

**Before an Independent Hearings Panel of Wellington
City Council**

In the matter of the Resource Management Act 1991 (the **Act**)

And

In the matter of hearing of submissions and further submissions on the
Wellington City Proposed District Plan (**PDP**)

**Statement of Evidence of
John Kyle**

Dated: 18 July 2023

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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. I have been engaged in the field of resource and environmental management for more than 35 years.
- 1.2** My experience and qualifications are as set out in my earlier statement of evidence in regards to Hearing Stream 1 of the Proposed District Plan (**PDP**) dated 7 February 2023, in particular paragraphs 5 to 7.
- 1.3** I am familiar with the PDP and have been involved in the hearing streams to date, including providing expert planning evidence. Further, I have reviewed the provisions relevant to Hearing Stream 5 and that part of the submission of Wellington International Airport (WIAL) that is the subject to this hearing.
- 1.4** I confirm my obligations in terms of the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I agree to comply with the Code and I am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might alter or detract from the opinions I express in my evidence.

2. TE ORO - NOISE

- 2.1** Ms O'Sullivan has produced a detailed Statement of Evidence (dated 18 July 2023) regarding WIAL's submissions on this Chapter. I assisted Ms O'Sullivan's preparations in a peer review capacity. I confirm that I agree with the opinions she has expressed in her statement.
- 2.2** Both Ms O'Sullivan and I have considerable experience with the land use management approaches that are necessary to manage the effects of aircraft noise on surrounding communities. Both she and I have worked extensively on these matters in Queenstown, Invercargill, Hawkes Bay and now Wellington, and we are

currently assisting Christchurch International Airport with its investigations into the feasibility of developing a new regional airport in Central Otago. Managing the effects of aircraft noise has been, or is centrally relevant in all of these locations.

- 2.3** I agree with Mr Humpheson and Ms O’Sullivan that fundamentally, the New Zealand Standard on Airport Noise Management and Land Use Planning, NZS6805:1992 (NZS6805) is recognised throughout New Zealand as the key document to guide management of noise from airports and to guide the imposition of land use controls around airports. NZS6805 has underpinned the approach WIAL has taken in its submission and has guided the way Ms O’Sullivan has prepared appropriate Plan provisions for land affected by the noise overlays around Wellington Airport.
- 2.4** The approach relies on forming a robust understanding about current and future aircraft operations and modelling how the noise effects of aircraft use would change over time to inform the extent of the aircraft noise overlays that have been described by Mr Humpheson and included in the Proposed Plan. The inclusion of noise overlays in the Plan is a critical tool for informing both compliance obligations (borne by the airport company under the conditions of its designations) and how best to manage land use activities within these overlays in a way that aligns with NZS6805.
- 2.5** Ms O’Sullivan has suggested that given the unique circumstances that apply in Wellington, a nuanced approach to land use management on land within the Aircraft Noise Overlays is appropriate. I agree with that view. I also agree with her that the current Plan review proceedings present a good opportunity to rationalise the approach to land use planning around Wellington Airport. In my opinion, a balance needs to be achieved between accommodating the needs of the Airport on an on-going basis (recognising the significant social and economic benefits that accrue from its operations) and providing for the health and the amenity values enjoyed by those occupying and using residential land surrounding the Airport. Given the significance of the airport to the City and the country as a whole, she has suggested some tightening of the land use controls on land within the Airport Noise Overlays (compared with the Operative District Plan) such that residential intensification will generally be subject to the need to obtain consent, with

performance standards requiring noise attenuation methods to be applied to new development involving activities sensitive to aircraft noise.

- 2.6** I have reviewed Ms O’Sullivan’s suggested approach and the Plan provisions she has drafted and included in her evidence. I agree with her that these are efficient and effective in the circumstances that apply, and I support them as a result.

3. EARTHWORKS, SUBDIVISION AND NATURAL HAZARDS

- 3.1** I have also reviewed Ms O’Sullivan’s evidence as it relates to the Earthworks, Subdivision and Natural Hazards provisions of the Proposed District Plan. I note her concerns with the way some of the current provisions have been drafted and the difficulties these would present in the context of maintaining an operational airport at Wellington. Notably, for the most part, the section 42A writers have also recognised some of the difficulties that the provisions as drafted would result in, and they too have suggested amendments. Ms O’Sullivan has reflected on that work and in my opinion her suggested amendments to these provisions comprise a pragmatic solution which I also support.

J C Kyle

18 July 2023