

**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

Chapter 3 (Strategic Direction),  
Chapter 4 (Urban Development) and  
Chapter 6 (Landscape)

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**SUMMARY OF EVIDENCE OF JOHN CLIFFORD KYLE**

**(16 March 2016)**

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## 1. INTRODUCTION

### Qualifications and Experience

- 1.1 I hold an honours degree in Regional Planning from Massey University, obtained in 1987.
- 1.2 In preparing this evidence, I have reviewed the Proposed Plan submissions, further submissions, and other relevant information that has been provided by the Council in relation to this matter, including the section 42A reports.
- 1.3 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. 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 In this brief of evidence, I provide a high level summary of my evidence in chief dated 29 February 2016. Specially, I will:
- Set out the planning context for Queenstown and Wanaka Airports;
  - Provide an overview of the strategic significance of Queenstown and Wanaka Airports and why they warrant recognition in the Proposed Plan;
  - Provide the contextual background and genesis behind Plan Change 35 (PC35) and the associated Notice of Requirement initiated by QAC in 2008;
  - Explain how the higher order objectives and policies of PC35 should be carried forward and incorporated into the Proposed Plan

## 2. QUEENSTOWN AIRPORT – PLANNING CONTEXT

- 2.1 QAC operates the regionally and nationally significant Queenstown Airport, and the regionally significant Wanaka Airport.
- 2.2 Queenstown Airport is managed by QAC. QAC is a network utility operator and a requiring authority under section 166 of the Resource Management Act 1991 (the **RMA** or the **Act**).

2.3 Queenstown Airport is the subject of three designations in the operative Queenstown Lakes District Plan (**Operative Plan**), namely:

- **Designation 2 – Aerodrome Purposes:** The purpose of this designation is to protect the operational capability of the Airport, while at the same time minimising adverse environmental effects from aircraft noise on the community at least to year 2037;
- **Designation 3 – Air Noise Boundary:** This designation defines the location of the Airport’s Air Noise Boundary (**ANB**). The location of the ANB shown in the designation is outdated however, and was updated, to provide for airport operations until 2037, via noise boundaries promulgated as part of PC35; and,
- **Designation 4 – The Approach and Land Use Control (transitional slopes and surfaces):** The purpose of this designation is to provide obstacle limitation surfaces around the Airport to ensure the safe operation of aircraft approaching and departing the Airport.

2.4 Excepting Designation 3, these designations are proposed to be “rolled over” (with modifications), in the Proposed Plan. Designation 3 has been subsumed by PC35 which provides for an updated ANB to be included in the District Plan (Planning Map 31a).

### 3. WANAKA AIRPORT – PLANNING CONTEXT

3.1 The Queenstown Lakes District Council (**QLDC**) is the requiring authority for Wanaka Airport, with QAC managing the operations of the Airport on QLDC’s behalf.

3.2 Wanaka Airport is designated for “Aerodrome Purposes” (Designation 64) and a designation exists for “Approach and Land Use Control” purposes (Designation 65) in the Operative Plan. The purpose of these designations is to:

- Protect the operational capability of the Airport, while at the same time minimising adverse effects from aircraft noise (Designation 64); and,
- Define essential airport protection measures, transitional slopes and surfaces, aircraft take off climb and approach slopes and airport height and obstacle clearances (Designation 65).

3.3 These designations are also proposed to be “rolled over” (with modifications), in the Proposed Plan.

#### **4. THE NATIONAL AND REGIONAL SIGNIFICANCE OF INFRASTRUCTURE**

4.1 Queenstown and Wanaka Airports comprise significant infrastructure that plays a critical role in providing for the economic and social wellbeing of the Queenstown Lakes District.

4.2 Research undertaken by QLDC in 2013<sup>1</sup> estimated that more than a third of the local economy is based on tourism and around half of all employment is related to the tourism sector<sup>2</sup>. Queenstown Airport serves an important role in facilitating the movement of people and goods, which in turn feeds the District’s tourism industry and commerce more generally. Queenstown Airport is the primary arrival and departure port for many visitors to the District.

4.3 Over the previous 12 month period, Queenstown Airport accommodated in excess of 1.5 million passengers. Recent growth projections have indicated that passenger growth is set to continue, with 2.5 million passengers projected by 2025.

