

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

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

AND Submitter 828 (Brett Giddens)

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

7 July 2017

1. INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

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

SCOPE OF EVIDENCE

- 1.4 This statement of rebuttal evidence relates to the evidence presented on behalf of Submitter 828 (Brett Giddens) with respect to Hearing Stream 13 – Queenstown Mapping Hearing.
- 1.5 In preparing this brief of evidence, I confirm that I have read and reviewed:
- 1.5.1 The evidence of Mr Brett Giddens (Landowner) dated 9 June 2017; and,
- 1.5.2 The supplementary statement of evidence of Kim Banks relating to Dwelling Capacity dated 19 June 2017.

General comment regarding the scope of rebuttal evidence

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

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

OVERVIEW OF QAC'S FURTHER SUBMISSION

- 1.10 QAC submitted in opposition to the submission by Brett Giddens which seeks to rezone the area of land bound by McBride Street, Burse Street, Grey Street and State Highway 6 from Low Density Residential zone to Local Shopping Centre zone. As a secondary option, Mr Giddens seeks that the land be rezoned to a High or Medium Density Residential zone.
- 1.11 The reasons given by QAC for its submission included a concern that the proposed rezoning is counter to the land use management regime established under Plan Change 35 (PC35), and that the rezoning request would have potentially significant adverse effects that have not been appropriately assessed in terms of section 32 of the Act.¹

2. REBUTTAL EVIDENCE

- 2.1 Mr Giddens has prepared evidence as a resident and landowner of property on McBride Street. In summary (insofar as his evidence relates to QAC's submission or general aircraft noise matters), Mr Giddens' evidence is that:

¹ Further Submission 1340.153.

- 2.1.1 “Night flights” have had a “significant impact” on the environment at McBride Street;²
- 2.1.2 PC35 has had a significant impact on the environment;³
- 2.1.3 Within 18 and 20 McBride Street, the internal noise during aircraft take-off has been measured at 70-75dB.⁴
- 2.1.4 The vibration effects (from aircraft take off) are most significant, although he notes that these effects could also be from planes, buses or trucks;⁵
- 2.1.5 Low Density Residential is not the most appropriate zoning for his land. He notes that the convenient location of this land to amenities and public transport lends itself to high density but that this is opposed by QAC;⁶
- 2.1.6 If the residential zone remains, he will incur considerable costs to mitigate the “significant” noise effects from airport operations;⁷
- 2.1.7 A Local Shopping Centre Zone is the most appropriate zoning of his landholdings.⁸ Such a zoning will have no impact on airport operations.⁹
- 2.2 In response to the issues raised in Mr Giddens’ evidence I note that PC35 sought to amend the location of aircraft noise boundaries while at the same time, established a land use management regime for managing the effects of aircraft noise. Associated with this plan change was a notice of requirement which, among other things, required QAC to mitigate the

² Paragraph 3.4, Statement of Evidence of Mr Giddens, dated 9 June 2012.

³ Paragraph 3.7, Statement of Evidence of Mr Giddens, dated 9 June 2012.

⁴ Paragraph 3.8, Statement of Evidence of Mr Giddens, dated 9 June 2012.

⁵ Paragraph 3.8, Statement of Evidence of Mr Giddens, dated 9 June 2012.

⁶ Paragraph 5.2, Statement of Evidence of Mr Giddens, dated 9 June 2012.

⁷ Paragraph 5.3, Statement of Evidence of Mr Giddens, dated 9 June 2012.

⁸ Section 6, Statement of Evidence of Mr Giddens, dated 9 June 2012.

⁹ Paragraph 7.12, Statement of Evidence of Mr Giddens, dated 9 June 2012.

effects of aircraft noise within the “2037 60dB noise contour”¹⁰, this being the contour where the future noise effects from aircraft operations were considered to be sufficient to require a mitigation response. I note the properties at 18 and 20 McBride Street, as referred to by Mr Giddens, are not located within the 60dB 2037 noise contour.

2.3 With respect to the 70-75dB reading taken by Mr Giddens within the buildings located at 18 and 20 McBride Street, I note that the OCB and ANB are based on average noise exposure measured over 24 hours, with the OCB being based on average noise exposure over this period of 55dB Ldn and for the ANB, 65dB Ldn. Mr Giddens’ measurement (for which I cannot verify the accuracy of) appears to be a single event measure which bears no comparison with the way in which aircraft noise effects are measured and assessed in terms of the NZ Standard for Aircraft Noise Management and Land Use Planning NZS6805: 1992 (the NZ Standard) NZS6805:1992.

2.4 With respect to the suggestion that 18 and 20 McBride Street should be zoned Local Shopping Centre Zone, as set out in my EIC, I do not support rezoning proposals that will enable the intensification of activities sensitive aircraft noise (ASAN) within the Air Noise Boundary (ANB) or Outer Control Boundary (OCB) at Queenstown. The reasons for this are set out in my EIC, however in summary:

2.4.1 The NZ Standard recommends that all new activities, schools, hospitals and other noise sensitive activities should be prohibited unless a plan permits such use;¹¹

2.4.2 Today’s aircraft noise scenario is not the ultimately permitted outcome provided by for PC35. Aircraft noise effects experienced at the site will therefore grow incrementally until the noise levels permitted by the noise boundaries are reached.¹²

¹⁰ 2037 60dB noise contour was defined as part of PC35 and means the predicted 60 dB Ldn noise contour for Queenstown Airport for 2037 based on the 2037 Noise Contours.

¹¹ Paragraph 3.15, Statement of Evidence of John Kyle, dated 9 June 2017.

¹² Paragraph 5.6, Statement of Evidence of John Kyle, dated 9 June 2017.

- 2.4.3 Rezoning requests that ultimately allow for the intensification of ASAN within the ANB or OCB will ultimately increase the number of people exposed to the increasing effects of aircraft noise over time. Such activity will inevitably give rise to an increased risk of reverse sensitivity effects.¹³
- 2.4.4 While acoustic treatment / mechanical ventilation can be used as a method for mitigating the effects of aircraft noise within critical listening environments, such methods are not effective at addressing the effects on outdoor amenity and general utilization or enjoyment of a resident's/landowners property.¹⁴
- 2.4.5 As a result, QAC may be required to curtail aircraft operations because of growing community pressure about aircraft noise.¹⁵
- 2.5 The Local Shopping Centre Zone provides for an element of ASAN development, therefore it would be reasonable to assume that establishing such a zoning over the submitter's land could potentially result in the intensification of ASAN, due to the higher intensity of use that can occur in this zone when compared to the current residential zoning of the site.
- 2.6 I therefore maintain that rejecting the rezoning request would assist to appropriately protect operations at Queenstown Airport from potential reverse sensitivity effects. The Airport is infrastructure of regional and national significance, which serves to justify such protection, in my opinion.
- 2.7 Alternatively, I would support the rezoning request if it included appropriately drafted provisions that prohibit the intensification of ASAN in this area at a higher rate or density that is currently provided for in the Operative District Plan.

J KYLE

¹³ Paragraph 5.8, Statement of Evidence of John Kyle, dated 9 June 2017.

¹⁴ Paragraph 5.11, Statement of Evidence of John Kyle, dated 9 June 2017.

¹⁵ Paragraph 5.9, Statement of Evidence of John Kyle, dated 9 June 2017.