



***Council Decision
Proposed District
Plan Change 57***

**Provision for non-airport activities
In the Airport and Golf Course
Recreation Precinct**

Absolutely

POSITIVELY

**ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL** **Wellington**

The following report from the Hearing Commissioner on District Plan Change 57 was approved by Council on Thursday 27 March 2008. This report and the attached annotated version of the plan change comprise the Council Decision.

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**COMMISSIONER'S
RECOMMENDATION:**

FOR WELLINGTON CITY COUNCIL

SUBJECT:

**DISTRICT PLAN CHANGE No. 57 – PROVISION
FOR NON-AIRPORT ACTIVITIES IN THE AIRPORT
AND GOLF COURSE RECREATION PRECINCT**

DATE OF HEARING:

29 JANUARY 2008

1 RECOMMENDATION

As Hearing Commissioner with delegated authority to hear submissions and recommend a decision on Proposed Plan Change 57, pursuant to clause 10 of Part 1 of the First Schedule to the Resource Management Act 1991, I gave careful consideration to all the issues and points made by the submitters and Council officers, and I recommend that Council:

1. *Receive the information.*
2. *Approve District Plan Change 57 with amendments resulting from submissions, as detailed in this report and the annotated version of the Plan Change document (attached as Appendix 2).*
3. *Accept or reject all submissions and further submissions to the extent that they accord with the above recommendation.*

2 PROPOSED DISTRICT PLAN CHANGE 57

2.1 Background – Establishment of District Plan ‘Airport and Golf Course Recreation Precinct’

Prior to the Resource Management Act (Act), the operations of Wellington International Airport were controlled by a complex regime, including:

- a *bylaw* which sought to mitigate aircraft noise
- a *designation* held by Wellington International Airport Ltd (WIAL) which authorised the airport operation; and
- the *underlying zoning in the District Scheme* which applied to anything that was not authorised by the airport designation.

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’. This Precinct contained objectives, policies and rules which replaced the former controls applying to the airport and Miramar Golf Course. The airport designation remained in place for some time, and was uplifted by WIAL once the rules were settled through the plan preparation and appeals process. The District Plan was adopted and made operative in July 2000.

A similar approach was taken for the Hospital, and Massey and Victoria Universities through the provision of Institutional Precincts around these sites/campuses.

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 controls on building setbacks, aircraft noise controls, screening, and lighting.

This approach is consistent with the strategic role of the Airport that is reflected in the Wellington Regional Strategy and the Urban Development Strategy.

2.2 Management of Non-Airport Developments

In recent years, a variety of 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 are permitted, with the proposals including a childcare centre, office complex, supermarket, gym, bar and other retailing activities. There are concerns that aspects of these proposals and other potential activities have 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.

2.3 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 is a permitted activity up to 12m in height (consistent with the maximum building height in Suburban Centres).

At the time, it was noted that Plan Change 42 did not preclude the need, in due course, to review in full the Precinct chapter as part of the ongoing review of the District Plan as required under the Act. Proposed Plan Change 42 was simply to clarify the intent of the *existing* rules, and was regarded as an interim measure to clarify that non-airport activities within the Precinct require resource consent, pending a more comprehensive review being undertaken of all the objectives policies and methods (including rules). 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.

2.4 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' and 'Non-Airport 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 Airport and Golf Course Recreation 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.

Proposed Plan Change 57 includes definitions for 'Primary function of the airport area' and 'Non-airport activity'. The plan change provides for non-airport activities as discretionary activities (restricted), with provision for buildings and structures associated with non-airport activities up to 12 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 were introduced through Proposed Plan Change 57 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.

3 SUBMITTERS

3.1 Submissions Received

A total of nine submissions and five further submissions were received on Proposed Plan Change 57. All five of the further submissions were lodged by Wellington International Airport Ltd (WIAL).

Submission No.	Submitter
1	Wellington City Council
2	Leonie Gill
3	Patricia Thompson
4	Colin Thompson
5	Miramar/Maupuia Progressive Association
6	A.D. Gibson
7	Armstrong Jones Management (PTY) Ltd
8	Geoffrey Kiddle

Further Submission No.	Further Submitter
FS 1(a-e)	Wellington International Airport Ltd

There was a large measure of support for the Plan Change among submitters, with none received in opposition to the Plan Change in its entirety. Submitters were generally concerned with specific aspects of its provisions. Accordingly, the scope of my deliberations and recommendations are confined to the matters raised by submitters, which I address below.

3.2 Submitters Heard

At the hearing on Proposed Plan Change 57 held on 29 January 2008, the following submitters attended to speak to their submissions:

- Wellington International Airport Ltd (WIAL) – represented by Chris Dillon, Airport Planner, and Morgan Slyfield (legal counsel)
- Miramar/Maupuia Progressive Association, represented by Robin Boldarin (Chairperson);
- David Gibson, representing himself

At the commencement of the hearing, a statement of evidence was tabled from Matthew Norwell, a planning consultant for one of the submitters, Armstrong Jones Management (PTY) Limited, in which he expressed support for the recommended changes in the Policy Adviser's report in regard to issues raised in his client's submission.

In addition, the Council's reporting Planner, Jeremy Blake, Senior Policy Adviser, City Planning team, attended the hearing to speak to his report and to respond to matters as they arose during the hearing. Luke Troy, Manager of City Planning Unit, also attended part of the hearing to provide information on retail floor area consent thresholds. Jason Jones from the City Planning team provided support for the hearing.

The points raised by submitters during the course of the hearing, including responses to questions, are considered in my evaluation of issues below.

4 STATUTORY REQUIREMENTS

Under section 34A of the Act, the Council cannot delegate its function of approving plan changes. In addressing the issues raised by submitters, I can therefore only make recommendations to the Council.

In making a decision on the proposed plan change, the requirements of section 74 of the Act apply, including the following matters of relevance:

- The extent to which the plan change achieves the purpose and principles of the Act, that is Part II and is within the functions of the Council as set out in Section 31;
- The extent to which the plan change is necessary in terms of Section 32 and is the most effective and efficient means of achieving the desired outcome;
- The extent to which the proposed plan change is consistent with the Regional Policy Statement and any Regional Plans;
- The extent to which the plan change is consistent with the District Plan;
- The submissions and further submissions received; and

- How the plan change deals with any adverse effects on the environment.

Section 31 sets out the functions of the City Council under the Resource Management Act, those relevant being:

- (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;*
- (b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
- (c) *The control of subdivision of land.*

Regard must be given to whether the Plan Change meets the purpose and principles of the Act under Part II, including section 5, the promotion of the sustainable management of the natural and physical resources of the City. Matters listed in section 7 of most relevance to this plan change are:

- ...(b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values; ...*
- (f) *Maintenance and enhancement of the quality of the environment; ...*

In regard to section 32, “Duty to consider alternatives, assess benefits and costs etc.”, the Council prepared a Section 32 assessment prior to the notification of the proposed plan change in accordance with the requirements of s32(1). This report should be regarded as the further evaluation required under s32(2), focused on how to most effectively address matters raised by submitters.

5 ISSUES AND DELIBERATIONS

I have addressed the issues raised by submitters in the same groupings provided by the reporting Council Policy Adviser in his report. As far as possible the issues and submissions are listed in order to match the format of the Plan Change document (i.e., Definitions, Objectives and Policies, Rules, Appendices etc.)

This report contains selected text from the Plan Change documents, either when changes have been requested by a submitter or where a change was recommended by Council officers. Where new text is included in this report the following protocols have been followed:

- Text introduced by way of DPC 57 is shown as underlined: i.e. abcdefghijkl
- Text requested to be deleted by submission is underlined and struck-out: i.e. ~~abcdefghijkl~~
- Text requested to be inserted by submitter is bold underlined: i.e. **abcdefghijkl**
- Text recommended by the Council officer is highlighted: i.e. **abcdefghijkl**

The full text of Proposed Plan Change 57 as would be amended by the recommendations in this report is contained in Appendix 1.

5.1 DPC 57 - General

Relief Sought

In terms of general support or opposition to Proposed Plan Change 57, submitters sought either that:

- The Council adopt proposed District Plan Change 57 as notified (submissions 3, 4, 5, and 8); or
- The Council adopt proposed District Plan Change 57 with some amendments (submissions 2, 6, 7, and 9)

Discussion

There were no submissions received in opposition to proposed Plan Change 57: all of the submissions received either supported the plan change in full, or supported it in principle subject to certain amendments.

Given the absence of opposition, these submissions should be accepted insofar as it is recommended that DPC 57 be approved, subject to the recommended amendments resulting from submissions.

Recommendation

- **Accept** submissions 2, 3, 4, 5, 6, 7, 8 and 9 insofar as they support DPC 57, subject to those amendments made in response to submissions.

5.2 Definitions - Chapter 3

Relief Sought

In regard to definitions, one submitter, David Gibson (submission 6), sought to:

- Amend the definitions of 'non-airport activity'; 'primary function of the airport area'; and 'retail activity (for the purpose of the Airport and Golf Course Recreation Precinct)'

This was opposed in the further submission by WIAL.

Discussion

Mr Gibson requested that the definition of 'Non-Airport Activity' be amended as follows:

NON-AIRPORT ACTIVITY: *means an activity within the Airport and Golf Course Recreation Precinct which is not related to the primary function of the Airport area and is not related to activities and services ancillary to that directly support this primary function.*

He also requested that the definition of 'Primary Function of the Airport Area' be amended as follows:

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

The submitter considered that the amended definitions more clearly articulate the difference between airport and non-airport activities. He also considered that, if the changes sought were adopted, the definition of Retail Activity could be deleted as it is no longer required. This definition currently reads:

RETAIL ACTIVITY (FOR THE PURPOSE OF THE AIRPORT AND GOLF COURSE AND RECREATION PRECINCT): *means any activity or activities within a building involving the sale of goods, merchandise, equipment or services to the public, but excludes:*

- *service stations and motor vehicle service premises*
- *takeaway food bars, restaurants, cafes or other eating places*

WIAL opposed these changes, for the reasons that:

- The word ‘ancillary’ has the same meaning as ‘directly support’, and that the Oxford Dictionary defines ‘ancillary’ as ‘providing essential support to a central service or industry’;
- Any restriction of some airport activities to the Terminal Area would be a major constraint on airport operations, and would negatively impact on its long term viability; and
- It is not within the scope of the Plan Change to initiate significant changes to the management of the effects of airport-related activities.

The Council’s reporting Planner, Jeremy Blake, recommended the definition of Retail Activity be retained on the basis that it is required to allow Rule 11.3.3 to function as intended: i.e. to require a ‘Centre Impact Report’ to be submitted for any non-airport related retail activity located outside the Terminal Area, to assess the potential impact on the Kilbirnie and Miramar town centres.

In regard to the definition of the ‘primary function of the airport area’, Mr Blake considered that the question of whether to use the term ‘*ancillary to*’ or ‘*directly support*’ is important as it could have a significant bearing on how DPC 57 is interpreted. He contended that the whole rule regime for the Airport and Golf Course Recreation Precinct pivots on whether an activity (and associated buildings and structures) is ancillary to the airport or essential to its primary function. Mr Blake noted that, in practical terms, there was also merit in retaining the term ‘ancillary’ because it is repeated numerous times throughout the plan change document, as well as being used in other chapters of the District Plan. However, he observed that the Oxford English Dictionary also defines ancillary as ‘subservient’ or ‘subordinate’ which could result in quite different interpretations in terms of the planning framework for the precinct. As it is important to use terms that are as unambiguous as possible, Mr Blake considered that the plain English phrase of ‘directly support’ had some merit.

Mr Blake recommended that, for the avoidance of doubt, a definition be included in the District Plan for ‘ancillary activity’ based on the phrase from the Oxford English Dictionary, ‘providing essential support to a central service or industry’, as this is consistent with the thinking behind the Plan Change.

The submission from Mr Gibson also requested to refine the definition of ‘primary function of the airport area’ so that it only provides for airport traveller’s accommodation and services, and retail and commercial services if they are both ancillary to the function of the airport, and located within the Terminal Area. The effect of this change would be that airport traveller’s accommodation and services, and retail and commercial services that were located outside the Terminal Area would be managed as a Discretionary Activity (Restricted) under Rule 11.3.3, rather than as a Permitted Activity under Rule 11.1.1.

WIAL opposed the suggested restriction of these airport activities to the Terminal Area, contending that it would unduly constrain the operation, and the long term viability of the airport.

In his report, the Council’s reporting Planner stated that retail activities would only be considered ancillary to the primary function of the airport if the retail activity principally targets aircraft passengers and that any retail activity located outside the Terminal Area would have difficulty arguing that it was intended primarily to serve aircraft passengers. Accordingly, he contended, any airport-related retail activity ought to be located in or around the terminal hub where the core of airport passenger movement takes place. He

therefore recommended that the definition of 'Primary Function of the Airport' be amended to limit airport-related retail activities to those that are located within the Terminal Area. However, Mr Blake considered that traveller's accommodation facilities are not so intrinsically linked to the terminal area, and that it is feasible that a hotel intended to provide accommodation for aircraft travellers could locate anywhere within the Airport Area. Accordingly, he recommended that no change be made to the definition of 'Primary Function of the Airport' in relation to traveller's accommodation.

The submission from Mr Gibson also sought to add the word 'cargo' before the word 'warehouses' in the definition of 'Primary Function of the Airport Area'. This amendment was supported by the Council's reporting Policy Adviser for the sake of clarity. It was not opposed by WIAL.

In sum, the following changes to the definitions (highlighted) were recommended by Mr Blake:

NON-AIRPORT ACTIVITY: *means an activity within the Airport and Golf Course Recreation Precinct which is not related to the primary function of the Airport area and is not related to activities and services ancillary to this primary function. For the purpose of this definition ancillary means any activity or service that provides essential support to the primary function of the Airport Area.*

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), cargo warehouses and other storage facilities, airport travellers' accommodation and services, vehicle parking and servicing, aircraft catering and servicing, retail and commercial services (located within the Terminal Area) that support airport activities, internal roading, access and service ways. For the purpose of this definition ancillary means any activity or service that provides essential support to the primary function of the Airport Area.*

At the hearing, Mr Gibson stated that he largely agreed with the recommendations of the Planner, although he did state that a 'belt and braces' approach is not necessarily bad.

