



**QUEENSTOWN LAKES DISTRICT COUNCIL
PLAN CHANGE HEARING COMMITTEE**

**PLANNERS' REPORT FOR
PLAN CHANGE 35: QUEENSTOWN AIRPORT COMPANY PRIVATE PLAN CHANGE
NOTICE OF REQUIREMENT: QUEENSTOWN AIRPORT COMPANY**

FOR HEARING COMMENCING: 14 JUNE 2010

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SUBMITTED BY:

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FOR AND ON BEHALF OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

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INTRODUCTION

This report has been written in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions and further submissions received following the public notification of Plan Change 35 and to make recommendations on those submissions. This report also considers the submissions received to the Notice of Alteration to the Aerodrome Designation(D2) under Section 181 and Clause 4 of Schedule 1 of the RMA (refer below for further detail).

Queenstown Airport Company lodged a Private Plan Change and a Notice to Requirement to alter the Aerodrome Designation (D2) in July 2009. A further information request (RFI) was sent to the Applicant, on the Plan Change, in August 2009. A peer review of the Applicants acoustic assessment was also sent to the Applicant in October 2009 seeking a response to the acoustic issues raised in the review. The Applicant subsequently lodged an amended Plan Change in November 2009 (and a revised Designation application in December 2009) which were both notified in January 2010. It is noted, however, that the amendments made to the applications were not significant and failed to address many of the issues raised in the RFI and the peer review, as outlined in detail throughout this report.

Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change and Designation applications, the processes undertaken, and the issues and options considered may be gained by reading the Section 32 report (PC35) and the Assessment of Environmental Effects (Designation application), and associated documentation, prepared by the Applicant. A copy of the Section 32 report (and the associated background documents) and the Designation's Assessment of Environmental Effects are available on the Council's website: www.qldc.govt.nz.

The relevant provisions in the Queenstown Lakes District Council's District Plan which are proposed by the Applicant to be affected by the Proposed Plan Change are:

- Part 4 (District wide) by introducing new provisions to maintain and promote the efficient use of the Airport and protect its operations from reverse sensitivity effects.
- Part 5 (Rural Areas) by amending and introducing new provisions to include a night time noise and sound insulation boundaries, and associated provisions, and mitigate the effects of aircraft noise on activities sensitive to aircraft noise.
- Part 6 (Queenstown Airport Mixed Use Zone) by introducing a provision to prohibit Activity Sensitive to Aircraft Noise in this zone.
- Part 7 (Residential Zone) by amending and introducing new provisions to include night time noise and sound insulation boundaries, and associated provisions, and mitigate the effects of aircraft noise on activities sensitive to aircraft noise.
- Part 11 (Business and Industrial Zone) by amending and introducing new provisions to include night time noise and sound insulation boundaries, and associated provisions, and mitigate the effects of aircraft noise on activities sensitive to aircraft noise.
- Part 12 (Remarkable Park Zone) by amending and introducing new provisions to include night time noise and sound insulation boundaries, and associated provisions, and mitigate the effects of aircraft noise on activities sensitive to aircraft noise.
- Part 12 (Frankton Flats A Zone) by including new provisions to prohibit any activity sensitive to aircraft noise within the Outer Control Boundary or Sound Insulation Boundary.

The Notice of Requirement to alter the Aerodrome Designation would include changes to Appendix 1 D2 of the District Plan. QAC have advised that if/ and when the Designation

becomes operative, Designation D3 which currently includes the airport operating hours, and noise provisions etc, will be withdrawn from the District Plan.

The following report discusses issues raised by submitters to both applications in an effort to assist the commissioners to reach decisions in respect of each issue and make recommendations as to whether these submissions should be accepted (in part or in whole) or rejected.

EXECUTIVE SUMMARY/ BACKGROUND

The purpose of the Plan Change is:

- (a) To introduce a 65 dBA Air Noise Boundary (ANB) and a 58dBA Sound Insulation Boundary (SIB) into the District Plan (the existing ANB is currently managed through a Designation);
- (b) To replace the existing 55 dBA Outer Control Boundary (OCB) with a new OCB resulting from the remodelling of the noise contours;
- (c) To introduce a new Night Time Noise Boundary (NNB) into the District Plan;
- (d) To introduce and amend existing provisions in the District Plan to enable the airport to provide for its future growth through managing the effects of aircraft noise on activities sensitive to aircraft noise.

The Plan Change request identifies that the airport is currently operating near the limits of its permitted noise levels controlled by the Air Noise and Outer Control Boundaries. The Plan Change request includes an assessment of both the current airport operations and its future growth predictions undertaken by Airbiz, an international specialist aviation consultancy. This assessment found that passenger numbers for scheduled aircraft are projected to grow from 700,640 in the year ending 30 June 2008 to 2,348,139 by 30 June 2037. This would result in an increase in annual aircraft movements for scheduled flights from 8,350 in 2008 to in excess of 20,000 flights in 2037. If the airport is to provide for this growth then the existing noise boundaries need to be replaced by noise boundaries which reflect the increase in aircraft movements.

The proposed Plan Change provisions seek to protect the airport from reverse sensitivity effects by mitigating noise effects through acoustic insulation and ventilation requirements, and through restrictions on land use activities around the airport that are sensitive to airport noise (Activities Sensitive to Airport Noise (ASAN)). The definition for ASAN proposed under the Plan Change includes:

“any residential activity, visitor accommodation, community activity and day care facility including all outdoor spaces associated with any education facility but excludes police stations, fire stations, court houses, probation and detention centres, government and local government offices”

For clarity the definition of “community activity” in the District Plan includes the following:

“Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes churches, schools, hospitals, doctor surgeries and other health professionals, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres and government and local government offices”.

The Plan Change proposes to prohibit the above activities within the Outer Control Boundary in the Rural General Zone, Frankton Flats A, and in the Business and Industrial Zones. Within the Residential and Remarkable Parks Zones the Plan Change imposes ventilation requirements for new ASAN within the Sound Insulation Boundary (including extensions and alterations to existing development) and acoustic insulation and ventilation requirements for existing ASAN on those sites located in the Air Noise and Night Time Noise boundaries.

The extent of these changes are summarised in the following table:

Zone	Existing Provisions	Proposed Provisions
Rural General	<p>Any alteration/addition to a visitor accommodation/residential or community activity is a controlled activity within the OCB.</p> <p>New visitor accommodation / residential or community activity within the OCB is a prohibited activity.</p> <p>Zone standard requiring a specified acoustic standard within the OCB.</p>	<p>Any alteration/addition to existing ASAN within the SIB (including the ANB and NNB) is a controlled activity.</p> <p>New ASAN within the OCB are a prohibited activity.</p> <p>Zone standard requiring specified acoustic standard within SIB, ANB and NNB.</p>
Industrial	<p>Any alteration/addition to a visitor accommodation / residential or community activity is a controlled activity within the OCB</p> <p>New visitor accommodation / residential or community activity within the OCB is a prohibited activity</p> <p>Zone standard requiring a specified acoustic standard within the OCB</p>	<p>Any alterations/ additions to an existing building for use by an ASAN within the SIB is a controlled activity.</p> <p>New ASAN within the OCB are a prohibited activity</p> <p>Zone standard requiring specified acoustic standard within SIB, ANB and NNB.</p>
Frankton Flats A	<p>Residential and education activities within the ANB are non-complying activities</p> <p>Residential activity apart from those used for managerial purposes are non-complying activities.</p> <p>Zone standard requires insulation from aircraft noise for activities within the OCB other than non critical listening environments.</p>	<p>ASAN within the OCB are a prohibited activity</p>
Residential	<p>New buildings used for residential activity or visitor accommodation within the Outer Control Boundary requires acoustic insulation</p>	<p>New ASAN including alterations and extensions to existing buildings within the SIB requires ventilation</p>

		<p>New ASAN including alterations and extensions to existing buildings within the ANB requires insulation and ventilation</p> <p>New ASAN including alterations and addition to existing buildings within the NNB requires insulation and ventilation</p>
Remarkables Park	Any building in the identified area (shown on Figure 2) to be used for residential activity, visitor accommodation or community activities shall be acoustically insulated from aircraft noise	Activities within the SIB require ventilation and acoustic insulation

In summary the above plan provisions will result in the following;

1. Frankton Flats A will lose development rights for residential activity (required for managerial purposes), and education facilities. The current plan provisions provide for these outside the existing airport Noise Boundaries;
2. Approximately 35 sites along Glenda Drive in the Industrial Zone will lose their custodial unit development rights under the District Plan;
3. ASAN in the Low Density Residential Zone in the OCB will not require any mitigation. In the SIB the Plan Change proposes ventilation in all new buildings, additions and alterations. Any existing and/or proposed development within the ANB and NNB (approximately 72 and 35 houses respectively) will require ventilation and acoustic insulation;
4. Additional sites proposed for residential, education and health facilities within the Remarkables Park zone will require ventilation;
5. The Plan Change will increase the area of land in the Rural General Zone that is unable to be developed for ASAN.

The Plan Change was adopted in part by Council on December 8 2009. The Council choose to adopt the Plan Change with the exception of the night time flight provisions that were accepted. As a result, the highlighted text in the Plan Change specifically relates to night time flight provisions which have not been adopted by Council.

In respect to the Designation application, this specifically proposes to protect the operational capability of the airport, while at the same time minimising adverse environmental effects from aircraft noise on the community to the year 2037 and to:

1. Extend the current airport hours of operation to allow for aircraft arrivals through to 12am (midnight);
2. Provide for provisions around airport noise controls, noise monitoring and engine testing;

3. Provide for a Noise Management Plan including mitigation requirements for properties within the new ANB and NNB.

The site to which the requirement applies is as follows:

- Part Sections 166, 63, 60, 59, 62, 61 Block 1 Shotover Survey District
- Lots 1-3 DP 12475
- Lot 9 DP 22121
- Part Glenda Drive and all legal roads within the above described land
- Lots 2, 8, 11, 22 and 32 DP 304345
- Part of Lots 1 and 2 DP 349343
- SO 14262
- Parts of Lot 1 DP 306621, Part Sections 141, 142 and 145, Block 1, Shotover Survey District
- The portion of an unformed legal road bounded by Lot 1 DP 306621, Part Sections 141, 142, and 145, Block 1, Shotover Survey District and Lots 8 and 32 DP 304345 to the east and Lot 1 DP 304345 to the west.

Relationship to other documents and Plan Changes

Plan Change 35 and the above Notice of Requirement are being processed concurrently and as a result were notified together, as individual applications, but under the same timeframe. While the two applications are interrelated insofar as they both seek to enable the airport to provide for its future growth, they both deal with different issues. The Designation proposes to manage all the airport activities such as its hours of operations, noise controls, engine testing, and provide for a Noise Management Plan, while the Plan Change provisions seeks to mitigate potential reverse sensitivity effects as a result of the airport operations, such as restricting ASAN, and imposing the noise boundaries and mitigation measures on ASAN. The two applications, however, are very much intertwined and as a result, many of the submitters who have chosen to submit on the Plan Change, have raised issues that are included under the Designation. This has occurred in a number of occasions particularly around the issue of night flights where submitters have opposed Plan Change 35 due to the increase in operating hours. The proposed extension to the operating hours, however, is included under the Designation and not the Plan Change. As many of the issues between the two applications are so interrelated, the report considers these issues together.

Submissions received and the issues raised

A total of 92 original submissions and 151 further submissions (from 12 submitters) were received to the Plan Change. A summary of the decisions sought is included in Appendix A. It is noted that some of the further submitters consisted of local tourism businesses such as Totally Tourism, AJ Hackett Bungy NZ, NZ Ski Limited and Rydges Lakeside Resort. Due to the Oct 2009 Amendments to the Act, only those people considered to have an interest greater than the interest of the general public are able to lodge further submissions. It is questionable as to whether these businesses could be said to meet this criteria. The submissions, however, were accepted on the basis that they are all significant tourism operators in the district and due to a lack of any relevant case law around this issue.

Eighty two submissions were received to the Designation.

Appendix B contains a full list of submitters and further submitters to the Plan Change, and submitters to the Designation. These are listed in alphabetical order (with the exception of the proforma submissions which are listed together).

The main points of submission that have been raised by submitters in respect to both applications (where relevant) have been categorised into the following issues to facilitate discussion and consideration of these matters:

- Issue 1 - Night Flights and Night Time Noise Boundary
- Issue 2 - Amenity values
- Issue 3 - Proposed mitigation
- Issue 4 - Growth
- Issue 5 - Sound Insulation Boundary
- Issue 6 - Air Noise Boundary
- Issue 7 - Outer Control Boundary
- Issue 8 - Definition of Activities Sensitive to Aircraft Noise
- Issue 9 – Part 2 matters
- Issue 10 - Objectives and Policies
- Issue 11 - Section 32 analysis
- Issue 12 - Alternative sites
- Issue 13 - Lot 6

Late Submissions

A total of 20 late submissions were received on the Plan Change after the date specified in the public notice for the close of original submissions. Of these 17 were in support of the Plan Change and three in opposition. One late further submission was received after close of further submissions. A list of these submitters is included in Appendix C.

