
REPORT 1
(1215/11/IM)

DECISION ON DISTRICT PLAN CHANGE 57: NON-AIRPORT ACTIVITIES IN THE AIRPORT AND GOLFCOURSE RECREATION PRECINCT

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearing Committee concerning District Plan Change 57 – Non-Airport Activities in the Airport and Golf Course Recreation Precinct.

2. Recommendation

It is recommended that Council:

- 1. Receive the information.*
- 2. Approves the recommendations of the District Plan Hearing Commissioner in respect of District Plan Change 57 – Non-Airport Activities in the Airport and Golf Course Recreation Precinct, as detailed in the Hearing Commissioner's Decision Report and the annotated version of the Plan Change document (attached as Appendices 1 and 2).*

3. Background

Proposed District Plan Change 57 is a Council initiated plan change that addresses the District Plan provisions that apply to Non-Airport Activities within the Airport and Golf Course Recreation Precinct

When the Council notified its new District Plan in July 1994, it proposed a new precinct for the Airport called the 'Airport and Golf Course Recreation Precinct'. The Airport Area provisions of the Precinct enable the ongoing use and development of the Airport as a critical part of the city and region's transport infrastructure and economic wellbeing. A set of relatively flexible rules enables the Airport to respond to worldwide trends in the development of airports, and, for example, provide for the new terminal building and carpark building. The rules also enable a wide range of ancillary uses at the airport such as retailing in the terminal, vehicle hire and other commercial services typically associated with airports.

The rules also seek to protect the amenity values of surrounding areas through such controls as building setbacks, aircraft noise controls, screening, and lighting.

In recent years, a range of various non-airport related activities have been established within the Precinct, including numerous billboard signs and a bulk retailing development known as the West Side or Rongotai Retail Park. However, the operative Precinct provisions contain some ambiguities that have led to different interpretations about the activity status of such non-airport activities.

In 2005, WIAL applied for a number of certificates of compliance (COC) to confirm that a range of non-airport activities were permitted, with the proposals including a childcare centre, office complex, supermarket, gym, bar and other retailing activities. There were concerns that aspects of these proposals and other potential activities had the potential to challenge some of the wider policies of the District Plan, and at the very least create significant public 'interest'. For example, a large amount of additional retailing space could adversely affect the viability of local suburban centres. Local residents have also expressed concern about the billboards, particularly the large one established at the end of Cobham Drive.

As a consequence, the Council decided that the operative Precinct provisions needed to be amended to reflect the intent of the Precinct and remove any ambiguities.

3.1 Proposed Plan Change 42

Proposed Plan Change 42 (PPC 42) was notified in December 2005 to address the above issues, and involved:

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

At the time Plan Change 42 was notified, Council identified that the plan change was an interim measure to clarify the intent of the existing Airport Precinct rules. It was anticipated that Council would in time undertake a more comprehensive review of the Precinct chapter as part of the ongoing review of the District Plan as required under the Act. Once that review was undertaken, Proposed Plan Change 57 was prepared, and was publicly notified on 21 June 2007, with Proposed Plan Change 42 being withdrawn concurrently.

3.2 Purpose of Plan Change 57

Proposed District Plan Change 57 (DPC 57) was introduced to provide greater clarity regarding the management of non-airport related activities within the Airport and Golf Course Recreation Precinct. Key features of the plan change include:

- Definitions for 'Primary Function of the Airport Area', 'Non-Airport Activity' and 'Retail Activity'.
- The creation of five geographical sub-areas within the Airport Area
- New objectives and policies relating to the management of activities within the Airport Area
- A new rule structure, providing for:
 - ▶ Airport related activities as a Permitted Activity in the whole of the Airport Area;
 - ▶ Non-airport related activities within the Terminal Area as a Controlled Activity; and
 - ▶ Non-airport related activities outside the Terminal Area as a Discretionary Activity (Restricted)
- All non-airport related retail activities outside the Terminal Area are required to submit a Centre Impact Assessment to gauge their potential impact on the vitality and vibrancy of the Kilbirnie and Miramar town centres

The primary purpose of the Airport area of the Precinct is to provide for the ongoing operation and development of the Airport. It also recognises that some non-airport activities are appropriate within the Precinct provided they do not compromise airport operations or adversely impact on surrounding areas or the wider city.

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

In many ways, the Airport and Golf Course Recreation Precinct is managed like a Suburban Centre, but with specific provisions to allow airport-related activities to be undertaken in a streamlined planning framework. This approach is consistent with the management regime that is applied to other strategic transport facilities such as the Port of Wellington.

Proposed Plan Change 57 was publicly notified in June 2007, with copies of the notices sent to all ratepayers in Wellington City.

The Hearing for District Plan Change 57 was held at Council Offices on the 29th January 2008. The Hearing was chaired by Robert Schofield, as the sole independent hearing commissioner.

4. Discussion

Nine main submissions and five further submissions were received on Proposed District Plan Change 48. All five of the further submissions were lodged by Wellington International Airport Ltd. (WIAL). There was a large measure of support for the Plan Change among submitters, with no submissions received in

opposition to the Plan Change in its entirety. Submitters were generally concerned with specific aspects of its provisions.

Three submitters attended the hearing and spoke to their submissions. One submitter was unable to attend the hearing but tabled evidence for consideration. The Commissioner gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals who appeared at the Hearing.

Having considered the requirements of the RMA and the issues raised in submissions, the Hearing Commissioner considered that the plan change was generally appropriate and would allow the Council to better manage the effects of new development within the Airport and Golf Course Recreation Precinct, while at the same time, providing for the ongoing operation and development of Wellington's international airport. The Commissioner recommends a number of amendments to the provisions (as notified) to improve their clarity, application and effectiveness. The key recommendations in respect of these amendments are:

- Amendments to the definitions of 'Primary Function of the Airport Area', 'Non-airport Activity' and 'Retail Activity'
- Minor amendments to the explanatory text to policies
- The application of parking standards to non-airport related activities
- Amendments to the height provisions that apply in the Airport Area
- Amendments to the non-notification statement that applies to non-airport related retail activities
- Inclusion of a threshold to trigger the requirements for a wider Centre Impact Report for non-airport related retail activities over a certain size
- Inclusion of a map showing potentially contaminated sites within the Airport Area

The Hearing Commissioner recommends that Council endorse DPC 57, with the above amendments.

Once approved by Council the decision will be publicly notified and notice served on the submitters. Submitters then have the option of appealing the matter to the Environment Court within 30 working days. If no appeals are made the plan change will become operative.

Report from: Robert Schofield

Independent Hearing Commissioner, DPC 57 - Non-Airport Activities in the Airport and Golf Course Recreation Precinct

Contact Officer: Jeremy Blake Senior Policy Advisor City Planning