These definitions are a critical part of Proposed Plan Change 57 as they provide the delineation between essential airport-related activities and those other types of activities for which the Plan Change is focused. It is important therefore that there is as little ambiguity as possible. However, many of the alternative (and usually additional) wordings do not in my opinion assist in achieving clarity – indeed, they could obfuscate the meaning.

In my opinion, having considered the relative merits and disadvantages, I consider that the critical element is to clearly define the "primary function of the airport", from which any other activity can be readily distinguished as 'non-airport related'. To this end, I agree with the legal submissions for WIAL on this matter. However, I agree that the meaning of 'ancillary' could be clarified to avoid other potential meanings, and consider this can be achieved by a slight change to the current definition rather than adding an entire additional sentence.

I also concur with WIAL's legal counsel who sought to amend the use of the phrase "(located within the Terminal Area)" to make it clear that this reference was in relation to retail and commercial activities only, and not to any of the other activities listed.

In regard to the deletion of the definition of 'retail activity' sought by Mr Gibson, at the hearing he stated that he agreed with the reporting Planner to retain the definition. On this matter, during the hearing in reference to the introduction of floor area thresholds (see section 5.13), WIAL sought to have the definition of retail activity amended to also exclude 'yard based suppliers' for the reason that this would be consistent with Proposed Plan Change 52 and that such activities are unlikely to generate adverse consequential effects on town centres. While I observed that this might raise interpretation issues, given that many of the modern large format retail activities have a yard based component but are standard retail activities in many other aspects, it is preferable to have Proposed Plan Change 57 be consistent with the

District Plan treatment of Suburban Centres. I would anticipate that this matter would be reconsidered as part of the review of the Suburban Centres now underway.

Recommendation:

Amend the definitions of 'non-airport activity' and 'primary function of the Airport Area' and 'retail activity' to read as follows:

NON-AIRPORT ACTIVITY: means an activity within the Airport and Golf Course Recreation Precinct which is not related to the primary function of the Airport area.

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

RETAIL ACTIVITY (FOR THE PURPOSE OF THE AIRPORT AND GOLF COURSE AND RECREATION PRECINCT): means any activity or activities within a building involving the sale of goods, merchandise, equipment or services to the public, but excludes:

- service stations and motor vehicle service premises
- takeaway food bars, restaurants, cafes or other eating places
- yard based suppliers

Accordingly, it is recommended to:

- **Accept in part** submission 6 insofar as it requests amendments to the definitions of 'Non-Airport Activity' and 'Primary Function of the Airport Area'
- **Reject** submission 6 insofar as it requests that the definition of 'Retail Activity' be deleted.
- **Accept in part** further submission 1(c) insofar as it opposes submission 6 and the proposed amendments to the definitions of "Non-Airport Related Activity" and 'Primary Function of the Airport Area'

5.3 Objective 10.2.3 – Provision for Non-airport Activities

Relief Sought

The submission from Armstrong Jones Management (No.7) sought to:

- Amend wording of Objective 10.2.3

This submission was opposed by WIAL.

Discussion

Submission 7 requested that Objective 10.2.3 be amended to read as follows:

10.2.3 To provide for a limited amount of non-airport activities and developments within the Airport area of the Precinct

In his report, the Council's reporting Planner stated that the purpose in managing non-airport related activities within the Airport and Golf Course Recreation Precinct is not to achieve a certain level of non-airport activity or to limit the total amount of non-airport activity located in the airport area. Rather, he stated, it is Council's objective to provide for non-airport activities whilst ensuring that any actual or potential adverse effects resulting from non-airport activities are able to be avoided, remedied or mitigated as appropriate in each individual case. He considered that the proposed rewording would not accurately convey this purpose, and therefore recommended that it be rejected. This was accepted by the submitter's planning consultant, Mr Norwell in his tabled evidence.

In this regard, I concur with Mr Blake, and consider the additional wording does not assist in defining the purpose of Proposed Plan Change 57.

Recommendation

Retain Objective 10.2.3 as presently worded. Accordingly, it is recommended to:

- **Reject** submission 7 insofar as it requests amendments to the wording of Objective 10.2.3.
- **Accept** further submission 1(d) insofar as it opposes submission 7

5.4 Policies 10.2.3.1 to 10.2.3.4 – Effects of Non-airport activities

Relief Sought

In regard to these policies, the following relief was sought:

- Support the requirement to submit a 'Centre Impact Report' for any non-airport activity (submission 2)
- Replace the current 12 metre height threshold for Discretionary Activities (Unrestricted), with an area-based threshold (submission 7)

Discussion

Submission 2, Leonie Gill, supported the requirement to submit a 'centre impact report' for any non-airport activity. This was not opposed by any submitter and therefore should be accepted.

Submission 7, Armstrong Jones Management Limited, questioned the use of a height-based threshold to determine whether a non-airport activity should be dealt with as a Discretionary Activity (Restricted) or a Discretionary Activity (Unrestricted). The submitter noted that the requirement to submit a city-wide Centre Impact Report (rather than an assessment restricted to the impact on Kilbirnie and Miramar town-centres), for non-airport retail activities, is triggered by building height in excess of 12 metres.

The submitter considered that the total floor area of any non-airport retail development would be a more appropriate assessment measure when considering the impact on the economic vitality and viability of the rest of the city. The submitter requested that the reference to building height be removed and replaced with a threshold based on the gross floor area of a tenancy, similar to that introduced by District Plan Change 52, which uses a threshold of 500m².

This submission was opposed by WIAL on the basis that the proposed deletion would unreasonably constrain the Airport's ability to make efficient use of its finite land resource and would not promote the sustainable management of the natural and physical resources in the Airport Area.

The reporting Planner agreed that total building height is likely to be a weak indicator of the potential economic impact of non-airport related retail activities. This was accepted by WIAL at the hearing. The reporting Planner recommended that a threshold based on gross floor area be implemented (through

amendments to the proposed rules), and that the explanatory text for Policies 10.2.3.1 – 10.2.3.4 will need to be amended accordingly. This was accepted by WIAL at the hearing.

I concur fully with the submitter and reporting planner that the height of a building is a poor indicator of the potential economic impact of a non-airport related retail activity, and that floor area threshold is a more effective trigger, commonly used and accepted throughout New Zealand.

Recommendation

Retain the requirement for a centre impact report for non-airport related retail activity, and amend the explanatory text for Policies 10.2.3.1 to 10.2.3.4 as follows:

For non-airport related retail development, applicants will be required (among other things) to submit a Centre Impact Report involving an assessment of:

- *the extent to which the retail activity impacts on the overall vitality and viability of the Kilbirnie and Miramar town centres. Any application for resource consent that contains a retail tenancy in excess of 2500m² gross floor area, or a combined total gross floor area of all retail tenancies in excess of 4000m² must also address the extent to which the retail activity impacts on the overall vitality and viability of other nearby town centres including the CBD and Central Area.*

Accordingly, it is recommended to:

- **Accept** submission 2 insofar as it supports the requirement to submit a Centre Impact Report
- **Accept** submission 7 insofar as it requests that the current building height threshold be replaced with a floor area threshold
- **Reject** further submission 1(d) insofar as it opposes submission 7

5.5 Policy 10.2.4.3 – Development on Rongotai Ridge

Relief Sought

The relief sought on this provision was to:

- Amend the explanatory text associated with Policy 10.2.4.3 (submission 9)

This was supported by WIAL.

Discussion

Submission 9, Greater Wellington Regional Council, requested that the explanatory text for Policy 10.2.4.3 be amended as follows to include a reference to cycling:

(3) The land shall be developed in a manner which:

- generally avoids large scale earthworks and cut faces (except as referred to in Policy 10.2.4.3 above)
- uses soft landscaping (plantings) and other measures to integrate development into the landscape;
- provides for enhanced pedestrian, cycling and vehicular connections to the existing roading and public transport network and with adjacent residential areas;

This submission was supported by WIAL, and by the Council's reporting Planner. Accordingly, I recommend that Policy 10.2.4.3 be amended as requested on the grounds that revised wording provides for a more complete range of transport options.

Recommendation

Amend the explanatory text for Policy 10.2.4.3 to read as follows:

(3) *The land shall be developed in a manner which:*

- *generally avoids large scale earthworks and cut faces (except as referred to in Policy 10.2.4.3 above)*
- *uses soft landscaping (plantings) and other measures to integrate development into the landscape;*
- *provides for enhanced pedestrian, cycling and vehicular connections to the existing roading and public transport network and with adjacent residential areas;*

Accordingly, it is recommended to:

- **Accept** submission 9 insofar as it requests amendments to the explanatory text for Policy 10.2.4.3.
- **Accept** further submission 1(e) insofar as it supports submission 9

5.6 Policy 10.2.4.6 – Non-airport Activities in the West Side Area

Relief Sought

Relief sought by submitters in respect of this Policy include:

- Support for Policy 10.2.6.4, particularly paragraph (2) in the explanation to the Policy (submission 2)
- Amend the explanatory text to Policy 10.2.6.4 to make provision for cycling infrastructure (submission 9)

The second point was supported by WIAL

Discussion

I concur with the Council's reporting Planner that the support of submission 2, Leonie Gill, should be accepted.

Submission 9, Greater Wellington Regional Council, requested that the explanatory text for Policy 10.2.4.6 be amended as follows to include a reference to cycling infrastructure:

(1) Buildings, carparks, accessways and access points and other associated developments should be designed in a way that improves the overall standard of visual amenity in the locality, and which makes it an attractive location for the public and workers. Consideration will be given to:

- *the creation of active frontages to pedestrian and vehicular areas;*
- *the screening of large carpark areas and the use of soft (plantings) and hard landscaping;*
- *the provision of sheltered and secure cycle parking and/or storage;*
- *clear and well defined free standing signs and signage on buildings;*

There was no opposition to this relief sought, and the Council's reporting Planner recommended that Policy 10.2.4.6 be amended as requested on the grounds that revised wording provides for a more complete range of transport options. I concur with this recommendation.

Recommendation

Amend Policy 10.2.6.4 to read as follows:

- (1) *Buildings, carparks, accessways and access points and other associated developments should be designed in a way that improves the overall standard of visual amenity in the locality, and which makes it an attractive location for the public and workers. Consideration will be given to:*
- *the creation of active frontages to pedestrian and vehicular areas;*
 - *the screening of large carpark areas and the use of soft (plantings) and hard landscaping;*
 - *the provision of sheltered and secure cycle parking and/or storage;*
 - *clear and well defined free standing signs and signage on buildings;*

Accordingly, it is recommended to:

- **Accept** submission 2 insofar as it supports policy 10.2.4.6.
- **Accept** submission 9 insofar as requests amendment to the explanatory text to Policy 10.2.4.6
- **Accept** further submission 1(e) insofar as it supports submission 9

5.7 Policy 10.2.7.6 – Contaminated Sites

Relief Sought

The submission from Greater Wellington Regional Council (No.9) sought to:

- Amend the explanatory text associated with Policy 10.2.7.6 to remove the reference to a contaminated sites register

This was supported by WIAL

Discussion

Submission 9, Greater Wellington Regional Council, requested that the explanatory text for Policy 10.2.7.6 be amended as follows to remove an incorrect reference to a contaminated sites register:

The whole of the Airport is identified on the Greater Wellington Regional Councils contaminated sites register as being a potentially contaminated site. Site specific investigations have been undertaken at the airport to identify locations where contamination from the past may have occurred this contamination may occur. These locations are shown on a plan of the airport attached as Appendix 5 to the rules.

This was supported by both WIAL and the Council's reporting planner.

I agree that the explanatory text to Policy 10.2.7.6 should be amended as requested on the grounds that the revised text more accurately reflects the research and knowledge used to define the areas of possible contamination shown in the Appendix 5 map.

Recommendation

Amend the explanatory text for Policy 10.2.7.6 to read as follows:

Site specific investigations have been undertaken at the airport to identify locations where contamination from the past may have occurred. These locations are shown on a plan of the airport attached as Appendix 5 to the rules.

Accordingly, it is recommended to:

- **Accept** submission 9 insofar as it requests amendments to the explanatory text to Policy 10.2.7.6.
- **Accept** further submission 1(e) insofar as it supports submission 9

5.8 Rule 11.1.1 – Permitted Activity, Airport Related Activities

Relief Sought

In regard to Rule 11.1.1, Submission 6, David Gibson, sought to:

- Amend the vehicle parking standards

This was opposed by WIAL.

Discussion

Rule 11.1.1 permits activities that are related to the primary function of the airport, subject to compliance with the specified conditions. Submission 6, David Gibson, considered that the vehicle parking conditions contained in Rule 11.1.1 should be amended to be consistent with the revised definitions also sought by the submitter (discussed in section 5.2 above). The submitter considered that this would help to avoid debate and confusion over what activities are related to the primary function of the airport. Specifically, the submitter requested that the vehicle parking standards listed under Rule 11.1.1.4.1 be amended as follows:

11.1.1.4.1 Parking must be provided at the following rates:

Recreation activities (within the terminal area) *1:4 people that the facility is designed to accommodate*

Other activities (within the terminal area)

Retail 1: 50m² g.f.a.

Hotel 1: 15 people the building is designed to accommodate

Restaurant 1: per 3 seats

WIAL opposed the proposed amendment on the basis that it considered the change would imply that the parking requirement applies to the Terminal Area only.

The Council's reporting Planner considered that the changes requested by the submitter would do little to clarify whether an activity is airport-related or not. He considered that the wording of Rule 11.1.1 makes it clear that it applies only to activities related to the primary function of the airport. The application of the rule hinges on the definition of 'Primary Function of the Airport Area', not on the wording of the conditions attached to Rule 11.1.1. He recommended the vehicle parking standards be retained as notified.

At the hearing, the submitter proposed what he considered to be an improved change to the format of the parking standards by changing the subheading of 'Other Activities' to 'Ancillary Activities'. However, I concur with the Council's reporting Planner that the amendments would not assist in clarifying the application of the parking standards.

Recommendation

Retain the wording of the parking standard under Rule 11.1.1.4, and accordingly:

- **Reject** submission 6 insofar as it requests amendments to the vehicle parking standards in Rule 11.1.1.4
- **Accept** further submission 1(c) insofar as it opposes submission 6

5.9 Rule 11.1.5 – Permitted Activity, Signs

Relief Sought

In regard to Rule 11.1.5, David Gibson, sought the following relief:

- Amend the permitted signage standard 11.1.5.1.1

This was opposed by WIAL.