Under Section 37(1) (b) of the Resource Management Act 1991 the Council is able to waive a failure to comply with the closing date for submissions.

After taking into account the requirements of section 37A, the late submissions were accepted and compliance with statutory timeframes waived, in respect of failing to meet the closing date of submissions, by Deborah Lawson, Chief Executive of Queenstown Lakes District Council. This was done on the basis that no person was directly affected by waiving compliance and allowing consideration of the points raised in submissions will more effectively enable the interests of the community to be taken into account in achieving an adequate assessment of the effects of the plan change.

Report Format

As outlined above, the following report:

1. Considers the issues raised in the submissions to Plan Change 35;
2. Considers the issues raised in the submissions to the Designation and undertakes an Assessment of Environment Effects in accordance with Section 171 of the Act.

In respect to the plan change, the Resource Management Act (the Act) only requires a summary of the issues raised in submission. It is noted that under the October 2009 amendments to the Act, the requirement to address each submission point was deleted. The Act specifically states:

“To avoid doubt, the local authority is not required to give a decision that addresses each submission individually”

The Act now requires that the submissions are addressed by grouping them according to the provisions of the proposed policy statement or plan to which they relate or the matters to which they relate. As a result, the actual submissions are not addressed in the following

report but rather the issues specifically raised in the submissions. As outlined above, a full list of the submitters, and further submitters where relevant, to the Plan Change and Designation are provided in Appendix A. Where a cross over between applications has occurred in a submission, the submitter is identified in Appendix A as a submitter to both applications.

For each issue the report is structured as follows:

- Submission Points – summary of the main points raised in the submissions.
- Discussion – the reporting planner’s consideration of the submission points for this issue.
- Recommendation – the recommended approach to responding to the issue, indicating whether to Accept, Accept in part, or Reject the submission.
- Reasons – the reason why the recommended approach is considered appropriate in relation to the RMA.

When considering a Requirement and any submissions received, Section 171 requires a Territorial Authority to consider the effects on the environment having particular regard to any relevant policy statements or plan, whether adequate consideration has been given to other alternative sites or methods, whether the Designation is reasonably necessary for achieving the objectives of the Requiring Authority and any other matters the Territorial Authority considers necessary in order to make a recommendation on the Requirement. Unlike the Plan Change where the Commissioners are required to make a decision on the proposal pursuant to Clause 10 of Schedule 1 of the Act, the Notice of Requirement to alter the Designation only requires a recommendation to the Requiring Authority (QAC) pursuant to Section 171 (2) of the Act.

The Commissioners are therefore required to provide a Recommended Decision on Plan Change 35 as well as a Recommendation to the Requiring Authority on the Notice of Requirement.

Abbreviations

Further to the above, the following is provided in order to give some clarity around terms used in this report:

ASAN	Activities Sensitive to Aircraft Noise
NMP	Noise Management Plan
ANB	Air Noise Boundary (Noise boundary measured at 65dBA)
NNB	Night Time Noise Boundary (Noise boundary measured at 95 SEL)
OCB	Outer Control Boundary (Noise boundary measured at 55 dBA)
SIB	Sound Insulation Boundary (Noise boundary measured at 58 dBA)
SEL	Sound Exposure Level (Measure of the total noise energy of an individual aircraft movement)
QAC	Queenstown Airport Company

DISCUSSION OF ISSUES RAISED BY SUBMITTERS

Issue 1 – Night Time Noise Boundary and Night Flights

Issue

The proposal to provide for night time flights via the proposed NNB and the extension of operations hours was the main issue raised by submitters. It is noted the NNB is proposed

through the Plan Change and the extension to operation hours through the Designation. Both issues are considered below.

The specific submission points raised by these submitters include the following:

- *Extending the hours of operation to midnight would compromise amenity values*
- *Inadequate information / number of flights / sleep deprivation / vibration*
- *Night flights would be unsafe*
- *Not past 8pm*
- *Keep airport to normal daylight hours*
- *Lack of information as to what QAC are proposing*
- *How many flights will occur each night?*
- *Significant adverse effects from night flights*
- *Noise exacerbated by topography*
- *Adverse effect on health*
- *Doesn't consider the link between the economic benefits of night flights*
- *Application is inadequate regarding number of flights, when night flights will occur and unable to determine effects*
- *NNB creates a precedent for other airports*
- *11 flights a week is problematic for efficient fleet utilisation*
- *Limitations of airport operations due to 11 flights*
- *Current noise standards do not guide SEL and therefore the acceptable level is highly subjective and potentially limiting to the airports business*
- *Expansion of night flights beyond 11 flights per week may restrict day flights in order to comply with ANB.*
- *Support the use of NNB as a supplementary boundary*

The above issues relate to both the Plan Change and the Designation. It is noted that these issues also cross over into some of the other matters addressed in Issue 2 (Amenity Values), 3 (Mitigation) and 9 (RMA Considerations) below.

Discussion

The majority of submitters in opposition to both the Plan Change and Designation opposed QACs intention to extend the operating hours from 10pm to midnight through the Designation. In general, the submitters considered that introducing night flights would reduce amenity levels, would result in sleep disturbance and vibration effects, and would compromise property values. As outlined above, these effects are also discussed in greater detail in Issue 2, 3 and 9 below. The submission by Air New Zealand also raised a number of implementation issues.

Currently the airport operations include flight departures and arrivals through to approximately 6 pm. The airport is, however, permitted under its existing Designation to operate up to 10 pm. Consideration in terms of the effects of night flying is therefore restricted to the period between 10 pm and midnight.

The Applicant's acoustic assessment undertaken by Marshall Day Acoustics considers the effects of increasing the airport operating hours (through introducing a NNB). The report uses an SEL (sound exposure level) to assess the effects of night time noise. Based on previous findings, the report finds that sleep disturbance effects below 85dBA are low and that SEL 95 dBA defines a point of significant sleep disturbance. The assessment accepts the *Federal Inter-agency Committee on Aviation Noise (1997)* findings (refer Page 20 of the Marshall Day acoustic report) that considers the effects of aviation noise on awakenings from sleep. This report concludes that six percent of the population are woken by events of

SEL 70 dBA (indoor level) and ten percent are woken by events of SEL 80 dBA. With windows ajar for ventilation, SEL 80 dBA indoors is approximately equivalent to SEL 95 dBA outdoors. The Marshall Day acoustic assessment states:

“Approximately 35 houses at the western end of the main runway are located inside the NNB and these houses are predicted to experience SEL 95 – 100 dBA (outdoors) during the night time movements”

As a result, based on the above, the Marshall Day report identifies that potentially more than 10% of those within this area would experience sleep disturbance as a result of the proposed night flights. In order to mitigate these effects, the assessment recommends that a sound insulation package be offered to those residents within this area prior to any commencement of night flights. The report also concludes that based on this mitigation, coupled with the timing of the night flights - being outside the critical sleep period from midnight to 6 am, and due to the low number of flights (11 per week) the effects of night disturbance would be reasonable.

Council sought a peer review of the Marshall Day acoustic report which was carried out by Nevil Hegley of Hegley Acoustic Consultants. In respect to the issue of the night time flights this assessment compares the findings in the *Federal Inter-agency Committee on Aviation Noise (1997)* report to those of the World Health Organisation (WHO). The WHO guidelines on sleep disturbance states that sleep disturbance occurs at SEL values of 55 and 60 dBA, a difference of 10dBA from the assessment used by Marshall Day Acoustics (between 60dBA and 70Dba). Based on the findings from the WHO the number of people experiencing sleep disturbance from night flights would be greater than suggested by the Marshall Day Acoustic assessment. As a result, further clarification around this issue was sought from QAC during the initial review of the application. To date, QAC has not responded to this matter. The peer review also states:

“a reduction of 30dBA is toward the upper practical limit of any facade sound reduction that could be achieved so by using the Marshall Day Acoustics values for some houses it may not be practical to achieve the required sound reductions”.

Based on the above, it is questioned whether acoustic insulation would adequately mitigate the effects of noise on those 35 properties within the proposed NNB experiencing more than 95dBA - 100dBA as a result of the night flights. Properties experiencing 100dBA would need acoustic insulation to a level of 35dBA + to achieve the guidelines outlined by the WHO. The findings adopted by QAC through the *Federal Inter-agency Committee on Aviation Noise (1997)* would only require mitigation at a level of SEL 80dBA (SEL 95dBA outside) which would be easier to achieve. Based on the WHO findings, however, the effects of night flights would be wider than those effects identified by the proposed NNB. As a result, further information is sought from QAC through the hearing in respect to this matter to determine whether the potential adverse effects can be appropriately mitigated.

The effects of night flights would also extend beyond those residents within the Airport Noise Boundaries. While the 55dBA noise contour identifies the extent of the airport noise controls, there will still be annoyance for some residents outside this area as aircraft movements will still be audible. Due to the designated flight paths, those affected would predominantly include developments within the Frankton Arm, Frankton Flats and within Lake Hayes Estate. While the level of noise exposure would fall within acceptable limits, the existing level of night time amenity for these neighbourhoods would be altered. The extent to which this occurs, however, would largely depend on the quality of housing and the susceptibility of those residents to sleep disturbance from increased night time noise levels.

A number of submitters both within and outside of the airport noise boundaries raise the issue of lack of certainty over the number of night flights proposed by the airport and the timing of these events. The Section 32 analysis states that 11 night time flights are proposed, however, neither the proposed Plan Change nor the Designation provisions impose any restrictions on the number of night flights. The NNB is located at the SEL 95dBA contour but does not restrict the number of flights as it is a measure of the total noise energy of an individual aircraft movement as opposed to an hourly value, averaged over a 24 hour period. The number of night time flights, however, can affect the Ldn contour. The Marshall Day assessment finds that noise effects would be reasonable due to the small number of flights (coupled with the mitigation). As the Plan Change request, including the acoustic assessment, has proposed a maximum number of night flights, and relies on this for mitigation, it is considered appropriate to specifically restrict the number of night flights through the proposed Plan Change and Designation provisions. Furthermore, submitters seek clarification as to how many of these night flights are proposed and/or can be accommodated each night. It is anticipated that this issue will be clarified by QAC at the hearing.

Submitters also consider that the Plan Change / Notice of Requirement lack any cost and benefit analysis in respect to the adverse effects on residential amenity values versus the economic benefits of providing for night flights. The economic analysis undertaken by Market Economics, considers the economic effects of providing for airport growth through to 2037, specifically considering the effects of international passengers, domestic passengers and business travel. The report finds that in total passenger activity in the Otago Region facilitated by the Queenstown Airport would result in direct expenditure of \$528.1m in 2037. No analysis, however, has been undertaken of the economic benefits of providing for 11 night flights a week. Considering the extent of the effects generated by the proposal, a balance needs to be considered between the amenity costs to residents and the economic benefits to the wider community of providing for these additional night flights. Without this additional information, this analysis cannot be undertaken. Again it is anticipated that this issue will be clarified by QAC at the hearing.

The submission by Air New Zealand raises a number of potential issues around the provision to provide for night time flights. This includes the following:

- i) regulatory requirements for obstacle lighting
 - ii) de icing issues
 - iii) the extent of the proposed extension
 - iv) effects on the ANB
 - v) NNB
- i) In respect to airport and obstacle lighting, this would need to be considered and provided for by the airport prior to the commencement of any night flights. This has been briefly addressed by the airport in their Section 32 analysis which simply states that QAC intends to install runway lights so that night time flights can occur.
 - ii) The issue of de-icing would also need to be addressed during the winter months and would involve the use of hazardous chemicals. It is considered that the airport could easily accommodate an allocated area to undertake this work.
 - iii) ANZL advises that in order to utilise the extended curfew the airline would require night flights to be permitted to 12.30 am at the earliest due to the timing of ANZLs flight sectors between New Zealand and Australia. There are other airlines, however, that are likely to be able to utilise these extended hours in the event the night flights were accepted.

- iv) ANZL also raises concern that the night time flights may compromise the number of day time flights. It is understood, however, from the Applicant's acoustic assessment that a limited number of night flights (11) would not compromise the ability of the airport to operate within the ANB. In terms of restricting day time flights, this is an issue to be considered by the airport and isn't a planning issue to be addressed under this process.
- v) Several issues around the NNB are raised by ANZL. This includes the issue of the NNB creating a precedent effect in respect to other airports in New Zealand. The submission also raises concern that the proposal to provide for a NNB is not guided by New Zealand Standard 6805:1992 "Airport Noise Management and Land Use Planning" (NZS6805:1992) and therefore the levels are too subjective. Clause 1.4.3.6 of NZS 6805:1992 states as follows:

"Night time operations shall be considered in establishing the air noise boundary. For airports with frequent day and night operations, planning based on night-weighted sound exposure may be adequate. For smaller airports or airports with infrequent or irregular daily usage patterns, planning on the basis of sound exposure contours may not provide an adequate protection area around the airport to avoid sleep disturbance. Local authorities shall also consider the available data on noise levels for the noisiest aircraft types which it is anticipated will use the airport."

