

**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

Chapter 27      (Subdivision      and  
Development)

---

**SUMMARY EVIDENCE OF KIRSTY O'SULLIVAN  
(Submitter 433 and Further Submitter 1340)**

**(17 August 2016)**

---

QUE912172 5118655.1 Lane Neave  
Level 1, 2 Memorial Street  
PO Box 701  
Queenstown  
Solicitor Acting: Rebecca Wolt  
Phone: 03 409 0321  
Email: [rebecca.wolt@laneneave.co.nz](mailto:rebecca.wolt@laneneave.co.nz)  
Fax: 03 409 0322

Mitchell Partnerships  
Level 2, 286 Princes Street  
PO Box 489  
Dunedin  
Kirsty O'Sullivan  
Phone: 03 477 7884  
Email: [kos@mitchellpartnerships.co.nz](mailto:kos@mitchellpartnerships.co.nz)

## **1 INTRODUCTION**

### **Qualifications and Experience**

- 1.1. My name is Kirsty O'Sullivan. I am a Senior Resource Management Consultant with the firm Mitchell Partnerships Limited.
- 1.2 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **2 SUMMARY OF EVIDENCE**

- 2.1 The Queenstown Airport Corporation ("QAC") lodged submissions and further submissions on Chapter 27. These submissions generally sought:
  - 2.1.1 For residential properties located within the Outer Control Boundary ("OCB") and Air Noise Boundary ("ANB") at Queenstown Airport, to maintain the development rights at levels consistent with those contained in the Operative District Plan, so to avoid an increase in the number of sensitive receivers exposed to aircraft noise, and thereby minimise potential reverse sensitivity effects on the Airport (i.e. a continuation of the Plan Change 35 ("PC35") approach); and,
  - 2.1.2 Discourage the development of activities in proximity to Queenstown and Wanaka Airports that could give rise to bird strike, so to avoid potential adverse effects on aircraft operations and safety at those Airports.
- 2.2 The section 42A reporting officer has recommended either accepting QAC's submission or has, via the Council's opening legal submissions, offered alternative relief that addresses the aforementioned issues. In summary, this includes recommendations to:
  - 2.2.1 Accept a minimum allotment size of 600m<sup>2</sup> for subdivision activities within the Low Density Residential Zone, where located within Queenstown Airport's ANB and OCB;
  - 2.2.2 Introduce a new rule that will ensure infill activities maintain a minimum site density of 450m<sup>2</sup>, where located within the ANB and OCB;

- 2.2.3 Accept a new policy and associated matter of discretion relating to bird strike.
- 2.3 In my view these recommendations are generally appropriate and continue to provide for the existing development rights for properties located within the ANB and OCB, while appropriately mitigating potential reverse sensitivity effects on the Airports.
- 2.4 I note however, that based on the recommendations contained in paragraph 16.11 of the section 42A report, proposed Rule 27.7.14.1 (relating to infill), as set out in Appendix 1 of the section 42A report (being the officer's recommended revisions to the chapter) should refer to both Rule 27.7.14.1 (notified Rule 27.5.2) and Rule 27.7.13 (notified Rule 27.5.3).
- 2.5 With respect to bird strike, the section 42A reporting officer's recommendations are effective at addressing the potential risks posed to aircraft operations by activities ancillary to subdivision. I also consider the recommended provisions to be efficient as they do not impose development controls throughout the entire district. In my view, the proposed policy and matter of discretion will ensure that future subdivision and associated ancillary activities are cognisant of the potential for certain activities to encourage birds to cross existing flight paths and pose a risk for aircraft operations.
- 2.6 I note however, that the matter of discretion identified should also be imposed on all restricted discretionary subdivision, including in Rural Residential and Rural Lifestyle Zones (i.e. Rule 27.5.6).
- 2.7 With the exception of the minor amendments set out above, the recommendations of the section 42A reporting office are acceptable in view and should be adopted by the Panel to address QAC's submission.