

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Queenstown Lakes Proposed District Plan Hearing
Stream 15 (District Wide)

**STATEMENT OF EVIDENCE BY JOHN CLIFFORD KYLE
(SUBMITTER 2618 AND FURTHER SUBMITTER 2759)**

6 August 2018

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 My qualifications and experience are set out in paragraphs 1.1 to 1.6 of my statement of evidence for Hearing Stream 1B of the Proposed Queenstown Lakes District Plan (PDP), dated 29 February 2016.
- 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.
- 1.4 Mitchell Daysh Limited has been commissioned by the Queenstown Airport Corporation (QAC) to provide resource management advice with respect to the PDP. My firm prepared the submissions and further submissions on behalf of QAC.
- 1.5 This hearing specifically relates to submissions regarding:
- 1.5.1 Chapter 25 – Earthworks
 - 1.5.2 Chapter 29 – Transport
 - 1.5.3 Chapter 31 – Signs
 - 1.5.4 Chapter 38 – Open Space and Recreation
 - 1.5.5 Visitor Accommodation Variation

SCOPE OF EVIDENCE

- 1.6 By way of summary, in this statement of evidence I will:

- 1.6.1 Provide an overview of the background context of Queenstown Airport;
 - 1.6.2 Provide an overview of the relevant national and regional policy framework;
 - 1.6.3 Discuss the New Zealand Standard for Airport Noise Management and Land Use Planning NZS6805 (the NZ Standard);
 - 1.6.4 Consider QAC's submissions with respect to Chapter 38 (Open Space and Recreation), Chapter 25 (Earthworks), Chapter 29 (Transportation) and the Visitor Accommodation variation and recommendations sets out the relevant section 42A reports and associated evidence.
- 1.7 For completeness, I note that QAC made a number of submissions which are not addressed in this statement of evidence. With respect to these provisions, I generally concur with the recommendations contained in the section 42A report and therefore have not addressed them further in my statement of evidence.

DOCUMENTS REVIEWED

- 1.8 In preparing this brief of evidence, I confirm that I have read and reviewed:
- 1.8.1 QAC's submissions and further submissions on the PDP;
 - 1.8.2 Other relevant submissions;
 - 1.8.3 The section 42A reports prepared for the Open Space Recreation Zone, Signs, Transport, Earthworks and Visitor Accommodation and the relevant expert evidence;
 - 1.8.4 The evidence of Mr Michael Clay (dated 6 August 2018);
 - 1.8.5 The Queenstown Airport Master Plan Options Report;

1.8.6 The relevant sections of the consent order version of the Regional Policy Statement for Otago (the Proposed RPS respectively); and,

1.8.7 Decisions regarding the relevant Stage 1 chapters of the PDP.

2. BACKGROUND CONTEXT

2.1 The significance of Queenstown Airport and the planning framework within which it operates has been previously described in the following statements of evidence:

2.1.1 John Kyle, Statement of Evidence Hearing Stream 1B, dated 29 February 2016;

2.1.2 Mr Mark Edghill, Statement of Evidence Hearing Stream 1B, dated 29 February 2016;

2.1.3 Ms Rachel Tregidga, Statement of Evidence Hearing Stream 8, dated 18 November 2016;

2.1.4 Ms Rachel Tregidga, Statement of Evidence Hearing Stream 13, dated 9 June 2017.

2.1.5 Mr Chris Day, Statement of Evidence Hearing Stream 13, dated 9 June 2017.

2.2 These five statements of evidence provide the contextual basis for some of the opinions I express in this evidence.

3. STATUTORY AND NON-STATUTORY CONSIDERATIONS

RESOURCE MANAGEMENT ACT 1991

3.1 Section 75 of the Resource Management Act 1999 (“RMA” or “the Act”) requires that a district plan must give effect to:

(a) *any national policy statement; and;*

(b) ...

(c) *any regional policy statement.*

3.2 Of particular relevance to this hearing is the Proposed RPS.

REGIONAL POLICY DOCUMENTS

3.3 The Proposed RPS provides policy direction around the sustainable management and use of infrastructure. While I have previously addressed the Proposed RPS in earlier statements of evidence, the Environment Court has recently issued Consent Orders with respect to the appeals on the Proposed RPS. I would therefore like to highlight some of the key provisions from the Proposed RPS that I consider are relevant to the matters raised in this statement of evidence. This includes:

3.3.1 Policy 4.3.3 which provides for the functional needs of infrastructure that has regional or national significance, including safety; and,

3.3.2 Policy 4.3.4 which aims to protect infrastructure with national or regional significance, by

- (a) Restricting the establishment of activities that may result in reverse sensitivity effects;
- (b) Avoiding significant adverse effects on the functional needs of such infrastructure;
- (c) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure;
- (d) Protecting infrastructure corridors from activities that are incompatible with the anticipated effects of that infrastructure, now and for the future.