4.4 Tourism is a crucially important industry to the New Zealand economy as a whole. It is evident that the on-going ability of Queenstown Airport to function is essential to the tourism industry, both regionally and nationally. The on-going ability of Queenstown Airport to function and grow without undue constraint is of significant importance to the tourism industry, both regionally and nationally.

4.5 Given the role of the Strategic Directions chapter of the Proposed Plan in setting the policy framework for the management of growth, land use and development, it is important in my view that the significance of infrastructure is recognised and provided for within this chapter. Put simply, the wider benefits that accrue from the airport should attract significant weight in preparing and confirming the provisions of the Proposed Plan.

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<sup>1</sup> Market Economics Limited “*Queenstown Airport Mixed Use Zone, Economic Assessment*” November 2014.

<sup>2</sup> Note, these figures did not the wider tourism activities inputs (supply chains).

## 5. PLAN CHANGE 35 - THE GENESIS AND BACKGROUND TO THE PLAN CHANGE

- 5.1 In 2008 QAC initiated PC35 and an associated Notice of Requirement (**NOR**) to alter Designation 2. The purpose of PC35 was to put in place an appropriate management regime for managing land use around Queenstown Airport while providing for the predicted ongoing growth of the aircraft operations to 2037. Accordingly, the Plan Change updated the Airport's noise boundaries<sup>3</sup> (ANB and Outer Control Boundary (**OCB**)) to provide for predicted growth in aircraft operations to 2037, and amended various zone provisions relating to the use of land within those updated boundaries likely to be affected by increased aircraft noise.
- 5.2 In conjunction with the land use management regime proposed by PC35, the associated NOR proposed to introduce obligations for QAC (via its Aerodrome Purposes Designation) to undertake and fund noise mitigation works for those existing houses within the updated noise boundaries likely to be exposed to increased levels of aircraft noise.
- 5.3 PC35 was adopted by QLDC and following the hearing of submissions, was confirmed by the Environment Court on 1<sup>st</sup> November 2010.<sup>4</sup>
- 5.4 PC35 was the subject of a number of appeals to the Environment Court. The appeals were largely resolved by agreement in early 2012, which was jointly presented to the Environment Court during the course of two hearings and the filing of subsequent memoranda. During the course of the Environment Court proceedings the provisions were, at the Environment Court's direction, redrafted by the parties to correct errors, ambiguities and inconsistencies contained in QLDC's decision on the Plan Change. The Environment Court confirmed the provisions on 8<sup>th</sup> May 2013.

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<sup>3</sup> Prior to which the OCB being contained in the Operative District Plan and the ANB in Designation 3.

<sup>4</sup> Excepting provision for a limited number of scheduled flights after 10pm, which decision was accepted by QAC (i.e. not appealed).

## **New Zealand Standard on Airport Noise Management and Land Use Planning (NZE6805:1992)**

- 5.5 The foundation of the approach adopted by PC35 is the New Zealand Standard for Airport Noise Management and Land Use Planning, NZS6805:1992 (the **New Zealand Standard** or the **Standard**). This Standard is recognised as the key guiding document for managing aircraft noise at New Zealand airports.

### **Air Noise Boundary**

- 5.6 The New Zealand Standard recommends the *implementation of practical land use planning controls and airport management techniques to promote and conserve the health of people living and working near airports, without unduly restricting the operation of airports.*<sup>5</sup>
- 5.7 One of the techniques advocated in the New Zealand Standard for achieving this outcome is the imposition of an ANB.
- 5.8 The ANB comprises a noise boundary inside of which noise exposure is expected to exceed 65dB L<sub>dn</sub>. The New Zealand Standard recommends that new residential activities, schools, hospitals or other noise sensitive uses should be prohibited inside the ANB<sup>6</sup>.
- 5.9 The New Zealand Standard also recommends that alterations or additions to existing residences or other ASANs inside the ANB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

### **Outer Control Boundary**

- 5.10 The New Zealand Standard identifies that the OCB is based on a noise contour at or beyond which aircraft noise should not exceed 55dB L<sub>dn</sub>.

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<sup>5</sup> New Zealand Standard 6805:1992: Airport Noise Management and Land Use Planning (NZS 6805:1992); Section 1.1.3, page 5.

