

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District Plan Designation
2 (Aerodrome Purposes Designation – Queenstown
Airport)
Designation 4 (Airport Approach and Land Use Controls
Designation – Queenstown Airport)
Designation 29 (Queenstown Lakes District Council Events
Centre and Aquatic Centre)
Designation 230 (Metservice Designation)

SUMMARY EVIDENCE OF JOHN CLIFFORD KYLE

(SUBMITTER 433 AND FURTHER SUBMITTER 1340 AND REQUIRING AUTHORITY
FOR DESIGNATIONS 2 AND 4)

20 OCTOBER 2016

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1. INTRODUCTION

- 1.1 My name is John Kyle. I am a founding director of the firm Mitchell-Daysh Limited.
- 1.2 I filed evidence with respect to Designations 2, 4, 29 and 576 on Friday 7th October 2016.
- 1.3 This statement of evidence summarises what I consider to be the key matters arising from my evidence in chief (EIC) dated Friday 7th October 2016.
- 1.4 I confirm that I have read and reviewed the legal submissions of Remarkables Park Limited (RPL)/Queenstown Park Limited (QPL) and the Queenstown Airport Corporation (QAC) prior to preparing this summary.

2. DESIGNATION 2 AERODROME PURPOSES – SUMMARY OF KEY ISSUES

Range of Permitted Activities

- 2.1 Proposed conditions 1 (a) to (f) in the notice of requirement (NOR) relating to Designation 2 set out the range of activities sought to be provided for by the designation. The proposed additions and/or amendments to the list of permitted activities are summarised at paragraph 4.4.1 of my EIC.
- 2.2 In recent decades, the use of aerodromes or airports has evolved well beyond the provision of traditional 'runways and terminals'. Modern airports are highly sophisticated and dynamic land uses which legitimately encompass a broad range of activities in order to provide for the needs and demands of aircraft passengers, crew, ground staff, airport workers and those that meet and greet travelers.
- 2.3 Airports often provide for a range of industrial or logistical land uses as such uses either provide direct servicing to the aviation industry, or feed directly off it.
- 2.4 Moreover, it is important for airport operators to retain sufficient flexibility to properly enable forward planning and development necessary to respond to changing demands that arise at a modern airport.
- 2.5 It is therefore my view that the purpose of airport designations should be sufficiently broad in order to meet these imperatives over time. The alterations

made by the QAC with respect to Designation 2 are, in my opinion, consistent with this approach.

Building Heights and Setbacks

- 2.6 Proposed conditions 2 and 3 of the NOR set out the building height and setback requirements within the designation.
- 2.7 A number of land use zones are located on the land known as the Frankton Flats, a number of which hem the airport. These zones have generally emanated from a range of rezoning requests over the years and they anticipate a range of built form outcomes, depending on their function and the methods selected to manage the effects that derive from built development. A variety of height, bulk and location requirements apply to buildings in these zones. Some of the key ones are summarised in Table 1 (attached as Appendix B) to this statement. The height limits are spatially depicted in Figure 1 (refer to Appendix C). These attachments demonstrate that there are a mix of height, bulk and location requirements that apply to the land adjoining the airport.
- 2.8 The suggested alterations to the Aerodrome designation promoted by QAC, insofar as these result in amendments to the height and setbacks for buildings, would in my assessment result in outcomes which are generally consistent with anticipated built form outcomes in these adjacent zones. Thus resultant development on the airport land would maintain a character and form which is generally consistent with the development on land adjoining.
- 2.9 Furthermore, much of the Airport's land is subject to the obstacle limitation surfaces (OLS) designation which imposes height restrictions on buildings and structures in order to maintain the safety of aircraft operations. In undertaking any new building work on its own land the QAC meets the obligations that emanate from the OLS controls in order to maintain safety. This will inevitably impose some limitations on building height within the QAC's landholdings which are more onerous than the proposed 15m height limit.