3.4 In my view, these provisions provide a clear direction to Otago's territorial authorities that the future operation and use of regionally or nationally significant infrastructure¹ should be protected from activities that may

¹ Policy 4.3.2 identifies ports and airports and associated navigational infrastructure.

give rise to reverse sensitivity and any adverse effects on the functional (including operational) needs of that infrastructure. These two matters are of particular relevance to this hearing when considering QAC's submissions seeking the inclusion of new provisions for Activities Sensitive to Aircraft Noise (ASAN) and the management of land use activities within the Informal Recreation Reserve on the Lower Shotover Delta.

THE NEW ZEALAND STANDARD ON AIRPORT NOISE MANAGEMENT AND LAND USE PLANNING

- 3.5 The New Zealand Standard for Airport Noise Management and Land Use Planning NZS6805:1992 (the NZ Standard) is recognised as the key guiding document for managing aircraft noise at New Zealand Airports.
- 3.6 I have previously provided an overview of the NZ Standard in my statement of evidence for Hearing Stream 1B of the PDP². Mr Day has subsequently provided a detailed overview and interpretation of the NZ Standard in his statement of evidence for Hearing Stream 13.³ I do not intend to repeat that evidence. However, I do wish to highlight the following key recommendations described in the NZ Standard:
- 3.6.1 That all new residential activities, schools, hospitals and other noise sensitive uses within an airport's Air Noise Boundary (ANB) should be prohibited.⁴
- 3.6.2 That all new residential activities, schools, hospitals and other noise sensitive uses within an airport's Outer Control Boundary (OCB) should be prohibited unless a district plan permits such uses.⁵

² Paragraphs 5.11 to 5.31, Statement of Evidence of John Kyle, dated 29 February 2016.

³ Paragraphs 21 to 33, Statement of Evidence of Chris Day, dated 9 June 2017.

⁴ Paragraph 26, Statement of Evidence of Chris Day, dated 9 June 2017 and Table 1 of the NZ Standard.

⁵ Paragraph 25, Statement of Evidence of Chris Day, dated 9 June 2017 and Table 2 of the NZ Standard.

3.6.3 That all alterations or additions to existing residences or other noise sensitive uses within an airport's ANB and OCB shall only be permitted if fitted with appropriate acoustic insulation.⁶

3.6.4 That all existing residential properties are provided with appropriate acoustic insulation to ensure a satisfactory internal noise environment.⁷

3.7 In my view, the NZ Standard provides clear guidance regarding how noise sensitive activities should be managed within an Airport's aircraft noise boundaries. This approach is supported by acoustic expert Mr Day⁸ and has generally been accepted by the Hearings Panel for Stage 1 of the PDP.

QUEENSTOWN AIRPORT MASTER PLAN OPTIONS REPORT

3.8 Late last year QAC released its Master Plan Options Report. Based on the results of this report, forecasting shows that there is demand for Queenstown Airport to accommodate up to 7.1 million passenger movements per annum by 2045. In response to this demand, QAC has put forward three potential growth options for the airport:

3.8.1 Option 1: expand the existing terminal (and provide for up to 3.2 million passenger movements per annum);

3.8.2 Option 2: Build a new terminal to the south of the runway (and provide for up to 5.1 million passengers per annum); or,

3.8.3 Option 3: Build a new terminal north of the runway (and provide for up to 5.1 million passengers per annum).

3.9 A copy of this report was attached to my evidence for Hearing Stream 14.⁹

⁶ Table 1 and 2 of the NZ Standard.

⁷ Table 1 of the NZ Standard.

⁸ Paragraph 31, Statement of Evidence of Chris Day, dated 9 June 2017.

⁹ Statement of Evidence of John Kyle, dated 13 June 2018.