This indicates that the Ldn noise metric being a night weighted sound exposure level may not be adequate to regulate aircraft noise at night in the Queenstown situation and another metric may be required. However the Standard does not identify the alternative metric or define a level of acceptability. As outlined above, the Marshall Day acoustic assessment considers that SEL 95 dBA (outside) defines a point of significant sleep disturbance which is higher than the threshold identified by the WHO. Due to the subjective nature of these SEL levels, further analysis in respect to this matter is sought from the Applicant. In respect to this matter, it is noted that Public Health South support the use of a NNB.

- vi) ANZL also seeks clarification around the internal acoustic level proposed as neither the Plan Change or Designation text outlines this. The airline considers that providing for an internal acoustic level of 40dBA is impractical as many of the older existing dwellings within the NNB may not be able to be mitigated to this level. The airline, therefore, seek that a 45dBA is adopted. This issue is addressed further in Issue 3, and concludes that a 40dBA level is consistent with the provisions of the Low Density Residential Zone and therefore should also be the adopted level of internal amenity sought within the air noise boundaries.

Recommendations

Accept the submissions that night time flights should be rejected on the basis that insufficient information has been provided to:

- i) adequately determine the effects of the night flights;
- ii) adequately determine whether the adverse effects of night flights can be mitigated;
- iii) undertake an analysis in respect of the cost on amenity values versus the economic benefits of providing for night flights.

Accept the submission by ANZL that the SEL are subjective. Further analysis is sought from the Applicant at the hearing in respect to this mater.

Accept the submission by ANZL that an internal acoustic level should be specifically stated in the Designation and/ or Plan Change text.

Reject the submission by ANZL that an internal acoustic level of 45dBA should be adopted.

Reasons for the recommendations

Due to insufficient information provided by the Applicant, an adequate assessment of the effects of night time flights is unable to be undertaken. The provision for night flights is recommended to be rejected on this basis. The submission by ANZL raises a number of issues around night flights that may be able to be addressed by the Applicant at the hearing including issues around de icing, lighting and the subjectivity of the SEL. More clarity is sought from ANZL in respect to the internal acoustic level proposed. For reasons outlined above a 40dBA level is considered appropriate and therefore ANZL submission to include 45dBA is rejected. It is noted that this issue is discussed further in Issue 3 below.

Issue 2 – Amenity

Issue

The potential adverse effect on amenity values was the predominant issue raised by those submitters in opposition to the proposal to expand the airport operations.

The specific submission points raised by these submitters include the following:

- *Consideration should be given to people in the area before the commercial airport*
- *Adverse effects on both indoor and outdoor amenity*
- *Effect of external noise unable to be mitigated*
- *Additional effects of additional traffic and parking demands*
- *Excessive amounts of fumes/ noise*
- *Vibration effects*
- *Number of people affected by Plan Change underestimated*

The above issues relate to the Plan Change insofar as providing for the airport expansion. Effects on amenity values as a result of night time flights have been considered above in Issue 1.

Discussion

A number of potential amenity issues were identified by submitters, including concerns regarding the effects on amenity resulting from increased flights, increased traffic, air pollution and vibration. The Section 32 analysis accompanying the Plan Change did not address the potential effects of air pollution or vibration associated with the proposed extension. Further information in respect to these issues is sought from QAC at the hearing.

It is also reasonable to anticipate that providing for this additional capacity in aircraft movements will result in increased vehicle traffic. However, given this growth is based on projections to 2037 considerable growth of traffic is also anticipated on the surrounding roading network from normal population growth. Additional information from the submitters on the sensitivity of their location to increased traffic impacts would assist in considering this issue further.

The proposed Plan Change provides for anticipated growth in aircraft movements at Queenstown Airport. A direct consequence of this increase in the growth in aircraft movements (and a change to later flights as addressed above) will be increased impacts on

amenity, particularly in relation to noise. The assessment of noise effects accompanying the Section 32 analysis acknowledges that noise effects associated with this growth cannot be mitigated for outdoor areas but indicates that amenity effects of the proposed increase in noise levels indoors may be mitigated to a varying extent, dependent upon the noise level. Effectively the higher the noise level the greater the cost and difficulty in achieving mitigation. The Plan Change also introduces a new noise control boundary to reduce the impacts on night time amenity and sleep.

In acknowledging that the amenity effects on the quality of the external environment cannot be mitigated it is recognised that these effects must be balanced against other Part II matters. This includes the potential positive economic and social effects the airport expansion would generate for the Queenstown region. The amenity effects of the proposed increase in noise levels indoors can be mitigated to a varying extent, and the Plan Change proposes a tiered approach to mitigating noise effects based on the degree of noise to which an area would be exposed. As outlined in Issue 3, however, insufficient information has been provided to determine whether the proposed level of mitigation is adequate.

Within the most affected areas, the NNB and ANB, QAC propose to identify in the NMP which houses are to be insulated and to what standard. As outlined in Issue 1 above, further information is sought from QAC in respect to clarification around the location of the NNB and level of mitigation that is proposed for existing dwellings within the NNB.

Within the SIB the Section 32 indicates that properties may experience noise from aircraft unless windows and doors are kept closed and notes that a mechanical ventilation system would be required in order to ensure doors and windows can be kept closed. Consequently it can be assumed property owners with existing dwellings would be adversely affected by aircraft noise until a ventilation system is installed. No mitigation measures for existing dwellings, however, are proposed in this area as part of the Plan Change. Of course property owners would be required to mitigate the effects by installing ventilation in any new building or any alteration or extension to an existing building in the Residential zone, at their expense. As outlined in further detail in Issue 3 below, it is questioned why no mitigation programme is available to those residents of existing dwellings within the SIB given that the acoustic assessment considers them adversely affected, as it does those within the ANB and NNB.

The Section 32 report analysis indicates that no mitigation is proposed for activities within the OCB as it is considered that the typical New Zealand home can achieve a noise reduction from outside to inside of 17 to 18 dBA with the windows ajar. This indicates that the quality of the housing may impact on the degree to which mitigation is effective as suggested by some submitters. Consequently the potential impact on people in lower quality housing may be greater within any of the proposed noise control boundaries. Any adverse effects on amenity values would therefore be mitigated, subject to the quality of housing where additional mitigation may need to be undertaken.

Recommendation

Reject the submissions that special consideration should be given to residents before the commercial airport. A balanced approach between the two is considered necessary.

Accept the submissions that amenity levels outdoors may be compromised for those within the air noise boundaries and cannot be mitigated. Any such effects, however, need to be weighed against the Part 2 matters and potential positive effects of the development as outlined in Issue 9.

Accept the submissions that amenity levels indoors may be compromised due to insufficient information to determine otherwise.

Accept the submissions that amenity levels indoors for those residents within the SIB would be compromised, unless a ventilation system is installed at the owner's expense and doors and windows are kept closed.

Reasons for the recommendations

It is recognised that the proposed expansion of the airport would have positive economic and social effects on the Queenstown region as discussed in further detail in Issues 5 (Growth) and 9 (Part 2 Matters) below. These effects, however, must be weighed against the potential adverse effects on amenity levels generated by the proposed expansion. Those residents within the ANB will experience external noise levels unsuitable for residential activity which cannot be mitigated. Effects on internal noise levels may be able to be mitigated to a varying degree depending on the quality of housing but it is questioned why no such approach is available to those residents of existing dwellings within the SIB to install such mitigation measures given that the acoustic assessment considers them adversely affected, as it does those within the ANB and NNB.

Issue 3 – Proposed Mitigation

Issue

The issue of the level, form and proposed imposition of mitigation was raised by a number of submitters.

The specific submission points raised by these submitters include the following:

- *QAC funding should be considered for new development / more detail required around the mitigation package*
- *Cost of the proposed insulation*
- *Financial burden*
- *Oppose cost of mitigation.*
- *Airport should incur cost*
- *Provisions shouldn't be hidden in Designation*
- *The Plan Change should include mitigation, monitoring provisions*
- *The Noise Management Plan should be included in the Plan Change*
- *Little substance in respect to protection of residents*
- *Level of mitigation inadequate*
- *Mitigation cannot be relied upon*
- *Residents have to rely on the goodwill of QAC – not satisfactory*
- *Vague and uncertain nature of compensation plan offered by QAC*
- *Plan Change should consider alternative mitigation such as restrictions on aircraft movements/ times*
- *Significant disruption to lifestyle- financial / disruption / uncertainty and potential for disputes*
- *Noise Management Plan needs more information*
- *Noise Management Plan will not adequately address adverse effects*
- *Airport Environment Committee should be included in Noise Management Plan*
- *Plan Change will ensure reverse sensitivity effects are appropriately managed*
- *Clarification around level of mitigation required – 40 dBA. Questionable whether the old houses around Airport could achieve this level. Could be expensive if not*

problematic. Significant cost to airport and airlines. Internal acoustic insulation of 45 dBA should be considered – satisfies NZS 6805. Consistent with other locations. The Plan Change should be amended.

The above issues relate to both the Designation (Noise Management Plan) and the Plan Change.

Discussion

A number of issues have been raised around the proposed mitigation. The following discussion considers those issues in respect to the:

- i) Noise Management Plan (NMP)
- ii) Level of Mitigation
- iii) Cost of mitigation and where it falls

The two main issues raised by submitters in respect to the NMP include its location in the Designation, and the level of detail provided in respect to the compensation offered by the airport.

The NMP is only proposed under the Designation and submissions to the Plan Change seek that it also be provided for in the district plan. The Airport, however, proposes to manage its operations through the Designation only with the proposed District Plan text essentially limited to mitigating and avoiding potential reverse sensitivity effects generated by activity sensitive to aircraft noise (ASAN). Any restrictions on the airport within the District Plan would be limited to the demarcation of the airport noise boundaries. As proposed, the Designation text in contrast would specifically identify permitted airport activities and hours of operation, would restrict airport noise emissions, provide limitations around engine testing, and would specifically provide for the NMP and associated mitigation and monitoring requirements.

A Designation could be likened to an agreement between a Requiring Authority and a territorial authority to undertake a project, work or network utility operation which does not need to comply with the District Plan. Conditions are usually then adopted in respect to the Designation to mitigate any potential adverse effects of the activity. A Requiring Authority can at any time withdraw the Designation or apply to alter it. An application to alter a Designation may or may not be notified and therefore may not be subject to public consultation. The District Plan in contrast, is a community planning document that in brief, seeks to control the use of land, and the effects of activities, in the district. Any change to the District Plan and its provisions must be notified. The Plan Change does not propose to provide for any airport noise controls in the District Plan even though noise effects have the potential to impact a significant number of residents within Frankton and the wider Queenstown area. Common practice in the District Plans for most major New Zealand airports (Wellington, Christchurch, Auckland, Rotorua) is to include these provisions in the District Plan to provide greater certainty to the affected community that the restrictions placed on them are balanced by those placed on the airport operators and that these provisions cannot be easily changed. Designations are relatively powerful planning mechanisms intended to facilitate the establishment of infrastructure and as a consequence it is considered providing these provisions only in the Designation weakens the position of the affected community. Providing for airport noise controls through the District Plan gives more certainty to the community and provides for a more transparent process.

The Applicant, however, considers that including the Designation provisions such as the airport noise controls and NMP in the District Plan would create implementation issues and unnecessary duplication. It is acknowledged that the Queenstown Airport does not have its

own zone where these controls could be included, as they are in other airports in New Zealand. However, Section 14 - Transport of the District Plan specifically deals with Air Transport and any such provisions could easily be accommodated within this Section. In general, existing Policies 8.1 - 8.8 of this Section seek to provide for airport growth while avoiding and mitigating any adverse effects from airports on surrounding activities. It is considered that the airport noise control provisions, noise monitoring, engine testing, and the Noise Management Plan which are all currently proposed in the Designation text, could be provided for within this section. While it would result in a duplication of the Designation provisions, it would ensure for a more robust, transparent and balanced approach. Alternatively, to avoid duplication, a simple cross reference to the relevant district plan rules could be inserted in the Designation conditions thereby making the Designation subject to those rules. It is considered that the Requiring Authority has not adequately investigated this alternative method pursuant to section 171 of the Act.

The inadequacy in respect to the detail of the NMP was raised by several submitters who considered that the airport was not providing sufficient information around the level and detail of compensation.

The NMP states the following in respect to the QAC mitigation plan:

Details of a mitigation plan for properties affected by the ANB and the NNB. The mitigation plan shall include:

- *Recommended works to affected properties;*
- *Person or persons responsible for managing works;*
- *Funding of works;*
- *Timing of works;*
- *Measures to avoid reverse-sensitivity complaints.*

The Designation provisions require that an updated Noise Management Plan be lodged with Queenstown Lakes District Council within 12 months (it is presumed this refers to 12 months of the Designation becoming operative though this should be clarified) and shall detail measures to avoid, remedy or mitigate adverse effects on habitable rooms within affected properties from aircraft noise within the ANB and the NNB. As a result, this further information regarding the proposed compensation is to be provided for after the Designation becomes operative. It is considered that the above provisions give very little certainty to the community around the compensation package being offered by QAC. Providing this information after the Designation is operative, puts the community in a position where they must rely on the good faith of QAC to provide a level of compensation that would adequately mitigate the noise effects of the airport operations. Furthermore it is questioned to what level the community would be able to contest the proposal put forward by QAC if they believe it to be inadequate. The text states the mitigation package shall include funding of work but it is questioned to what degree this will be provided ie: 100%, 75% for example. It provides no certainty around the timing of work nor does it outline what work would actually be undertaken. There is also nothing in the Designation text outlining to what level mitigation would be provided to ie: 40dBA or 45dBA? For this reason, it is considered that the proposed provisions are inadequate and do not provide enough information to determine whether the Noise Management Plan would adequately mitigate the effects of aircraft noise on the surrounding residents.

