

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

**IN THE MATTER OF** of the Resource Management Act 1991

**AND**

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

**AND** Submitter 150 Mt Crystal Limited

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

7 July 2017

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## **1. INTRODUCTION**

### **QUALIFICATIONS AND EXPERIENCE**

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

### **SCOPE OF EVIDENCE**

- 1.4 This statement of rebuttal evidence relates to the evidence presented on behalf of Submitter 150 (Mount Crystal Limited) with respect to Hearing Stream 13 – Queenstown Mapping Hearing.
- 1.5 In preparing this brief of evidence, I confirm that I have read and reviewed:
- 1.5.1 The evidence of Mr Sean Dent (Planning) dated 9 June 2017; and,
- 1.5.2 The supplementary statement of evidence of Kim Banks relating to Dwelling Capacity dated 19 June 2017.

#### *General comment regarding the scope of rebuttal evidence*

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

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

#### **OVERVIEW OF QAC'S FURTHER SUBMISSION**

- 1.10 QAC submitted in opposition to the submission of Mount Crystal Limited to rezone part of Lot 1 Deposited Plan 9121 (held in Certificate of Title 400/173) from Low Density Residential to Medium (1.24 hectares) and High (1.49 hectares) Density Residential.
- 1.11 The reasons given by QAC for its submission included a concern that the rezoning request would result in the intensification of Activities Sensitive to Aircraft Noise (ASAN) within close proximity to Queenstown Airport; that the proposed rezoning was a significant departure from the nature, scale and intensity of development currently provided for within the Operative District Plan and that such development may result in adverse effects on QAC over the longer term.<sup>1</sup>

## **2. REBUTTAL EVIDENCE**

- 2.1 Mr Dent does not support the relief sought by QAC via its further submission (as summarised above). Mr Dent opines that:

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<sup>1</sup> Further Submission 1340.64.

- 2.1.1 QAC's position is unjustifiable and the issue of intensification is not the density per se but how the potential effects can be mitigated;<sup>2</sup>
- 2.1.2 QAC provided evidence during Plan Change 35 (PC35) that it was feasible to acoustically insulate and ventilate residential properties in Air Noise Boundary (ANB) and Outer Control Boundary (OCB) to achieve reasonable internal sound level<sup>3</sup>;
- 2.1.3 Controls could be imposed in more distant residential locations, such as the submitters site, should the airport seek to extend the Outer Control Boundary in the future; <sup>4</sup> and,
- 2.1.4 It is contradictory that QAC (for which the Queenstown Lakes District Council (QLDC) is majority shareholder) to oppose the Strategic Direction of the PDP to promote infill development;<sup>5</sup>
- 2.2 I do not agree with Mr Dent in respect of the above matters. I have touched on all of these matters either directly or indirectly in my evidence in chief. In summary, I consider that:
- 2.2.1 rezoning proposals which enable the intensification of ASAN in close proximity to the Airport will ultimately bring more people to the effect of aircraft noise both now and into the future. This has the potential to give rise to adverse reverse sensitivity effects and may result in the future curtailment of activities at Queenstown Airport.<sup>6</sup>
- 2.2.2 The best form of protection available to avoid potential reverse sensitivity effects is to avoid development coming to the effect in the first place.<sup>7</sup> With respect to the long term passenger growth

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<sup>2</sup> Paragraph 105, Statement of Evidence Sean Dent, dated 9 June 2017.

<sup>3</sup> Paragraph 106, Statement of Evidence Sean Dent, dated 9 June 2017.

<sup>4</sup> Paragraph 107, Statement of Evidence Sean Dent, dated 9 June 2017.

<sup>5</sup> Paragraph 108, Statement of Evidence Sean Dent, dated 9 June 2017.

<sup>6</sup> Paragraph 6.7, Statement of Evidence of John Kyle, dated 9 June 2017;

<sup>7</sup> Paragraph 6.7, Statement of Evidence of John Kyle, dated 9 June 2017;

projections described by Ms Tregidga<sup>8</sup>, I understand that passenger growth forecasts are driven primarily by growth in scheduled aircraft using the main runway. In my view, it is therefore appropriate to adopt a cautious approach to rezoning proposals located within those areas identified in Appendix D of Mr Day's evidence that are most heavily influenced by scheduled aviation. The area of the Submitter's land is located in an area likely to be influenced by growth in scheduled aviation. In my view, it would be prudent to take a careful and long term view to as the appropriateness of this rezoning request.

2.2.3 There is a common misconception that acoustic insulation and mechanical ventilation is a panacea for mitigating the effects of aircraft noise on the community and the potential reverse sensitivity effects on the airport.<sup>9</sup> While it is acknowledged that PC35 adopted this approach for some pre-existing situations, I note that this was in recognition of the existing residential development patterns and the associated "right to build" that existed on already zoned residential land surrounding Queenstown Airport. This request is essentially a request to up zone an existing low density residential site and in that sense, it is significantly different.

2.2.4 While mitigation can address internal design sound levels, it does not address other factors such as outdoor residential amenity.<sup>10</sup>

2.2.5 The urban development provisions contained in Chapter 4 of the PDP specifically seek to manage the development and location of ASAN in order to ensure the operational capacity and integrity of the Airport is not significant compromised.<sup>11</sup>

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<sup>8</sup> Paragraphs 13 to 19, Statement of Evidence of Rachel Tregidga, dated 9 June 2017.

<sup>9</sup> Paragraph 5.11, Statement of Evidence of John Kyle, dated 9 June 2017;

<sup>10</sup> Paragraph 5.11, Statement of Evidence of John Kyle, dated 9 June 2017.

<sup>11</sup> Paragraphs 3.11 and 3.12, Statement of Evidence of John Kyle, dated 9 June 2017.

2.2.6 Furthermore, the Proposed Regional Policy Statement seeks to protect infrastructures from sensitive activities now and into the future.<sup>12</sup>

2.3 I also note that since filing my evidence in chief, the Council has released the outputs of the Dwelling Capacity Model (DCM) for the Queenstown and Wakatipu Basin areas. Based on the results of the DCM, it appears that there is currently sufficient feasible and realisable capacity within the Queenstown Ward to provide for residential demand over the next 30 years.<sup>13</sup> Whilst I accept that such models have their constraints, the current supply of undeveloped residential land appears to include considerable capacity. The benefits of rezoning the Mount Crystal land from a residential demand/capacity perspective therefore appears limited.

2.4 In light of the above, I maintain that rejecting the rezoning request would assist to appropriately protect operations at Queenstown Airport from adverse reverse sensitivity effects and to protect residents' amenity. The Airport is infrastructure of regional and national significance, which serves to justify such protection, in my opinion.

**J KYLE**

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<sup>12</sup> Paragraphs 3.6 and 3.7, Statement of Evidence of John Kyle, dated 9 June 2017.

<sup>13</sup> Paragraphs 3.1 and 3.2, Supplementary Statement of Evidence of Kim Banks, dated 17 June 2017.