- 3.10 QAC's operative aircraft noise contours¹⁰ enable passenger growth for approximately 2.5 million passengers per annum.
- 3.11 As foreshadowed in the Master Plan Options Report, QAC has since been undertaking further investigations into the impact that forecast passenger demand would have on the noise contours at Queenstown Airport. This work has informed QAC's recently released proposal to expand the aircraft noise boundaries at Queenstown Airport.
- 3.12 In summary, this proposal seeks to:
- 3.12.1 Expand the extent of the existing aircraft noise boundaries to allow the airport to plan for 41,600 scheduled aircraft movements (approximately 5.1 million passenger movements) per annum by 2045.
 - 3.12.2 Extend QAC's noise mitigation obligations to cover a greater area of land around the airport, matching the relevant expanded noise boundaries.
 - 3.12.3 Provide a new 'aircraft noise' chapter in the District Plan to bring all Queenstown and Wanaka Airport provisions together in one place.
 - 3.12.4 Update rules to discourage and avoid new activities sensitive to aircraft noise (ASAN) within the noise boundaries and ensure that extensions or new builds in existing residential zones around the airport are built to a standard to mitigate the effects of aircraft noise.
- 3.13 QAC is currently seeking feedback from the community regarding this proposal. While I acknowledge that it is in its early stages of promulgation, it demonstrates that significant aircraft and passenger growth is forecast for the District over the next 30 years. In my view, this is important context when considered against Policy 4.3.4 which seeks to

¹⁰ As introduced via Plan Change 35 and the associated Notice of Requirement to Alter Designation 2.

protect regionally and nationally significant infrastructure, now and into the future.

4. CHAPTER 38 – OPEN SPACE AND RECREATION

4.1 Stage 2 of the Proposed District Plan has seen the introduction of a new Open Space and Recreation Zone. The purpose of the zone (as notified), is to “...enable recreation activities and provide for associated infrastructure while protecting, maintaining and enhancing landscape values, nature conservation values, ecosystem services and amenity”.

4.2 I understand that all Council owned or designated recreation reserves are proposed to be zoned for “Open Space and Recreation” purposes, with one of the following subzones applied to each reserve:

4.2.1 The Nature Conservation Zone;

4.2.2 The Informal Recreation Zone;

4.2.3 The Active Sport and Recreation Zone;

4.2.4 The Civic Spaces Zones; and,

4.2.5 The Community Purpose Zone which includes three sub-zones to manage cemeteries, golf and camping grounds.

4.3 A range of land use activities are provided for within each of the above sub-zones.

Provisions relating to ASAN

4.4 With respect to the new Open Space and Recreation Zone, QAC filed submissions seeking the introduction of new objectives, policies and methods that implement the recommendations set out in the NZ Standard.¹¹ Specifically, QAC submitted that the following objective, policy and method be inserted into the proposed new chapter:

¹¹ Submission number 2618.17.

Objective 38.2.5

Queenstown Airport is protected from the reverse sensitivity effects of Activities Sensitive to Aircraft Noise.

Policy 38.2.5.1

To prohibit the location of any new Activity Sensitive to Aircraft Noise on Open Space and Recreation zoned land within the Air Noise Boundary or Outer Control Boundary for Queenstown Airport.

Rule 38.9.38

Activities Sensitive to Aircraft Noise within the Air Noise Boundary or Outer Control Boundary at Queenstown Airport: PR (in all zones)

- 4.5 The section 42A report recommends accepting QAC's submission in part¹² and recommends the inclusion of the following new provisions to address QAC's concerns:

Objective 38.2.X – Activities sensitive to aircraft noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are avoided or managed to mitigate noise and reverse sensitivity effects.

Policy 38.2.X.X Require buildings that contain an Activity Sensitive to Aircraft Noise and are located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design sound level of 40 dB Ldn.

Rule 38.10.XX Activities Sensitive to Aircraft Noise New buildings or additions to existing buildings containing Activities Sensitive to Aircraft Noise located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary shall be designed to achieve an Indoor Design Sound Level of 40dB within any Critical Listening Environment (based on the 2037 Noise Contours) and ventilation in accordance with Rule 36.6.2.

- 4.6 I note that under the operative District Plan, recreation reserves are currently zoned Rural General. All new ASAN on Rural zoned land within both the ANB and OCB are a prohibited activity.¹³

¹² Section 42A Report of Christine Melissa Edgley on Behalf of Queenstown Lakes District Council, Chapter 38 Open Space and Recreation – Text and Mapping, 23 July 2018,

¹³ Rule 5.3.3.5(i) and (ii), Queenstown Lakes District Council District Plan,

- 4.7 In my view, the section 42A report recommendation to remove the prohibited activity status for new ASAN within the proposed Open Space Zone is a significant departure from the existing operative framework and the best practice recommendations set out in the NZ Standard.
- 4.8 Removing the prohibited activity status will enable the establishment of ASAN within the aircraft noise boundaries and will expose a greater number of people to the increasing effects of aircraft noise over time. In my view, this will likely result in adverse reverse sensitivity effects which is inconsistent with the clear policy direction provided in Policy 4.3.4 of the Otago Regional Policy Statement and Strategic Policy 4.2.2.17 of the Proposed District Plan.
- 4.9 Furthermore, the effects of this rule have not been adequately or accurately evaluated in terms of section 32AA of the Act. The section 32AA evaluation incorrectly identifies that (my emphasis added):