Clarification around this issue has also been sought by ANZL. As outlined above in Issue 1, the submission by ANZL seeks that mitigation is provided to an internal level of 45dBA as opposed to 40bBA, due to the cost and practicalities of mitigating to this lower level. It is considered, however, that 40dBA is consistent with the level of residential amenity expected in the Low Density Residential Zone. The cost to QAC and the airlines must be

weighed against the cost to the community on amenity values. As a result it is considered that mitigation should be provided to 40dBA which is consistent with the existing District Plan provisions that seek to protect residential amenity.

Further to the above, ANZL have requested that the airline be included on the Airport Liaison Committee. It is understood that this Committee will be responsible for implementing the mitigation plan. Further clarification is sought in respect to this issue from the Applicant at the hearing.

The engine testing mitigation is proposed through the Designation text. As outlined above, it is considered that this text should be provided for through the district plan. Further to this, the acoustic peer review commissioned by Council concluded the following in respect to this matter:

“The issue of engine testing has been raised with specific noise control proposed. It is agreed some relaxation would be reasonable although any relaxation would need further clarification. Guidance on the number of such events and the duration over the last few years would assist. At the moment it is difficult to support such high noise levels for engine testing for potentially every night of the year.

This is best addressed by examples. The issue is night time noise so the comments have been restricted to the night time. A level of 45dBA Leq (9 hours) at night will allow noise levels of 61dBA Leq for 15 minutes every night at any time of the night. For 18 occasions each year this level would be increased to 76dBA Leq for 15 minutes, or in terms of the SEL values adopted elsewhere in the report, an SEL 105dBA. Such levels would, without question, cause a significant disturbance for the residents.

It is appreciated that the above levels quoted may not be the level that would be generated. However, this is an example of what the condition as worded is seeking. In fact, if the time is reduced to 5 minutes the noise level could reach 65dBA Leq each night and 80dBA Leq for 18 times a year. If longer time periods are assumed, the level could be at 54dBA Leq for 1 hour each night plus 69dBA Leq for 1 hour for 18 times a year. Such high levels at any time of the night for potentially so many nights would require more robust support if these high levels are to be considered further. Further comment is considered necessary before considering accepting any such relaxation of the noise levels”

The Applicant has not responded to the comments received above in the peer review. It is noted, however, that the proposed noise levels and their duration are similar to those levels provided for at other airports around the country such as Auckland, Rotorua and Wellington. The engine testing provisions for these airports, however, are included in the District Plans and are all more detailed in respect to provisions around monitoring and reporting, and measurement requirements. In light of the comments provided in the acoustic peer review it is considered that further clarification is required in order to enable the Commissioners to better understand the effects of the proposed engine testing.

The mitigation proposed in the Designation around engine testing is also questioned by Public Health South, who consider that the proposed provisions provide little protection, from noise generated from this activity, to the immediate community at the western end of the airport, including the hospital. The submission seeks that the hospital and rest home be included in the proposed Plan Change text to ensure their level of amenity is protected.

Further to the above, the acoustic peer review makes the following comments in respect to the proposed mitigation provided via the acoustic and ventilation requirements under Tables 1-3 in the plan provisions:

“The Table in Appendix F sets out some acceptable façade construction options. It is agreed that tables can be helpful for anyone undertaking new work and such generalised controls should be conservative. However, it is difficult to understand why the design for an external cladding of brick or concrete block requires the same 2 x 9mm gypsum or plasterboard as 20mm timber cladding. The brick (or blocks) plus 1 x 9mm gypsum exceeds the sound reduction of 20mm timber plus 2 x 9mm gypsum. This is an unnecessary cost for developers and should be reviewed along with some of the other extreme design unless there is a good reason”.

The Section 32 analysis states that the cost of compliance with the construction requirements are unlikely to impose any significantly greater costs than the cost currently required to obtain a building consent that complies with the Building Code. It is unclear as to whether this statement is supported by any figures or whether it is an assumption. Furthermore, the cost of ventilation would be additional to the requirements under the Building Code but it is again unclear as to what these costs would be. Further information is sought from the Applicant in respect to these mitigation costs.

Imposing this additional cost of mitigation on residents is opposed through a number of submissions including the submission by Housing New Zealand Limited (HNZL). As outlined in Issue 5, (Sound Insulation Boundary) it is considered, that as QAC have deemed those within the SIB to be affected, these existing developments should be included in the compensation package offered through the NMP. In respect to future mitigation costs, HNZL submit that QAC should incur the cost of future upgrades. It is understood that this level of mitigation has not been provided by airports elsewhere in the country. Further to this, it is considered unreasonable to expect QAC to incur all mitigation costs for future development within the air noise boundaries.

Recommendation

Accept the submissions that airport noise controls including monitoring and engine testing should be provided for in the Plan Change provisions as well as the Designation.

Accept the submissions that the level of certainty regarding the mitigation proposed through the NMP is inadequate.

Accept in part that the level of mitigation proposed is inadequate due to lack of information to adequately consider the effects of the construction and ventilation requirements in Tables 1-3 of the proposed plan provisions.

Accept in part the submission that the cost of mitigation should be incurred by the airport. This is subject to the findings of a further analysis that is sought from the Applicant around the proposed level of mitigation within the SIB.

Reject the submission that any future costs of new development should be incurred by the airport.

Reject the submission by ANZL that an internal acoustic level of 45dBA should be adopted.

Accept the submission by Public Health South to include hospital and resthome in the Plan Change text.

Reasons for the recommendations

It is considered that inadequate information has been provided by the Applicant in order to undertake an accurate assessment of effects in respect to the level of mitigation proposed.

Issue 4 - Growth

Issue

The issue of allowing and restricting growth was raised by a number of submitters to the plan change:

The specific submission points raised by these submitters include the following:

- *The Plan Change will enable the airport to grow to meet needs of future generations*
- *The airport is a regionally significant asset in Otago and a significant contributor to regions economic wellbeing*
- *The airport should be safeguarded*
- *The Plan Change will enable operations at the airport to meet the needs of future generation*
- *Expanding the hours of airport operations will generate more growth. Some will benefit others wont.*
- *Stop expansion or QLDC should sell the airport with the proceeds for the benefit of the Queenstown ratepayers*
- *A 15 year timeframe should be adopted to allow for growth as opposed to 30 years*
- *Proposed growth will compromise property values*
- *Expanding airport operating hours will encourage more growth and subsequent higher living costs/ degraded landscapes/ expansion of infrastructure etc. Believe at a point in Qtwn where quality of life beginning to deteriorate. Growth should be moderated.*

Discussion

As noted in Issue 10 of this report, Queenstown Airport is recognised as a regional infrastructure asset in the Otago Regional Policy Statement. The importance of the airport to the regional and local economy is also recognised in local planning documents including Council's Growth Management Strategy, District Plan Section 4 - District Wide, and through the adoption of specific provisions in zones around the airport to protect its operation.

The proposed Plan Change provides a link between forecast growth in aircraft movements to Queenstown Airport, potential environmental effects of this growth and possible planning mechanisms to address these effects and safeguard the ongoing operation of the airport. The proposed noise contours are based on forecast growth in aircraft movements to 2037. The approach of including noise control boundaries in the plan based on noise contours is consistent with the existing approach adopted by the District Plan. It is also consistent with NZS6805:1992 which states in clause 1.4.3.2.1 that a minimum of a 10 year period be used as the basis of the projected contours although it is now common in the case of commercial airports in NZ to use a 30 year projection. It is, however, also recognised that the Plan Change proposes some additional boundaries including a SIB and NNB as a response to a need for a more sophisticated approach to deal with later flight times and the corresponding greater sensitivity to noise during these time periods.

The projected growth in flights to Queenstown Airport indicate that the airport has not reached any limit on the demand of people to utilise this resource, or any physical constraint in capacity, as has been suggested. While it is accepted that the airport is approaching the capacity provided for in terms of the noise control boundaries it is considered that these are not anticipated as a being an entirely fixed boundary, but rather, one that may need to be reviewed and updated periodically. As these boundaries place potential limitations on surrounding land uses it would be unreasonable to extend these

boundaries beyond what can be reasonably predicted. Projections beyond a 30 year time period are difficult and made more problematic by changing technology, a rapidly growing population and a potentially volatile visitor market. It is noted that it is sought through submissions that this 30 year time frame should be reduced to 15 years as it is claimed 2037 is too far out to practically plan for and does not take into account new technology that may reduce the level of aircraft noise emissions. While it is considered that there is merit to this argument it is questioned whether a 15 year timeframe would be too short sighted.

The need to periodically review noise control boundaries and the general likelihood that the airport will continue to be subject to pressure for future growth can be one rationale for adopting a very restrictive approach to the establishment of any noise sensitive activities. This is a precautionary approach by restricting activities sensitive to aircraft noise beyond what may be required to mitigate the current level of effects, on the basis that if established they may inhibit future growth.

Alternative locations for the airport have been considered and are discussed in Section 14 of this report. None provided a viable alternative to the current airport location. It is also recognised that alternative methods are available to transport people to the District, including other sub-regional airports such as Alexandra, or from larger centres such as Invercargill and Dunedin. However, these alternatives are available at present and prove relatively unattractive as they result in a significant increase in travel time and would in many ways reduce the efficiency of the transportation network by transferring the demand from the airport to the roading network.

It has been submitted, however, that the benefits of growth at the airport will not be equally distributed and growth will lead to negative impacts as well as positive ones. It is accepted that the direct benefits of the growth of the airport will not benefit everyone, although the indirect benefits of the growth of the airport in terms of general economic input into the local and regional economy will be widespread. Conversely, however, the property owners in the areas affected by airport noise will likely be directly affected by a loss in property values due to the loss of amenity. The economics report by Market Economics accompanying the Section 32 identifies the direct and indirect economic impacts but does not comment on the potential impact of loss of property values. The potential impact of the proposed Plan Change on property values is identified in the Section 32 analysis as an issue repeatedly raised by residents during initial consultation on the Plan Change, and was subsequently raised through submissions. However, the actual impacts of this issue have not been discussed in the Section 32 analysis or economic analysis. It has also been submitted that a reduction in property values would have a flow on effect of reducing rates. Additional information on this matter would assist in determining the potential impact of this issue.

It was also submitted that growth should be moderated as expanding airport operations will encourage more growth, contributing to higher living costs and deteriorating landscapes and quality of life. This broad consideration of the merits of growth is addressed in Section 9 of this report relating to Part II.

Recommendations

Accept the submission point that the Plan Change will enable the airport to grow to meet future generations

Accept the submission point that the airport is a regionally significant asset and contributes to the economic wellbeing of the region

Accept in part that the airport should be safeguarded as long as the effects of the airport operations are balanced against the effects on the surrounding resident community

Accept in part the submission point that some will benefit and others won't from airport growth. The indirect benefits, however, of the growth of the airport in terms of general economic input into the local and regional economy will be widespread.

Reasons for the recommendations

It is recognised that the airport is a significant regional asset and its future operations should be protected. The effects of the airport operations, however, must be balanced against any potential adverse effects on the community. Mitigation measures must be put in place to avoid, remedy and mitigate any adverse effects from any future airport expansion. The merits of growth in a wider sense are considered in Issue 9 below.

Issue 5 – Sound Insulation Boundary

Issue

The inclusion of the Sound Insulation Boundary and associated provisions was opposed by a number of submitters affected by the boundary.

The specific submission points raised by these submitters include the following:

- *Amend boundary to exclude Keith Syme property*
- *Control between the SIB and the OCB not necessary or appropriate. Amend provisions to allow ASAN to be carried out between these areas*
- *Plan Change considers airport as primary issue and fails to consider need for business / rural and industrial land*
- *Delete Sound Insulation Boundary as it could undermine the OCB. Serves no real purpose where between the SIB and the OCB no mitigation is required. Controls on development between the OCB and the SIB become impossible to apply increasing reverse sensitivity effects.*
- *ANZL is concerned that the SIB is misleading and could lead to confusion that the QAC is intending to provide insulation. May create unwarranted expectation among residents.*
- *ANZL is concerned that the SIB will create precedent effects for other airports*
- *Remove the SIB and extend ventilation requirements to the OCB*
- *Support the inclusion of a SIB.*

Discussion

A number of submitters opposed the prohibited activity status for ASAN between the OCB and the SIB, considering this activity status was too restrictive. Further analysis was also sought, in the QLDC submission, in respect to the mitigation proposed within the Sound Insulation Boundary, as discussed further below. The inclusion of the SIB was opposed by Air New Zealand Limited (ANZL) on the grounds that it would undermine the OCB, and may create unwarranted expectations among residents and a precedent for other airports. Keith Syme also specifically requested that the SIB be relocated to exclude his property.

