

**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 2 (Definitions)

---

**STATEMENT OF EVIDENCE OF KIRSTY O'SULLIVAN**

(Submitter 433 and Further Submitter 1340)

(tabled at Hearing Stream 10)

2 MARCH 2017

---

Lane Neave  
Level 1, 2 Memorial Street  
PO Box 701  
Queenstown  
Solicitor Acting: Rebecca Wolt  
Phone: 03 409 0321  
Email: rebecca.wolt@laneneave.co.nz

Mitchell Daysh  
Level 2, 286 Princes Street  
PO Box 489  
Dunedin  
Kirsty O'Sullivan  
Phone: 03 477 7884  
Email: kirsty.osullivan@mitchelldaysh.co.nz

## **1. INTRODUCTION**

### **QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is Kirsty O'Sullivan. I am a Senior Resource Management Consultant with the firm Mitchell Daysh Limited.
- 1.2 My qualifications and experience are set out in paragraphs 1.1 to 1.4 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.

## **2. SCOPE OF EVIDENCE**

- 2.1 This hearing specifically relates to Chapter 2 (Definitions) of the PDP.
- 2.2 The Queenstown Airport Corporation ("QAC") filed submissions and further submissions with respect various definitions contained in the PDP.
- 2.3 I understand that a number of the definitions contained in Chapter 2 of the PDP have already been addressed through preceding hearings where they relate to a topic or chapter within a particular hearing stream. I do not intend to revisit these definitions. My evidence focuses on definitions that have yet to be considered by the Hearings Panel and/or definitions that have been incorrectly transcribed from the relevant Right of Reply topic into this document.

### **Airport Operator**

- 2.4 QAC filed a submission in support of the term "Airport Operator". The section 42A report author (herein referred to the "Council Officer") has

recommended deleting the definition of “Airport Operator”, citing that the term is not used in Stage 1 of the PDP.<sup>1</sup>

- 2.5 I note that this term is used in the Wanaka Airport Aerodrome Purposes Designation (Designation 64) which is proposed to be rolled over, with modifications, in the PDP. In my view, it is therefore appropriate to retain this definition to avoid ambiguity and uncertainty when interpreting the conditions of the designation.

### **Outer Control Boundary**

- 2.6 QAC filed submissions with respect to both the Queenstown and Wanaka Airport Outer Control Boundary definitions.

- 2.7 Appendix 1 of the section 42A report recommends that the following changes have been made to the definitions of Outer Control Boundary at Queenstown and Wanaka Airports in light of evidence presented at the Airport Mixed Use Zone hearing:

*Outer Control Boundary (OCB) Queenstown: Means a boundary as shown in District Plan Maps, the location of which is based on the predicted day/night sound level of 55 dB Ldn from airport operations in 2037.*

*Outer Control Boundary (OCB) Wanaka: Means a boundary as shown on the District Plan Maps, the location of which is based on the future predicted day/night sound levels of 55 dBA Ldn from airport operations in 2036.*

- 2.8 I note that the reference to “in 2036” in the recommended definition in fact relates only relates to the Outer Control Boundary at Wanaka Airport.

- 2.9 More particularly, 2036 is the period for which noise modelling has been undertaken for Wanaka Airport. A different period applies for modelling undertaken for Queenstown Airport (i.e. 2037).

- 2.10 Accordingly, in order for this definition to be ‘generalised’ and applicable to both Queenstown and Wanaka Airports (as appears to be the Council Officer’s intent), the reference to “in 2036” should be removed.

---

<sup>1</sup> Refer to paragraph 27.1 of the section 42A report for Chapter 2, dated 15 February 2017.

- 2.11 Furthermore, according to the Council's Right of Reply for the Airport Mixed Use Zone hearing, the definition should read as follows:

*Outer Control Boundary (OCB): Means a boundary as shown on District Plan Maps, the location of which is based on the predicted day/night sound levels of 55 dBA Ldn from airport operations.*

- 2.12 I support this version of the definition.

### **Critical Listening Environment and Others**

- 2.13 The Council Officer has indicated that the following definitions have been addressed at the hearing of submissions on the Airport Mixed Use Zone.<sup>2</sup>

- Critical Listening Environment
- Indoor Design Sound Level
- Non-critical listening environment
- 2037 Noise Contours
- 2037 60 dB Noise contours

- 2.14 I have reviewed the section 42A report and the Right of Reply for the Airport Mixed Use Zone and note that these definitions were not addressed. Notwithstanding this, with the exception of the definition of "Critical Listening Environment", I support the definitions of these terms as set out in Appendix 1 of the section 42A report<sup>3</sup> as they are consistent with the Plan Change 35<sup>4</sup> ("PC35") Environment Court confirmed definitions.