<sup>6</sup> NZS 6805: 1992, Table 1, page 15.

- 5.11 The New Zealand Standard recommends that any new residential dwellings, schools, hospitals or other noise sensitive uses (ASANs) should be prohibited within the OCB, unless the District Plan permits such uses. Then they should be subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment.
- 5.12 The New Zealand Standard also recommends that alterations or additions to existing residences or other ASANs inside the OCB should be appropriately insulated from aircraft noise to achieve an acceptable internal design sound level.

### **Plan Change 35 and the associated Notice of Requirement**

- 5.13 The approach adopted within PC35 in respect of the ANB and OCB was guided by the New Zealand Standard, with amendments as necessary to reflect the current nature and scale of established activities occurring around the airport.
- 5.14 At the time PC35 was promulgated, QAC recognised that historical development and associated zoning for residential purposes has occurred in close proximity to the Airport runway. QAC therefore adopted a more moderated approach to that recommended by the Standard within existing residentially zoned sites.
- 5.15 Appendix A provides a direct comparison of the PC35 zone provisions against NZS6805.
- 5.16 The Standard also advocates that steps should be taken to provide existing residential dwellings with appropriate acoustic insulation to ensure a satisfactory internal noise environment. QAC therefore offered, as part of PC35 and the associated NOR package, to fund mitigation measures, including acoustic insulation and mechanical ventilation for existing dwellings within the proposed ANB to the extent necessary to achieve an internal noise environment of 40dB L<sub>dn</sub>. QAC is obliged to provide this mitigation treatment through conditions of Designation 2.

- 5.17 As set out by Mr Edghill<sup>7</sup>, QAC has recently commenced with this work, offering acoustic mitigation packages to 13 houses within the 2037 ANB.
- 5.18 PC35 also promoted strong policy based dissuasion against the promulgation of further plan changes that would result in land within the OCB being rezoned for noise sensitive (ASAN) development. Whilst it is accepted that some land around the Airport has been allowed to develop in a way which incorporates ASANs or where ASANs have been previously consented<sup>8</sup>, in my view it is important to now recognise that any future opportunity to similarly develop currently undeveloped land should be dissuaded.

## **6. HIGHER ORDER PC35 PROVISIONS**

- 6.1 PC35 introduced two new strategic objectives into the operative District Plan<sup>9</sup>. These objectives were deliberately specific to Queenstown Airport on the basis that the Airport is the pre-eminent commercial airport in the district and it has increasingly become so since the operative District Plan was first notified in 1995. The objectives were included in the District Wide Issues section of the District Plan to reflect this significance.
- 6.2 QAC's submission on the Urban Development Chapter of the Proposed Plan sought the inclusion of these objectives and their attendant policies without substantive amendment. The section 42A report has recommended rejecting QAC's submission with respect to carrying forward these provisions and considers that QAC's key objectives are provided for in lower order chapters<sup>10</sup>.
- 6.3 I disagree with the recommended approach of the Council Officer and note that the objectives and policies proposed by QAC (and confirmed by the Environment Court) provide the fundamental objective and policy framework that underpins the lower order chapters referred to by the Council Officer. Without them there may be insufficient foundation for the related provisions in the lower chapters.

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<sup>7</sup> Paragraph 3.29 of the Evidence in Chief of Mr Mark Edghill, dated 26 February 2016.

<sup>8</sup> Frankton Flats Zone for example.

<sup>9</sup> Objectives 7 and 8 of Section 4.9.3 of the Operative Plan.

<sup>10</sup> Paragraph 12.72, page 28 of the section 42A Hearing Report for Chapters 3 and 4 of the Proposed Plan.



6.4 In my opinion, the approach proposed by the Council Officer is therefore not the most appropriate in terms of section 32.

## **7. CONCLUSIONS**

7.1 The provisions developed via PC35 enable Queenstown Airport to continue to host growth in commercial airlines and other aviation use of its facilities in line with growth projections to 2037, whilst recognising and safeguarding the Airport as an existing strategic asset. The growth enabled by PC35 will yield a substantial benefit to the regional and national economies. The provisions of PC35 therefore assist in safeguarding Queenstown Airport as an existing strategic asset.