The Plan Change proposes to include a Sound Insulation Boundary delineating the 58dBA contour. Within this boundary any additions or extensions of habitable rooms would have to meet ventilation requirements in order to mitigate the effects of aircraft noise. QAC advises that this boundary is based on extensive sound insulation survey work carried out in Manukau City that found that the average New Zealand home can achieve a noise reduction of outside to inside of 17-18dBA (with windows ajar) without any additional

mitigation. As a result, in order to provide for an internal amenity of 40dBA, development outside the 58dBA would not require any additional mitigation. The Plan Change therefore does not impose any acoustic or ventilation requirements on properties within the OCB but outside the SIB.

In requiring any new dwellings or additions and alterations within the SIB to have mechanical ventilation installed to meet a Ldn 40dBA internal noise standard, QAC has recognised that those properties within the SIB would experience internal noise levels in excess of 40dBA if windows and doors are not closed. QAC has also recognised that the closing of windows and doors leads to a requirement for a mechanical ventilation system. While the district Plan Change requires new dwellings and extensions to existing dwellings to meet this requirement, existing dwellings have existing use rights and would not require such treatment. However, this begs the question as to why existing dwellings should not be upgraded to the same standard as QAC is requiring for new dwellings and extensions to existing dwellings in the SIB. It is recommended that the approach being suggested in the ANB and NNB be considered. Further analysis was sought from QAC during the initial peer review of the Plan Change request in respect to its justification around why the sites within the ANB and NNB warranted compensation but not those sites within the SIB even though these sites are also deemed to be affected. The acoustic peer review undertaken by Nevil Hegley also states the following in respect to this matter:

“The approach that has evolved (by other Airports) is that for existing houses outside the ANB a percentage of the cost to upgrade the house to an appropriate indoors sound level is paid by the noise maker (the Airport). Comment on such an approach being adopted at Queenstown is sought and why this should not be offered to the existing residents who are experiencing noise levels greater than, say, 60 dBA.”

It is considered that based on the above, those sites within the SIB should be included in the QAC mitigation package or further analysis should be undertaken by QAC at the hearing to explain why these properties should be excluded from receiving any mitigation package.

Further to this issue, ANZL considers that the SIB noise contour in the District Plan is redundant and could potentially undermine the Outer Control Boundary. The submission states that delineating an SIB serves no real purpose where between the SIB and OCB no insulation measures are required. The submission also considers that the introduction of an SIB may affect the integrity of the OCB with controls on development being impossible to apply and increasing reverse sensitivity issues.

The ANZL submission misses the point that the SIB and the OCB have two different functions. The purpose of the SIB is to act as a threshold for the requirement of acoustic treatment to preserve a reasonable standard of amenity in the internal noise environment. It recognises that there is little point requiring additional acoustic treatment of houses when the key factor as to whether a satisfactory internal noise environment is achieved is whether doors and windows are closed and that the average house outside the SIB will achieve a Ldn 40 dBA internal noise level even with windows ajar.

The OCB on the other hand recognises that nothing can be done about the external noise environment and that at noise exposures above Ldn 55dBA a proportion will be “highly annoyed” about aircraft noise in the external environment to the point where they are likely to complain and may take action to seek regulatory control on airport operations (thus establishing a potential “reverse sensitivity” effect).

A number of submitters have also raised concern in respect to the proposal to prohibit development on land within the OCB and SIB. QAC proposes to prohibit any new ASAN in

the Rural, Industrial and Frankton Flats A zones that fall within the OCB and SIB. The Section 32 analysis states that rules to manage ASAN around the airport are an effective way of managing the effects of aircraft noise by ensuring only appropriate development takes place around the airport. It is recognised that this is an effective method in terms of safeguarding the airport from reverse sensitivity effects particularly in regard to future activity in these zones. The effect of this prohibited activity status on surrounding land use, however, is considered by some submitters to be too restrictive. It is noted that Public South Health support the prohibition of ASAN within this boundary.

NZS 6805:1995 recommends that the mitigation of aircraft noise effects be achieved through a combination of:

- Aircraft noise management measures;
- Restrictions on development of noise sensitive activities
- Sound insulation treatment measures

This prohibited activity status already exists in the Rural Zone with the proposed new contours to be introduced by the Plan Change only increasing the extent of the area affected by this restriction. The additional land included in the OCB is constrained to several rural sites along the Shotover River to the east of the Airport. To the south of the river, the rural land is classified as an Outstanding Natural Landscape and is therefore restricted in respect to any future development. The rural land to the east of the Shotover, is currently subject to a private Plan Change to provide for 758 residential allotments. All these allotments would fall outside the proposed airnoise boundaries. Further to this, this land is already subject to airport no complaint covenants. As a result, the prohibitive status would not significantly compromise future development in these areas.

A number of submitters have questioned the appropriateness of prohibiting ASAN's between the SIB and OCB in those zones which anticipate urban/ residential uses to occur. This is relevant to both the operative Frankton Flats (A) Zone and the proposed Frankton Flats (B) Zone. Both these zones are located partly within the SIB and OCB boundaries.

With respect to the proposed Frankton Flats (B) Zone, the QAC had initially proposed to impose amended air noise boundaries and restrictions on ASAN's through this plan change. However, as that zone is not yet operative it would be ultra vires to address it through a subsequent Plan Change at this stage. As such, the position of the OCB and the rules relating to ASAN's within the zone will be addressed and determined through the QAC and ANZL's appeals to the Frankton Flats (B) Proposed Plan Change 19. These appeals also request that a rule be added requiring that ASAN's outside the OCB are subject to no complaint covenants or, in the alternative, be a non complying activity. With regard to the timing of this process, evidence is to be circulated between July and August with a hearing to be set down sometime after the 1st of October.

With respect to the operative Frankton Flats (A) this zone currently provides for a mixed use environment and specifically states:

“the purpose of this zone is to enable development of a new shopping centre incorporating opportunity for retailing, office, educational, visitor and residential accommodation and leisure activities”

The proposed Plan Change seeks to prohibit education facilities, visitor and residential accommodation within this zone with the purpose of avoiding any potential for reverse sensitivity effects at a later date. While this would be seen to be an effective mechanism to protect the airport's future operations and interests, it is questioned whether undermining the function of the above zone is the most effective and efficient way to mitigate these

effects. Consideration of the operation of Queenstown Airport and aircraft noise has been specifically made in the District Plan provisions relating to the development of the Frankton Flats and Frankton Flats B zones and the option of providing acoustic insulation for noise sensitive activities as recommended by NZS 6805:1992 being the preferred approach to both protecting the ongoing operation of the airport while enabling these areas to be developed. The Frankton Flats zone is anticipated as a mixed use environment and reflecting this, is also relatively permissive in terms of the noise levels anticipated in the District Plan. Specific provision has also been made to address aircraft noise associated with the Queenstown Airport and included as a zone standard rule 12.18.5.2.ii requiring the design of buildings to meet internal noise standards.

Furthermore, this Plan Change does not require any acoustic insulation or ventilation in the Residential Zone for those sites between the OCB and SIB, and dwellings are permitted in the SIB subject to meeting ventilation requirements. In contrast, however, the Plan Change proposes a prohibited activity status restricting any residential activity on other urban zoned sites located within these same two boundaries. It is questioned how an effects based argument can reasonably justify both a permitted and prohibited activity status for the same activity in essentially the same location. This approach would also reduce the development potential of this zone and would undermine the establishment of a mixed use environment anticipated by the Council in the Frankton Flats zones. It is noted that the Ministry of Education submitted on the Plan Change stating that the proposal to prohibit community activities (which includes education activities) will compromise the ability of the MoE to provide for educational needs in the district. The submission states that *“there are synergies between the Queenstown Events Centre and schools which make it desirable to site a new school close to the events centre”*. The Ministry concludes in its submission that it *“accepts that there is a balancing required between the need of the airport and other activities and wishes to ensure that the community’s future educational requirements are not overlooked”*.

It could also be argued that the impact of outdoor noise is higher on the Residential zone which includes a higher portion of outdoor space than other zones. Higher noise levels increase annoyance making these areas less pleasant to use and consequently less useful. The amenity of areas of mixed use is anticipated as being considerably different from that of traditional residential areas. The noise levels provided for in the District Plan for these areas are higher, indicating a more noisy and active environment. In many cases the noise levels are also higher later in the evening, indicating an environment that will remain active longer. The nature of housing anticipated will also be higher density, which will provide limited or no outdoor living space. This potentially reduces the impact of higher noise levels on outdoor living as residents do not anticipate a high level of outdoor amenity with their living environment, anticipate a louder external noise environment and typically make use of public outdoor space. Consequently it is not considered that the impact on amenity of proposed mixed use environments such as the Frankton Flats zones merits the use of prohibited status in the OCB and the alternative methods provided by the NZS6805:1992 would achieve the desired result and are more consistent with Council’s stated intent for the use of these areas.

In respect to the Industrial Zone, the District Plan currently prohibits any residential, visitor or community activities located within the Outer Control Boundary. The Plan Change will increase the extent of this boundary and subsequently result in the loss of development rights of approximately 35 or more residential units in the Glenda Drive industrial area. The provisions of the existing Industrial zones provide for one residential unit per site for the purposes of custodial management. Although extending the prohibition of additional ASAN within this zone would reduce the number of potential objectors to the operation of the airport it must be also be recognised that residential accommodation within this area is

subject to a more permissive noise regime that reflects the purpose of the zone. The zone standard 11.3.5.2.i Noise states:

Non-residential activities shall be conducted so that the following noise limits are not exceeded at the boundary of the zone.

- 0800 – 2000 hrs L10 60dBA
- 2000 – 0800 hrs L10 50dBA and 70 dBA Lmax

Noise from aircraft operations at Queenstown Airport is exempt from these standards. However, these noise limits are higher than most other zones. There are no limitations on sound exposure levels (SEL) for single loud events within this zone. Unlike the limits established for most other zones which are measured at any other site within the zone, the noise limits in the Industrial zone are measured so they shall not be exceeded at the zone boundary. Residential activities within the Industrial zone are established in what is acknowledged to be a high noise environment and may be subject to higher noise levels from activities within that zone than may be generated in the OCB. Consequently, the rationale that residential activity should be prohibited in this area may be difficult to justify. On the other hand, however, the existing District Plan provisions already prohibit ASAN in the Industrial Zone within the OCB and this would be an extension to this, as is the case within the Rural General Zone. Furthermore, the Industrial Zone is not an anticipated mixed use environment to the same degree as the Frankton Flats A Zone.

The approach recommended in the proposed Plan Change for the Industrial and Frankton Flats zones differs from that proposed for the Remarkables Park Special zone, where new ASAN will not be prohibited but will be required to provide ventilation.

Further to the above, the submission by Keith Syme seeks that the SIB be relocated to exclude his property. It appears that the SIB as modelled in Figure 8 of the Marshall Day acoustic report runs just through the northern boundary of the submitter's site. For clarity and administration purposes this boundary has been extended just north of this location to include all of the submitter's property as well as the adjoining hotel site. As part of the submitter's site falls within the modelled SIB contour it is considered that excluding this site would compromise the integrity of the SIB. Further clarification around this issue is sought from QAC at the hearing.

As a result of the issues raised above, QAC sought through their further submission to remove the proposal to provide for a SIB. In doing so, it sought to increase the ventilation requirements out to the OCB. At the time of notification there were no mitigation requirements between the OCB and SIB. This, however, raises a jurisdiction issue as the further submission seeks to increase the scope of the plan change. Seeking these changes through a further submission does not provide the opportunity for those residents between the OCB and SIB to consider and submit to the Plan Change in respect to this issue. As a result, unless QAC sought to reduce the mitigation requirements between the OCB and ANB it is questioned whether there is any opportunity to actually remove the SIB entirely from the plan change.

Recommendations

Accept the submission point that ASAN should not be restricted between the SIB and OCB within the Frankton Flats A.

Reject in part the submission point that ASAN should not be restricted between the SIB and the OCB in the Industrial Zone.

Reject the submission point that ASAN should be provided for within the OCB in the Rural Zone.

Reject the submission to remove SIB and extend ventilation requirements out to OCB.

Reject in part the submission by Keith Syme as outlined above.

Reasons for the recommendations

Extending the ventilation requirements out to the OCB is considered to be outside the scope of this plan change. For reasons outlined above, the prohibition of ASAN within the OCB and SIB in the Frankton Flats A would be inconsistent with Council proposed intention for this zoned land. It is considered that there are alternative methods provided by the NZS6805:1992 that would achieve the desired result.

Issue 6 - Air Noise Boundary

Issue

The submission points raised by these submitters include the following:

- *Oppose ANB to be managed through Designation as opposed to District Plan*
- *Existing noise boundaries are out of date*
- *Expansion necessary to manage growth*
- *ANB and NNB can't be a distinct line*
- *Location of boundaries questionable*

Discussion

Currently the ANB is managed through the airport Designation as opposed to the District Plan and is restricted to QAC owned land and the Queenstown Airport Mixed Use Zone. Due to the proposed expansion, the boundary would now encompass 72 residential properties to the west of the Airport. As a result, the Applicant proposes to provide for the ANB through the District Plan as opposed to the Designation.