Discussion

David Gibson (Submission 6) requested that the standard for permitting signs under Rule 11.1.5.1.1 be amended as follows:

- within the Western Apron area, the total maximum area of signage permitted on each elevation of a tenancy is 20m² for tenancies over 500m² gfa.
- within the Western Apron area, the total maximum area of signage permitted on each elevation of a tenancy is 10m² for tenancies under 500 m² gfa.

The submitter considered that the signage standards as amended would better distinguish between smaller and larger tenancies, and would ensure that signage is more in scale with the premises on which it is located. This was opposed in the further submission by WIAL, which cited that the tenancies on the Western Apron area would likely be larger in scale and able to accommodate the permitted level of signage.

As noted by the Council's reporting Planner, there is no limit on the number of 10m² signs that may be erected on a building in a Suburban Centre, whereas the proposed 20m² limit applying to the Western Apron sets a maximum total area of signage permitted per elevation.

In my opinion, the link between floor area and the effects of external signs would not be a direct one; rather, the effects are related to the number and size of signs, and the area of external façade used for signs. I therefore do not recommend using gross floor area as a method for managing the effects of external signage. I would also note that the requested differential thresholds may have the opposite effect, in that a single large building containing numerous retail tenancies could have numerous 10m² sized signs, where a single large retail tenant could have single sign as a permitted activity.

In terms of the requested differential of sign sizes, in my opinion, the retailing area in the Western Apron should be managed on a consistent basis with other commercial areas of the City, in which a maximum of 20m² of signage is an established threshold (allowing a standard billboard sized sign of 18m²). Accordingly, I would recommend the retention of the permitted standards for signage as proposed.

Recommendation

Retain the wording of the signage standard under Rule 11.1.5.1.1, and accordingly:

- **Reject** submission 6 insofar as it requests that the signage provisions for the Western Apron area be amended to relate to tenancy size.
- **Accept** further submission 1(c) insofar as it opposes submission 6

5.10 Rule 11.2.3 – Controlled Activity, Non-Airport Activities in Terminal Area

Relief Sought

In relation to Rule 11.2.3, Submission 6, David Gibson, sought the following relief:

- Amend the standards and terms that apply to vehicle parking associated with non-airport related activities located in the Terminal Area
- Apply a maximum height of 12 metres to non-airport related buildings and structures located in the Terminal Area

WIAL opposed the relief sought.

Discussion

Rule 11.2.3 provides for non-airport related activities in the Terminal Area of the Airport and Golf Course Recreation Precinct as a controlled activity, as well as for buildings and structures for non-airport related activities.

David Gibson (Submission 6) requested that the standards and terms for Rule 11.2.3 be amended as follows:

All activities and buildings must meet the permitted conditions specified under rules for 11.1.1.1.8 (noise), 11.1.1.2 to 11.1.1.10, 11.1.2.2 and 11.1.2.3, except 11.1.1.4 which does not apply.

The maximum height for buildings shall not exceed 12 metres

A traffic report must be supplied, which addresses:

- details of the parking to be provided on the site and its use (whether it is intended for staff or customers)*
- site access*
- provision for servicing*
- internal traffic circulation, to the extent that it is relevant to the movement of vehicular traffic to and from the site*
- what effect the extra traffic will have on local streets and the surrounding road network*

Mr Gibson considered that non-airport activities should be subject to the same vehicle parking standards that apply to airport activities (contained in Rule 11.1.1.4), and that any activity that cannot comply with the standard should become a Discretionary Activity (Restricted).

The further submission from WIAL opposed this submission, expressing concern that such amendment would imply that some airport-related activities, such as hotels, are non-airport related. WIAL also considered that a traffic report would allow for the full assessment of the traffic impacts of a non-airport related development.

Proposed Plan Change 57 as notified does not impose parking requirements for non-airport related activities, but instead uses the controlled activity consent process to determine the appropriate number and form of parking for each activity, based on a traffic assessment that must be submitted with the resource consent application.

However, as noted by the Council's reporting Planner, while this approach provides a high degree of flexibility (as every proposal can be assessed on its merits), there is little direction for applicants (or other parties) as to the amount of parking that Council may require. Furthermore, as a controlled activity, applications for resource consent cannot be declined, and while conditions may be attached to a consent for a controlled activity, the conditions cannot be so onerous as to effectively decline the proposal for which consent is being sought. This position could potentially create difficulties if the traffic report identifies significant adverse effects relating to vehicle parking that cannot be adequately resolved through the imposition of conditions. For this reason, the Council's reporting Planner considered that having standards for vehicle parking triggering the activity status to Discretionary (Restricted) if the standards are not met, is likely to result in a more robust consent process. Accordingly, he recommended that the

parking standards contained in 11.1.1.4 be applied to non-airport related activities within the airport area. This was accepted by WIAL. I do note that the application of parking standards to non-airport related activities would require consequential changes to rule 11.3.3, to ensure that it is consistent with rule 11.2.3.

In regard to WIAL's concerns about the implications of this change, I concur with the Council's reporting Planner that the application of parking standards would have no bearing on whether an activity is considered to be airport-related. Rather, the test as to whether an activity is airport-related or not is made according to the definitions for 'Primary Function of the Airport Area' and 'Non-airport Activity'.

Submission 6 also requested that Rule 11.2.3 be amended to clarify that the building height limit for non-airport related activities within the Terminal Area is 12 metres. Proposed Plan Change 57 as notified does not contain a height for non-airport related buildings within the Terminal Area. The Council's reporting Planner considered the suggested height of 12 metres as appropriate as it is consistent with the height for non-airport related buildings and structures outside the Terminal Area. It is also the height limit that applies to land zoned Suburban Centre.

A maximum height limit of 12m was accepted by WIAL in terms of achieving consistency with the Suburban Centre zone.

Recommendation

Amend Rule 11.2.3 to read as follows:

All activities must meet the conditions specified under Rules 11.1.1 and 11.1.2

The maximum height for buildings shall not exceed 12 metres.

Amend Rule 11.3.3 to read as follows:

Standards and Terms

The maximum height of buildings shall not exceed 12 metres.

All conditions specified for Rule 11.1.1. and conditions 11.1.2.2 and 11.1.2.3 must be met.

Accordingly, it is recommended to:

- **Accept** submission 6 insofar as it requests that the parking standards in Rule 11.1.1.4 be applied to non-airport related activities
- **Reject** further submission 1(c) insofar as it opposes submission 6 and the application of parking standards to non-airport related activities
- **Accept** submission 6 insofar as it requests that a maximum height of 12 metres be applied to buildings and structures for non-airport related activities within the Terminal Area.

5.11 Rule 11.2.5 – Controlled Activity, Contaminated Sites

Relief Sought

In relation to Rule 11.2.5, Submission 6, David Gibson, sought the following relief:

- Amend the wording of Rule 11.2.5

Discussion

David Gibson (Submission 6) considered that Rule 11.2.5 is flawed in that he asserted it would allow buildings and structures relating to non-airport activities to be constructed as a controlled activity (for which consent must be granted) if they are located on a contaminated site.

The Council's reporting Planner agreed that Rule 11.2.5 should be amended to clarify that the rule only deals with issues relating to site contamination, and that other rules also apply as appropriate. He considered that this can best be done through insertion of a margin note beside the rule, as follows:

Rule 11.2.5 deals with issues of site contamination. Any activity considered under this rule will also be subject under Rules 11.2.3, 11.3.1 to 11.3.5, and 11.4.2 as appropriate.

At the hearing, this recommendation was supported by WIAL as it relates to the clarification purposes.

At the hearing, Mr Gibson stated that the rule was more concerned with the effects of earthworks in a contaminated site, rather than the buildings or activities. He suggested amending the rule to read:

Any earthworks activity ~~that includes the erection of buildings and structures~~ that disturbs or alters the ground of a contaminated site....

This suggestion was endorsed by WIAL.

I concur that this would an appropriate amendment to address this matter, and would make the suggested margin note unnecessary.

It is also noted that Rule 11.2.5 was incorrectly numbered, as there is no Rule 11.2.4 contained in Proposed Plan Change 57. To rectify this error, it is recommended that Rule 11.2.5 be re-numbered as 11.2.4 as a minor correction under Clause 16 of the First Schedule of the RMA.

Recommendation

Amend Rule 11.2.5 by correcting the numbering, and to amend it to read as follows:

Any earthworks that disturb or alter the ground of a contaminated site within the Airport Area in the locations identified in Appendix 5 is a Controlled Activity in respect of....

Accordingly, it is recommended to:

- **Accept** submission 6 insofar as it requests amendments to the wording of Rule 11.2.5

5.12 Rule 11.3.2 – Discretionary Activity (Restricted), Airport-related Buildings

Relief Sought

In relation to Rule 11.3.2, Submission 6, David Gibson, sought the following relief:

- Amend the standards and terms relating to over height buildings

This was opposed by WIAL

Discussion

The submission from David Gibson (No.6) expressed concerns regarding the standards and terms for discretionary height increases contained in Rule 11.3.2. In particular, the submitter was concerned that the standards and terms place no upper limit on the height of airport related buildings within the Terminal Area, and provide for up to 25 metres in the rest of the Airport Area. The submitter requested that the standards and terms be amended as follows:

Standards and Terms

- rule 11.1.2.1, maximum height of buildings related to the primary function of the Airport within the Terminal Area must not exceed 30 metres, and buildings outside the Terminal Area must not exceed ~~25~~ 14.1 metres.
- rule 11.1.2.2, height control adjoining Residential Areas must not be exceeded by more than 20 percent.
- rule 11.1.2.3, height control adjoining Golf Course recreation area must not be exceeded by more than 20 percent.

In its further submission, WIAL opposed amending the height limit to 14.1 metres for buildings outside the Terminal Area, on the basis that it would significantly impact on the airport company's operations and its ability to retain development flexibility.

This matter was discussed at some length during the hearing. The Council's reporting Planner agreed with the submitter that there should be some height thresholds contained in Rule 11.3.2, and that there is merit in making the thresholds consistent with those that already apply in the Suburban Centre, which has a maximum building height of 12 metres with scope to consider increases of up to 50% (18 metres in height) as a Discretionary Activity (Restricted). He considered that it would be appropriate to apply the same provisions to developments within the Airport Area that are located outside the Terminal Area. This was accepted by both the submitter and WIAL.

However, WIAL rejected the request to impose a maximum height limit for airport related buildings within the Terminal Area that exceed the permitted height limit of 25m, on the basis that the effects of any proposed building would be potentially lesser than buildings in the periphery areas because of the buffering distance from sensitive land uses. It was also asserted that such buildings would sit within the context of other surrounding development which is substantial and necessarily utilitarian. WIAL also indicated that the designated Obstacle Limitation Surface (which sets limits on 'obstacles' such as buildings near a runway for aviation safety purposes) would impose an overall height limit on buildings in the Terminal Area – upon questions, the hearing was informed the OLS limit was about 65m at the eastern edge of the Terminal Area.

The Council's reporting Planner commented that while the Terminal Area is buffered to a degree, and that the current building is low slung and not obtrusive, a building up to 65m in height (equivalent to over 21 storeys) would be a different matter, and could have significant effects on the wider urban environment. I agree with Mr Blake on this point, and that a tall building within the Terminal Area would be a prominent and potentially obtrusive feature in the area.

In regard to this concern, I note that the only matter of discretion under Rule 11.3.2.7 (proposals exceeding maximum height) is:

Whether additional height would have a material effect upon sunlight access to residential buildings in Residential Areas or public space.

Such a criterion would not provide for a wider assessment of effects arising from a large prominent structure.

During the hearing, WIAL suggested a possible threshold of 37.5m, or 50% above the base height limit of 25m, in line with approach used in the Suburban Centre zone (where the restricted discretionary upper height limit is 18m or 50% more than the 12m permitted height limit). While this suggestion would provide a consistent approach, I was not convinced that the effects of a structure of an equivalent of between 8 to 12 storeys would be satisfactorily confined to just sunlight access, and that wider environmental issues may be relevant and therefore need to be assessed satisfactorily.

Accordingly, I accept the recommendation of the Council's reporting Planner to accept Submission 6 on this matter, and recommend introducing a maximum building height of 30m for buildings or structures

related to the Primary Function of the Airport within the Terminal Area as a restricted discretionary activity under Rule 11.3.2.

There was also discussion about the size of building required to accommodate a plane for maintenance purposes. Under Rule 11.1.2.1 as notified, the maximum permitted height for aircraft maintenance buildings inside the Terminal Area is 25m, or 15m outside the Terminal Area. WIAL informed the hearing that changes in aircraft technology and route demand mean that, within the life of the Plan provisions, it is more likely that aircraft maintenance buildings will be required for 737-900-sized aircraft (rather than a 767-sized aircraft), for which the total height of a hangar would be 25m. WIAL suggested amending the rules for permitted building height to provide a 25m maximum height for aircraft maintenance buildings outside the Terminal Area that are used to accommodate aircraft.

Unfortunately, while there was general agreement over this request, I find that there is no scope to make such a change as there was no submission made on Rule 11.1.2.1. I would note, however, that I was not convinced that there is a need to make specific provision for this matter, as the permitted height limit inside the Terminal Area is already 25m, and is up to 25m as a restricted discretionary activity for buildings outside the Terminal Area. If the Council is convinced that it should make provision for a 25m permitted height limit for aircraft accommodation purposes outside the Terminal Area, then perhaps this matter should be included in a future plan change for various miscellaneous matters, which I understand is the intention of the Council.