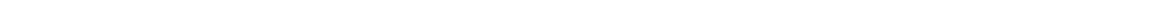
7.2 Given this, the currency of the PC35 provisions, and the recent and extensive Environment Court proceedings involving QAC, QLDC and other affected parties to achieve them, it is imperative in my opinion that the Proposed Plan adopts and incorporates the land use management regime established under PC35, without substantive amendment.

**John Kyle**

**16 March 2016**

# **APPENDIX A**

A summary of the PC35 Framework against NZS 6805: 1992



**Appendix A:** A summary of the PC35 Framework against NZS 6805: 1992

Zone	Location	Proposed Activity	Recommended NZ Standard Activity Status	PC35 Activity Status	Operative Plan Rule Reference
<b>RURAL</b>	Within OCB or within the ANB	New ASAN	Prohibited*	Prohibited	Rule 5.3.3.5(iii)
	Within ANB	Additions and Alterations to existing buildings containing ASAN	Permitted subject to appropriate acoustic insulation**	Permitted subject to compliance with the acoustic insulation and mechanical ventilation standards otherwise Non-Complying.	Rule 5.3.3.4(vi) Zone Standard 5.3.5.2(vii)(a)
	Between ANB and OCB	Additions and Alterations to existing buildings containing ASAN	Permitted subject to appropriate acoustic insulation**	Permitted subject to compliance with the mechanical ventilation standards otherwise Non-Complying.	Rule 5.3.3.4(vi) Zone Standard 5.3.5.2(vii)(b)
<b>AIRPORT MIXED USE</b>	Anywhere within the zone	New ASAN	Prohibited*	Prohibited	Rule 6.2.3.5
<b>RESIDENTIAL</b> Residential Activities and Visitor Accommodation	Within ANB	New ASAN	Prohibited*	Permitted subject to compliance with the acoustic insulation and mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.5.3(vi)(a)
		Alterations and additions to existing buildings containing an ASAN	Permitted subject to appropriate acoustic insulation**		
	Between ANB and OCB	New ASAN	Prohibited *	Permitted subject to compliance with the mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.5.3(vi)(b)
		Alterations and additions to existing buildings containing an ASAN	Permitted subject to appropriate acoustic insulation**		
<b>RESIDENTIAL</b> Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone)	Within ANB	New ASAN	Prohibited *	Permitted subject to compliance with the acoustic insulation and mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.6.3(viii)(a)
		Alterations and additions to existing buildings containing an ASAN	Permitted subject to appropriate acoustic insulation**		
	Between ANB and OCB	New ASAN	Prohibited *	Permitted subject to compliance with the mechanical ventilation standards otherwise Non-Complying.	Rule 7.5.3.5 Zone Standard 7.5.6.3(viii)(b)
		Alterations and additions to existing buildings containing an ASAN	Permitted subject to appropriate acoustic insulation**		
<b>INDUSTRIAL</b>	Within OCB	New ASAN	Prohibited *	Prohibited	Rule 11.3.3.5(i)
	Between ANB and OCB	Additions and Alterations to existing buildings containing ASAN	Permitted subject to appropriate acoustic insulation**	Permitted subject to compliance mechanical ventilation standards otherwise non-complying	Zone Standard 11.3.5.2(iii)(a)

**NOTES:**

Green shading demonstrates where PC35 is more liberal than NZS 6805: 1992

\* Specifically, Table 1 of the NZS 6805:1992 states: "New residential, schools, hospitals or other noise sensitive uses should be prohibited unless a district plan permits such uses subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment."

\*\* Specifically, Table 1 of the NZS 6805:1992 states: "Alterations or additions to existing residences or other noise sensitive uses shall be permitted only if fitted with appropriate acoustic insulation."

