

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

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

**AND**

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

**AND** Submitter 408 (Otago Foundation Trust)

---

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

7 July 2017

---

## **1. INTRODUCTION**

### **QUALIFICATIONS AND EXPERIENCE**

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

### **SCOPE OF EVIDENCE**

- 1.4 This statement of rebuttal evidence relates to the evidence presented on behalf of Submitter 408 (Otago Foundation Trust) with respect to Hearing Stream 13 – Queenstown Mapping Hearing.
- 1.5 In preparing this brief of evidence, I confirm that I have read and reviewed:
- 1.5.1 The evidence of Ms Allyson Hutton (Planning) dated 9 June 2017; and,
- 1.5.2 The supplementary statement of evidence of Kim Banks relating to Dwelling Capacity dated 19 June 2017.

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

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

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

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

- 1.10 QAC submitted in opposition to the submission by the Otago Foundation Trust to rezone the entire site legally described as Sections 31 and 131-132, Block I Shotover Survey District to Medium Density Residential Zone.<sup>1</sup> As notified, the site was subject to a split Rural / Medium Density Residential zoning.
- 1.11 The reasons given by QAC for its further submission included a concern that the proposed rezoning request is counter to the land use management regime established under PC35, and that the rezoning request would have potentially significant adverse effects on QAC that have not been appropriately assessed in terms of section 32 of the Act.<sup>2</sup>

## **2. REBUTTAL EVIDENCE**

- 2.1 I understand that the Submitter has specific development aspirations for the site, as set out in their original submission. This includes the development of a church and community hall, residential apartments/retirement units, recreational facilities and onsite car parking. The proposed configuration of the site is such that activities sensitive to

---

<sup>1</sup> As notified, the site was split zoned for Rural and Medium Density Residential purposes.

<sup>2</sup> Further Submission 1340.

aircraft noise (ASAN) would be established beyond the Outer Control Boundary (OCB) and the recreational playing fields and car parking (which are not ASAN) would be located within the OCB. I have no particular difficulty with that scenario.

- 2.2 However, the relief sought by the submitter, being the rezoning of the entire site to a Medium Density Residential Zone, would potentially enable the development of ASAN across all of the land rather than what is proposed in the plan attached to the submission. In essence, the submitter's rezoning proposal could enable residential development anywhere on the site, including within the OCB, at a density of one dwelling per 250m<sup>2</sup>.<sup>3</sup>

### **Within the OCB**

- 2.3 As set out in my EIC, I do not support rezoning proposals that enable the intensification of ASAN within the ANB or OCB at Queenstown Airport for reasons including (in summary):

2.3.1 The NZ Standard for Aircraft Noise Management and Land Use Planning NZS6805: 1992 (the NZ Standard) recommends that all new activities, schools, hospitals and other noise sensitive activities should be prohibited within the OCB unless a plan permits such use;<sup>4</sup>

2.3.2 While acoustic treatment / mechanical ventilation can be used as a method for mitigating the effects of aircraft noise within critical listening environments, such methods are not effective at addressing the effects on outdoor amenity and general utilization or enjoyment of a resident's/landowners' property.<sup>5</sup>

2.3.3 Today's aircraft noise scenario is not the ultimately permitted outcome provided for by Plan Change 35 (PC35). Aircraft noise effects experienced at the site will therefore grow incrementally

---

<sup>3</sup> Rule 8.5.5.1, QLDC Right of Reply dated 11 November 2016.

<sup>4</sup> Paragraph 3.15, Statement of Evidence of John Kyle, dated 9 June 2017.