- 2.10 I also note that based on my observations and experience at other airports in New Zealand, the proposed height limits are at the lower end of similarly applied airport building height limits.¹
- 2.11 In light of the above and in light of the increasing pressure for land availability on Frankton Flats, I consider that the amendments better provide for the efficient use of what is an increasingly limited land resource on Frankton Flats.
- 2.12 *Effects of the proposed modifications*
- 2.13 RPL/QPL purports that the NOR is inadequate because, other than a height limit and building setback requirements, no conditions on built form location, landscaping requirements, traffic and access etc are proposed.
- 2.14 In my experience, the concerns raised by RPL/QPL are adequately addressed via the outline plan process. Specifically, section 176A of the Act requires that an outline plan must show:
- (a) the height, shape, and bulk of the public work, project, or work;
 - (b) the location on the site of the public work, project, or work;
 - (c) the likely finished contour of the site;
 - (d) the vehicular access, circulation, and the provision for parking;
 - (e) the landscaping proposed;
 - (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
- 2.15 For works undertaken at the airport in recent times, the Council has required the submission of outline plans. These have provided the opportunity for the Council to provide input into building design, landscaping, carparking requirements, vehicle circulation and the extent of any proposed earthworks.

¹ Christchurch International Airport: 20m height restriction, Wellington International Airport: 25m restriction, Auckland International Airport: no limit applies within the Core Sub Precinct, subject to compliance with the obstacle limitation surface requirements.

- 2.16 In my opinion this process is working well and the resultant built form has benefitted from this input. The effects that have emerged from this recent development are well contained and are mitigated by careful design, exterior finishing and landscaping. In my opinion, the outline plan will be effective in meeting the concerns raised by RPL/QPL in this respect.

Non-Airport Related Activities

- 2.17 The operative Designation currently contains a condition which states that “Non airport related activities are prohibited within the Aerodrome Purposes Designation”. The NOR proposes to remove this condition.

- 2.18 In my opinion, the condition relating to “non-airport related activities” is superfluous. There is an inherent requirement for activities authorised by a designation to be directly provided for by its purpose. In my experience with designations throughout the country, it is unusual to find such a condition on a designation.

3. DESIGNATION 4 AIRPORT APPROACH AND LAND USE CONTROLS – KEY ISSUES

- 3.1 Designation 4 currently provides for take-off climb and approach surfaces and transitional surfaces (together the “obstacle limitation surfaces” or “OLS”) in relation to the main runway and cross wind runway at Queenstown Airport.
- 3.2 The OLS impose height and obstacle clearance restrictions around the Airport which are important for the safe and efficient functioning of aircraft using the Airport, and, in particular the safety of aircraft operations.
- 3.3 At present, the designation text and Figures 1 and 2 are inconsistent. QAC’s NOR therefore sought to amend the designation text to be consistent with the Figures which depict the origin of the inner edge at a parallel line 150m either side of the runway centreline.
- 3.4 In order to protect future operational capability, QAC has historically administered and protected the OLS according to a strip width of 300m (or 150m either side of the runway, which is consistent with the diagrams in the Plan).

4. DESIGNATION 29

- 4.1 Designation 29 relates to the Queenstown Lakes District Council Events Centre and Aquatic Centre.
- 4.2 QAC filed submissions seeking to protect the operation of Queenstown Airport from reverse sensitivity effects arising from new Activities Sensitive to Aircraft Noise (ASAN) establishing at the Queenstown Events and Aquatic Centre. QAC also filed submissions seeking to impose conditions on new buildings and/or structures to avoid penetrating the OLS.
- 4.3 For the reasons set out in paragraphs 167 to 177 of my EIC, I consider that imposing some limits on the development of ASAN at the Event and Aquatic centre is appropriate. In my opinion, it is also of critical importance to the health and safety of aircraft pilots, passengers and people utilising the facilities at the Events and Aquatic Centre that conditions are imposed on the designation that actively seek to avoid encouraging activities that penetrate the OLS.

5. DESIGNATION 230 AND 576

- 5.1 Proposed Planning Map 31a shows two weather station designations at Queenstown Airport.
- 5.2 Designation 230 shows the old location of the weather station. It is now located at the position shown as Designation 576. Designation 230 can therefore be removed from the planning map and Designation 576 should be renamed "Designation 230".

J C Kyle

20 October 2016

Appendix A

Map showing the spatial distribution of height limits on Frankton Flats



Figure 1: Indicative height limits for Proposed District Plan land use zones surrounding Queenstown Airport. Note zone boundaries are indicative only.