Recommendation

In regard to Rule 11.3.2, amend the first part of the Standards and Terms to read as follows:

Standards and Terms

- *rule 11.1.2.1, maximum height of buildings related to the primary function of the Airport within the Terminal Area must not exceed 30 metres, and buildings outside the Terminal Area must not exceed 18 metres.*

Accordingly, it is recommended to:

- **Accept in part** submission 6 insofar as it requests amendments to the standards and terms for building height
- **Reject in part** further submission 1(c) insofar as it opposes submission 6 and the amendments to the standards and terms for buildings outside the Terminal Area

5.13 Rule 11.3.3 - Discretionary Activity (Restricted), Non-Airport Activities & Buildings

Relief Sought

In relation to Rule 11.3.3, two submitters sought the following relief:

- Amend Rule 11.3.3 to distinguish between buildings related to non-airport activities that are located within the Terminal Area, and those located elsewhere within the Airport Area (submission 6)
- Amend Rule 11.3.3 so that non-airport related activities are subject to the vehicle parking standards contained in rule 11.1.1.4 (submission 6)
- Remove the non-notification clause from Rule 11.3.3 (submission 7)
- Amend the standards and terms for Rule 11.3.3, to acknowledge that the impact of new non-airport retail developments on surrounding town centres is more likely to be influenced by the total floor area of the development, rather than by maximum building height (submission 7)

Discussion

The submission from David Gibson (Submission 6) requested Rule 11.3.3 be amended so that it becomes two rules: one for non-airport activities and buildings outside the Terminal Area, and a second for those non-airport activities and buildings within the Terminal Area that do not meet the conditions for Controlled Activity under Rule 11.2.3.

In its further submission, WIAL opposed splitting Rule 11.3.3 into two parts on the basis that it would increase complication.

Rule 11.3.3 is somewhat different to the general approach taken in the District Plan to manage the effects of activities separately from the effects of buildings and structures: this rule addresses both non-airport related activities and non-airport related buildings together. However, in considering the advantages and disadvantages of splitting the rule, I have concluded that existing Rule 11.3.3 should be retained as proposed, as it provides sufficient scope to consider all relevant matters raised by the development of non-airport related activities and buildings within the Airport Area.

The submitter accepted this recommendation at the hearing.

Mr Gibson also sought to amend Rule 11.3.3 so that non-airport related activities are subject to the vehicle parking standards contained in Rule 11.1.1.4. This was also opposed by WIAL, on the basis that it would imply that some airport-related uses are in fact non-airport related.

The issue of whether the vehicle parking standards contained in Rule 11.1.1.4 should apply to non-airport activities is discussed in more detail in section 5.10 above, in which I recommended that the standards be applied to non-airport related activities within the Terminal Area that are considered under Rule 11.2.3. On this matter, I concur with the Council's reporting Planner that, for consistency, it is considered that the standards should also be applied to non-airport related activities located elsewhere in the Airport Area that are considered under Rule 11.3.3.

In regard to the matter of whether applications under this Rule should be fully notified, Armstrong Jones (Submission 7) requested that the non-notification statement be deleted. The submitter expressed concern that applications that are required to submit a Centre Impact Report could be assessed as having a significant impact on Kilbirnie and Miramar, but that the wider public would have no opportunity to comment on such a proposal because of the non-notification clause.

WIAL opposed removal of the non-notification statement on the grounds that the consent process would not be assisted by notification, and the proposed non-notification statement is consistent with the approach taken by Council in proposed District Plan Change 52 (in relation to Suburban Centres).

The non-notification statement in Rule 11.3.3 applies to all of the matters over which Council has reserved discretion, including 'the effect of a retail activity on the vitality and viability of the Kilbirnie and Miramar Town Centres'. The Council's reporting Planner considered that submission 7 raised a valid concern that the non-notification statement will mean that people living in Miramar and Kilbirnie will not be able to comment on resource consent applications even if those town centres may be adversely affected.

The RMA contains a presumption that resource consent applications will be notified unless the applicant can demonstrate that the effects generated by a proposal will be no more than minor. The Act does, however, provide scope for Council to specify that a Restricted (Discretionary) Activity does not require public notification or notice to be served on affected parties, even if the effects are potentially more than minor.

I was informed that, in general, the Council applies these non-notification (or non-service) statements in situations where a 'public good' assessment is being undertaken that does not impact on specific individuals, or when Council is undertaking a specialist, expert assessment that is unlikely to have a direct impact on any individual. I was also informed that it is considered that non-notification statements are generally more appropriate when Council is considering an aspect of an activity that is considered to be

generally appropriate for the location, rather than when Council is undertaking a more fundamental assessment as to whether the activity itself is appropriate for the location, which is the case for non-airport related retail activities in the Airport Area.

The Council's reporting Planner considered that, if the adverse effects of any particular proposal on the Kilbirnie or Miramar town centres were more than minor, the general public ought to be able to make submissions through the notified resource consent process. As Mr Blake observed, however, a potential difficulty with notification is that the process can be open to misuse, where trade competitors use the consent process to cause delays, thereby increasing the time and cost for all parties.

The absence of a non-notification clause does not mean that application would automatically be publicly notified. If the Centre Impact Report that accompanied a resource consent application under this rule indicated that the proposed retail activity would have no more than minor effect on existing town centres then a resource consent application may well be able to be processed on a non-notified basis. This is a plausible scenario if the proposal was for a retail activity that would not usually be located within an existing town centre, such as hire equipment suppliers, vehicle sales, building supply centres, and garden centres.

In its further submission, WIAL noted that the inclusion of a non-notification statement is consistent with the approach adopted by Council in Plan Change 52 for considering the potential impact of large format retail activities located within the Suburban Centre zone, but outside an existing town centre. The Council's decision on Proposed Plan Change 52 was to retain the non-notification statement for resource consents requiring an assessment of economic impact on existing town centres.

The Council's reporting Planner informed the hearing that the Suburban Centre chapters of the District Plan are currently being reviewed, with a plan change due for public notification at the end of 2008. This will be a full review, and will consider all aspects of the current Suburban Centre zone, including the current approach of using a single 'zone' to cover town centres, local centres, commercial and industrial areas. In the longer term, he stated that the contents of the Suburban Centre review are likely to supersede Proposed Plan Change 52, so it is not considered vital that Proposed Plan Changes 57 and 52 be aligned completely.

WIAL's legal counsel, however, pointed out that the nature of the Suburban Centre Review and the exact details it may contain are still unknown and in the future.

In considering this matter, it is my opinion that public involvement in the process should outweigh the inconvenience and cost should a trade competitor participate in the consent process. Accordingly, there should be scope for public involvement in the resource consent process if a proposal for a non-airport related retail activity is found to have more than minor effect on the viability and vitality of the Kilbirnie and Miramar town centres. This could be achieved by refining the existing non-notification statement so that it does not include Rule 11.3.3.5, as recommended by the Council's reporting Planner. This was accepted by the submitter, and by WIAL.

Submission 7 also requested that the standards and terms for Rule 11.3.3 be amended to include a maximum floor area for non-airport retail activities that can be dealt with as a Discretionary Activity (Restricted). Under the wording of Rule 11.3.3 as notified, the key trigger to whether a non-airport retail activity is a Discretionary Activity (Restricted) or (Unrestricted) is whether the proposed building height exceeds 12 metres.

The submitter sought a maximum gross floor area of 500m² to be consistent with the threshold introduced for sites zoned Suburban Centre under Proposed Plan Change 52. The submitter requested that the standard and terms for Rule 11.3.3 be amended as follows:

An application for resource consent for a retail activity not exceeding a maximum of 500m² per site must supply a Centre Impact Report addressing the matters referred to in Policy 10.2.3.3.

The further submission from WIAL opposed the requested amendments, and requested that building height be retained as the trigger for activity status. However, at the hearing, WIAL accepted that a floor area requirement was more appropriate.

In response, the Council's reporting Planner noted that the intent of the proposed rule structure was to ensure that larger, more significant retail developments are required to undertake a more wide ranging Centre Impact Report. Given that retail is primarily a ground floor activity, he accepted that building height would seem to have very little bearing on the potential economic impact of a new retail development.

I agree with the submitter and Council's reporting Planner that building height provides a weak link to assess the consequential effects of large-scale retail activities, and a floor area threshold is more appropriate. At the hearing, it was accepted by all parties that the use of a total gross floor area would be a more appropriate means of determining the significance of future retail activities.

This form of threshold would be consistent with the approach adopted by Council in Proposed Plan Change 52, which sought to better manage the effects of out-of-centre retail activities throughout the City. That Plan Change used a gross floor area of 500m² as the threshold to require resource consent for retail activities seeking to locate outside the established town centres. However, the Council's reporting Planner considered that the 500m² threshold used in Proposed Plan Change 52 is less relevant to the Airport Area situation as all non-airport retail activities are required to supply a Centre Impact Report. This report would need to take into consideration the cumulative effect of several retail activities of different sizes establishing on airport land.

The submitter, Armstrong Jones, also requested that an area-based threshold be installed to trigger non-airport related retail activities over a certain size to the status of Discretionary (Unrestricted) Activity. This was not supported by the Council's reporting Planner, who did not consider that it is necessary to trigger the activity status to Discretionary (Unrestricted) in order to undertake a wider centre impact assessment. He provided an alternative approach by amending Rule 11.3.3 to include a size threshold that determines the extent of the Centre Impact Report required to be submitted with a consent application.

The Council's reporting Planner recommended including two different thresholds for triggering the requirement for an applicant to prepare a Centres Impact Assessment, as highlighted below:

An application for resource consent for a retail activity must supply a Centre Impact Report which addresses:

- *the extent to which the retail activity impacts on the overall vitality and viability of the Kilbirnie and Miramar town centres. Any application for resource consent that contains a retail tenancy in excess of 2500m² gross floor area, or a combined total gross floor area of all retail tenancies in excess of 4000m² must address the extent to which the retail activity impacts on the overall vitality and viability of other nearby town centres including the CBD and Central Area.*
- *the extent to which the activity promotes the efficient use of resources and a compact urban form*
- *the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces*
- *how the activity promotes accessibility, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities.*

Luke Troy from the Planning Team explained to the hearing the rationale for using two different total gross floor area thresholds. In his opinion, a retail activity, or group thereof, would need to be of significant size before it would begin to impact on the vitality and viability of the Central Area. He proposed two possible scenarios:

- A single very large retail operation, with a gross floor area in excess of 2500m²; or
- A mall or mega centre type operation comprising multiple smaller tenancies, with a gross floor area in excess of 4000m².

He recommended that if either of these scenarios were proposed it would be appropriate that the Centre Impact Report consider the possible economic impacts on the CBD and Central Area., as well as the local suburban centres.

While the thresholds suggested above are to some degree arbitrary, I would consider them to be appropriate for the purpose of determining when a wider Centre Impact Report is required.

Recommendation

Amend Rule 11.3.3 to read as follows:

11.3.3.5 the effect of any retail activity on the vitality and viability of surrounding Town Centres (particularly Kilbirnie and Miramar) and the Central Area.

Non-notification

In respect of rule 11.3.3 applications do not need to be publicly notified and do not need to be served on affected persons in respect of items 11.3.3.1, 11.3.3.2, 11.3.3.3 and 11.3.3.4

Standards and Terms

An application for resource consent for a retail activity must supply a Centre Impact Report which addresses:

- *the extent to which the retail activity impacts on the overall vitality and viability of the Kilbirnie and Miramar town centres. Any application for resource consent that contains a retail tenancy in excess of 2500m² gross floor area, or a combined total gross floor area of all retail tenancies in excess of 4000m² must address the extent to which the retail activity impacts on the overall vitality and viability of other nearby town centres including the CBD and Central Area.*
- *the extent to which the activity promotes the efficient use of resources and a compact urban form*
- *the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces*
- *how the activity promotes accessibility, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities.*

Accordingly, it is recommended to:

- **Reject** submission 6 insofar as it requests that rule 11.3.3 be split into two rules
- **Accept** further submission 1(c) insofar as it opposes submission 6 and the separation of rule 11.3.3
- **Accept** submission 6 insofar as it requests that the parking standards contained in rule 11.1.1.4 be applied to non-airport activities outside the Terminal Area

- **Reject** further submission 1(c) insofar as it opposes submission 6 and the proposed amendments to the vehicle parking provisions
- **Accept** submission 7 insofar as it requests that the non-notification statement be removed from rule 11.3.3
- **Reject** further submission 1(d) insofar as it opposes submission 7 and the deletion of the non-notification statement
- **Accept in part** submission 7 insofar as it requests that a maximum floor area for non-airport retail activities be added to the standards and terms for rule 11.3.3
- **Reject in part** further submission 1(d) insofar as it opposes submission 7 and the introduction of a floor area threshold for non-airport related retail activities

5.14 Rule 11.3.4 - Discretionary Activity (Restricted), Signs

Relief Sought

In relation to Rule 11.3.4, Submission 6, David Gibson, sought the following relief:

- Amend the standards and terms applying to Rule 11.3.4

This was opposed by WIAL.

Discussion

David Gibson expressed concern that the Standards and Terms for signs contained in Rule 11.3.4 place no upper limit on the maximum area of signage. The submitter requested an additional standard be included, as follows:

Standards and Terms

Rule 11.1.5.1.3, the maximum height of any free standing sign must not exceed 9m.

Rules 11.1.5.1.1 and 11.1.5.1.3, the maximum area must not be exceeded by more than 50%

All applications must be accompanied by certification from WIAL confirming the proposal will not adversely impact the safety of airport operations.

WIAL opposed the requested additional standard and term for signage on the basis that triggering application for over-sized signage to Discretionary (Unrestricted) status would have little impact on how the application was processed. WIAL also noted that processing all applications for over-sized signage as a Discretionary Activity (Restricted) was consistent with the approach contained in the Central Area Review (District Plan Change 48).

Given that the effects generated by oversized signage are relatively narrow in scope, I concur with the Council's reporting Planner that all large signs, irrespective of size, can be adequately dealt with as a Discretionary Activity (Restricted). Furthermore, as noted by WIAL, managing all over-sized signage as a Discretionary Activity (Restricted) is also consistent with the approach adopted in the review of the Central Area chapters of the District Plan (Proposed Plan Change 48).

As highlighted by the Council's reporting Planner, a new objective and concomitant policies have been included in Chapter 10 to guide the assessment of applications for over-sized signage, which would apply to any application, irrespective of whether it is processed as discretionary restricted or discretionary unrestricted.

Recommendation

Retain the wording of Rule 11.3.4, and accordingly:

- **Reject** submission 6 insofar as it requests that an upper limit be placed on the amount of signage that can be considered as a Discretionary Activity (Restricted)
- **Accept** further submission 1(c) insofar as it opposes submission 6

5.15 Appendix 5 Map

Relief Sought

In relation to Appendix 5, two submitters sought the following relief:

- The inclusion of a plan of contaminated sites within the Airport Area (as Appendix 5) to provide for the proper implementation Rule 11.2.5 (submission 1)
- Proposed District Plan Change 57 should be re-notified as the Appendix 5 map was not included in the plan change at the time of notification (submission 6)

WIAL supported the first request, but opposed the second.

