

4 August 2009

Queenstown Airport Limited
C/- Alison Noble
Mitchell Partnerships
P O Box 489

Dunedin

Dear Alison

In reply please quote
File Ref: PPC 35 A & B

REQUEST FOR FURTHER INFORMATION FOR PLAN CHANGE 35 A AND B

An assessment of your private plan change(s) to provide for amended noise boundary contours and associated provisions for the Queenstown Airport has been undertaken by Greg Osborne of Osbornhay Resource Management Practice, as discussed. In order to better understand the proposal, the following further information is requested. Please note that the following also includes comments, questions and also suggests amendments (as well as further information requests) to the proposed Plan Change that may be of some assistance.

A)

1. It is stated in the introduction to the document that "*A Designation is used to manage the Air Noise Boundary (Ldn 65dBA) aircraft noise at Queenstown Airport*". This is an unusual technique that has not been used at other airports in NZ as usually the air noise boundary is managed by the same mechanism as the other boundaries (i.e. through the district plan rules). This is something that was raised with Mitchell Partnerships back in February 2008.

Paragraph 1.3.5 states that noise monitoring and engine testing will 'continue' to be managed through a designation. Again this is unusual as aircraft noise monitoring requirements and engine testing noise are managed through district plan rules at other airports (including the proposed plan change for Wanaka Airport.) There is no explanation as to why a designation rather than a district plan approach was taken. It is considered cleaner and more transparent to have all controls on aircraft noise within the District Plan provided of course that there is a cross reference in the conditions of the designation authorising the airport activity to the designated activity being bound by the relevant district plan rules. The restrictions on activities sensitive to aircraft noise need to be balanced by restrictions on aircraft noise in the district plan rules and the policy and objective framework of the district plan needs to reflect that approach. What happens if the designation with these conditions controlling aircraft noise and engine testing does not proceed or is withdrawn by the requiring authority? The end result would be the existing designation would remain in place with inadequate controls on aircraft noise and engine testing noise.

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2. In paragraph 2.5.17 a proposed acoustic mitigation package for houses within the Ldn 65 dBA (ANB) is mentioned as being part of the proposed designation. Again this is a mitigation measure that usually appears in a district plan rule. Overall, the mitigation proposed is less generous than that provided through District Plan rules and the designation conditions at Auckland Airport (75% subsidy for acoustic treatment of existing houses out to Ldn 60 dBA contour with 100% subsidy of schools and pre-schools inside the Ldn 60 dBA contour and houses inside Ldn 65dBA contour) or through District Plan rules at Rotorua Airport (100% subsidy for houses and educational facilities out to Ldn 60 dBA contour). The rationale for this is that if acoustic treatment for new houses (or extensions to existing houses) within the SIB (58 dBA) is required by the district plan then it is reasonable to expect the Airport Operator to pay for the same level of acoustic treatment to existing houses especially where it is a new requirement resulting from projected airport expansion. The reasons for this different approach do not seem to be analysed or explained in the documentation.
3. Bearing in mind the comments above, the statement in paragraph 2.7.2 that *"This Plan Change also brings the aircraft noise management regime at Queenstown Airport in line with that used at other Regional Airports throughout New Zealand"* is not strictly correct.
4. In paragraph 3.4 Chapter 4 of the PODP is referred to as the "District Wide Zone" – this should be corrected prior to notification to avoid confusing the public.
5. The explanation contained in para 3.9 is not correct. The last sentence needs to be recast into three sentences which read:

This means that a house experiencing a noise level of less than Ldn 58dBA requires no additional sound insulation to achieve the desired internal noise level of Ldn 40dBA with doors and windows ajar. However, at aircraft noise exposures greater than Ldn 58dBA but less than Ldn 65 dBA, a mechanical ventilation system will be required in order to ensure doors and windows can be kept closed in order to achieve the Ldn 40dBA internal standard. At aircraft noise exposures greater than Ldn 65 dBA additional acoustic insulation as well as a mechanical ventilation system is likely to be required.
6. In paragraph 3.11 the ANB, SIB and OCB do not "provide limits" but are more correctly expressed as demarcating aircraft noise and land use management areas based on the Ldn 65dBA, Ldn 58 and Ldn 55dBA contours respectively. These inaccuracies in expression throughout the document are perhaps minor in themselves but will add to the overall confusion of any members of the public (and / or councillors / commissioners) who choose to read and attempt to understand it.
7. The meaning of Para 3.14 is unclear. It starts off by talking about the OCB (Ldn 55dBA contour) and then goes on to state that *"Extensions or alterations to existing activities sensitive to aircraft noise are subject to appropriate acoustic insulation being provided by the property owner"*. This contradicts the earlier (correct) statement that specific acoustic treatment in the form of mechanical ventilation is only required within the SIB (i.e. within the Ldn 58dBA contour).
8. In para 3.20 it is stated that *"While compliance with the construction requirements may appear to impose additional costs on a landowner, they are in fact no greater than what would be required to achieve building consent"*. If that is the case why do the construction standards need to be stated in a district plan rule? Clearly the ventilation requirements are additional to building code requirements but they are relatively simple in comparison with the more complex variations on construction standards.
9. Para 3.21 states the effects will be no more than minor. It is clear that the mitigation measures proposed (i.e. acoustic treatment) can do nothing about the external

environment of residential areas. This needs to be acknowledged in a more transparent way.