Appendix B

Summary of height and setback requirements on Frankton Flats

Zone	Location	Activity Status for Building	Height Restrictions	Setbacks
Remarkables Park ¹	Activity Area 1	Buildings which meet the site standards	Building Zone Standard: 7m	No setback requirements
	Activity Area 2	(including height): Controlled ²	Building Zone Standard: 7m to 10m	Assessment Matter 12.11.6(c) Streetscape requires a minimum setback of 1.5m to be provided from the road boundary to foundation line of buildings.
	Activity Area 3	Buildings which fail to meet the site standard but comply with the height zone standard: Restricted	Building Site Standard: 15m Building Zone Standard: 21m	
	Activity Area 4	Restricted Discretionary ³	Building Site Standard: 12m Building Zone Standard: 18m	
	Activity Area 5	Buildings which fail to meet the zone standards: Non complying ⁴	Building Site Standard: 12m Building Zone Standard: 18m	
	Activity Area 6		Building Site Standard: 12m Building Zone Standard: 18m	
	Activity Area 7		Building Site Standard: 15m Building Zone Standard: 18 to 21m	
	Activity Area 8		Building Site Standard: 9m Building Zone Standard: 18m	

¹ Refer to Site Standard 12.11.5-1(iii) and Zone Standard 12.11.5-2(ii) for the height requirements of all Activity Areas in the Remarkables Park Zone.

² Rule 12.11.3-2 of the Operative District Plan. Note that in accordance with Rule 12.11.4, applications for controlled activities may be considered without the need to obtain written approval of affected persons and need not be notified unless special circumstances exist.

³ Rule 12.11.3-3 (ii) of the Operative District Plan. Note that in accordance with Rule 12.11.4, applications for controlled activities may be considered without the need to obtain written approval of affected persons and need not be notified unless special circumstances exist.

⁴ Rule 12.11.3-4 (ii) of the Operative District Plan.

Zone	Location	Activity Status for Building	Height Restrictions	Setbacks
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Rural Zone	East and north-east of Airport	Within existing Building Platform: Controlled ⁵	Operative District Plan Building Zone Standard: 8m ⁷	Operative District Plan Internal Boundaries: 15m ⁸ Road: 20m ⁹
	North west of Airport	Other Buildings: Discretionary ⁶	Building Line Restriction: the building line restriction located to the west of the airport extends over the Queenstown Airport Runway End Safety Area Development (RESA). The establishment of any built structures over the RESA is highly unlikely.	

Industrial Zone	North east of the airport.	Controlled ¹⁴	Proposed District Plan Buildings: 8m ¹⁰ Farm Buildings: 10m ¹¹	Proposed District Plan Internal Boundaries: 15m ¹² Road Boundary: 20m ¹³
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Frankton Flats B	Activity Area C1	Restricted Discretionary ¹⁶	Building Site Standard: 6m¹⁵ Building Zone Standard: 6.5-18.5m¹⁷ (Note: height depends on distance from	No setback requirements of relevance. Road 8 and Grant Road: no setback⁸ All other Street Boundaries: 3m
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⁵ Rule 5.3.3.2(i) of the Operative District Plan or Proposed Rule 21.4.7 of the Proposed District Plan as notified. Note that in accordance with Rule 5.3.4, applications for controlled activities (under the Operative District Plan only) may be considered without the need to obtain written approval of affected persons and need not be notified unless special circumstances exist.

⁶ Rule 5.3.3.3 of the Operative District Plan or Proposed Rule 21.4.10 of the Proposed District Plan as notified.

⁷ Zone Standard 5.3.5.2(i)(a) of the Operative District Plan. Non-compliance results in a non-complying activity status under Rule 5.3.3.4.

⁸ Site Standard 5.3.5.1(v)(a) of the Operative District Plan. Non-compliance results in a discretionary activity under Rule 5.3.3.3(xi).

⁹ Zone Standard 5.3.5.2(ii) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 5.3.3.4.

¹⁰ Proposed Standard 21.5.17 as notified. Non-compliance results in a restricted discretionary activity.

¹¹ Proposed Standard 21.5.20 as notified. Non-compliance results in a restricted discretionary activity.

¹² Proposed Standard 21.5.1 as notified. Non-compliance results in a restricted discretionary activity.

¹³ Proposed Standard 21.5.2 as notified. Non-compliance results in a restricted discretionary activity.

¹⁴ Rule 11.3.2(i) of the Operative District Plan. Note that in accordance with Rule 11.2.4, applications for controlled activities and discretionary activities relating to building height may be considered without the need to obtain written approval of affected persons and need not be notified unless special circumstances exist.

