
PROPOSED DISTRICT PLAN CHANGE 57 TO PROVIDE FOR NON-AIRPORT ACTIVITIES WITHIN THE AIRPORT AND GOLF COURSE RECREATION PRECINCT

1. Purpose of Report

To seek approval from the Council to notify Proposed District Plan Change 57 (DPC 57) and to withdraw District Plan Change 42 (DPC 42), both of which relate to the provisions of non-airport activities, and buildings for non-airport activities in the Airport Area of the Airport and Golf Course Recreation Area Precinct.

2. Executive Summary

The primary purpose of the Airport Area of the Airport and Golf Course Recreation Area Precinct is to provide for the operation and future development of the Airport. Some non-airport activities are considered appropriate within the Precinct provided they do not compromise airport operations, or adversely impact on surrounding areas.

The operative District Plan provisions contain ambiguities that have led to different interpretations about the activity status of non-airport activities. These ambiguities have led to the establishment of some non-airport activities such as large billboard signs and the bulk retailing development (known as the Western Apron or Rongotai Retail Park).

DPC 42 was notified in December 2005 to clarify that non-airport activities within the Precinct needed a resource consent, pending a more comprehensive review being undertaken of all the objectives policies and methods (rules). Proposed Plan Change 57 is the result of this review. If the Committee agree to notify DPC 57, DPC 42 will need to be formally withdrawn.

DPC 57 provides for non-airport activities as discretionary activities (restricted), with provision for buildings and structures associated with non-airport activities up to twelve metres in height. By way of comparison DPC 42 made all non-airport buildings and activities a discretionary activity (unrestricted).

New policy guidance, standards and terms, and assessment criteria will allow a full consideration of the likely effects of development on the environment and enable more consistent and defensible positions to be taken when assessing resource consent applications for non-airport activities.

3 Recommendations

It is recommended the Committee:

1. *Receive the information.*
2. *Agree to notify Proposed District Plan Change 57 (attached as Appendix 1 to this report) in accordance with the First Schedule of the Resource Management Act 1991.*
3. *Agree to adopt the Section 32 Report for Proposed District Plan Change 57 (attached as Appendix 2 to this report).*
4. *Agree to withdraw District Plan Change 42 at the same time as Proposed Plan Change 52 is notified.*
5. *Delegates to the Portfolio Leader for Urban Development the authority to approve minor editorial changes to the proposed Plan Change prior to notification.*

4. Discussion

4.1 Background

In 2005 Wellington International Airport (WIAL) erected a large billboard sign adjacent to the Cobham Drive roundabout and a sign near the Calabar Road/Broadway intersection on the understanding that these signs were permitted activities.

A bulk retailing development (known as the Western Apron or Rongotai Retail Park) has also been developed within the Precinct. This was approved as discretionary activity (restricted) resource consent.

In December 2005 WIAL applied for a number of certificates of compliance for a range of non-airport activities. The proposals included a childcare centre, office complex, supermarket, gym, bar and other retailing. There are concerns that aspects of these proposals have the potential to challenge some of the wider policies of the District Plan. Issuing the certificates of compliance would negate the Council's ability to influence the proposals through regulatory mechanisms. At present the certificates of compliance are on hold pending notification and resolution of DPC 57.

The development of the billboards and retail park within the Precinct generated differing legal opinions as to whether these non-airport related activities are permitted or whether they are non-complying activities. This ambiguity is not conducive to sound and consistent administration of the District Plan.

Given these concerns it was decided that DPC 42 should be notified to address these concerns. It is noted that DPC 42 and DPC 57 (as described in 5.3 below) have no bearing on the current applications for certificates of compliance, because they were lodged prior to the notification of the plan changes.

4.2 District Plan Change 42 (December 2005)

DPC 42 clarified the following:

- activities, and buildings/structures relating to the primary function of the airport are permitted activities (subject to meeting specified conditions)
- all buildings for airport related activities outside of the terminal area (and not used for aircraft maintenance purposes) is a permitted activity up to 12m in height. This is consistent with the maximum building height in Suburban Centres
- New non-airport activities and buildings are a discretionary activity (unrestricted).

4.3 Proposed Plan Change 57

Plan Change 42 was a 'quick fix' to deal with the immediate problems of how to effectively administer and control development within the Precinct. The shortcomings of DPC 42 were acknowledged at the time it was notified, and a commitment was made by Council to undertake a more comprehensive assessment at a later date. WIAL also agreed that they would not push for their certificates of compliance to be processed, and were happy to allow a new plan change to be notified that addressed the issues around non-airport activities. DPC 57 defines airport related activities as:

PRIMARY FUNCTION OF THE AIRPORT AREA: means the transport of people and cargo by aircraft and includes activities and ancillary activities associated with this primary function. This includes, but is not limited to, aircraft operations, airport operational activities (such as runways, traffic control structures and terminal buildings), warehouses and other storage facilities, airport travellers' accommodation and services, vehicle parking and servicing, aircraft catering and servicing, retail and commercial services that support airport activities, internal roading, access and service ways.