Zone	Location	Proposed Activity	Recommended NZ Standard Activity Status	Recommended NZ Standard Activity Status	Rule Ref
REMARKABLES PARK	Within the yellow areas on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps	All buildings	Prohibited *	Controlled having regard to amongst other things, Queenstown Airport and to achieve insulation from aircraft noise.	Rule 12.11.3.2(i)
		Design and construction of residential activities	Prohibited *	Controlled having regard to amongst other things, Queenstown Airport and to achieve insulation from aircraft noise.	Rule 12.11.3.2(ii)
		Any building or part of a building, or any alteration or addition to an existing building or part of an existing building, to be used for Residential activities or Visitor Accommodation	Prohibited *	<p>Permitted subject to compliance with the following rules otherwise Non-complying.</p> <p>Shall be acoustically insulated from aircraft noise so as to achieve an Indoor Design Sound Level of 40dB Ldn based on the 2037 Noise Contours, except for non-critical listening environments where no special sound insulation is required.</p> <p>Where the building is located between 58 and 60 dB 2037 Noise Contours, this control shall be met in either of the following two ways:</p> <p>EITHER: By installation of mechanical ventilation to achieve the requirements of Table 2 at Appendix 13. OR: By submitting a certificate to Council from a suitably qualified acoustics expert stating that the Indoor Design Sound Level will be achieved by the proposed building design including certification from a suitably qualified ventilation expert that adequate ventilation will be achieved with the extent of open windows specified by the acoustics expert.</p>	<p>Rule 12.11.3.4(ii)</p> <p>Zone Standard 12.11.5.2(iv)</p>

	Within the yellow areas on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps (AA7 only)	Residential Activities	Prohibited *	Controlled	Rule 12.11.3.2 Table 1
		Community Activities	Prohibited *	Non-Complying	Rule 12.11.3.4(i) Table 1
	Within the red hatched area indicated on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps and labelled “NO BUILDINGS AREA” (AA8)	Buildings	Prohibited *	Prohibited	Rule 12.11.3.5 Table 1
	Within the [blue] areas indicated on Remarkables Park Zone Figure 2 – Airport Measures in the District Planning Maps and labelled “NO RESIDENTIAL, VISITOR ACCOMMODATION OR COMMUNITY ACTIVITIES AREA” (AA5, AA6, AA7)	Residential, Visitor Accommodation and Community Activities	Prohibited*	Prohibited	Rule 12.11.3.5 Table 1
	Within the green areas shown on Remarkables Park Zone Figure 2 - Airport Measures in the District Planning Maps	Educational Facilities	Prohibited *	Permitted subject to compliance with the following rules, otherwise Discretionary.  No classrooms, halls or any other buildings which are used as internal teaching areas are to be located within that area.  Outdoor areas are not to be regularly used for high quality listening or communication, such as occurs in academic teaching. This standard shall not preclude recreation and recreation related activities e.g. sports coaching.	Rule 12.11.3.3(iii)  Site Standard 12.11.5.1(v)

				All buildings (except Non Critical Listening Environments) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, based on the 2037 Noise Contours and if that Indoor Design Sound Level cannot be met with windows open, then those buildings shall be fitted with mechanical ventilation*.	
<b>FRANKTON FLATS</b>	Within OCB	<p>≤ 70 Units associated with Visitor Accommodation;</p> <p>1 Health Care facility (including but not limited to doctors and/or dentists surgery but excluding hospitals) ≤ gross floor area of 900m<sup>2</sup>; and</p> <p>1 Educational Facility ≤ an internal gross floor area of 450m<sup>2</sup> and associated outdoor space of 450m<sup>2</sup>.</p>	Prohibited	<p>Discretionary Activity subject to compliance with the following rules otherwise Non-complying.</p> <p>Shall be acoustically insulated from aircraft noise so as to achieve an Indoor Design Sound level of 40dB Ldn based on the 2037 Noise Contours, except for non-critical listening environments where no special sound insulation is required.</p> <p>Where the building is located between 58 and 60 dB 2037 Noise Contours, this control shall be met in either of the following two ways: EITHER: By installation of mechanical ventilation to achieve the requirements of Table 2 at Appendix 13. OR: By submitting a certificate to Council from a suitably qualified acoustics expert stating that the above Indoor Design Sound Level will be achieved by the proposed building design including certification from a suitably qualified ventilation expert that adequate ventilation will be achieved with the extent of open windows specified by the acoustics expert.</p>	<p>Rule 12.18.3.3(ii)</p> <p>Rule 12.18.3.4(viii)</p> <p>Zone Standard 12.18.5.2(iii)</p>
	Within ANB	Residential and Educational Activity	Prohibited	Discretionary	Rule 12.18.3.3(ii)
	Within OCB	ASAN other than those listed above	Prohibited	Prohibited	Rule 12.18.3.5(iv)