Discussion

The Wellington City Council (Submission 1) requested that a map showing contaminated sites within the Airport Area be inserted as Appendix 5, for the reason that the inclusion of this map would allow Rule 11.2.5 to be properly implemented. WIAL supported the inclusion of the Appendix 5 map in the Plan Change, but requested that the title of the map be amended to read 'Potentially Contaminated sites within the Airport Area'. This was accepted by the Wellington City Council.

David Gibson (Submission 6) requested that Plan Change 57 be re-notified as the Appendix 5 map was not included in the original plan change as notified. This was opposed by WIAL for the reason that the contents of the Appendix 5 map apply only to the Airport area and do not affect any third parties.

I agree that the map, which was accidentally omitted from Proposed Plan Change 57 as notified, should be included in the District Plan, with the revised titled requested by WIAL. The inclusion of the map will allow Rule 11.2.5 to operate as anticipated.

I also agree with WIAL that the Proposed Plan Change 57 does not need to be re-notified with the map. The only party potentially affected by its omission from the notified plan change was the Airport, which was fully aware of the existence of the map and its intended use in the plan change. Furthermore, the content of the map is the result of expert analysis of possible contamination at the Airport, and would be unlikely to alter as a result of submission. Overall, it is not considered that the interests of any party will be unduly compromised by adoption of the Appendix 5 map.

Recommendation

Include the Map into Appendix 5, entitled 'Potentially Contaminated sites within the Airport Area', and accordingly:

- **Accept** submission 1 insofar as it requests that the Appendix 5 map be included as part of DPC 57.
- **Accept** further submission 1(a) insofar as it requests that the title of the Appendix 5 map be amended.
- **Reject** submission 6 insofar as it requests that DPC 57 be re-notified to allow inclusion of the Appendix 5 map

- **Accept** further submission 1(c) insofar as it opposes re-notification of DPC 57.

5.16 Naming of Rongotai Ridge

Relief Sought

In regard to the Map of the different areas within the Airport and Golf Course Recreation Precinct, the following relief was sought:

- Amend the name of the land north of Wexford Road (submission 2)

Discussion

The submission from Leonie Gill opposed the naming of the land to the north of Wexford Road as 'Rongotai Ridge'. The submitter considered that the suburb of Rongotai covers the area to the west of the Airport, and is concerned that applying the name Rongotai to a landform situated to the east of the airport is likely to cause confusion.

The Council's reporting Planner noted that the Wellington City Council recognises the boundary of Rongotai suburb as running along the eastern edge of the Airport runway, and therefore that there is some validity in the submitter's concern in that the landscape feature referred to in Proposed Plan Change 57 as 'Rongotai Ridge' would not be located within the suburb of Rongotai.

However, the Council's reporting Planner stated that the name 'Rongotai Ridge' came from the book *The Great Harbour of Tara; Traditional Maori Place-names and Sites of Wellington Harbour and Environs* by G. Leslie Adkin (1959). Given that historically the landform in question has been referred to as Rongotai Ridge, he therefore recommended the name be retained for the purpose of the Plan Change.

Given the limited use of the term in the Plan Change, which is unlikely to have a wide public profile, and that the area is clearly defined on a map, I recommend that this name be retained in Proposed Plan Change 57.

Recommendation

To retain the use of the name 'Rongotai Ridge' in the Plan Change, and accordingly, it is recommended to:

- **Reject** submission 2 insofar as it requests a new name for the area referred to as Rongotai Ridge

5.17 Existing Sign Adjacent to SH1

Relief Sought

The submission from the Miramar/Maupuia Progressive Association sought to:

- Remove the sign on the land immediate to the east of the Cobham Drive / Calabar Road roundabout (submission 5)

This submission was opposed by WIAL.

Discussion

As explained by Robin Boldarin at the hearing, the Progressive Association opposes the large billboard sign located on airport land to the east of the Cobham Drive / Calabar Road roundabout, and sought through its submission to have the sign removed. This was opposed by WIAL for the reason that the sign was legitimately erected.

Ms Boldarin explained at the hearing the concerns that the Association had with the presence of the sign, which consists of four containers used to support a long billboard on the flat grassed area below the

escarpment facing Cobham Drive. She also produced copies of letters to the newspaper from people expressing opposition to the sign to demonstrate the level of concern within the community.

On this matter, I concur with the Council's reporting Planner that, irrespective of the status of the sign at the Cobham Drive / Calabar Road roundabout, the plan change process is not the appropriate mechanism to seek its removal. The plan change process is limited to updating the District Plan provisions that apply to activities within the Airport Area. Enforcement matters fall outside the scope of this process. I would highlight however, that, under the provisions of Proposed Plan Change 57, such a sign could not now be erected without resource consent.

Recommendation

The relief sought cannot be achieved through the plan change, and accordingly, it is recommended to:

- **Reject** submission 5 insofar as it requests removal of the large billboard sign located on airport land to the east of the Cobham Drive / Calabar Road roundabout.
- **Accept** further submission 1(b) insofar as it opposes removal of the sign located to the east of the Cobham Drive / Calabar Road roundabout.

6 SECTION 32 REQUIREMENTS

Section 32 of the Resource Management Act 1991 requires that the Council, before adopting a plan change to its District Plan, shall examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act;
- Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

A full analysis in accordance with section 32 was prepared and reported on prior to the notification of Proposed Plan Change 17 in accordance with s32(1) and (5) of the Act. I have reviewed this analysis, and accept both its methodology and findings. Furthermore, there were no points raised during the course of the hearing that would alter the conclusions of that analysis.

Under section 32(2) of the Act, a further evaluation must also be made by a local authority before making a decision to approve a plan change in accordance with clause 10 of Schedule 1 of the Act.

Having regard to the above matters, I am satisfied that the objectives proposed by the plan change are the most appropriate way to achieve the purpose of the Act in terms of promoting the sustainable management of Wellington Airport. I am also satisfied that the policies, rules and other methods under Proposed Plan Change 57 are the most appropriate means of achieving the objectives having regard to their efficiency and effectiveness relative to other means.

The principal reasons for my conclusion are as follows:

1. The objectives of the Precinct are appropriate to achieving the purpose of the Act in that they:
 - (a) Seek to promote the ongoing safe, effective and efficient operation of the Airport, while recognising that provision for non-airport related activities will enable the Airport to develop other opportunities for the efficient use of its assets to contribute towards the evolution of the Airport area into a major engine of regional growth;
 - (b) Recognise the need to protect the character and amenities of areas within the Airport Precinct from inappropriate non-airport activities, with due acknowledgement of the different character, contexts and opportunities within each area;

- (c) Recognise the need to protect the amenities of areas surrounding the Precinct and adjoining land uses, including the importance of managing signage so not to detract from the character of the area, or to create a traffic hazard; and
 - (d) Seek to prevent or mitigate any adverse effects arising from hazardous substances.
2. The proposed policies and the rules, subject to some minor amendments, appear to address the key issues in relation to the management of the effects of the Airport and its ongoing development, particularly in relation to the effects of non-airport related activities.
3. The proposed policies and rules provide flexibility for the future use and development of the Airport, while providing a management framework that addresses the key potential adverse effects arising from such use and development.
4. The proposed provisions of the Airport and Golf Course Recreation Precinct relating to the Airport area have been the subject of stakeholder consultation, and are subject to a large level of support, including from WIAL.

7 CONCLUSION

Plan Change 57 was introduced to provide greater clarity regarding the management of non-airport related activities within the Airport and Golf Course Recreation Precinct. While no submissions opposed the plan change, a variety of amendments were requested. A number of these amendments improved the clarity and workability of the proposed plan change in providing for the ongoing operation and development of Wellington's international airport, and should therefore be accepted by the Council.

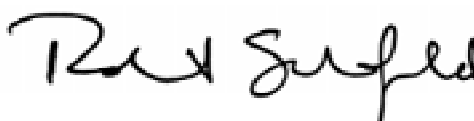
The key recommendations in respect of these amendments are:

- 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 requirement 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

Overall it is recommended that Council approve Plan Change 57, subject to the amendments put forward in this report.

Appendix 1 shows Proposed Plan Change 57 as amended by the recommendations in this report.

Independent Hearings Commissioner:



Robert Schofield
7 March 2008

Proposed District Plan Change 57 - Provision for non-airport activities with the Airport and Golf Course Recreation Precinct

The following pages are for information purposes

Key to annotated Text

The way in which the changes are to be read is outlined in the key below. This describes how you can see what text is being deleted and what text is being added to the current Operative District Plan.

- Existing text (Operative District Plan) to be deleted is struck through:
~~**Abcdefghijklmnop**~~
- Proposed new text is underlined:
Abcdefghijklmnop
- Proposed new text resulting from the Hearing Commissioner's recommendations on submissions is underlined and highlighted:
Abcdefghijklmnop

Matters not subject to Plan Change 57

- Airport noise
- Hazardous substances
- Natural and technological hazards
- Vehicle parking and access
- Subdivision
- Roads and accessways
- Airport fuel storage
- Dust and lighting
- Objectives, policies and rules relating to the Golf Course Recreation Area

3. DISTRICT PLAN

GENERAL PROVISIONS

[...]

3.10 Definitions

NON-AIRPORT ACTIVITY: means an activity within the Airport and Golf Course Recreation Precinct which is not related to the primary function of the Airport area ~~and is not related to activities and services ancillary to this primary function.~~

PRIMARY FUNCTION OF THE AIRPORT AREA: means the transport of people and cargo by aircraft and ~~any activities and ancillary activities associated with this primary function~~ any ancillary activity or service that provides essential support to that function. This includes, but is not limited to, aircraft operations, airport operational activities (such as runways, traffic control structures and terminal buildings), ~~any~~ cargo 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 ~~(provided that such retail and commercial services are located within the Terminal Area).~~ internal roading, access and service ways.

RETAIL ACTIVITY (FOR THE PURPOSE OF THE AIRPORT AND GOLF COURSE AND RECREATION PRECINCT): means any activity or activities within a building involving the sale of goods, merchandise, equipment or services to the public, but excludes:

- service stations and motor vehicle service premises
- takeaway food bars, restaurants, cafes or other eating places
- yard based supplies

10. AIRPORT AND GOLF COURSE RECREATION PRECINCT

10.1 Introduction

The Airport and Golf Course Recreation Precinct separates the activities of the Wellington Airport and the Miramar Golf Course into two distinct areas; the Airport area, and the Golf Course recreation area.

Airport area

Wellington Airport is the country's air transport hub and busiest domestic airport. As a strategic transport node it plays an important role in providing for the social and economic wellbeing of the city, region and the nation. The Airport supports regular Trans-Tasman flights and, over time, is likely to serve longer-haul flights. Emerging changes to aircraft technology and the completion of the runway end safety areas will support these developments.

The Plan provisions recognise the strategic importance of the Airport by providing for it's continued use and development. The Plan provisions also provide for activities that are ancillary to this primary function. These activities include runways, taxiways, terminals, air carrier facilities, fuel storage, refuelling operations, and aircraft maintenance, as well as a number of support and commercial activities associated with an international airport.

The Plan also contains provisions to manage non-airport activities and developments. This recognises that certain complementary activities can add to the attractiveness and vitality of the airport as a destination and departure point, as well as providing uses which benefit local communities. These activities will however be carefully managed to safeguard the ongoing operation of the Airport, to protect the character and amenity of adjacent landuses and to ensure retail activities do not affect the ongoing vitality and viability of the Kilbirnie and Miramar town centres.

Five different sub-areas have been identified in the policies in recognition of their unique character and potential for development. These policies will help guide development and be applied when assessing applications for resource consent.

These sub-areas are:

- Terminal Area
- Rongotai Ridge
- Broadway Area
- South Coast Area
- West Side

Golf course recreation area

The provisions of the Golf Course recreation area provide for the continued use of the existing Miramar Golf Course and recreational activities. It is not intended that the land used for these recreational activities will be used for Airport purposes.

10.1 Introduction

The Airport and Golf Course Recreation Precinct separates the activities of the Wellington Airport and the Miramar Golf Course into two distinct areas with rules allowing for their respective adjoining activities. The area provisions which allow for the continued use and development of Wellington Airport are necessary to provide certainty to both Airport operators and the community. Wellington Airport is owned by Wellington International Airport Ltd (WIAL) whose shareholders comprise the Government (66 percent) and Wellington City Council (34 percent). WIAL was formed in 1990.

Wellington Airport is the country's air transport hub and its busiest domestic airport. It has regular Trans Tasman flights, which may increase in frequency. The Plan provisions recognise the function of the Airport as a major arrival and departure point for people and cargo. They recognise the need for activities that are ancillary to this.

Within the Airport area a range of uses are permitted which are essential for the safe, efficient and economic operation of the Airport. These include runways, taxiways, terminals, air carrier facilities, fuel storage, refuelling operations, and aircraft maintenance as well as a number of support and commercial activities. Fuel storage and refuelling facilities are essential to the operation of the Airport but will be subject to the hazardous substances rules due to the nature of the product.

The area provisions have been developed in recognition of a master plan for development of the Airport prepared for WIAL and with modification to incorporate the considerable public and industry comment obtained.

The Precinct also provides for the continuation of the existing Golf Course and recreational activities by way of area provisions. It is not intended that the land used for these recreational activities will be used for Airport purposes.

10.2 Airport and Golf Course Recreation Precinct Objectives and Policies

OBJECTIVES

10.2.1 To promote the safe, effective and efficient operation of the Airport

POLICIES

To achieve these objectives, Council will:

10.2.1.1 Provide for activities which will ensure the safe, effective and efficient use of the Airport area as a strategic transport node for the city, region and nation.

10.2.1.2 Identify the Airport as an area within the precinct with a distinct character and uses.

METHOD

- Rules

An airport area has been identified within the Airport and Golf Course Recreation Precinct to recognise and provide for the ongoing use and development of the Airport and its ancillary uses.