<sup>5</sup> Paragraph 5.11, Statement of Evidence of John Kyle, dated 9 June 2017.

until the noise levels permitted by the noise boundaries are reached.<sup>6</sup>

2.3.4 Rezoning requests that ultimately allow for the intensification of ASAN within the OCB will ultimately increase the number of people exposed to the increasing effects of aircraft noise over time. Such activity will inevitably give rise to a greater risk of reverse sensitivity effects on the Airport.<sup>7</sup>

2.3.5 As a result, QAC may be required to curtail aircraft operations because of growing community pressure about aircraft noise.<sup>8</sup>

2.4 I also note that since filing my EIC, the Council has released the outputs of the Dwelling Capacity Model (DCM) for the Queenstown and Wakatipu Basin areas. Based on the results of the DCM, it appears that there is currently sufficient feasible and realisable capacity within the Queenstown Ward to cater for residential demand over the next 30 years. Whilst I accept that such models have their constraints, the existing supply of undeveloped residential land appears to include considerable capacity. The benefits of rezoning the Submitter's land from a residential demand/capacity perspective therefore appear limited.

2.5 In light of the above, I maintain that rejecting the rezoning request (insofar as it relates to land within the OCB) would assist to appropriately protect operations at Queenstown Airport from adverse reverse sensitivity effects. The Airport is infrastructure of regional and national significance, which serves to justify such protection, in my view. Moreover, doing so would assist to avoid residential development in locations where levels of amenity are compromised, and will increasingly become so as aircraft operations at the airport increase over time.

2.6 Alternatively, if the zoning sought by the submitter were to include appropriately drafted provisions that prohibit the intensification of ASAN within the OCB on the submitters land, then my view would be different.

---

<sup>6</sup> Paragraph 5.6, Statement of Evidence of John Kyle, dated 9 June 2017.

<sup>7</sup> Paragraph 5.8, Statement of Evidence of John Kyle, dated 9 June 2017.

<sup>8</sup> Paragraph 5.9, Statement of Evidence of John Kyle, dated 9 June 2017.

Such an approach would better align with the NZ Standard and for that matter the planning framework recommended by Mr Ferguson with respect to submissions 399, 717 and 751.<sup>9</sup>

### **Beyond the OCB**

2.7 In paragraph 6.4 to 6.8 of my evidence in chief I set out why I do not support rezoning requests that would enable the intensification of ASAN within the area generally shown in Appendix D of Mr Day's evidence. In summary, my opinion is based on the following:

2.7.1 Aircraft noise effects do not stop at the OCB and are still experienced, albeit to a progressively lesser extent, beyond the OCB.<sup>10</sup>

2.7.2 Rezoning proposals will ultimately bring more people to the aircraft noise effect both now and into the future.<sup>11</sup>

2.7.3 QAC has experienced a sustained period of passenger growth in recent years, with recent forecasts indicating that this growth has the potential to reach 3.2 million passengers per annum by 2025.<sup>12</sup>

2.7.4 With such significant growth on the horizon, I consider it appropriate to adopt a cautious approach for rezoning requests beyond the OCB, as the built form outcomes arising from the PDP are likely to extend beyond the life cycle of the PDP.

2.8 The location of the OCB over the submitter's landholdings is primarily a consequence of aircraft movements associated with general aviation on the cross-wind runway. This differs from many other rezoning requests which relate to land affected by noise from scheduled aircraft. I understand that QAC's recent passenger growth forecasts are driven primarily by growth in scheduled aircraft using the main runway. In my

---

<sup>9</sup> Statement of Evidence of Mr Ferguson, dated 12 June 2017.

<sup>10</sup> Paragraph 6.4, Statement of Evidence of John Kyle, dated 9 June 2017.

<sup>11</sup> Paragraph 6.4, Statement of Evidence of John Kyle, dated 9 June 2017.

<sup>12</sup> Paragraph 6.5, Statement of Evidence of John Kyle, dated 9 June 2017.

view, it is therefore appropriate to adopt a cautious approach to rezoning proposals located within those areas identified in Appendix D of Mr Day's evidence that are most heavily influenced by scheduled aviation. The area of the Submitter's land located beyond the OCB is not heavily influenced by scheduled aviation, hence why I am not so concerned about this proposal from a potential reverse sensitivity and amenity perspective.

2.9 This position is consistent with the position I have taken with respect to Submitters 717 and 751 rezoning proposals beyond the OCB.

**J KYLE**