Costs

- *There will be additional costs involved for parties building new ASAN activities within the air noise boundaries, including acoustic insulation and mechanical ventilation costs, however this would be in line with that required should the land have remained zoned Rural as in Stage 1.*

Benefits

- *Consistent with the outcomes of Plan Change 35.*
- *Inclusion of sound insulation and mechanical ventilation for areas subject to airport noise will ensure protect of amenity for those undertaking ASAN within the noise control boundaries.*

- 4.10 Under Stage 1 of the Proposed District Plan, all new ASAN within the Rural Zone and the ANB or OCB is a prohibited activity.¹⁴ While I note that this rule is subject to appeal, the operative District Plan also prohibits such activities.¹⁵ It is therefore incorrect to suggest that the costs of

¹⁴ Rule 21.4.27 of the Proposed District Plan (Decisions Version).

¹⁵ Rules 21.4.27 and 21.4.28, Table 1 – Activities – (Rules Decisions Version).

enabling ASAN within the Open Space and Recreation zone are the same as they would be if the land remained zoned for rural purposes. The change from a prohibited activity status to one that requires acoustic treatment of new buildings containing ASAN is also a significant departure from the outcomes sought from the operative planning framework (emanating from Plan Change 35).

- 4.11 In my view, the relief sought by QAC with respect to the management of ASAN better achieves the outcomes sought in Policy 4.3.4 of the Otago RPS, Policy 4.2.2.17 of the Strategic Directions chapter of the Proposed District Plan and the recommendations of the NZ Standard. In my view, the cost of prohibiting ASAN within the ANB and OCB remains the same as under the Operative Plan, whilst the benefits include the ongoing protection of Queenstown Airport from adverse reverse sensitivity effects. The recommended prohibition of ASAN is also efficient and effective in my opinion as it is consistent with the current land use management approach for ASAN surrounding Queenstown and Wanaka Airports and best practice throughout New Zealand.

Open Space and Recreation Zone – Lower Shotover Delta

- 4.12 A new area of “Informal Recreation” zone is proposed on the Lower Shotover Delta adjacent to the end of the Queenstown Airport Runway End Safety Area (RESA). With regard to this newly established zoning, QAC submitted that:
- 4.12.1 The new informal recreation reserve located within the Shotover Delta could potentially encourage the intensification of recreational activities at the end of the Queenstown Airport RESA. Activities establishing in this area will be exposed to high levels of aircraft noise during aircraft take-off and landing;
- 4.12.2 There is a potential for conservation planting to attract birds to the area, increasing the chance of bird strike. This poses a potentially significant risk to aircraft on approach and departure. Conservation planting should be managed so that appropriate

plant species are identified to avoid birds being attracted to the site; and

- 4.12.3 There is a residual risk associated with encouraging the intensification of recreational activities within this area in the unlikely event of an aircraft under or overshoot at Queenstown Airport.
- 4.13 QAC submitted that either the existing Rural Zone should remain over this area or a new Shotover Delta sub-zone should be created which provides for a specific range of land use activities.
- 4.14 Further submissions were received by Queenstown Park Limited (QPL) and Remarkables Park Limited (RPL) opposing QAC's submission, citing that the area of land is well suited to a wide range of recreation activities and is particularly well suited for development as playing fields for organised sport and recreation.¹⁶
- 4.15 The section 42A report recommends rejecting QAC's submissions, citing (in summary)¹⁷:
 - 4.15.1 The Lower Shotover Delta is currently used for passive recreation;
 - 4.15.2 A number of activities enabled in the proposed Informal Recreation Zone are also enabled in the Rural Zone;
 - 4.15.3 QAC has designations to protect operational requirements;
 - 4.15.4 There is insufficient uniqueness to warrant a sub-zone and that site-specific rules should be avoided wherever possible to improve administration of the PDP and reduce its complexity; and

¹⁶ Submission 2468 (Remarkable Park Limited) and 2462 (Queenstown Park Limited).

¹⁷ Section 35 of the Section 42A Report of Christine Melissa Edgley on Behalf of Queenstown Lakes District Council, Chapter 38 Open Space and Recreation – Text and Mapping, 23 July 2018.