10. Para 4.4.8 quotes an unnamed policy which is actually Policy 3.6 in Chapter 5 (Rural Areas). The policy as it is currently stated refers only to acoustic insulation of buildings containing "critical listening environments" and does not really support the rules being proposed (i.e. prohibition of all new ASAN within the OCB in the rural zones) and does not relate to Objective 3 either. This plan change represents an opportunity to replace the existing inadequate policy with the following:

To avoid, remedy or mitigate the adverse effects of aircraft noise arising from aircraft operations at airports in the District on activities sensitive to aircraft noise and to avoid, remedy or mitigate the adverse (reverse sensitivity) effects of those activities on those airports.

A definition of "critical listening environment" also needs to be included in the Plan Change.

11. There is also the opportunity here to more explicitly link Policy 3.6 to the rules by inserting a new implementation method under the policy as follows:

- (ii) *The New Zealand Standard 6805: 1992 – "Airport Noise Management and Land Use Planning" will be used as the basis for establishing noise boundaries and associated rules in the District Plan in relation to controlling noise from airports in the District while also protecting those airports from the reverse sensitivity effects associated with activities which are sensitive to aircraft noise.*

12. Para 4.10 does not fully quote Policy 7.1. The full policy is "To retain a greenfields area within the Outer Control Boundary of airports in order to provide a buffer, particularly for safety and noise measures, between the airport and other activities". Existing Policy 7.1 incorrectly links the outer control boundary with safety issues. Those issues (e.g. obstacle limitation surfaces and RESA) should be dealt with in the airport designation rather than the surrounding zone rules. There is also a need for the policy to clearly identify how the objective is to be achieved. This plan change represents an opportunity to correct the policy and it is suggested that the existing policy should be replaced by the following:

The location of new activities which are sensitive to aircraft noise inside the Air Noise Boundary or the Night-Time Noise Boundary and inside the Outer Control Boundary at Queenstown Airport is prohibited and should generally be avoided within the Outer Control Boundary at other airports in the district unless the adverse effects of those activities on those airports can be avoided, remedied or mitigated.

13. There is also the opportunity here to correct Implementation method (i)(b) as follows:

Provision of zone rules prohibiting activities sensitive to aircraft noise within the Air Noise Boundary and Night-time Noise Boundary and inside the Outer Control Boundary at Queenstown Airport) and restricting those activities within the Outer Control Boundary at other airports in the District.

14. Likewise there is the opportunity here to correct explanation and principal reasons for adoption under Policy 7.1 as follows:

The Council recognises that airports servicing the District are necessary but measures are required to ensure that an airport and surrounding land uses are compatible. ~~Safety measures and~~ The mitigation of noise is particularly relevant. ~~Where there are no current residential or other activities sensitive to aircraft noise sensitive developments~~ neighbouring an airport, it is advantageous to prevent any such activities establishing within the ~~protect any existing Rural Zones surrounding~~

airports as this can act as a buffer between an airport and neighbouring activities. Where this cannot be done, for example areas where there is already residential development adjacent to the airport, the Council has adopted a policy of either requiring acoustic insulation for additions or alterations to existing activities to mitigate against noise, or to prohibit new noise-sensitive activities sensitive to aircraft noise in order to mitigate noise and ensure safety from airport operations.