These provisions provide certainty to both airport operators and the community, and provide for the use and maintenance of airport runways, taxiways, terminals, air carrier facilities, fuel storage, refuelling operations, and aircraft maintenance, as well as a number of support and commercial activities associated with an international airport.

The environmental results will be the efficient and effective ongoing operation of the Airport within the Precinct.

OBJECTIVE

10.2.2 To provide for the continued use and development of the Golf Course lands for golf course and recreational purposes

POLICIES

To achieve this objective, Council will:

10.2.2.1 Identify the Golf Course and recreation lands as an area of the Precinct with a distinct character and uses.

10.2.2.2 Provide for the ongoing use of the Golf Course and recreation activities within the buffer of land to the east of the Airport area.

METHOD

- Rules

The golf course area is identified separately within the wider Airport and Golf Course Recreation Precinct, in recognition of the golfing and recreation activities occurring within this area, and the distinct open space characteristics of this area.

The existing Golf Course provides a buffer between the Residential Areas and the Airport operations. The intention is to retain as much open space as is practical for golf course and recreational use.

The environmental results will be the efficient and effective ongoing operation of the Airport within the Precinct, together with the retention and development of the Golf Course and recreation area.

OBJECTIVE

10.2.3 To provide for non-airport activities and developments within the Airport area of the Precinct.

POLICIES

To achieve this objective, Council will:

10.2.3.1 Ensure non-airport activities and developments do not compromise the ongoing and strategic transport role of the Airport to the city, region and nation.

10.2.3.2 Ensure non-airport activities and developments integrate with, and respond appropriately to the surrounding environment.

10.2.3.3 Ensure that non-airport retail activities and development in the Airport area do not detract from the viability and vitality of other town centres or the CBD and central area

10.2.3.4 Manage any potential adverse environmental effects of non-airport activities and developments on the environment.

METHOD

- Rules
- Memorandum of understanding

The policies and associated rules provide for non-airport related activities outside the terminal area as a discretionary (restricted) activity. This enables a full consideration of effects subject to appropriate standards. In the Terminal Area, non airport activities and development are a controlled activity. This recognises the reduced potential impact of this form of development on areas outside of the Airport and Golf Course Recreation Precinct.

Non-airport related activities can add to the attractiveness and vitality of the airport as a destination and departure point, as well as providing benefits for neighbouring communities. Allowing some non-airport uses also allows Wellington International Airport Limited (WIAL) to manage some of its under utilised landholdings in a more efficient and effective manner.

In this respect, some limited commercial development may be suitable on airport land at the intersection of Moa Point Road and Lyall Parade (east of Cochrane St). This could involve the relocation of the aeroclub building to this area. The merits of this development proposal would be assessed through the resource consent process.

Non-airport related activities also have the potential to have adverse effects if inappropriately managed. Some large format ('big box') retailing activities have already located in the West Side, by way of the resource consent process. Council wants to ensure that any further development is undertaken within a policy context which has regard to the potential benefits of co-location in this area, whilst protecting the amenity of neighbouring land uses.

In all cases, non airport retail activities will require a Centre Impact Report.

For retail activities that are a discretionary activity (restricted) the Centre Impact Report will assess the impact of development on the vitality and viability of the Kilbirnie and Miramar town centres.

For retail activities that are a discretionary activity (unrestricted) the Centre Impact Report will assess the impact of development on the vitality and viability of nearby town centres including the CBD and central area.

For non-airport related retail development, applicants will be required (among other things) to submit a Centre Impact Report involving an assessment of:

- the extent to which the retail activity impacts on the overall vitality and viability of the Kilbirnie and Miramar town centres. Any application for resource consent that contains a retail tenancy in excess of 2500m² gross floor area, or a combined total gross floor area of all retail tenancies in excess of 4000m² must also address the extent to which the retail activity impacts on the overall vitality and viability of other nearby town centres including the CBD and Central Area.

Non airport activities up to 12 metres in height will be assessed as a discretionary activity (restricted), and non-airport activities in excess of this building height limit will be assessed as a discretionary activity (unrestricted).

For development in excess of 12 metres in height applicants will be required (among other things) to submit a Centre Impact Report involving an assessment of:

- The extent to which the retail activity impacts on the overall vitality and viability of nearby town centres including the CBD and central area
- the extent to which the activity promotes the efficient use of resources and a compact urban form
- the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces

- how the activity promotes accessibility, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities

Buildings, signage and billboards have the potential to adversely impact on the character and amenities of neighbouring land uses if inappropriately designed and located. An assessment of these impacts will be required as part of any application for resource consent (Objective 10.2.4 and associated policies should be referred to for more policy guidance on these issues).

In addition, traffic impacts of all developments will be assessed to ensure traffic generated by non-airport related development does not adversely affect the safe, effective and efficient operation of the surrounding road network.

A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any proposals for resource consent, or plan changes. This MOU will assist in resolving issues prior to the formal statutory process and will assist in ensuring better outcomes.

The environmental result will be the more efficient and effective use of land for non-airport related activities which will add to the overall attractiveness and vitality of the airport as a destination and departure point, as well as providing uses which benefit local communities.

OBJECTIVE

10.2.4

Protect the character and amenities of identified areas within the Airport area from inappropriate non-airport related uses and development

There are a number of areas on the periphery of the Airport area of the Precinct which may be suitable for non-airport related activities. Development in these areas needs to be appropriately managed to ensure the character of these areas is enhanced, and the amenities of adjoining land uses are protected. Policy guidance has been provided to guide future development of these areas. These areas are the Terminal Area, Rongotai Ridge (also known as Wexford Hill), Broadway Area, the South Coast Area, and the West Side.

POLICIES

To achieve this objective, Council will:

10.2.4.1 Allow for a wide range of buildings and activities in the Terminal Area to ensure the effective and efficient functioning of the airport.

METHODS

- Rules
- Memorandum of understanding
- Operational activities
- Advocacy

The Terminal Area encompasses most of the land on the eastern side of the runway up to the Miramar Golf Course. The area is the focal point for the whole Precinct and principally contains the terminal building and carparking building and associated luggage and freight handling facilities. Provision is made for non-airport related development to enable a range of complementary services and facilities to be made available to the travelling public. There is also the potential for other uses (such as offices) that could also be developed within the terminal area that would benefit from immediate proximity to the Airport.

This policy also recognises that the terminal area is already relatively developed and commercial in nature, and is distant from surrounding sensitive uses and buffered from them by the gold course.

Development is permitted up to a maximum height of 25 metres for airport related buildings only. This is likely to cater for most forms of development as a permitted or controlled activity.

A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any proposals for resource consent, or plan changes. This MOU will assist in resolving issues prior to the formal statutory process and will assist in ensuring better outcomes.

Council will be guided by the following matters when assessing applications for resource consent:

- (1) building form and associated works should make a positive contribution to the overall character of the Precinct and to the wider locality
- (2) buildings, structures and signage (including billboards) should be designed and located to enhance the image of the airport as a nationally significant transport hub
- (3) future development should ensure the safe and efficient movement of traffic and encourage greater use of public transport to and from the City

10.2.4.2 To maintain the visual and geomorphological importance of Rongotai Ridge.

10.2.4.3 To allow some development which results in modification of Rongotai Ridge provided it:

- **demonstrates architectural and urban design excellence; and**
- **makes a significant contribution to the image and character of the locality and to Wellington City.**

METHODS

- Rules
- Memorandum of understanding
- Operational activities
- Advocacy

Rongotai Ridge is open space land located south of the cutting with Maupuia ridge and the entrance to Miramar. This remnant coastal ridgeline is aligned in a north/south direction and is bounded by Miramar Avenue, Cobham Drive, Calabar Road and Wexford Road, and land zoned as Suburban Centre to the East. This area is identified in Appendix 4. It is approximately four hectares in size, and has remained largely undeveloped with only a carpark and a building used as a workshop. It is part of a coastal ridgeline that used to extend to Lyall Bay, before the present airport runway was constructed.

The ridgeline is a prominent landform in this locality and it provides an important visual reference point when approaching the city, waterfront, eastern suburbs and the airport by air or by road. Given its elevation and location, it has high amenity values in terms of views, sun and aspect. It also provides an excellent close range view of planes landing and taking off.

The use of this land is however constrained by high aircraft noise levels and building height limitations imposed by Wellington airport's Obstacle Limitation Surface (OLS). The land is also physically disconnected from other areas and has

poor pedestrian and vehicular access. To the east of the land is Suburban Centre zoned land which is used for a range of heavy industrial activities. These industries, and in particular the airport jet fuel storage site, are likely to constrain the nature and form of development on Rongotai Ridge.

Policy 10.2.4.2 ensures that the form of the ridgeline remains intact when undertaking development of a general nature. Some earthworks to provide low scale development may be appropriate provided the form and visual characteristics of this coastal ridgeline remains largely intact.

Policy 10.2.4.3 recognises the unique nature of the site given it's size and location within the City, and potential for future development, notwithstanding the constraints applying to this land. Council will only consider development involving significant modification of the ridgeline where:

- it can be shown that it is unique and will make a significant contribution to the character and image of the City, and
- it demonstrates architectural and urban design excellence.

All developments involving earthworks in excess of 250m² or altering the ground level by more than 2.5 metres will be assessed as a discretionary activity (restricted).

In addition to the matters under Policy 10.2.4.3 above, Council will be guided by the following matters when assessing applications for resource consent:

(1) Development will maintain the general form and visual characteristics of Rongotai Ridge (except as referred to in Policy 10.2.4.3 above)

(2) Development must comply with Wellington airport's Obstacle Limitation Surface

(3) The land shall be developed in a manner which:

- generally avoids large scale earthworks and cut faces (except as referred to in Policy 10.2.4.3 above)
- uses soft landscaping (plantings) and other measures to integrate development into the landscape;
- provides for enhanced pedestrian, cycling and vehicular connections to the existing roading and public transport network and with adjacent residential areas;
- is of a high quality and avoids large, 'box' like buildings and structures which are out of character with the general form and scale of development in neighbouring areas;
- provides views within and through the site;
- provides for, and connects to, community and recreation facilities and services; and
- is well serviced and connected to public infrastructural services

A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any RMA related proposals involving resource consents, and plan changes etc. This MOU process will help to address issues prior to the formal statutory process and will assist in ensuring better outcomes.

10.2.4.4 Strengthen the identity of the Broadway area as an important gateway to the airport and to the residential suburbs of Strathmore and Seatoun.

METHODS

- Rules
- Memorandum of understanding
- Operational activities
- Advocacy

The Broadway Area is located at the junction of Calabar Road, Broadway and the entrance to the airport terminals. This area is identified in Appendix 4. It is the primary gateway to the airport and to the City, and is a main route to the residential suburbs of Strathmore and Seatoun. The entrance to the airport is not well defined, and would benefit from an improved gateway approach which recognises its importance as a major national transport hub.

A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any proposals for resource consent, or plan changes. This MOU will assist in resolving issues prior to the formal statutory process and will assist in ensuring better outcomes.

Council will be guided by the following matters when assessing applications for resource consent:

Airport gateway (that land located to the south of Calabar Road and Stewart Duff Drive)

- (1) gateway improvements should seek to strengthen the visual and physical connections with the airport terminal building and the carparking areas;
- (2) future buildings and structures should be of high quality, visually appealing and memorable;
- (3) roading, accessways and carparking layouts should be designed to complement the gateway buildings and to provide a strong 'sense of arrival';

Calabar Road and Broadway intersection (that land located to the north of Calabar Road and Stewart Duff Drive)

- (4) improvements to the intersection of Calabar Road and Broadway should better delineate it's role as a residential gateway to Strathmore and Seatoun main access. This could include improved signage, landscaping and roading improvements.
- (5) The retention of low scale buildings (as distinct from the airport gateway buildings) would help demarcate these areas as having different roles, and help protect the amenities of adjoining residential landowners.

10.2.4.5 Allow non-airport activities in the South Coast Area in a manner which will protect and enhance the character of the south coast.

METHODS

- Rules
- Memorandum of understanding
- Operational activities
- Advocacy

The South Coast Area is located at the south-eastern end of the airport as identified in Appendix 4. It provides a secondary entrance to the airport for traffic from the southern suburbs. This entry to the airport is unattractive and the land and buildings are not of high amenity value, nor is the land used efficiently.

Land in this locality is used for a variety purposes associated with the airport. There are opportunities to improve and rationalise the use of the land. Sensitive landuses would however not be appropriate in this area given the high noise environment, the location of the runway and general activities generated by airport

operations, and the ongoing operations of the strategically important Moa Point sewage treatment plant.

A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any proposals for resource consent, or plan changes. This MOU will assist in resolving issues prior to the formal statutory process and will assist in ensuring better outcomes.

Council will be guided by the following matters when assessing applications for resource consent:

- (1) sensitive land uses such as residential use are generally inappropriate in this location given the constraints posed by the airport and sewage treatment plant;
- (2) development proposals involving the creation of an enhanced secondary gateway to the airport will be encouraged;
- (3) Low rise development may be acceptable on land fronting Moa Point Road provided:
 - compliance with Wellington airport's Obstacle Limitation Surface (OLS)
 - views within and through the site are maintained;
 - development protects and enhances the natural character of the south coast in this locality

The environmental result will be the protection and enhancement of the character of the rugged south coast within the Precinct boundaries from inappropriate development.

10.2.4.6 Encourage high quality retail and other non-airport related activities in the West Side which will improve the shopping and business environment for the public and workers.

METHODS

- Rules
- Memorandum of understanding
- Operational activities
- Advocacy

The Western Area is located to the south west of the Airport runway, adjacent to the Rongotai Suburban Centre, the south coast, and adjoining residential areas to the north. Within this area is the Aeroclub building, which is an important airport heritage building. This area is identified in Appendix 4.

Large scale non-airport development, such as the 'Airport Retail Park', is characteristic of the Western Area. Further large format (big box) retail developments are likely to be developed in this area. Over the long term the area may revert to aviation-related uses, hence the retention of the underlying airport zoning.

A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any proposals for resource consent, or plan changes. This MOU will assist in resolving issues prior to the formal statutory process and will assist in ensuring better outcomes.