- 4.15.5 Site specific management of this area of land can be achieved through the development of a Reserve Management Plan.
- 4.16 I acknowledge that this area is currently utilised by the public for passive recreation and I generally agree with the recommendation set out in the section 42A report that retaining the Rural zoning would be inconsistent with the current use of the site.
- 4.17 In my view however, the proposed rules for this area do not properly address the unique noise environment that exists in this location. Providing for organised sport and recreation, camping grounds and commercial recreational activities (as discretionary activities), enabling public gardens and education and research facilities (as permitted activities) and restaurants and cafes ancillary to permitted activities as controlled activities present some difficulties. These difficulties arise from the fact that overflying aircraft will expose people to high levels of noise during aircraft take-off and landing. Whilst these noise events will be of a relative short duration they are such that they are likely to be highly disruptive to these activities. Certainly, organised sports would be affected by noise from aircraft passing overhead. The noise from aircraft in this location would also likely disrupt organised games. The establishment of such activities should therefore be avoided.
- 4.18 The evidence of Mr Clay addresses issues arising from the operational risks associated with the proposed rezoning of the Lower Shotover Delta. As noted by Mr Clay:¹⁸
- 4.18.1 Although the risk of an incident of an aircraft undershooting or overshooting the runway is of a very low probability it remains a possibility. The consequences from such an event would be very high if it were to coincide with people congregating in the area for a formalised sporting or recreational activity.

¹⁸ Section 3, Statement of Evidence of Michael Clay, dated 6 August 2018.

- 4.18.2 Public amenities typically associated with recreation areas, such as rubbish and refuse areas, are bird attractant which poses a risk for aircraft and thus public safety;
- 4.18.3 Provision for “gardens” and “conservation planting” could also increase the presence of birds in the area if (plant) species selection is not appropriately considered; and,
- 4.18.4 Lighting can cause confusion and/or glare for pilots on approach and departure to Queenstown Airport. This is of particular relevance given the location of the Lower Shotover Delta at the foot of the existing runway.
- 4.19 In light of the above, I do not share the views of Ms Galavazi and Ms Edgley that the area is “not of sufficient uniqueness to warrant a subzone” and note that this is the only area of proposed recreation zone in the district located at the end of a commercial airport runway which is both regionally and nationally significant.
- 4.20 While I also acknowledge Ms Edgley’s position that QAC has designations to address its key operational requirements, as noted by Mr Clay, the imposition of land use controls which allow the primary function of the land to continue (i.e. informal recreation activities) whilst minimising the potential intensification of incompatible land uses is commonly found at airports nationally and internationally.
- 4.21 Furthermore, the costs and benefits of enabling a broad range of activities within this area have not been adequately assessed in terms of section 32AA, particularly the potential costs associated with enabling more formalised activities to occur in this area.
- 4.22 In my view, QAC’s proposed new Lower Shotover Delta sub-zone has merit and as demonstrated in the section 32AA evaluation appended to my evidence, is a more appropriate way to achieving the overall purpose of the Act, including the protection of the health and safety of the community.

5. VISITOR ACCOMODATION VARIATION

Definition of ASAN

- 5.1 As part of the Visitor Accommodation variation, various amendments were made to the definitions of “Residential Activity” and “Visitor Accommodation” and a new definition was introduced for “Residential Visitor Accommodation”.
- 5.2 QAC filed a submission with respect to these amendments, seeking that a consequential change be made to the definition of ASAN to reflect that these activities, despite being individually defined, are still sensitive to the effects of aircraft noise and should therefore be captured by the definition of ASAN.
- 5.3 I understand that this submission point was accidentally omitted from the Council’s notified summary of submissions. I understand that Council is working towards rectifying this potential procedural issue.
- 5.4 As far as I am aware, there has been no section 32 evaluation that supports the removal of the terms Homestay and Residential Visitor Accommodation from the definition of ASAN. As these activities are inherently noise sensitive, it is my view they should be included in the definition of ASAN.
- 5.5 If further submissions are ultimately received on the QAC submission on this matter it might be useful to have the opportunity to provide further comment at that time, noting what I have said at paragraph 5.3.

Rule 7.4.17 visitor accommodation in the Low Density Visitor Accommodation Sub Zone

- 5.6 Rule 7.4.1.7 relates to the provision of visitor accommodation within the Low Density Residential zone. QAC filed a submission seeking that the rule be deleted or amended to include additional matters of discretion addressing the effects of aircraft noise exposure.

