existing land uses, including cumulative adverse effects on natural and physical resources;
- c) Supporting economic, social and community activities;
- d) Improving efficiency of use of natural resources;

- e) Protecting infrastructure corridors for infrastructure needs, now and for the future;
- f) Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;
- g) Protecting the functional and operational requirements of lifeline utilities and essential or emergency services.

Policy 4.3.2: Nationally and regionally significant infrastructure

Recognise the national and regional significance of all of the following infrastructure:

- a) Renewable electricity generation activities, where they supply the national electricity grid and local distribution network;
- b) Electricity transmission infrastructure;
- c) Telecommunication and radiocommunication facilities;
- d) Roads classified as being of national or regional importance;
- e) Ports and airports and associated navigation infrastructure;
- f) Defence facilities
- g) Structures for transport by rail.

Policy 4.3.3: Adverse effects of nationally and regionally significant infrastructure

Minimise adverse effects from infrastructure that has national or regional significance, by all of the following:

- a) Giving preference to avoiding their location in all of the following:
 - i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - ii. Outstanding natural features, landscapes and seascapes;
 - iii. Areas of outstanding natural character;
 - iv. Outstanding water bodies or wetlands;
 - v. Places or areas containing significant historic heritage;
- b) Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas;
- c) Avoiding, remedying or mitigating other adverse effects;
- d) Considering offsetting for residual adverse effects on indigenous biological diversity.

Policy 4.3.4: Protecting nationally and regionally significant infrastructure

Protect infrastructure of national or regional significance, by all of the following:

- a) Restricting the establishment of activities that may result in reverse sensitivity effects;
- b) Avoiding significant adverse effects on the functional needs of such infrastructure;
- c) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure;
- d) Protecting infrastructure corridors from sensitive activities, now and for the future.

Proposed District Plan Provisions

Objective 3.2.8.1

Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District's existing infrastructure and the provision of new infrastructure to provide for community wellbeing.

Policy 3.2.8.1.1

Ensure that the efficient and effective operation of infrastructure is safeguarded and not compromised by incompatible development.

Objective 30.2.5

The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.

Objective 30.2.6

The wellbeing of the community is supported by the establishment, continued operation and maintenance of utilities

Policy 30.5.2.4

Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:

- a. enabling enhancement of the quality of life and standard of living for people and communities
- b. providing for public health and safety
- c. enabling the functioning of businesses
- d. enabling economic growth
- e. enabling growth and development
- f. protecting and enhancing the environment
- g. enabling the transportation of freight, goods, people
- h. enabling interaction and communication