As addressed above, several submissions consider that the existing airnoise boundaries are out of date and should be amended to enable expansion necessary to manage growth. This issue is considered in Issue 9 below which concludes that the effects of airport growth needs to be weighed against the subsequent effects on amenity values. It is considered that growth may be accommodated as long as adequate mitigation is provided for.

The location of the proposed air noise boundaries including the ANB is questioned by several submitters. The Marshall Day acoustic assessment outlines that the proposed noise contours have been established through the use of the Integrated Noise Model (INM) developed by the US federal government. The INM calculation procedures use an energy averaging technique to calculate the noise exposure in term of Ldn. The INM calculates the noise level at a large number of grid points by summing the noise energy from each aircraft movement during a typical days operation. Figure 8 in Appendix G of the Marshall Day acoustic assessment identifies the predicated noise contours for 2037. Figure 9 then identifies the proposed location of the noise contours where the actual noise contours have been modified to take into account cadastral boundaries. This has resulted in the boundaries being extended slightly as opposed to reduced. Further to this, it is noted that the submission by David Jerram questions the ability of the ANB and NNB to be provided

for in a distinct line due to the subjective nature of noise measurement. Further clarification in respect to this matter is sought from QAC at the hearing.

Recommendations

Accept the submission that ANB should be managed through the District Plan.

Accept the submission that the airnoise boundaries need to expand to enable airport growth, based on the Applicant's acoustic assessment.

Reject in part the submission that the proposed noise contours are questionable, based on the Applicant's acoustic assessment. Further information, however, is sought from QAC in respect to the subjectivity of noise measurements and ability to accurately provide for a distinct noise boundary.

Issue 7 – Outer Control Boundary

Issue

The location of the northern extent of the OCB was questioned in the submission by Manapouri Beech Limited.

Clarke Fortune McDonald on behalf of Lake Hayes Estate Limited supported the inclusion of the OCB.

Discussion

The submission of Manapouri Beech states in respect to the OCB:

“Manapouri Beech Limited queries the validity and rational underpinning the northern extension of the OCB (being that part of the OCB off the northern end of the crosswind runway which extends along SH6 and overlays part of Manapouri Beech Limited land).”

Issue 6 above briefly outlines the methodology behind the location of the proposed noise contours. It is unclear from the above submission why the submitter questions the validity of the OCB to the north of the airport. Further information is sought from the submitter in respect to this issue at the hearing.

The submission by Lake Hayes Estate supports the inclusion of the OCB and its location further away from this development.

Recommendation

Neither accept nor reject the submission by Manapouri Beech on the basis that further information is required to adequately understand the issue raised.

Accept the submission by Lake Hayes Estate Limited.

Reasons for the recommendations

Further information is required to understand the submission point by Manapouri Beech Limited. The submission by Lake Hayes Estate is accepted.

Issue 8 – Definition of Activities Sensitive to Airport Noise

Issue

The submission to amend the definition of Activities Sensitive to Airport Noise is sought by two submitters to the Plan Change. The specific submission points raised by submitters include the following:

- *5M No.2 queries the justification for the definition of an ASAN including “outdoor spaces associated with education facilities”*
- *Public Health South seek that after the words “Residential Activity”, the words, “community facility including the Lakes District Hospital,” be added.*

Discussion

The definition of “*community activity*” in the District Plan already includes outdoor spaces associated with education facilities, as it reads “...*land and /or buildings used for the provision of regular instruction or training*”. It is questioned whether there is a need to specifically identify these areas again in the ASAN definition.

In respect to the submission from Public Health South, the hospital and its facilities are also provided for in the definition of “*community activities*” and therefore, as above, it is questioned whether there is a need to specifically identify the hospital in the ASAN definition.

Recommendations

Accept the submission to exclude “*outdoor spaces associated with education facilities*” in the definition of ASAN.

Reject the submission to include “*community facility, including the Lakes District Hospital*” within the definition of ASAN.

Reasons for the recommendations

The above specific references to the definition of ASAN are unnecessary.

Issue 9 – Part II Matters

Issue

The submission points raised by these submitters include the following:

- *Fails to consider future growth around the airport- Frankton Flats*
- *Inconsistent with Part 2 due to social, economic effects and effects on health and safety*
- *Economic effects do not outweigh the significant adverse effects that will be incurred by the residents*
- *Section 7*
- *Plan Change is consistent/ in accordance with Part II*
- *Plan Change will result in sustainable management of resources*
- *Plan Change does not have regard to Remarkable Park Zone, Plan Change 19, failed to consult with Remarkable Park Limited and Shotover Park Limited.*

Discussion

Part II of the Act identifies the purpose and principles of the RMA (1991). A number of submitters identified issues regarding the consistency of the Plan Change with Part II of the RMA (1991) through submissions.

Applying Section 5 involves a broad judgement of whether a proposal will promote the sustainable management of natural and physical resources and allows for the balancing of conflicting considerations. This broad assessment will also consider issues under Sections 6, 7, and 8. These matters are not considered as separate from the wellbeing of people and communities, but are elements of that wellbeing. The community's relationship with aspects of the natural and physical environment, including specified matters of national importance (Section 6), is integral to social and cultural wellbeing. Proposals that benefit the general public interest but impose an adverse effect on part of the community may still fail to meet the purpose of the Act.

Section 5 identifies the purpose of the Act as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 5(2) defines sustainable management identifying two key components to sustainable management – one enabling and one regulatory. The definition of sustainable management enables communities to use, develop and protect natural and physical resources to provide for their wellbeing. However the use of these resources can only be undertaken if the regulatory component is satisfied, requiring the potential of resources to be sustained, the life supporting capacity to be safeguarded and adverse effects on the environment to be avoided remedied or mitigated.

Queenstown Airport is a key link for local, regional and national air travel in the Otago region. In recent years the airport has also provided for an increasing number of international flights.

The importance of the Queenstown Airport as an infrastructural asset is recognised in the Queenstown Lakes District Plan, the Queenstown Lakes District Long Term Council Community Plan and is acknowledged as an asset of regional importance in the Otago Regional Policy Statement. Infrastructural assets are considered physical resources that should be sustainably managed to enable communities to provide for their social, economic and cultural wellbeing under the RMA (1991). The Queenstown Airport contributes to the economy of the district in a number of ways. The airport facilitates access to the District by visitors, thereby encouraging economic activity, the operation of the airport itself generates economic activity and the airport stimulates additional economic activities. Section 2.2 of

the Section 32 Analysis discusses the Economic Contribution of the Airport, as do the reports from Market Economics (Appendix 4 and 5 of the Section 32 Analysis). Consequently, it is recognised that the Queenstown Airport has a significant role in enabling the community to provide for its social, economic and cultural well being.

Section 5(2) also requires consideration of the health and safety of people and communities, and that all matters considered under Section 5(2) be managed while achieving subsections (a)-(c).

Visitor numbers to the Queenstown Lakes District are anticipated to continue to grow and QAC has developed a Master Plan with projections for aircraft movements to the year 2037 indicating an increase in activity at the airport. However, future growth in numbers of flights to Queenstown Airport will be constrained by the existing noise boundaries. Providing for the projected growth of the airport will assist future generations to meet their needs.

A number of submitters identified potential health issues associated with growth in airport activities that are relevant to Section 5 matters, in particular noise and pollution. Section 5(2) also requires the objectives of health and safety must be promoted through the planning and resource consent processes under the Act. These matters are also relevant to the Section 5(2) (c) requirements to avoid, remedy or mitigate the adverse effects of the proposal. These matters are discussed in greater detail in Issue 2 of this report on amenity levels.

The approach of providing for noise boundaries based on projected aircraft movements is a relatively common planning practice and one that is recommended by NZS 6085:1992 for planning for airport noise management and land use planning. This approach seeks to provide a degree of certainty for current and future generations regarding the impacts of noise generated by airport activities. However, the proposed Plan Change will provide greater certainty for the airport regarding noise sensitive activities within the proposed noise boundaries than for the community, as the proposed Plan Change does not provide any rules requiring aircraft operations to be undertaken so as not to exceed the noise control boundaries proposed. While it is accepted that these controls are proposed to be included in a Designation, it is considered that the provisions of the Designation can be more easily altered than district plan provisions and the inclusion of these provisions only in the Designation provides less certainty for the affected community.

Section 6 sets out matters of national importance that shall be recognised when managing the use, development and protection of natural and physical resources, including:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of recognised customary activities.*

The only matter of national importance identified as relating to this Plan Change is Section 6(b). While the area covered by noise control boundaries will extend into areas identified as outstanding natural landscapes this will relate to aircraft operations only and not any physical works. No other issues have been raised in relation to Section 6 matters.

Section 7 identifies other matters which particular regard shall be had to in relation to managing the use, development, and protection of natural and physical resources, including:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Those Section 7 matters of particular relevance to this Plan Change include:

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*

As a regional infrastructure resource, the efficient use of the airport and its development is a matter which particular regard should be had. Although the Plan Change is not necessary for the existing level of activity at the airport, the current noise control boundaries will need to be revised if the future growth in aircraft flights is to be accommodated at Queenstown Airport. The Plan Change includes strengthened objectives, policies and rules to reduce potential reverse sensitivity issues associated with the presence of noise sensitive activities close to the airport.

Due to the level of infrastructure established at the airport it is considered unlikely that relocating the airport will achieve an efficient use of physical resources. However, alternatives may also include limiting the level of development at the airport, and providing for the future growth at a different location. These issues are discussed in Issue 12.

The efficient use of natural and physical resources also applies to other resources, including the efficient use of existing zoned land, including the existing Frankton Flats A zoned land. The Plan Change as proposed would reduce the potential for mixed use residential/ business development by preventing any ASAN within the OCB within this zone. If this approach is adopted, this will require additional residential land to be provided further from the town centre to meet the Districts future growth needs and will result in a more dispersed population potentially increasing travel demand.

The Plan Change proposes restrictions that will reduce the efficiency of use of existing Residential and Remarkables Park zoned land within the SIB and NNB by requiring higher development standards to be met by landowners for new ASAN or additions to existing noise sensitive activities within these areas.

Section 7(c) and 7(f) requires that particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment. The key issue in relation to amenity values and environmental quality in relation to the proposed Plan Change is noise. The Plan Change proposes to extend noise control boundaries around the Queenstown Airport to include areas not previously subject to noise effects at a level which could be considered adverse and enabling higher levels of noise to be generated within parts of the existing noise control boundaries. The growth in aircraft operations will result in noise impacts that will affect the amenity values and environmental quality of the area within and beyond the noise control boundaries to varying degrees. The amenity effects on the quality of the outdoor environment cannot be mitigated while the amenity effects on the quality of the environment indoors can be mitigated to some extent. These effects must be balanced against other Part II matters. Amenity issues are discussed in greater detail in Issue 2 of this report.

Section 7(g) requires consideration of finite resources. Land may be considered a finite resource. In the Queenstown Lakes District the Council has recognised the importance of land in the Frankton Flats area as a finite resource through the development of its Growth Management Strategy and in the District Wide section of the District Plan. Land that meets the characteristics for enabling comprehensive growth by being: flat and easily developable, in close proximity to the existing town centre, has good access to transportation and infrastructure, and is not located in an outstanding natural landscape is a rare and finite resource. The District Plan recognises the finite nature of this resource and includes a specific objective (Section 4 District Wide Issues, Objective 6) and related policies to provide for airport operations, in association with other activities including, residential, recreation, retail and industrial activity. The proposed Plan Change will reduce the ability of this finite resource to be used for the range of activities identified as necessary at a local level.

Section 8 requires that all persons exercising functions and powers under the RMA (1991) shall take into account the principles of the Treaty of Waitangi. No Treaty of Waitangi issues have been raised in submissions on this plan change.

As the assessment of issues under Sections 6, 7, and 8 are not separate from but elements of the wellbeing of people and communities it is considered appropriate to return to whether the purpose and principles of the Act are best served by the outcomes promoted by the objectives and policies, rules and other methods promoted by the proposed plan change. In general, the establishment of a long term noise control regime requiring new noise sensitive activities to comply with standards to mitigate the effects of airport activities and avoid reverse sensitivity issues is considered a sound approach to planning for new development. However, the appropriateness of the level at which restrictions are established within that regime are questioned, particularly when applied to zones in which the ongoing operation of the airport has been considered in their development and which anticipate a mixture of activities and specifically provide for those which may be sensitive to aircraft noise. This existing approach is not inconsistent with planning for future airport growth and is consistent with NZS 6805:1992.

Preventing the establishment of additional noise sensitive activities in non-urban environments such as the Rural zone is considered generally appropriate to avoid additional noise sensitive activities that may result in reverse sensitivity issues for the airport. While it is acknowledged the alternative of acoustic treatment could equally be applied in this area, in the Rural Zone the avoidance of these potential effects is considered more appropriate than remedying or mitigating them.