- 5.7 The section 42A report provides no assessment¹⁹ or response to QAC's submission, however it recommends amendment to the matters of discretion regarding parking and access, noise and the external appearance of buildings.²⁰ The effect of these amendments is that the matters of discretion have been broadened. This has amended the matter of discretion for noise from 'noise generation and methods of mitigation...' to 'noise'. These changes are not assessed in the S32AA evaluation.²¹
- 5.8 I have some concerns with the section 42A report recommendation as it is unclear if 'noise' is intended to capture noise effects from the visitor accommodation activity or noise effects from external sources such as from aircraft exposure.
- 5.9 In my opinion, relying on 'noise' does not provide the level of specificity needed to appropriately assess reverse sensitivity effects on Queenstown Airport arising from the location of ASAN within the OCB, nor the adverse effects on guest amenity from aircraft exposure.
- 5.10 In my view, the relief requested by QAC is necessary to ensure that the potential for reverse sensitivity concerns from the owners or users of visitor accommodation in the Low Density Residential Zone are better managed.

QAC further submissions opposing submissions seeking no or less restrictions on homestays and residential visitor accommodation

- 5.11 QAC filed a number of further submissions in opposition to original submissions which sought no restrictions on homestays and residential visitor accommodation and similar relief that seeks less restrictive provisions.
- 5.12 In broad terms, these submissions seek to:

¹⁹ Paragraphs 11.48 – 11.61 of the Section 42A Report of Amy Bowbyes on Behalf of Queenstown Lakes District Council, Visitor Accommodation, 23 July 2018.

²⁰ Appendix 1 Recommended Revised Provisions, Page 118 of the Section 42A Report of Amy Bowbyes on Behalf of Queenstown Lakes District Council, Visitor Accommodation, 23 July 2018

²¹ Appendix 4 of the Section 42A Report of Amy Bowbyes on Behalf of Queenstown Lakes District Council, Visitor Accommodation, 23 July 2018.

- 5.12.1 Limit or remove any restrictions imposed of homestay, visitor accommodation or residential visitor accommodation activities;
- 5.12.2 Impose a less onerous activity status for homestay, visitor accommodation or residential visitor accommodation activities;
or;
- 5.12.3 Impose a less onerous activity status for homestay, visitor accommodation or residential visitor accommodation activities where the relevant zone standards cannot be achieved.²²
- 5.13 It is not clear the extent to which submitters seek to remove consent requirements and/or adherence to development standards which apply within the Queenstown and/or Wanaka Airport aircraft noise boundaries.
- 5.14 As a precaution, I understand QAC opposed these submissions to the extent that they may result in the removal of rules and development standards relating to ASAN, as addressed during Stage 1 of PDP.
- 5.15 The effect of removing restrictions on homestays and residential visitor accommodation within the ANB and OCB may result in the establishment of ASAN within this boundary where such activities are currently either prohibited or require acoustic treatment.
- 5.16 The section 42A report accepts QAC's further submissions in part and has recommended some amendments to the visitor accommodation provisions in a number of zones. These amendments do not remove or alter the existing obligations for ASAN to adhere to the relevant aircraft noise related provisions of the PDP, as established through Stage 1.²³
- 5.17 I note however, that these requirements will only apply to residential visitor and homestay activities if a consequential change is made to the definition to ASAN to include these activities.

²² Submissions 2003.1, 2006.1, 2005.1, 2023.2, 2032.3, 2390.6-2390.7, 2487.16-17, 2010.1, 2083.2, 2113.4, 2114.4, 2116.3, 2117.4, 2119.4, 2179.4, 2180.4, 2570.4, 2583.4, 2588.4, 2481.5, 2085.1, 4, 2063.1, 2090.1, 2090.2, 2570.5, 2573.1, 2588.5, 2583.5.

²³ This is summarised in more detail in paragraphs 1.3 – 1.3 of the Section 42A Report of Amy Bowbyes on Behalf of Queenstown Lakes District Council, Visitor Accommodation, 23 July 2018.

6. CHAPTER 25 EARTHWORKS

6.1 QAC filed a number of submissions with respect to Chapter 25 Earthworks. For the most part, the section 42A report recommends accepting or accepting in part QAC's submissions. I generally agree with the position reached in the section 42A report and therefore do not elaborate on these submission points further.

6.2 I do wish to note however, that Mr Clay has provided evidence regarding the adverse effects that poorly managed earthworks can have on aircraft on approach or departure from Queenstown and Wanaka Airports. In my view, this evidence further supports the recommendations of the section 42A report with respect to Rule 25.4.2 (volumes of earthworks) and Standards 25.5.11 (bulk earthworks) and 25.5.14 (management of dust).