¹⁵ Site Standard 11.3.5.1(vi) of the Operative District Plan. Non-compliance results in a discretionary activity under Rule 11.3.3.3.

¹⁶ Rule 12.20.3.3 of the Operative District Plan.

¹⁷ Zone Standard 12.20.6.2(i) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 12.20.3.5.

Zone	Location	Activity Status for Building	Height Restrictions	Setbacks
			Activity Area A)	Side/Rear Boundaries: no setback.
Activity Area C2		Restricted Discretionary ¹⁹	Building Zone Standard: 6.5-18-5m ²⁰ (Note: height depends on distance from Activity Area A)	Roads: at least 2m and no more than 5m ²¹ Queenstown Events Centre: 5m Side/Rear Boundaries: not setback
Activity Area D		Controlled ²²	Building Zone Standard: 10m ²³	Road Boundaries: 5m ²⁴ Side/Rear Boundaries: no setback Rural Zone: 5m
Activity Area E1		Controlled ²⁵	Building Zone Standard: 12m ²⁶	Road Boundaries: 5m ²⁷ Side/Rear Boundaries: no setback
Activity Area E2		Restricted Discretionary ²⁸	Building Zone Standard: 6.5m-12m ²⁹	EAP: greater than 1.5m but less than 7m ³⁰ Other Road Boundaries: 2m Side/rear Boundaries: no setback
Frankton Flats A	North of Airport	Restricted	Building Zone Standard: 9m (up to 5% of	Internal Boundary: 10m ³³

¹⁸ Site Standard 12.20.6.1(i) of the Operative District Plan. Non-compliance results in a restricted discretionary activity status under Rule 12.20.6.1.

¹⁹ Rule 12.20.3.3 of the Operative District Plan.

²⁰ Zone Standard 12.20.6.2(vii) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 12.20.3-5.

²¹ Site Standard 12.20.6.1(iv) of the Operative District Plan. Non-compliance results in a restricted discretionary activity status under Rule 12.20.6.1.

²² Rule 12.20.3.2 of the Operative District Plan. Note that in accordance with Rule 12.20.5, applications for controlled activities may be considered without the need to obtain written approval of affected persons and need not be notified unless special circumstances exist.

²³ Zone Standard 12.20.6.2(xvii) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 12.20.3-5.

²⁴ Site Standard 12.20.6.1(xxi) of the Operative District Plan. Non-compliance results in a restricted discretionary activity status under Rule 12.20.6.1.

²⁵ Rule 12.20.3.2 of the Operative District Plan. Note that in accordance with Rule 12.20.5, applications for controlled activities may be considered without the need to obtain written approval of affected persons and need not be notified unless special circumstances exist.

²⁶ Site Standard 12.20.6.2(xvii) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 12.20.3-5.

²⁷ Site Standard 12.20.6.1(xxi) of the Operative District Plan. Non-compliance results in a restricted discretionary activity status under Rule 12.20.6.1.

²⁸ Rule 12.20.3.3 of the Operative District Plan.

²⁹ Zone Standard 12.20.6.2(xi) of the Operative District Plan. Non-compliance results in a no-complying activity under Rule 12.20.3-5.

³⁰ Site Standard 12.20.6.1(xi)(a) to (c) of the Operative District Plan. Non-compliance results in a restricted discretionary activity status under Rule 12.20.6.1.

Zone	Location	Activity Status for Building	Height Restrictions	Setbacks
Designation 29 Queenstown Events Centre, Aquatic Centre	North west of airport	Discretionary ³¹	the area of the site may have a maximum height of 12m more than 100m from the State Highway) ³²	State Highway 6: 50m Grant Road: 4m
<p>Operative Designation Buildings: no height limit specified other than requirement not to penetrate the Queenstown Airport OLS³⁴. Temporary Buildings and Structures: 10m subject to compliance with OLS requirements³⁵</p>				
<p>Operative Designation State Highway 6: 50m for temporary buildings and structures³⁶</p> <p>Proposed Modifications to Designation Buildings within Central Development Area: 18m³⁷ Floodlights: 21m³⁸ Buildings within Wider Grounds: 8m³⁹</p> <p>Proposed Modifications to Designation Buildings within Central Development Area from Roads: 5m⁴⁰ Floodlights from State Highway 6 and 6A: 20m⁴¹ Floodlights from Roads: 5m⁴² Buildings within Wider Grounds Area from Roads: 5m⁴³</p>				

³⁹ Site Standard 12.18.5.1(ii) of the Operative District Plan. Non-compliance results in a discretionary activity under Rule 12.18.3.3.