Council will be guided by the following matters when assessing applications for resource consent:

- (1) Buildings, carparks, accessways and access points and other associated developments should be designed in a way that improves the overall standard of visual amenity in the locality, and which makes it an attractive location for the public and workers. Consideration will be given to:

- the creation of active frontages to pedestrian and vehicular areas;
- the screening of large carpark areas and the use of soft (plantings) and hard landscaping;
- the provision of sheltered and secure cycle parking and/or storage;
- clear and well defined free standing signs and signage on buildings;
- an efficient and safe vehicular and pedestrian access and parking layout;
- ensuring views through the site and towards the airport in recognition of its history of association with the airport, and the importance of maintaining this visibility.

(2) Buildings and associated development shall manage the interface of this area with the nearby residential area to the immediate north to minimise any significant adverse effects on people and the wider environmental.

The environmental result will be non-airport activities and developments that take into account the surrounding context and create a more attractive environment for business and other activities to take place.

OBJECTIVE

10.2.25 To protect the amenities of areas surrounding, and within, the Precinct from adverse environmental effects.

POLICIES

To achieve this objective, Council will:

10.2.25.1 Exercise an appropriate level of control over Airport and ancillary activities for the avoidance or mitigation of adverse effects.

10.2.25.2 Ensure a reasonable protection of residential and school uses from Airport activities by providing controls over bulk and location, ensuring sufficient space is available for landscape design and screening, and by retaining a buffer of land of a recreational nature to the east of the Airport.

~~10.2.2.3~~ ~~Ensure landscape treatment of the Airport's boundaries and approaches to produce an appropriate gateway into the City and Airport, and to help improve the appearance of the Airport and its associated activities.~~

~~10.2.2.4~~ ~~Ensure both the continuation and the development of Golf Course and recreation activities within the buffer of land to the east of the Airport area.~~

10.2.25.3 Control the interrelationship between building forms and the space around buildings to ensure a high level of visual amenity.

~~10.2.5.4~~ ~~Provide for the ongoing use of the Golf Course and recreation activities within the buffer of land to the east of the Airport area.~~

METHODS

- Rules
- Other mechanisms (WIAL Strategic Planning including development of a Noise Management Plan)
- Memorandum of understanding
- Operational activities

- Advocacy

~~The Airport is a gateway into the city and New Zealand, and as such requires a high level of attention to be paid to landscape and design issues. The environmental result will be the creation and maintenance of an Airport environment that creates an attractive and welcoming impression for Airport users and the travelling public, and is a pleasing addition to the neighbourhood for local residents and users of the surrounding land.~~

~~The bulk and location provisions of the Plan are designed to protect activities on surrounding land from the impacts of structures that have a size and scale typical of the Airport environment. Within the Airport area it is also important to recognise the visual impact that development can have on users, as well as its impact when viewed from a distance. The existing Golf Course provides a buffer between the Residential Areas and the Airport operations. The intention is to retain as much open space as is practical for golf course and recreational use.~~

~~A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any proposals for resource consent, or plan changes. This MOU will assist in resolving issues prior to the formal statutory process and will assist in ensuring better outcomes.~~

~~Fuel storage and refuelling facilities are essential to the operation of the Airport but are subject to the hazardous substances rules due to the hazardous nature of the product. Standard provisions in the Plan, for example relating to natural and technological hazards, also apply to airport operations.~~

~~The environmental result will be that new development does not detract from amenity values within the Precinct and at the boundaries of the Precinct with adjoining landuses.~~

10.2.5.5.4 Manage the noise environment to maintain and where possible enhance community health and welfare.

METHODS

- Rules
- A Noise Management Plan is to be developed and implemented as set out below

The Airport provides an important service for Wellington City, the region and the nation. However, its very nature means that it has associated adverse effects, particularly where noise is concerned.

A noise management plan (NMP) has been implemented by Wellington International Airport Limited (WIAL) to assist all interested parties in complying with the objectives and rules in the District Plan.

The noise management plan includes:

- *a statement of noise management objectives and policies*
- *details of methods and processes for remedying and mitigating adverse effects of airport noise including but not limited to:*
 - *improvements to the Airport layout to reduce ground noise*
 - *improvements to Airport equipment (including provision of engine test shielding such as an acoustic enclosure for propeller driven aircraft) to reduce ground noise*
 - *aircraft operating procedures in the air and on the ground*
- *procedures for monitoring and ongoing review of the plan*
- *dispute resolution procedures*

- *consideration of land use measures which may mitigate adverse effects through changes to controls*
- *consideration of any need for insulation of existing houses within the ANB; the extent to which such insulation is appropriate, and the ultimate responsibility for cost*
- *details of methods and process for monitoring and reporting compliance with the District Plan rules, including but not limited to:*
 - *airnoise boundary and activity ceilings provided in the rules*
 - *engine testing*
 - *Auxiliary Power Units (APUs) Ground Power Units (GPUs)*
 - *curfew*
- *details for certification by WIAL of night curfew exempt aircraft.*

A Wellington Airnoise Management Committee has been established made up of local residents, WCC and WIAL representatives. The Committee meets regularly to address noise issues and to ensure that compliance with the district plan provisions.

~~*A representative Wellington Airnoise Management Committee will as soon as practicable be established. The Committee will draw up terms of reference and a planning timeframe. Until this Committee is established, its functions will be exercised by the existing Standing Committee with the addition of a representative of the New Zealand Defence Force.*~~

~~*Notification of the Committee's terms of reference and planning timeframe is to be provided to the Council. The Council will use its best endeavours to support the Committee and may undertake independent audits of the parties' progress towards implementation of identified methods and processes. The Council will also ensure that it maintains direct access to any relevant data necessary for the effective operation or enforcement of these rules.*~~

OBJECTIVE

10.2.6 To ensure signage is designed and located in a way which will not detract from the character of the locality, and will not cause a traffic hazard.

POLICIES

To achieve this objective, Council will:

10.2.6.1 Manage the scale and placement of signs in order to maintain and enhance the visual amenity of the host building, site, and locality

10.2.6.2 Ensure any signage located in and along State Highway 1 and the coastal roads contribute positively to the quality of these routes and the natural landscape.

10.2.6.3 Ensure any signs located on Rongotai Ridge respect the important cultural and natural qualities of this landform.

METHODS

- Rules
- Memorandum of understanding
- Operational activities
- Advocacy

The District Plan provisions recognise that signage is an important part of a major transportation hub like the Airport. This is balanced with the need to protect the amenity of nearby residential uses, important access routes to and from the Airport, and the natural and cultural landscape within and adjoining the Airport area.

Signs are permitted within the Airport area subject to conditions that reflect the sensitivity of the receiving environment. These conditions ensure that all signs are sympathetic to the design of the host building, site and surrounds, and that the obtrusive nature of signs is appropriately managed. Managing the effects on public safety, particularly in respect of traffic safety, is also important.

Within the Terminal Area a more flexible regime is provided to recognise that this area is relatively buffered and set back from residential, coastal and high speed traffic environments. As a Terminal Area, it is anticipated that a greater degree of signage can be accepted within this locality.

Billboards close to residential properties and main roads have the potential to create visual clutter, lower the amenity values of a locality, and cause traffic hazards. Signs and billboards adjacent to State Highway 1 and the coastal roads require a resource consent. Billboards in other areas of the Airport Area in excess of 8m² and 4 metres in height are also assessed as a discretionary (restricted) activity.

A memorandum of understanding (MOU) has been developed between Wellington International Airport Limited and Wellington City Council. This sets an agreed process for dialogue to occur between the parties prior to the submission of any proposals for resource consent, or plan changes. This MOU will assist in resolving issues prior to the formal statutory process and will assist in ensuring better outcomes.

In assessing applications for resource consent, the following matters will be taken into account:

- (1) Whether any signs are obtrusively visible from any residential area or public space.
- (2) Whether the area of the sign is in scale with the site or building development
- (3) Whether the sign is compatible with the visual character of the area in which it is situated.
- (4) Whether the sign detracts from the architecture of the building on which it is located.
- (5) Whether an additional sign/s will result in visual clutter.
- (6) Whether the sign/s will complement the surrounding natural landscape and, where relevant, screen unsightly sites, activities or buildings.
- (7) Whether the size, number or method of illumination of a sign or signs will compromise traffic or pedestrian safety.

Because of the diversity of sign types and the situations in which they are erected, variations from the rules may be justified in certain cases. In all instances however, Council seeks to ensure that visual amenities are maintained. The environmental result will be signage within the Airport area that is well designed and sympathetic to the visual amenities of the host building and the surrounding environment, and does not cause a traffic hazard.

OBJECTIVE

10.2.37 To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal, and from the use of contaminated sites.

POLICIES

To achieve this objective, Council will:

- 10.2.37.1 Require that the storage, use, handling and disposal of hazardous substances are subject to analysis using the Hazardous Facilities Screening Procedure and, where appropriate, the resource consent procedure in order that any potential or actual adverse effects are managed in such a way as to safeguard the environment.**

METHODS

- Rules
- Other mechanisms (Health Act, Hazardous Substances and New Organisms Act 1996 and its Transitional Provisions, Health and Safety in Employment Act, 1992)

Council is concerned that the community and environment should not be exposed to unnecessary risk from hazardous substances. The District Plan aims to control use of land in order to prevent or mitigate any potential adverse effects of hazardous substances by considering the appropriateness of the site location and other site requirements to avoid, remedy or mitigate the risk of accidental release. Although these are only two facets of hazardous substances management, others are outside the scope of the District Plan.

The hazardous substance provisions of this Plan work in conjunction with the provisions for hazardous substances under the Hazardous Substance and New Organisms Act 1996. Controls imposed on hazardous substances under the Resource Management Act cannot be less stringent than those set under the Hazardous Substance and New Organisms Act 1996. This requirement is reflected in the rules for hazardous substances in this Plan.

The Regional Council has developed rules in the Regional Plans to control discharge of hazardous substances to land, air and water. The Hazardous Facilities Screening Procedure has been incorporated into the District Plan. Uses which have unacceptable potential effects will be located and contained where their potential adverse effects can be prevented or mitigated.

The environmental result will be a safer environment as a result of the safer storage, use and disposal of hazardous substances.

- 10.2.37.2 Reduce the potential adverse effects of transporting hazardous substances.**

METHODS

- Rules (conditions on resource consents)
- Other mechanisms (advocacy and bylaws)

Because there is always a risk of an accident, the transportation of hazardous substances potentially has adverse effects on the surrounding locality. Where practicable, transport of hazardous substances to a hazardous facility will be restricted to main arterial routes and avoid peak periods of commuter traffic.

The environmental result will be safer communities.

- 10.2.37.3 Control the use of land for end point disposal of waste to ensure the environmentally safe disposal of solid and hazardous waste.**

METHODS

- Rules
- Operational activities (Waste Management Strategy)
- Designation
- Other mechanisms (Regional Plans)

Unrestricted land disposal of waste by landfilling is increasingly less environmentally acceptable as a method of dealing with the City's waste. For this reason, Council wishes to discourage the proliferation of waste disposal sites.

Council's Waste Management Strategy, which addresses waste disposal in Wellington City, includes guidelines on the environmentally acceptable management of the hazardous wastes produced in Wellington.

The environmental result will be fewer and better-managed waste disposal sites.

10.2.37.4 To require hazardous facilities to be located away from Hazard Areas.

METHOD

- Rules

The likelihood of an accidental release of a hazardous substance is increased during a natural hazard event.

For this reason, Council wishes to discourage the development of new hazardous facilities in identified Hazard Areas.

The environmental result will be the minimisation of hazards and risk to the environment and people in Hazard Areas.

10.2.37.5 Manage the bulk storage of aviation fuel.

METHODS

- Rules
- Site Management Plan for the bulk storage area
- Other mechanisms (Health Act, Hazardous Substances and New Organisms Act 1996 and its Transitional Provisions, Health and Safety in Employment Act 1992)

Council recognises that the airport requires bulk storage of aviation fuel to efficiently operate the hydrant refuelling system. However, Council is concerned that the community and environment should not be exposed to unnecessary risk arising from the bulk storage of aviation fuel and requires the airport company to ensure that and that a site management plan for bulk fuel storage, reticulation and tankering systems is in place by 1/1/99 or on the date which the Proposed District Plan becomes operative, whichever is the earlier.

The environmental result will be minimised exposure to unnecessary risk.

10.2.37.6 Control activities on any contaminated site.

METHODS

- Rules
- Other mechanisms (including Ministry for the Environment Guidelines for Contaminated Land Management)

Activities on contaminated sites are managed for two reasons. Firstly, to prevent the contamination adversely affecting occupiers of the site or processes which could take place on the site there and secondly, to ensure that such sites are cleaned up.

The whole of the Airport is identified on the Greater Wellington Regional Councils contaminated sites register as being a potentially contaminated site. Site specific investigations have been undertaken to identify locations where contamination from the past may have occurred. this contamination may occur. These locations are shown on a plan of the airport attached as Appendix 5 to the rules.

In the Airport area the extent of any contamination is often difficult to confirm prior to construction works because of the extent and thickness of concrete hardstand. Contamination discovered to date has generally not migrated laterally and has been prevented from vertical migration by the thickness of hardstand. In recognition of the Airport's generally unique characteristics in regards to contamination, and that this area is within one ownership, a less restrictive rule regime has been applied than in other areas. Any development involving the disturbance or alteration of land within the Airport Area in the locations shown on Appendix 5 to the rules will therefore be assessed as a controlled activity. A memorandum of understanding between Wellington International Airport and the Wellington City Council will also ensure that the informal cooperation that has happened to date will continue.

Council is eager to see any contaminated areas cleaned up and will facilitate this process to the best of its ability. Key issues to be considered as part of any application to use a contaminated site will be the nature and extent of the contamination, the risk of exposure to public health, safety and the environment, and finally the approach to decontamination of the site. The Ministry for the Environment has published several guidelines for the management of contaminated sites and it is expected that applicants will adhere to these guidelines (particularly guidelines 1-5 as appropriate) in completing the site analysis and preparing the approach to decontamination.

The environmental result will be the sharing of information about contaminated sites between district and regional councils and the appropriate control over the development of any contaminated sites.

OBJECTIVE

10.2.8 To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.

POLICIES

To achieve this objective, Council will:

10.2.8.1 Identify the hazards that pose a significant threat to Wellington and ensure that areas of high hazard risk are not occupied or developed for vulnerable uses or activities.