7. CHAPTER 29 TRANSPORT

7.1 QAC filed a number of submissions regarding Chapter 29 Transport. In summary, these submissions sought to:

7.1.1 Ensure the chapter recognises that airports fulfil an important role in the movement of people and goods through the District;

7.1.2 That transportation matters addressed in Chapter 17 of the Proposed District Plan are not duplicated in Chapter 29;²⁴ and,

7.1.3 That rules relating to high traffic generating activities do not apply to Airport and Airport Related Activities within the Airport Zone.²⁵

TRANSPORTATION MATTERS IN CHAPTERS 17 AND 29

7.2 The section 42A report considers that it is not necessary or appropriate to amend the purpose statement in Chapter 29 as the chapter is not concerned with air travel. Further, the section 42A report asserts that the

²⁴ Submission number 2618.10, 2618.11, 2618.12, 2618.13.

²⁵ Submission number 2618.14.

QAC submission, if adopted regarding the purpose statement, would blur the distinction between matters in Chapter 29 and those in Chapters 3, 4 and 17.²⁶

- 7.3 In my view, the Airport Zone and Airport Related Activities therein, provide transport services as a gateway to the district and region. The provisions that relate to Airport Activities and Airport Related Activities are set out in Chapter 17 - Airport Zone.
- 7.4 It is therefore appropriate that reference to airports should be included in the transport chapter purpose statement to refer to Chapters 3, 4 and 17 as appropriate, and an advice note should be included to address any inconsistencies between the rules, so that if this occurs the rules in Chapter 17 prevail. This will ensure that the relevance of the airports to the general matter of transport is clear in the context of Chapter 29 while specific matters within the airport zones are more clearly placed in Chapter 17.
- 7.5 I consider that it is appropriate to ensure that where planning conflict arises between the matters in Chapters 29 and 17, Chapter 17 should take precedence over Chapter 29 where the location of the activity in question or its effects is within the airport zone. If the intent of transport Chapter 29 is to specifically exclude air transport related activities and defer these matters to Chapter 17 within the airport zone, then to provide clarity and to avoid conflict and tension between relevant provisions, Chapter 17 should take precedence through appropriate wording in Chapter 29.
- 7.6 While it may not be appropriate to address airport matters in Chapter 29, it is appropriate to ensure that these matters are directed to Chapter 17 and to make this distinction explicit in the Chapter 29 text.

²⁶ Section 42A Report of Victoria Sian Jones on Behalf of Queenstown Lakes District Council - Chapter 29 Transport: Text and Mapping, dated 23 July 2018.

TRANSPORT RULES

7.7 The section 42A report recommends that Rule 29.4.9 providing for rental vehicle business as a restricted discretionary activity is retained and recommends rejecting QAC's submission that the rule should be reworded to exclude rental car activities in the Airport zone.

7.8 Retaining the recommended wording in regard to this rule and not excluding rental car activities within the Airport zone is inconsistent with Chapter 17. Rental car activities are a permitted airport related activity within Table 1 Rule 17.4.4 "*any airport activity and airport related activity: P*". Chapter 2 Definitions defines an Airport Related Activity as (my emphasis added):

Means an ancillary activity or service that provides support to the airport. This includes:

- a. land transport activities;*
- b. buildings and structures;*
- c. servicing and infrastructure;*
- d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose;*
- e. retail and commercial services and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses;*
- f. catering facilities;*
- g. quarantine and incineration facilities;*
- h. border control and immigration facilities;*
- i. administrative offices (provided they are ancillary to an airport or airport related activity).*

7.9 Rental car activities are considered to be '*retail and commercial services associated with the needs of airport passengers and visitors*'.

7.10 The Section 42A report in effect revisits matters addressed during Stage 1 of the PDP, which has already considered the provision of airport related activities within the Airport Zone (Hearing Stream 8). The section 42A report does not take into account that rental vehicle activities are

common throughout airports in New Zealand and provide an important service to airport passengers.

- 7.11 For this reason, I consider that Rule 29.4.9 should be reworded to exclude rental car activities in the Airport Zone. This will improve clarity and consistency in the Plan between chapters, appropriately provide for rental car activities in the Airport Zone, and avoids conflicting rules concerning the same activity.