15. The section 32 analysis in Section 5 doesn't seem to address the all alternative methods For example, why regulate aircraft noise and engine testing through the designation instead of the plan change? What are the advantages and disadvantages of this approach? Why not pay for 100% of the costs of retrofitting existing houses within the SIB with acoustic treatment (given that acoustic treatment is required for any new house within that area) instead of just the houses within the ANB and NNB?
16. In para 6.18 there is reference to "RNP technology" without any explanation of what it is or why it has an effect on modeled contours. While those with technical knowledge would recognize RNP as being the acronym for Required Navigation Precision equipment, the document should be written in a way that is accessible to the public.
17. J-P Clarke has undertaken a peer review of the noise modeling procedure used but it does not appear that there has been a peer review of the acoustics report and recommendations themselves. As the report and recommendations are the basis of the plan change and could be contentious, it is considered that they deserve technical review ideally by an acoustics engineer with aircraft noise experience who is familiar with NZ conditions and the Resource Management Act. The most likely options are Nevil Hegley of Hegley Acoustics or Nigel Lloyd of Acousafe. Pursuant to Section 23 (2) of Part 2, Schedule 1 of the RMA, we propose to commission a report in respect to this peer review. Please advise if you agree to the commissioning of this report. It is noted that this request for a peer review will not hold up notification of the application.
18. The proposed airport noise boundaries in Figure 9 of the Marshall Day report do not always follow the modeled 2037 contours shown in Figure 8. The SIB and the OCB seem to have been adjusted in a minor way to follow cadastral boundaries for practical enforcement purposes. In other district plans this issue has been dealt with through the use of a simple rule (i.e. if a contour touches a property then the whole property is deemed to fall within the contour) rather than attempting to modify a modeled contour. This may have been judged as not being practical given that some very large properties are traversed in this case but at the least some explanation for departing from the modeled contours in this way is required. More importantly, there seem to have been some other much more significant adjustments in creating the ANB from the modeled Ldn 65 dBA contour. In particular, there are some areas of land brought within the ANB to the east and west of the cross wind runway that do not lie within the modeled Ldn 65 contour. There does not appear to be an explanation of this within the report but it definitely needs explaining as it has some significant implications in terms of aircraft noise compliance monitoring. It is also not clear whether these adjustments bring land within the ANB that is not in the ownership of QAC.
19. The acceptable construction standards set out in Appendix AF1 differ from the standards recommended by Marshall Day Acoustics for Wanaka Airport. It is understood that the explanation for the tougher construction standard within the NNB at Queenstown is because there are some existing houses within the NNB at Queenstown whereas at Wanaka there are not. In the draft Wanaka plan change it is proposed to prohibit ASAN inside the NNB therefore making such a rule redundant there. Please include this explanation in the Plan Change to cover off future questions as to why these rules differ.

20. The recommended engine testing rule differs from that proposed at Wanaka and used at other regional airports like Rotorua. It is more liberal in allowing scheduled engine testing between the hours of 10pm and 7am and higher noise levels for unscheduled engine testing both during day and night time hours. This needs to be reviewed by an acoustic engineer experienced in aircraft noise to determine if it is reasonable in the case of Queenstown Airport.
21. It is noted that there should be a common policy basis underlying the district plan provisions affecting both Wanaka and Queenstown airports notwithstanding that the detailed rules for both airports may need to be different to reflect differing local circumstances. As it stands this plan change request ignores the changes to district plan policy that are needed to address the same type of issues at Wanaka Airport and the policies that result from this blinkered approach may therefore need to be further amended at a later date. In some cases the proposed changes designed for Queenstown Airport remove existing protection for Wanaka Airport. The private plan change also employs quite different methods to those proposed in the draft Wanaka Airport plan change and the extent of those differences (e.g. the use of designation conditions rather than district plan rules to control aircraft noise and engine testing noise) cannot be explained by reference to differing local circumstances. It is questioned whether this approach constitutes sound resource management or integrated land use planning.

Further to the above, some suggested specific rewording of some proposed policies in the Section 32 report (items 16-21 above) are provided below:

B)

1. The first item of the plan change (it would be helpful if the plan change items were numbered starting at 1) relates to inserting two new objectives and associated policies, methods and explanations in the Chapter 4 (District Wide Issues) of the PODP. As this chapter is supposed to be about district wide issues rather than the issues affecting just Queenstown Airport I think the objectives, policies and methods should be made more generic to apply to the District's airports and the detailed discussion about Queenstown Airport could (if deemed necessary) be placed elsewhere. From my knowledge of Wanaka Airport, certainly all the objective and policy material relating to Objective 7 could apply to it and it would only be some of the more detailed method and explanation discussion that would require modification. Perhaps Objective 8 (and associated policies etc) could be left as the more specific Queenstown Airport related objective.
2. I note Policy 8.2 contains a date for the policy becoming effective which is clearly prior to notification of the plan change and is therefore ultra vires. The inclusion of a date in a policy is unnecessary as it is a matter of law anyway and the actual date in terms of effect will of course depend on whether or not QLDC adopts or accepts the private plan change. I am also not sure about the vires of policy 8.3 to "actively discourage plan changes or land use proposals" which might be construed as QLDC unlawfully fettering its discretion under RMA.
3. The explanation to the policy states in part that the land use controls for reverse sensitivity "...will also manage the adverse effects on residential amenity, in particular indoor amenity, and community well-being by avoiding unnecessary exposure to higher than desirable levels of aircraft noise". As mentioned earlier it is not clear why this approach has been taken and it is questioned whether it is a comprehensive and integrated planning approach to dealing with the twin issues of reverse sensitivity effects on the one hand and controlling airport noise in the interests of protecting amenity

values on the other. There also seems to be a lack of policy framework requiring the protection of amenity values from aircraft noise and aircraft engine testing?

