

Before the Queenstown Lakes District Council

In the Matter of the Resource Management Act 1991

And

In the Matter of the Queenstown Lakes Proposed District Plan

**Queenstown and Environs Hearings
Chapter 17 (Airport Mixed Use Zone)**

Hearing Stream 13

**Memorandum of Counsel for Queenstown
Airport Corporation Limited (Submitter
433 and Further Submitter 1340) Relating
to Expert Evidence**

Dated: 29 May 2017

QUE912172 5785636.1

lane neave.

Level 1, 2 Memorial Street

PO Box 701

Queenstown

Solicitor Acting: Rebecca Wolt

Phone: 03 409 0321

Fax: 03 409 0322

Email:

rebecca.wolt@laneneave.co.nz

MAY IT PLEASE THE PANEL

1. This memorandum is filed in respect of the Queenstown and Environs mapping hearings (Hearing Stream 13), in particular the Panel's direction in respect of expert evidence at paragraph 10 of its Ninth Procedural Minute, which states:

"As we clarified in our Minute of 17 March 2017, our focus in this hearing stream is on particular sites or areas. Thus, where an expert witness is presenting evidence in relation to more than one site or area (whether for the same or different submitters), we request that separate briefs of evidence be provided rather than an omnibus brief."

2. The purpose of the memorandum is to request that QAC be permitted to file omnibus briefs of evidence in chief in respect of its further submissions for this hearing stream.

Reasons

3. Queenstown Airport Corporation Limited (**QAC**) has lodged further submissions in respect of 33 individual rezoning requests¹ where the land sought to be rezoned is located either within the Airport's Outer Control Boundary (**OCB**) or Air Noise Boundary (**ANB**), or within the 50 dB Ldn noise contour, and the rezoning sought includes the enablement of noise sensitive activities (**ASAN**). QAC generally opposes these rezoning requests because:

"the rezoning of [the] land is counter to the land use management regime established under PC35. Rezoning the land would have potentially significant adverse effects on QAC that have not been appropriately assessed in terms of section 32 of the Act."²

Or because:

¹ In respect of original submissions on the Queenstown planning maps, being submission numbers 16, 48, 125, 28, 141, 150, 238, 328, 336, 338, 347, 389, 391, 393, 399, 318, 418, 408, 425, 429, 455, 488, 501, 533, 661, 717, 751, 790, 806, 807, 828, 840, 434, (with QAC's further submission in respect of submission 527 to be withdrawn).

² As per QAC's further submission dated 18 December 2015, and the reasons given for its opposition to rezoning requests that seek the enablement of ASAN within the OCB or ANB.

“[it] will result in intensification of ASAN establishing within close proximity to Queenstown Airport. The proposed rezoning is a significant departure from the nature, scale and intensity of ASAN development currently anticipated ... and may potentially result in adverse effects on QAC over the longer term.”³

4. QAC will present (and pre-lodge) corporate and expert planning and noise evidence in chief in support of its further submissions at the upcoming hearing. However, for most of rezoning requests that QAC opposes, the original submission contains little or no assessment of the potential effects of aircraft noise on the site that is sought to be rezoned for noise sensitive activities. QAC’s evidence in chief will therefore and necessarily be high level, and will address the aircraft noise ‘issue’ in a general and principled manner.
5. To be clear, it is not proposed to address individual rezoning requests separately in any detail in QAC’s evidence in chief. This detail will instead be provided in QAC’s rebuttal evidence, once its experts have had an opportunity to review, consider and are therefore able to respond to the evidence lodged by submitters in support their individual rezoning requests.
6. Accordingly, by way of this memorandum QAC respectfully requests that the Panel permit it to file an omnibus brief of evidence in chief for each of its witnesses which addresses (in a principled manner) all 33 of its further submissions.⁴
7. It is noted that if QAC is not permitted to do so, it will be required to lodge 33 identical briefs of evidence for each of its witnesses for each of its 33 further submissions. This seems administratively inefficient (although QAC acknowledges that it does not know how the Panel’s hearing staff intend or are required to manage receipt of submitter evidence at their end).
8. To assist hearing staff and the Panel, QAC will clearly identify the original submissions to which the omnibus briefs of evidence relate.

³ As per QAC’s further submission dated 18 December 2015, and the reasons given for its opposition to rezoning requests that seek the enablement of ASAN outside the OCB but within the 50 dB L_{dn} noise contour.

⁴ Refer footnote 1 above for a list of the original submission to which QAC’s further submissions relate.

9. For the avoidance of doubt, QAC anticipates that it will lodge separate briefs of rebuttal evidence in respect of each of its further submissions, in accordance with paragraph 10 of the Ninth Procedural Minute, and the indulgence sought at paragraph 6 above only relates to its evidence in chief.



R Wolt

Counsel for Queenstown Airport Corporation Limited