On balance it is considered that the Plan Change as currently proposed, does not achieve the objective of the sustainable management of natural and physical resources sought by

Part II of the Act. Although the significance of the role of the airport at a local and regional level is recognised, and enabling for the growth of the airport will help the broader community to provide for their social, economic, and cultural well-being a number of mechanisms proposed in the Plan Change are contrary to that objective. The failure of the Plan Change to provide mechanisms to ensure compliance with the proposed noise control boundaries in the District Plan, the restrictive provisions proposed on activities sensitive to aircraft noise and the limited recognition of the costs of the increased noise levels on existing and proposed residential areas does not enable those parts of the community affected by this growth in activity to provide for their social, economic, and cultural well-being and for their health and safety.

Recommendations

Accept the submission that the Plan Change fails to appropriately consider the future growth around the airport.

Accept the submission that the Plan Change is inconsistent with Part II.

Reject the submission that the Plan Change is consistent with Part II.

Reject the submission that the Plan Change will result in sustainable management of resources.

Reasons for the recommendations

For reasons outlined above, the proposed Plan Change is considered inconsistent with the purpose and principals of the Act. It is noted, however, that with more information, further analysis and some amendments to the proposed provisions it is considered that the Plan Change could be consistent with Part II, in an amended form.

Issue 10 – ORPS, GMS, Objectives and Policies

Issue

The following considers the proposed Plan Change against the Otago Regional Policy Statement (ORPS), the Growth Management Strategy (GMS) and the Objectives and Policies of the District Plan.

The submission points raised by these submitters include the following:

- *Plan Change inconsistent with the Otago Regional Policy Statement.*
- *Inconsistent with the Growth Management Strategy (GMS) and Long Term Council Community Plan (LTCCP).*

i) *Consistency with the Otago Regional Policy Statement (ORPS).*

The purpose of a regional policy statement is to achieve the purpose of the RMA by providing an overview of resource management issues at a regional level and the policies and methods to achieve integrated management of the natural and physical resources across the whole region.

Section 75(3) (c) of the RMA (1991) specifies the contents of District Plans and requires that the District Plan must give effect to any regional policy statement. The Otago Regional Policy Statement (ORPS) (14 September 1998) provides the regional policy framework for

the Queenstown Lakes District, and therefore is of relevance to this plan change. Relevant parts of this document have been identified as follows:

Section 5 relates to Land and the objective 5.4.1 is relevant to this plan change:

Objective 5.4.1

To promote the sustainable management of Otago's land resource in order:

- (a) ...*
- (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.*

Objective 5.4.1 supports the need to sustainably manage land resources. This is a broad statement at a regional level and could be applied to both the sustainable management of the airport in its current location and to sustaining the ability of the land surrounding the airport to be used to meet the needs of the community.

Section 9 of the ORPS relates to the built environment. Objective 9.4.1 reads:

To promote the sustainable management of Otago's built environment to:

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
- (b) Provide for amenity values; and*
- (c) Conserve and enhance environmental and landscape quality; and...*

Objective 9.4.1 requires a balance between providing for the present and future needs of the community through the built environment whilst also providing for amenity values and conserving environmental quality. The proposed Plan Change will provide for growth in airport activities but will not meet the reasonably foreseeable need for ASAN to locate in zones identified for these activities around Queenstown Airport. The increase in aircraft activity will not conserve environmental quality in terms of noise.

Policy 9.4.2

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

Issue 9.3.3 of the ORPS identifies the dispersed pattern of population and activities and the often rugged nature of its topography in Otago as placing a high dependence on an efficient transport network for utilising the region's resources, and providing mobility and access for its people and communities. Queenstown Airport is identified as one of the regions two major airports. The proposed Plan Change will enable the sustainable management of the future growth of an identified infrastructure asset of regional importance.

Policy 9.4.3

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

The definition of built environment in the ORPS includes man-made facilities, such as the airport and their associated amenity values. The growth in aircraft operations at the airport will result in adverse noise effects on amenity values in the external environment that cannot be avoided, remedied or mitigated. Aircraft noise, however, is unavoidably linked to airport operations. If growth in aircraft movements is to be accommodated there will be an associated environmental effect whether at Queenstown Airport or at another location and

this policy must be balanced against other policies seeking to provide for infrastructure of this nature.

The assessment of noise effects accompanying the Plan Change identifies proposed noise contours based on the level at which people are annoyed and health effects resulting from potential disturbance. Mitigation measures are proposed to address the effects of noise on internal living environments though the report notes that noise levels in excess of L_{dn} 65 dBA are considered generally unsuitable for residential activity.

Conversely this policy could also be considered to apply to the reverse sensitivity effects of built environment on the physical resource of the Queenstown Airport. Reverse sensitivity issues and the significance of Queenstown Airport have been considered in the District Plan zones surrounding the airport and specific provisions included in these zones to address the need to mitigate potential noise effects.

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*
- ...*
- (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.*

The approach proposed by the Plan Change is consistent with this policy as it seeks to provide for future growth in operations at the existing Queenstown Airport. It is noted however, that either the approach proposed by the Plan Change of avoiding new ASAN in the OCB, or the existing District Plan approach of mitigating the effects of noise sensitive activities in the OCB would be methods to achieve this policy that are consistent with Policy 9.5.2(b).

Policy 9.5.3

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

- ...*
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.*

Queenstown Airport forms part of the regional and national transportation network and the Plan Change provides for the management of land use activities around the airport.

Policy 9.5.4

To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

- (a) Discharges of contaminants to Otago's air, water or land; and*
- (b) The creation of noise, vibration and dust; and*
- ...*
- (d) Significant irreversible effects on:*
 - ...*
 - (vi) Amenity values' or ...*

Urban environments and structures fall within the definition of built environment in the ORPS. The growth of activities at the Queenstown Airport provided for by the proposed Plan Change will result in discharges of contaminants to air, the creation of noise and affects on amenity values.

The discharge of contaminants to air is also addressed by the Otago Regional Plan: Air (Air Plan). Section 4.9 of the Air Plan recognises the activity of aircraft can have an effect on air quality but concludes that it is impractical to manage the effects of emissions from aircraft on a regional basis because they are intermittent and localised in nature.

The effects of the creation of noise and other amenity impacts are discussed under ORPS Policy 9.4.3 above in the section of this report dealing with issues of Amenity.

Policy 9.5.5

To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources;*

The Plan Change proposes noise boundaries based on levels established in the New Zealand Standard for planning for aircraft noise and identify a level of amenity which is acceptable for general health and wellbeing. However, as noted in the discussion on ORPS Policy 9.4.3 these standards provide guidance on the level of mitigation required at an internal level, noise in the external environment cannot be mitigated and excessive noise will affect the ability of people to enjoy external residential environment. Further, as noted in the assessment of noise effects by Marshall Day a number of dwellings are located inside the proposed ANB and NNB which delineate areas that are unsuitable for residential activity. This report acknowledges that sound insulation in these areas will not address the outdoor environment nor completely mitigate internal noise effects, but is the best practicable option.

As a result of the decline in the external noise amenity and inability to completely mitigate the effects of additional noise in these areas it cannot be considered that the Plan Change maintains the quality of life for people or the communities in the areas affected.

The relevant methods to be utilised by Otago's territorial local authorities to give effect to the policies in the ORPS include the following:

Method 9.6.9

Consider the effects of extensions to existing infrastructure of new developments, and the adverse effects of subdivision, use and development of land on the safety and efficiency of regionally significant infrastructure.

Method 9.6.12

Provide information on the adverse effects associated with activities in the built environment.

Method 9.6.14

Promote codes of practice agreed to by industry, the Otago Regional Council, city and district councils and other interest groups as appropriate to avoid, remedy or mitigate the adverse effects of activities on the built environment.

The policies of the ORPS are given effect to through the inclusion of objectives, policies and methods within the District Plan. In order to give effect to these policies the Plan Change proposes to restrict the location of or require mitigation measures to be provided by ASAN that may affect the operation of the airport.

In summary, and although it is acknowledged that the proposal is unable to maintain amenity levels sought by the ORPS it is considered that the proposal is generally consistent with the policies of this document due to the significance of Queenstown Airport as a regional transportation asset and the greater emphasis of this document on regional matters.

ii) Consistency with Queenstown Lakes District Growth Management Strategy and Long Term Council Community Plan

The Queenstown Lakes District Council adopted a Growth Management Strategy (GMS) in 2007 establishing Council's policy on where growth should occur. This is a non-statutory document but is adopted Council policy. Key principles in the GMS relevant to this Plan Change and strategies to achieve them include:

Principle 1: Growth is located in the right places

1a All settlements are to be compact with distinct urban edges and defined urban growth boundaries.

...

1f Greenfields development within the defined growth boundaries of the two main urban settlements (Queenstown and Wanaka), such as at Frankton Flats, is to be carefully managed to ensure that land is used to effectively promote the full range of desired community outcomes, and that a mix of activities can be accommodated. This includes encouraging a higher density form of development.

...

1g In Queenstown / Frankton and Wanaka, new centres are proposed in both settlements that can act as focal points for growth, with a mix of commercial, visitor accommodation and more intensive residential development in and around these centres, whilst ensuring that the two existing centres remain attractive, vibrant, and important places to residents by providing for a range of housing and business options that will sustain a resident population.

...

1j The further growth of the Queenstown Airport should be co-ordinated with the development of the wider Frankton area to ensure that future conflicts between land use and airport activities are minimised. This is likely to involve some constraints on the operation of the airport (e.g. ensuring flight paths that minimise impacts on local amenity and restrictions on flights between 10pm and 6am), as well as constraints on adjacent activities (e.g. expanded noise contours and complementary land uses).

Principle 2: The type and mix of growth meets current and future needs

2h Developments in the Frankton area are to be carefully managed to ensure a balanced mix of residential, retail, commercial, industrial, and visitor accommodation developments in each of the main growth areas north and south of the airport.

2.i More employment land (i.e. land zoned for business and commercial uses rather than residential uses) is to be provided in and around the airport Designation,

preferably on both the north and south sides of the runway to provide for yard-based industrial activities

Submitters have indicated that the Plan Change is inconsistent with the GMS. Principles 1f, 1g and 2h of the GMS specifically identify the Frankton Flats area as a key focal point for growth that should accommodate a mixture of activities including visitor accommodation and residential development. Principle 1j seeks to ensure development of the Queenstown Airport be coordinated to minimise conflict with the proposed growth area and the wider Frankton area. These policies have been given effect to through consideration of these issues in planning within the Frankton area and the development of specific plan changes for Frankton Flats.

These plan changes have provided for a mixture of uses, including activities that meet the definition of ASAN, within these areas and have anticipated the future growth of the airport through either restricting the development of ASAN where the anticipated noise levels are considered to be at a level unacceptable for human habitation or by requirements for acoustic insulation. This approach provides a balance between the recommendations of NZS6805:1992 and the objectives of the GMS and Objective 6 – Frankton, of the District Wide Section of the District Plan.

The proposed Plan Change provides for the growth of Queenstown Airport but the proposal to prohibit activities sensitive to aircraft noise within the OCB will significantly limit the ability of the Frankton Flats area to achieve the principles of a mixed use centre as established in the GMS, and Objective 6 – Frankton, of the District Wide Section of the District Plan. The alternative approach provided for in NZS6805:1992 and currently adopted for urban zones around the airport in the District Plan is to require acoustic insulation to mitigate effects. It is considered this option would be more consistent with the principles of the GMS.

It is further considered that the adoption of the Plan Change as proposed will restrict the ability of the Frankton Flats area to provide for the anticipated growth of Queenstown's population within the identified growth boundaries in the GMS and may compromise principle 1a by forcing development beyond this boundary.

The proposed Plan Change partly meets the intent of this objective by providing for and protecting airport operations but does not provide a balance in the protection of activities anticipated to occur in the surrounding zones from the effects generated by aircraft operations and unduly restricts the use of the finite resource of land planned as a key growth area for the future of Queenstown.

iii) Operative District Plan and Plan Change Objectives and Policies

Submissions raise the issue of an inadequate analysis of existing District Plan Objectives and Policies, as well as inadequate proposed Objectives and Policies in the Plan Change provisions.

The Section 32 report does carry out an analysis of the existing Objectives and Policies of the District Plan in Section 5.3 of the Plan Change request document. This includes consideration of all the affected zones including analysis of the District wide rules and the Rural, Residential, Frankton Flats, Remarkables Park and Industrial Zones. It is noted that the submission by Remarkables Park Limited identifies that Figure 2 of the Remarkables Park Zone would need to be amended to reflect the proposed change to the air noise contours. This was not discussed in the Section 32 analysis.