³¹ Rule 12.18.3.3(i) of the Operative District Plan. Applications may be considered without the need to obtain written approval of affected persons and need not be notified.

³² Zone Standard 12.18.5.2(v) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 12.18.3.4(viii).

³⁴ Designation 29 Condition 13 of the Operative District Plan

³⁵ Designation 29 Condition 19(f) and (g) of the Operative District Plan

³⁶ Designation 29 Condition 19(d) of the Operative District Plan

³⁷ Proposed Modifications to Designation 29 Condition 10(a)

³⁸ Proposed Modifications to Designation 29 Condition 12(a)

³⁹ Proposed Modifications to Designation 29 Condition 11(a)

⁴⁰ Proposed Modifications to Designation 29 Condition 10(b).

⁴¹ Proposed Modifications to Designation 29 Condition 12(b).

⁴² Proposed Modifications to Designation 29 Condition 12(c).

Zone	Location	Activity Status for Building	Height Restrictions	Setbacks
Low Density Residential	West of airport	Residential buildings: permitted ⁴⁵ Non Residential buildings: controlled ⁴⁶	Operative District Plan Building Zone Standard: 8m ⁴⁷	Buildings within Wider Grounds Areas from SH6 and SH6A: 20m ⁴⁴ Operative District Plan⁴⁸ Road Boundaries: 4.5m Internal Boundaries: Front site 4.5m and all other setbacks 2m
		Permitted ⁴⁹	Proposed District Plan Building Standard: 8m ⁵⁰	Proposed District Plan⁵¹ Road Boundaries: 4.5m Side/rear boundary: 2m
Airport Mixed Use Zone	Operative District Plan South to south west of Airport	Controlled ⁵²	Operative District Plan Building Zone Standard: 9m ⁵³	Operative District Plan⁵⁴ Zone boundary: 10m Road: 6m
	Proposed District Plan	Permitted ⁵⁵	Proposed District Plan	Proposed District Plan⁵⁷

⁴³ Proposed Modifications to Designation 29 Condition 11(c).

⁴⁴ Proposed Modifications to Designation 29 Condition 11(b).

⁴⁵ Rule 7.5.3.1 of the Operative District Plan.

⁴⁶ Rule 7.5.3.2(ii) of the Operative District Plan. Note that in accordance with Rule 7.5.4, applications for controlled activities may be considered without the need to obtain written approval of affected persons and need not be notified unless special circumstances exist.

⁴⁷ Zone Standard 7.5.5.3 (v) and Zone Standard 7.5.6.3(ii) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 7.5.3.5.

⁴⁸ Site Standard 7.5.5.2(iii) of the Operative District Plan. Non-compliance results in a discretionary activity under Rule 7.6.3.3.

⁴⁹ Rule 7.4.9 of the Proposed District Plan as notified

⁵⁰ Proposed Standard 7.5.1 as notified. Non-compliance results in a non-complying activity status.

⁵¹ Proposed Standard 7.5.9 as notified. Non-compliance results in a discretionary activity status.

⁵² Rule 6.2.3.2 of the Operative District Plan.

⁵³ Zone Standard 6.2.5.2(i) of the Operative District Plan. Non-compliance results in a non-complying activity under Rule 6.2.3.4.

⁵⁴ Site Standard 6.2.5.1(ii) of the Operative District Plan. Non-compliance results in a discretionary activity under Rule 6.2.3.3. Discretion is restricted to the matter specified in the standard not complied with and the extent to which the activity is depended on an airport location.

Zone	Location	Activity Status for Building	Height Restrictions	Setbacks
	Covers approximately the full designation extent		Building Standard: 15m ⁵⁶	Residential Zones: 5m All other zones: 3m

⁵⁵ Rule 17.4.1 of the Proposed District Plan as notified.

⁵⁷ Proposed Standard 17.5.2 as notified. Non-compliance in a restricted discretionary activity.

⁵⁶ Proposed Standard 17.5.3 as notified. Non-compliance results in a restricted discretionary activity.