- 2.15 With respect to the definition of "Critical Listening Environment", I note the definition contains a typographical error which makes reference to "non-critical living environments". This term is not used or defined in

---

<sup>2</sup> Refer to Appendix 3 of the section 42A report for Chapter 2, dated 15 February 2017.

<sup>3</sup> For Chapter 2, dated 15 February 2017.

<sup>4</sup> Plan Change 35 was a change to the Operative District Plan, the relevance of which has been addressed in detail in previous evidence presented for QAC in respect of the PDP.

either the PDP or in PC35 and should instead make reference to the “non critical listening environment”.

### **Navigational Facility**

- 2.16 Various provisions within Chapter 30 (Utilities) of the PDP (as notified) make reference to “radio communication, navigation or meteorological communication facilities”.
- 2.17 The Airways Corporation of New Zealand Limited filed a submission seeking that the terms “radio telecommunication facility and “navigation facility” be defined. QAC filed a further submission in support of Airways Corporation’s submission.
- 2.18 The section 42A Council Officer has recommended rejecting Airways Corporation’s submission insofar as it relates to a new definition for “navigation facility”, citing that the term is no longer used in the PDP in light of the amendments made to the provisions in the Council’s Right of Reply for Chapter 30.
- 2.19 I have reviewed the Right of Reply for Chapter 30 and agree that the term “navigation facility” is no longer used in this chapter. The term “navigation activity” is used instead. From my review, a more significant issue has become apparent however, which I now raise in the event the Panel has scope to address it.
- 2.20 Specifically, Rules 30.4.41 to 30.4.53 of the Utilities Chapter purport to address and provide for “telecommunications, radio communication, navigation or meteorological activities” (refer heading table on page 30-22 of Appendix 1 of Craig Barr’s Right of Reply evidence, dated 22 September 2016, for Chapter 30). The rules themselves refer to “lines”, “antenna”, “masts” and “microcells”.
- 2.21 The PDP does not define “lines”, although the term “electricity distribution lines” is defined, and as the name suggests, relates to electricity distribution.

2.22 The PDP defines “antenna” as follows (my emphasis added):

*Means telecommunications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.*

2.23 The PDP defines “mast” as follows (my emphasis added):

*Means any pole, tower or similar structured designed to carry antennas or dish antennas or otherwise to facilitate telecommunications.*

2.24 As drafted, these definitions therefore constrain the application of Rules 30.4.41 to 30.4.50 to telecommunication activities only. The rules do not address radio communications, navigation or meteorological activities, despite the heading of the rule table suggesting otherwise. The implication of this is that infrastructure for radio communication, navigation or meteorological activities is not provided for by these rules. I consider that this was not the intent of the proposed rules, as evidenced by the inclusion of a broader range of activities in the table header (refer Appendix 1, page 30-22 of the Council’s Right of Reply for Chapter 30).

2.25 While I note that QAC has not filed a submission with respect to this matter or the definitions of antenna or mast, in my view it would be appropriate, if the Panel has scope to do so, to broaden the application of the definitions of “antenna” and “mast” to ensure that the other activities identified in the header of the rules table (e.g. navigational, meteorological and radio communication activities) are not inadvertently excluded from the application of the rules. Alternatively, the provisions of Chapter 30 could be further amended to address this issue, however I appreciate that this is beyond the scope of this hearing.

### **Activity Sensitive to Aircraft Noise**

2.26 QAC filed submissions in support of the notified definition of the term “Activity Sensitive to Aircraft Noise”.

2.27 The PDP defines Activity Sensitive to Aircraft Noise as follows:

*Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.*

- 2.28 As shown in Appendix 1 of the section 42A report, it has been recommended that the term “educational facility” be deleted and the term “education activity” be used in its place. A consequential amendment will therefore be required to the definition of “Activity Sensitive to Aircraft Noise” to account for this change.

### **3. CONCLUSION**

- 3.1 QAC filed a number of submissions and further submissions with respect to the proposed definitions of the PDP. For the most part, these have been considered during preceding hearings.
- 3.2 Where the definitions have yet to be considered and/or have been transcribed incorrectly, I have endeavored to bring this to Hearing Panel’s attention.

**K O’Sullivan**

**2 March 2016**