Provisions for airport activities

The provisions relating to airport activities will remain largely the same as the operative plan provisions. In summary these are:

- buildings up to 25 metres in height are permitted activity in the Terminal Area.
- outside the Terminal Area buildings for airport activities are permitted up to 12 metres in height (for general buildings) and up to 15 metres for aircraft maintenance as a permitted activity.

Provision for non-airport activities

The proposed policies and rules allow for the following:

Non-airport activities

- non-airport activities within the Terminal Area are a controlled activity
- non-airport activities in the remainder of the Precinct are a discretionary activity (restricted)

Buildings

- within the Terminal Area, buildings and structures associated with non-airport activities are a controlled activity (up to 12 metres in height)
- outside the Terminal Area buildings are provided for up to 12 metres in height as a discretionary activity (restricted) and are subject to the provision of a traffic impact assessment. For retail activities a centre impact assessment must be provided, quantifying the potential impact on the vitality and viability of the Kilbirnie and Miramar Town Centres
- larger developments above 12 metres in height would be a discretionary activity (unrestricted). Where this involves a retail development an economic assessment will be required to assess its on Kilbirnie and other town centres, including the central area.

Signage and billboards

- there are no area controls on signs in the Terminal area
- sign controls outside of the Terminal Area are very similar to the Central Area provisions, that is up to 20m² permitted on all buildings
- in the retail park signs up to 20m² will be permitted per tenancy elevation
- free standing signs outside the Terminal Area are permitted up to 8m² and 4 metres in height. All signs and billboards in excess of these limits are assessed as a discretionary activity (restricted).
- all signs fronting SH1, Lyall Parade and Moa Point Road need a resource consent due to traffic, residential and open space (coastal) amenity issues

Key development areas

- the airport precinct has been divided into five geographical areas. These are the Western Apron Area (Rongotai Retail Park), Broadway Area, Terminal Area, South Coast Area and Rongotai Ridge Area. Specific policy and urban design guidance has been provided for each of the five areas.
- two policies have been proposed for Rongotai Ridge which recognises the geomorphological significance of the land whilst allowing consideration of a significant development provided it is of 'outstanding' architectural and urban design merit.
- the Outer Residential Area earthwork rules have been applied to Rongotai Ridge thereby enabling any significant earthworks to be assessed through the resource consent process.

Improving resource management processes

The Plan change would be supported by a memorandum of understanding between Wellington City Council and WIAL. This is to ensure a constructive

dialogue occurs on any significant non-airport related developments before developments occur or resource consents are submitted.

4.4 Consultation

WIAL has been consulted throughout the preparation of this plan change. They are largely supportive of the provisions and the memorandum of understanding, including the changes relating to signs and billboards.

All the submitters and further submitters to DPC 42 have also been provided with a summary of the key changes as outlined in 4.3 above, and given the opportunity to comment on them. No submitters had made any further comments.

WIAL have also consulted with the Golf Course about an appropriate height recession plane setback for airport buildings adjacent to the joint WIAL and Golf Course boundary. This agreed position is reflected in provision '11.1.2.3 Height Control Adjoining the Golf Course Recreation Area'.

5. Conclusion

Plan Change 57 is a more comprehensive approach to providing for non-airport related activities with the Precinct than is provided for in DPC 42.

In particular, non-airport activities are now provided for as discretionary activities (restricted). Policy guidance, standards and terms, and assessment criteria, which were absent from DPC 42, now allow a full consideration of the likely effects of development on the environment. This will enable more consistent and defensible positions to be taken when assessing resource consent applications for non-airport activities.

If the Committee agree to notify DPC 57 then DPC 42 will need to be formally withdrawn.

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Supporting Information

1) Strategic fit

The recommendations in this paper are consistent with the strategic outcomes and objectives relating to the Built Environment, in particular;

1.1 (a) More liveable: Wellington will be a great place to be, offering a variety of places to live, work and play within a high quality public environment.

1.1 More prosperous: Wellington's urban form and flexible approach to land use planning in the central city, centres and industrial areas, will contribute to economic growth and prosperity.

1.3 Compact City

Wellington is a compact city with mixed land-use, structured around a vibrant city and suburban centres, and connected by major transport corridors.

The project is also consistent with the Council's Sense of Place initiative.

2) LTCCP/Annual Plan reference and long term financial impact

Relates to the ongoing review of the District Plan. Project C533 – District Plan

3) Treaty of Waitangi considerations

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

4) Decision-Making

The proposed changes to the District Plan are not significant in that they update and amend existing regulatory provisions for the Airport in the Plan.

5) Consultation

a) Research and Communication

External:

- Wellington International Airport Limited
- Miramar Golf Club
- All submitters to previous District Plan Change 42

b) Statutory Consultation

Statutory consultation under clause 3 of the RMA has been undertaken

c) Consultation with Maori

Ngati Toa and the Wellington Tenth Trust have been advised of the Proposed Plan Change

6) Legal Implications

The Proposed Plan Change will be processed in accordance with the requirements of the Resource Management Act 1991

7) Consistency with existing policy

Operative District Plan

The proposed plan change is consistent with the approach of updating of the District Plan and to enable its continued smooth functioning.

Urban Development Strategy

The proposal is consistent with the Urban Development Strategy.