A number of changes were also sought from QAC, and subsequently undertaken, in respect to the proposed Objectives and Policies during the initial review of the Plan Change

request. It is considered, however, that in their current form the proposed Objectives and Policies are still inadequate and do not achieve the purpose of the Act. This includes inadequacies in the following areas:

1. The Objectives and Policies fail to consider restrictions on ASAN against restrictions on aircraft noise. It is considered a balance needs to be struck between avoiding reverse sensitivity effects on the airport and the reasonable protection of the amenity values of the surrounding environment including the residential environment. The District Plan rules and Policy and Objective framework should reflect this approach. It is expected that this would include provisions around airport operating hours and noise control.
2. The Noise Mitigation Programme proposed by QAC to be included in a future Noise Management Plan should be referred to in the Objectives and Policies and included in the rules of the Plan Change in order to provide more certainty for the community in respect to the mitigation programme offered by QAC. This should be provided for through the District Plan and the Designation and contain much more detail than currently proposed. It is considered that further consultation is required between QAC and those landowners and residents within the ANB, NNB and SIB and the Council, prior to drafting proposed provisions for such a programme. The current references to the possible contents of a future Noise Management Plan do not protect the interests of the community and due to the complexity and significance of the issues, it is considered that more thorough consultation and analysis needs to be undertaken by QAC to address this issue.
3. The Objectives and Policies also fail to protect the community from airport activity such as engine testing. Again these provisions are usually included in the District Plan provisions as is the case with other airports around the country. In addition Nevil Hegley expressed concern about the proposed engine testing noise condition, as outlined in Issue 3 (Mitigation) above. Further analysis was sought from QAC in respect to this issue but to date has not been received.
4. Through prohibiting ASAN within the Frankton Flats, it is considered that the Objectives and Policies fail to achieve the purpose of the Act as outlined in Issue 9 above.

In order to address the above issues, it is considered that significant amendments need to be made to the proposed Objectives and Policies (it is noted that QAC sought several minor amendments to the Plan Change provisions through their original submissions which would also need to be considered in the Council decision). It is considered, however, that due to the extent of these deficiencies these changes cannot occur until further analysis and consultation is undertaken by QAC to address these matters. If in the event that the Commissioners were of the mind to approve the Plan Change and Designation, or considered further information was needed to determine this, it is considered that the hearing would need to be adjourned so that the above consultation and analysis could be undertaken by QAC and the Council. There would obviously be procedural issues to be addressed if this was to occur.

Further to the above, the submission by Public Health South (PHS) seeks a number of specific amendments to the proposed Plan Change and Designation provisions. Due to the specific nature of their submissions, rather than recommending amendments at this stage it is considered more appropriate that each point made by PHS is considered in the Council decision once all the evidence and further information has been presented and a clear direction is determined.

Recommendations

Accept in part that the Plan Change is generally consistent with the ORPS.

Accept that the Plan Change is inconsistent with the GMS.

Accept the submission point that Figure 2 of the Remarkables Park Zone needs to be amended to reflect the proposed contours.

Accept in part the submission that the proposed Objectives and Policies are inadequate for reasons outlined in 1-4 above.

Accept in part the submission points by Public Health South, however, the Commissioners are referred to these submissions for specific detail, for the Council decision.

Issue 11 – Section 32 analysis

Issue

The inadequacy of the section 32 report has been raised by a number of submitters.

The specific submission points raised by these submitters include the following:

- *Heavily slanted towards QAC*
- *Doesn't implement the existing settled objectives and policies of the plan*
- *Noise controls should be included in the District Plan and subsequent objectives and policies*
- *The Plan Change is not the most appropriate method of achieving the objectives and policies*
- *The Plan Change does not refer to and/ or implement other settled Objectives and policies of the District Plan*
- *The proposed new objectives and policies are inappropriate and/ or unachievable*
- *Alternative methods have not been adequately considered, including the alternatives of making no changes to noise boundaries or the number of flights*
- *The Section 32 report does not adequately assess the costs and benefits, including the economic costs to landowners of the extended boundaries or night flights*
- *The Section 32 report does not refer to all relevant sections of the Act*
- *The Section 32 report does not disclose that Lot 6 DP304345 is not owned by the QAC.*
- *The Section 32 report is unclear whether the noise contours take into account expansion on the northern side of the runway and particularly if expansion on the south side of the runway does not occur.*
- *The Section 32 report does not clarify the number of flights that will occur per night*
- *The need for the Plan Change is not adequately established in the Section 32 report.*
- *The section 32 analysis does not support the level of restrictions on ASAN's between the OCB and SIB in the Frankton Flats (A) and (B), Industrial, and Rural General zones*
- *There is no explanation of level of growth that could take place in existing boundaries*
- *30 year planning framework is unreasonable*

Discussion

It is considered that there are a number of inadequacies in the Section 32 report that accompanies Plan Change 35, as outlined in Issues raised above. It is considered, however, that the Section 32 process continues through the entire plan preparation process and, as such, those areas where the analysis may not be sufficient can be more thoroughly assessed through this report, the evidence presented, and, most importantly, through the Council's decision and any subsequent Environment Court decision.

The specific submission points raised by submitters in respect to the Section 32 analysis are considered below.

- i) *The assessment of alternative methods is considered to be inadequate and does not include the alternative of making no changes to noise boundaries or the number of flights.*

Whilst the section 32 analysis does briefly consider the alternative options of retaining the status quo or changing the noise boundaries but retaining the existing provisions, it is considered that the analysis is currently inadequate. It would be helpful to the Commissioners for QAC to provide a more thorough analysis of the advantages and disadvantages of the various options, at the hearing.

The Section 32 analysis does not adequately assess the costs and benefits, including the economic costs to landowners of the extended boundaries or night flights

It is considered that the Section 32 analysis is inadequate in this respect as addressed in Issues 1 and 3 above. It is considered that QAC should provide further analysis at the hearing insofar as:

- The costs to the airport/ airlines and individual landowners of complying with noise mitigation requirements.
- The benefits to the airport, airlines and to the wider community of allowing airport growth and night flights. This should include an analysis of estimated additional revenue from allowing the proposed night flights and to what extent this will create a market of visitors who will otherwise not travel to Queenstown.
- The costs to individual landowners in terms of property values
- The intangible costs to landowners such as sleep disturbance and loss of residential amenity

- ii) *The need for the Plan Change is not adequately established*

There is discussion on this issue in the Section 32 report, albeit brief. It is suggested that QAC may need to expand on this in evidence.

- iii) *The Section 32 analysis does not refer to all relevant sections of the Act*

The submitter is correct in saying that Sections 31, 74, 75, and 76 of the Act are not referred to in the Section 32 report. That said, however, it is considered that specific reference to Sections 31, 75, and 76 is likely to be of little consequence to the decision making. In regard to Section 74, whilst the section is not specifically referred to, the Otago Regional Policy Statement and Air Plan are discussed. However, the report fails to discuss the Plan Change in the context of the relevant Iwi Management Plan or any other plans prepared under any other Act. To assist the Commissioners, it would be helpful if these assessments were included in evidence.

iv) The Section 32 report is unclear in regard to a number of matters

As outlined in Issues 1-13 it is accepted that there are a number of matters that the Section 32 report is unclear on or does not address. These are outlined in the specific discussion addressed elsewhere in this report. Further clarification is sought where necessary.

v) The section 32 analysis does not support the level of restrictions on ASAN's between the OCB and SIB in the Frankton Flats (A) and (B), Industrial, and Rural General zones

This issue is discussed in more detail in Issue 5 of this report. In summary, it is considered that the Section 32 report should consider various options for this area. Such options might include:

- Allowing ASAN's between the OCB and SIB in the Frankton Flats A zone.
- Providing for ASAN's between the OCB and SIB subject to noise insulation and/or ventilation standards being met where necessary
- As per above, plus a requirement for no complaint covenants.

Recommendations

Accept the various submission points listed above that have raised issues with the inadequacy of the existing Section 32 report.

Reason for the recommendation

The Section 32 report fails to consider a number of matters as outlined through the various Issues (1-13) of this report. Further analysis is sought from QAC in respect to these matters as outlined throughout this report.

Issue 12 – Alternative Sites

Issue

A number of submitters have raised concerns that alternative sites for the airport have not been adequately considered in the preparation of the Designation and Plan Change.

The specific submission points raised by these submitters include the following:

- *That the airport should be relocated out of Queenstown.*
- *That the Queenstown airport should be retained for use by smaller planes (general aviation) but that the larger planes (scheduled flights) should be relocated to another/new airport*
- *That the general aviation and the helicopters should be moved to an alternative site.*
- *That the Queenstown airport has reached capacity and that additional air traffic could, instead, be directed through Invercargill or Wanaka.*

Discussion

Section 168A (3)(b) of the RMA states that:

“When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

(a) ...

(b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*

- (i) *the Requiring Authority does not have an interest in the land sufficient for undertaking the work; or*
- (ii) *it is likely that the work will have a significant adverse effect on the environment;*

Section 32 analysis must also undertake a consideration of alternatives.

Investigations into alternative sites for the airport were undertaken on behalf of the QLDC in 1995; the outcomes of which are documented in a report entitled “Queenstown Airport Alternative Site Study (October 1995). In this process, a list of 11 alternative sites was narrowed down to a possible 4 sites; these being the Jardine’s land (now part of the Jacks Point Zone), Queenstown Hill, the Cromwell terraces, and Wanaka. Each of these was then further analysed based on criteria including runway requirements, meteorological and airspace considerations, surface access to Queenstown (i.e. the length of time for a coach to travel to Queenstown), availability of utility services, environmental effects, and cost. The existing site at Frankton was clearly the preferred site having had regard to environmental issues, the availability of utility services, cost, its proximity to Queenstown, its relatively favourable meteorological conditions, and the ability to lengthen the runway (albeit not to the 2,000m desired at that time). The only significant drawback cited in that report was the fact that night flights could not be accommodated due the topography however, it is noted that technological advancements in instrument landing systems over the past 15 years now makes night flights possible.

For completeness, the other shortlisted sites were deemed unsuitable for the following reasons:

- The top of Queenstown Hill was considered unsuitable due to meteorological conditions and significant environmental effects and costs.
- The Jardine land (now the Jacks Point zone) was considered unsuitable due to meteorological conditions, airspace considerations, and environmental effects. Regardless, having since been zoned as the Jacks Point Resort Zone, the area is no longer available for this purpose.
- The Cromwell Terraces would enable an airport with capacity for 24 hour operations and for larger planes but its distance from Queenstown rendered it unsuitable.
- The Wanaka airport had issues with its ability to lengthen the runway beyond 1800 m but its major disadvantage was its distance from Queenstown.

Interestingly, the Invercargill airport was not included on the list of potential sites in the 1995 study or in previous studies. In saying this, it is noted that the 1995 study dismissed any site on the initial list that was more than a 1 hour coach ride from Queenstown (with the exception of Wanaka) and therefore it is reasonable to conclude from this that Invercargill is considered to be an unreasonable distance from Queenstown to be a realistic option.

It is fair to say that the advantages of the existing site over the others have, if anything, become more pronounced over the 15 years since those investigations. In addition to the reasons outlined above, the scale of investment at the existing airport suggests that relocating some or all of the uses to another location would be an inefficient use of existing resources.

Some submitters have also suggested separating out the various aviation uses (i.e. either by removing the scheduled flights and retaining the helicopters or retaining the scheduled flights but relocating the rest). The first option is considered inappropriate as the scheduled flights need to be highly accessible to Queenstown and no viable alternative site exists within close proximity of the main population centres (as discussed above). The second option is also considered inappropriate as the general aviation and helicopters also need to be within close proximity of the population base as they provide short-duration sightseeing which is unlikely to be successful or economically viable if the airport was remote from Queenstown.

It is noted that the Queenstown Airport Masterplan (July 2004) made no suggestion that general aviation should move from the current airport site, only suggesting that "itinerant" special events aircraft parking could be located at an alternative airport such as Wanaka.

Recommendations

Reject the submission points that the airport and its activities should be relocated to an alternative site.

Reason for the recommendation

As outlined above, an analysis in respect to alternative sites for the airport has been undertaken through the Queenstown Airport Alternative Site Study (October 1995). The report concluded that Frankton was clearly the preferred site due to its established nature, environmental benefits, its availability of services and costs, and proximity to Queenstown.

Issue 13 – Lot 6

Issue

The submission by Remarkables Park and Shotover Park Limited considers that the Plan Change is deficient as it fails to disclose that part Lot 6 is not owned by QAC.

Discussion

Paragraph 2.5.7 and 2.5.8 of the Section 32 report identifies that QAC would have to purchase Lot 6 if the helicopter operations were to move to Lot 6. Further to this the report states that as there is no certainty around whether the helicopters will be relocated, or any set timeframes if they are moved, both the existing and proposed Master Plan locations have been included in the proposed noise boundaries. If and when the helicopters are relocated to part of Lot 6, the noise boundaries would be revised. The Plan Change request and Notice of Requirement fails to give any further detail in respect to this issue.

Recommendations

Reject the submission that the Plan Change request fails to consider part Lot 6. However, further information from QAC at the hearing would be useful to further understand this issue.

Reasons for the recommendations

The Plan Change request briefly outlines the issues in respect to Lot 6 as outlined above.

APPENDIX A

SUMMARY OF SUBMISSIONS INCLUDING FURTHER SUBMISSIONS

APPENDIX B

LIST OF SUBMITTERS TO PLAN CHANGE AND NOTICE OF REQUIREMENT

APPENDIX C

LIST OF FURTHER SUBMITTERS AND LATE SUBMITTERS

APPENDIX D
PROPOSED PLAN CHANGE PROVISIONS

APPENDIX E
PROPOSED DESIGNATION PROVISIONS