4. The proposal to replace existing Policy 3.6 in the rural chapter of the PODP with a new policy referring only to Queenstown Airport is unacceptable as it will leave Wanaka Airport unprotected in a policy sense. At the least Policy 3.6 has to be kept in its current form to cover Wanaka in the interim but ideally should be amended to cover both airports as suggested above. It is understood that this has previously been raised in meetings with Mitchell Partnerships.
5. Suggested amendments to Policy 7.1 above which could form the basis of a reworded Objective 7. As stated above, we have doubts about the vires of Policy 7.3. Policy 7.4 and the changes proposed to the District Plan methods description do not take account of Wanaka Airport current or proposed rules as there is no SIB existing or proposed and acoustic treatment is and will be required out to the OCB. The amendment to Rule 5.3.1.1 has the same fault.
6. Rule 5.3.5.2vii (a) limits the acoustic treatment of additions and alterations to existing buildings to only those buildings where "... *the resource consent application has been filed after the date that Queenstown Airport Corporation has advised the Council that night flights (after 10pm) have commenced at Queenstown Airport*". Please explain the logic of this. If the aim is to avoid reverse sensitivity to some future noise condition (i.e. night flights) surely the requirement should apply to all buildings from the time it becomes effective rather than alterations and additions that are undertaken after night flights have commenced.
7. Rule 5.3.5.2vii (d) states that "*Where construction alternatives to those listed in Tables 1 and 2 of Appendix 13 are proposed to be used, a certificate from a recognised and suitably qualified acoustic engineer stating that the proposed construction will achieve the internal design noise level shall be provided to Council*". It is assumed that this is a reference to meeting the SEL 65 and Ldn 40dBA internal noise standards. However the internal design noise level does not seem to be stated anywhere in the rule or associated rules.
8. It has already been noted that the ANB doesn't actually follow the Ldn 65dBA contour so the definition of the ANB suggesting that it does seems inaccurate. The definition is also limited to Planning Map 31a which would conflict with the existing and proposed use of the ANB terminology at Wanaka.
9. The definition of the NNB would conflict with the proposed use of the NNB terminology at Wanaka.
10. The definition of the OCB is limited to Planning Map 31a which would conflict with the existing and proposed use of the OCB terminology at Wanaka
11. The definition of ASAN appears to have been borrowed from another District Plan and conflicts with what was proposed by QAC in the Frankton Flats Plan change and what is proposed in the draft Wanaka plan change. It would leave out visitor accommodation and some types of "community activities" (e.g. churches, halls, libraries, community centres and courthouses for example) which are all identified as activities sensitive to aircraft noise in the current PODP.
12. The definition of "aircraft operations" is problematic in excluding certain operations (i.e. "aircraft using the Airport as a planned alternative to landing at a scheduled airport" and not accounting for aircraft in flight within the OCB). The definition proposed as part of the draft Wanaka Airport Plan is:

Aircraft Operations means:

- the landing and taking off of any aircraft;
- aircraft taxiing; or
- aircraft flying along any Aircraft Flight Path (as defined in Section D of this Plan) within the Outer Control Boundary or the Air Noise Boundary shown on Planning Maps

Aircraft Flight Path means the actual path of an aircraft in flight, following takeoff from or prior to landing at the airport for so long as that aircraft remains subject to air traffic control at the airport.

13. It is not clear where the recommended minimum installation standards for ventilation requirements in Appendix 13 to the plan change text have come from. They have not been recommended in the Marshall Day report and they are not proposed at Wanaka. If they are just intended as "helpful hints" they should probably just be in an information pamphlet. If they are intended to be a rule then an explanation for their imposition is needed.
14. There are other changes proposed in the QAC private plan (e.g. the change to Rule 5.3.3.2vi) which will impact on the draft QLDC Wanaka Airport plan change and (if the QAC plan change proceeds in its current form) will require the Wanaka Airport draft plan change to be further amended.

In order to assist you with the above changes to the proposed policy framework I have included/ attached a copy of the draft provisions for the Wanaka Airport Plan Change. Please be advised, however, that this document is confidential as it is yet to enter the public forum.

As identified above, it is considered that a peer review is required in order to consider the proposed acoustic report and recommendations. Please confirm in writing that you are happy for this report to be commissioned.

Your applications for both Plan Change 35 A and 35 B will be placed on hold pursuant to Section 23, Part 2 of the First Schedule.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours faithfully



Karen Page
POLICY PLANNER