HIGH TRAFFIC GENERATING ACTIVITIES

- 7.12 QAC's submission sought to exclude airport and airport related activities within the Airport Zone from Rule 29.4.10. QAC submitted that this rule is inconsistent with Rule 17.4.1 in Chapter 17 of the decision version of the Proposed Plan. QAC also submitted that the proposed rule is difficult to implement in an airport setting. In summary:

7.12.1 The airport already exceeds the traffic generation standards in Table 29.6 and arguably any further intensification would then trigger the rule each time this occurs; and

7.12.2 It is not clear how to apply the rule which can be interpreted as being triggered for every new activity, irrespective of the nature or scale due to the Airports' existing exceedance; and

7.12.3 It is not clear why the rule should apply to airport and airport related activities within the Airport Zone.

- 7.13 This could lead to a situation that any new land use or subdivision activity at the airport, including those required for airport activities and airport related activities, would require a consent regardless of the scale of the activity. This issue has not been addressed in the section 42A report or the supporting evidence of Mr Croswell regarding transport strategy.²⁷

²⁷ Statement on behalf of Stuart John Croswell on behalf of Queenstown Lakes District Council, Transport Strategy, dated 23 July 2018.

7.14 Mr Croswell's evidence (and informed by the MRCagney technical note attached to that evidence) states at paragraph 6.9 and subsequent 8.9 (my emphasis added):

"The MRCagney technical note on 'High Trip Generating Activities Provisions' offers advice on district plan provisions to ensure that, in relation to 'large scale' developments, all transport options and solutions are considered at the resource consent stage and that the potential effects of a proposed development are controlled in a way to best achieve the objectives of the PDP".

and

"There is an overall benefit in retaining the HTGA provisions in the PDP, as these provisions enable a nuanced consideration and response to the potential transport effects of a development proposal".

7.15 It appears that the Rule 29.4.10 seeks to manage the adverse transport effects of new development proposals that will generate high levels of traffic. Queenstown and Wanaka Airports are both existing. Additionally, the purpose of Airports is to facilitate the movement of people to and from the District, and are not in themselves generative. Many of the activities undertaken at airports are purely intended to support this function.

7.16 I maintain that an amendment to Rule 29.4.10 is required to provide an exemption for Airport and Airport Related activities located within the Airport Zone from being the subject of this rule. The rule intends to manage new large-scale developments that generate high volumes of traffic, not existing activities which facilitate the movement of people to and from the District.

8. CONCLUSIONS

8.1 In summary,

8.1.1 The removal of the prohibited activity status for new ASAN within the proposed Open Space Zone is a significant departure from the existing operative Plan framework and the NZ

Standard. This may result in a proliferation of ASAN inside the OCB and ANB and increased exposure of people to the effects of aircraft noise.

8.1.2 The proposed Lower Shotover Delta Informal Recreation Zone encourages the intensification of formalised recreational activities at the end of the Queenstown Airport RESA. This would subject recreation activities to high levels of aircraft noise during aircraft take-off and landing and present an increased risk to public health and safety in the unlikely event of an aircraft under or overshoot.

8.1.3 QAC's proposed new Lower Shotover Delta sub zone is a more appropriate way to achieving the purpose of the Act, including the protection of public health and safety.

8.2 Visitor Accommodation variation

8.2.1 Additional matters of discretion to address reverse sensitivity effects are necessary to ensure that the adverse effects of visitor accommodation in the Low Density Residential Zone within the OCB are appropriately managed.

8.2.2 I agree with the Council Officer's recommendations to accept in part QAC's further submission to the extent that retaining the provisions relating to ASAN would ensure that Queenstown and Wanaka Airports, which is infrastructure of regional and national significance, is protected both now and into the future from reverse sensitivity effects.

8.3 Earthworks

8.3.1 I generally agree with the position reached in the section 42A report and consider the proposed amendments will appropriately address the adverse effects of earthworks activities.

8.4 Transport

- 8.4.1 I maintain that Chapter 29 should be amended in accordance with QAC's submissions to recognise that the Queenstown and Wanaka Airports fulfil an important role in facilitating the movement of people and goods through the District.
- 8.4.2 The duplication of provisions on identical matters between chapters should be avoided for clarity and to avoid conflict. For airport activities, the Airport zone provisions should prevail over transport chapter provisions where the relevant activity is located inside the Airport Zone.
- 8.4.3 The Airport Zone should be excluded from Rule 29.4.10 in Chapter 29 regarding high traffic generating activities. The rule is unclear and seems to be directed at managing new large-scale developments that generate high volumes of traffic, not existing activities which facilitate the movement of people to and from the District.

John Kyle

6 August 2018