METHODS

- Rules
- Other mechanisms (Building Act Controls)

Hazards occur whenever people are in contact with natural or technological phenomena that pose a threat to health and safety. It is therefore necessary to identify the hazards and risks that people face by living in Wellington.

Council's hazard management involves four phases – mitigation, preparedness, response and recovery. Mitigation is addressed through a combination of land use management within the District Plan and Building Act controls. Control can be exercised over some hazards to avoid the hazard (such as technological hazards), whereas other hazards such as fault rupture and ground shaking from earthquakes are unavoidable. However, the risk to life from these unavoidable hazards can be reduced with appropriate mitigation measures.

Not everyone is able to respond to an event in the same way. Portions of the population (due to factors such as age, health and income) may be less able to cope with an emergency and are more vulnerable. Certain high-intensity land uses (such as public assembly sites, schools, high rise housing) may also increase the hazard risk.]¹

¹ District Plan Change No. 22 – Hazard (Fault Line) Area (Operative 27 July 2004)

The environmental result will be the minimisation of hazards and risk to people in high hazard risk areas.

10.2.8.2 Ensure that critical facilities and lifelines are not at risk from hazards.

METHOD

- Rules

The services people depend on to help them cope with emergencies include fire, police, ambulance and civil defence organisations as well as other volunteer services. People also rely on other services, such as communications, transport routes, electricity, gas and water, to cope after the event. These important services are known as lifelines. Council considers it essential for critical facilities and lifelines to be located as far as is reasonably practicable from Hazard Areas.

The environmental result will be the establishment of critical facilities and lifelines in locations that avoid, remedy or mitigate risks from hazards.

10.2.8.3 Ensure that the natural environment is protected from the adverse effects arising from a hazard event.

METHOD

- Rules

If a hazard event occurs, the natural environment needs to be protected from flow-on effects, such as contamination of ground water from ruptured pipelines and storage tanks. The potential for an activity to affect the natural environment under emergency conditions is also an important consideration. For these reasons relevant rules have been included in the District Plan.

The environmental result will be the better protection of the natural environment from hazard events.

Chapter 11A. Airport Precinct Rules

Guide to Rules

NOTE: The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements.

P refers to Permitted Activities, C to Controlled Activities, DR to Discretionary Activities (Restricted) and DU to Discretionary Activities (Unrestricted).

Uses/Activities	Rule	P	C	DR	DU	NC
<u>Any</u> Activities related to the primary function of the Airport area subject to conditions	11.1.1	●				
<u>Any</u> Activities related to the primary function of the Airport not complying with conditions for Permitted Activities or not being a Controlled Activity	11.3.1			●		
Upgrade and maintenance of existing formed roads and accessways	11.1.4	●				
Use, storage or handling of aviation fuel up to a specified maximum	11.2.1		●			
Any activity listed in Section 3.5.2.2 (Hazardous Substances)	11.2.2		●			
<u>Activities or building works which disturb or alter the ground of a contaminated site</u>	<u>11.2.5</u>		● —			
<u>Permitted signs subject to conditions</u>	<u>11.1.5</u>	●				
<u>Signs not complying with conditions for Permitted Activities</u>	<u>11.3.4</u>			●		
<u>Earthworks on Rongotai Ridge subject to conditions</u>	<u>11.1.6</u>	●				
<u>Earthworks on Rongotai Ridge exceeding permitted activity conditions</u>	<u>11.3.5</u>			●		
Airport Buildings	Rule	P	C	DR	DU	NC
Any use, construction, removal, demolition, repair, alteration of or addition to buildings and structures subject to conditions <u>The construction, alteration of or addition to buildings and structures related to the primary function of the Airport subject to conditions</u>	<u>11.1.2</u>	● —				
Airport buildings and structures not being a Permitted Activity	11.3.2			●		
Non-airport activities and buildings						
<u>In the Terminal Area, any non-airport activity, building or structure subject to standards</u>	<u>11.2.3</u>		● —			
<u>Outside the Terminal Area, any non-airport activity, building or structure subject to Discretionary Activity (Restricted) standards</u>	<u>11.3.3</u>			● —		
<u>Any activity that is not Permitted, Controlled or a Discretionary Activity (Restricted)</u>	<u>11.4</u>				● —	
Subdivision	Rule	P	C	DR	DU	NC
Subdivision subject to conditions	11.1.3	●				
Subdivision not being a Permitted Activity	11.4.1				●	
Heritage	Rule	P	C	DR	DU	NC
Activities affecting listed heritage items	21.0	●	●		●	
Utilities	Rule	P	C	DR	DU	NC
Utilities	23.0	●	●	●	●	

Schedule of Appendices

Number	Appendix
1	Noise
2	Vehicle Parking Standards
3	Site Access for Vehicles
<u>4</u>	<u>Sub-areas within the Airport area</u>
<u>5</u>	<u>Location of potentially contaminated sites within the Airport Area</u>

11A. AIRPORT AREA RULES

11.1 Permitted Activities

The following activities are permitted in the Airport area (as shown on District Plan Maps and Appendix 4).

11.1.1 ~~Any Activities activity~~ related to the primary function of the Airport, ~~area and activities and services ancillary to this primary function are~~ is a Permitted Activities Activity provided that ~~they~~ it ~~comply~~ complies with the following conditions:

11.1.1.1 Noise

Aircraft operations in general

11.1.1.1.1 Aircraft operations shall be managed so that the rolling 90 day average 24 hour night-weighted sound exposure does not exceed a Day/Night Level (Ldn) of 65 dBA outside the Airnoise Boundary shown on District Plan Map 35.

Aircraft noise will be measured in accordance with NZS 6805:1992 and calculated as a 90 day rolling average. All terminology shall have the meaning that may be used or defined in the context of NZS: 6805.

The level of noise from aircraft operations, for comparison with Ldn 65 dBA, is calculated from the total amount of noise energy produced by each aircraft event (landing or take-off) over a period of 90 days. This method of control does not directly control individual aircraft events, but does so indirectly by taking into account their contribution to the amount of noise generated in a 24 hour period.

11.1.1.1.2 The following aircraft operations are excluded from the calculation of the rolling 90 day average in rule 11.1.1.1.1:

- aircraft landing in an emergency
- the operation of emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency
- the operation of unscheduled flights required to meet the needs of a national civil defence emergency declared under the Civil Defence Act 1983
- military aircraft movements which shall be managed in compliance with rule 11.1.1.1.2A.

11.1.1.1.2A3 The following conditions shall apply to New Zealand Defence Force Military aircraft:

- (a) New Zealand military transport aircraft operations shall be managed so that the following 90 day average 24 hour night-weighted sound exposure does not exceed a Day/Night Level (Ldn) of 55 dBA outside the Airnoise Boundary shown on District Plan Map 35.

Aircraft noise will be measured in accordance with NZS6805:1992 and calculated as a 90 day rolling average.

All terminology shall have the meaning that may be used or defined in the context of NZS6805. The level of noise from aircraft operations, for comparison with Ldn 55 dBA, is calculated from the total amount of noise energy produced by each aircraft event (landing or take-off) over a period of 90 days. This method of control does not directly control individual aircraft events, but does so indirectly by taking into account their contribution to the amount of noise generated a 24 hour period.

- (b) Movements of New Zealand military combat aircraft shall be limited to 80 per year.
- (c) For the purpose of this rule:
- military transport aircraft means any fixed wing transport or logistics aircraft including Andover, Boeing 727, Hercules, Orion and Airtrainer (and their replacements)
 - military combat aircraft means any fixed wing strike or training aircraft including Macchi and Skyhawk (and their replacements)
 - movements of New Zealand military combat aircraft equate to:
 - landing = 1 movement
 - takeoff = 1 movement
 - touch and go = 2 movements
 - low level pass = 2 movements.

11.1.1.1.34 No non-noise certified jet aircraft or chapter 2 jet aircraft shall be operated, except:

- in the event of unscheduled non-serviceability when substitute aircraft meeting chapter 2 may be used for the period of the non-serviceability; or
- in the event of Wellington Airport being used as an alternate airport; or
- in the event of emergencies; or
- military aircraft which shall be subject to rule 11.1.1.1.2.

Chapter 2 jet aircraft are those which are certified with noise levels defined in the International Civil Aviation Organisation Convention Annex 16. Non noise certified jet aircraft are those which have no certification within the context of the International Civil Aviation Organisation Convention Annex 16 - Environmental Protection, Volume 1 (Aircraft Noise) Chapters 2 (second edition 1988) or United States Federal Aviation Regulations Part 36, Stage 2.

Night flying operations

11.1.1.1.45 Domestic operations must not occur during the hours from midnight to 6am.

International operations must not occur during the hours:

- midnight to 6 am for departures
- 1 am to 6 am for arrivals

For the purposes of this Rule 11.1.1.1.4 'operations' means the start of a take off roll or touch down on landing.

11.1.1.1.56 The following are exceptions to rule 11.1.1.1.4:

- (a) disrupted flights where operations are permitted for an additional 30 minutes
- (b) in statutory holiday periods when operations are permitted for an additional 60 minutes
- (c) aircraft using the Airport as a planned alternative to landing at a scheduled airport, but which shall not take off until otherwise permitted under rule 11.1.1.1.4
- (d) aircraft landing in an emergency
- (e) the operation of emergency flights required to rescue persons from life-threatening situation or to transport patients, human vital organs or medical personnel in a medical emergency
- (f) the operation of unscheduled flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983
- (g) aircraft carrying heads of state and/or senior dignitaries acting in their official capacity
- (h) no more than 4 aircraft movements per night with noise levels not exceeding 65 dBA Lmax (1 sec) at or beyond the airnoise boundary.

For the purpose of (b), statutory holiday period means:

- (i) the period from 25 December to 2 January, inclusive. Where 25 December falls on either a Sunday or a Monday, the period includes the entire of the previous weekend. Where New Year's day falls on a weekend, the period includes the two subsequent working days. Where 2 January falls on a Friday the period includes the following weekend
- (ii) the Saturday, Sunday and Monday of Wellington Anniversary weekend, Queens Birthday weekend and Labour weekend
- (iii) Good Friday to Easter Monday inclusive
- (iv) Waitangi Day
- (v) ANZAC Day
- (vi) where Waitangi Day or ANZAC Day falls on a Friday or a Monday, the adjacent weekend is included in the statutory holiday period
- (vii) the hours from midnight to 6:00am immediately following the expiry of each statutory holiday period defined in (i) to (vi) above.

Engine testing

- 11.1.1.1.67 (a) Aircraft propulsion engines may be run for the purpose of engine testing:
- during the hours of 0600 to 2000
 - to carry out essential unscheduled maintenance between 2000hrs and 2300hrs
 - to operate an aircraft within flying hours but provided the engine run is no longer than required for normal procedures, which for the purpose of this rule shall provide solely for short

duration engine runs by way of flight preparation while the aircraft is positioned on the apron.

- (b) No person shall start or run any aircraft propulsion engine for the purposes of engine testing on the hardstand area south and west of the Air New Zealand hanger at any time. This area is depicted by the shaded portion of Map 35.
- (c) Restrictions on engine testing from 2300hrs to 0600hrs do not apply if engine testing can be carried out in compliance with all of the following:
- (i) measured noise levels do not exceed Leq (15 mins) 60 dBA at or within the boundary of any residentially zoned site
 - (ii) measured noise levels do not exceed Lmax 75dBA dBA at or within the boundary of any residentially zoned site
 - (iii) noise levels shall be measured in accordance with NZS6801:1991 "Measurement of Environmental Sound"
 - (iv) the total number of engine test events to which rule 11.1.1.1.6(c) applies shall not exceed 18 in any consecutive 12 month period
 - (v) the total duration of engine test events to which rule 11.1.1.1.6(c) applies shall be no more than 20 minutes.

Land based activities

- 11.1.1.1.78 Noise emission levels, from any activity within the Airport area, other than aircraft operations, engine testing and the operation of APUs (as provided for in rule 11.1.1.1.8) when measured at any residential site shall not exceed the following limits:

Monday to Saturday 7am to 10pm	55 dBA L10
At all other times	45 dBA L10
All days 10pm to 7am	75 dBA Lmax

Ground power and auxiliary power units (GPUs/APUs)

- 11.1.1.1.89 (a) GPUs must comply with the noise limits in rule 11.1.1.1.7.
- (b) APUs must comply with the noise limits in rule 11.1.1.1.7, with the exception of:
- aircraft under tow
 - the first 90 minutes after the aircraft has stopped on the gate
 - 60 minutes prior to scheduled departure
 - the use of APUs to provide for engine testing pursuant to rule 11.1.1.1.6.

11.1.1.2 Screening of Activities and Storage

Sites with yards which abut a Residential or Open Space Area must be screened from view by a fence not less than 1.8m high.

11.1.1.3 Dust

- 11.1.1.3.1 Activities must not create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids in the air beyond the site boundary; or

- there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.

11.1.1.3.2 With regard to the above provisions where sites are contiguous and located within the Airport Boundary as defined on the Planning Maps then any dust nuisance shall be measured at the periphery of the Airport.

11.1.1.4 Vehicle parking

11.1.1.4.1 Parking must be provided at the following rates:

<i>Activity</i>	<i>Minimum Parking Requirement</i>
<i>Passenger terminals</i>	
Public areas	1 : 27m ² per gross floor area (g.f.a.)
Staff areas	1 : 100m ² g.f.a.
<i>Freight terminals</i>	1 : 220m ² g.f.a.
<i>Maintenance facilities</i>	1 : 120m ² g.f.a.
<i>Recreation activities</i>	1 : 4 people that the facility is designed to accommodate
<i>Other activities</i>	
Retail	1 : 50m ² g.f.a.
Hotel	1 : 15 people the building is designed to accommodate
Restaurant	1 : per 3 seats

11.1.1.4.2 All parking shall be provided and maintained in accordance with the standards set out in Appendix 2.

11.1.1.5 Site Access for Vehicles

These rules apply only to:

- (i) the properties on the east side of the runway fronting Broadway, Miro Street and Calaber Road,
- (ii) the land on the west side of the runway, and
- (iii) the land subject to the access restrictions on Map 46.

11.1.1.5.1 No vehicle access is permitted to a site across any restricted road frontage identified on District Plan maps 43 to 46.

11.1.1.5.2 Site access for vehicles must be provided and maintained in accordance with the standards set out in Appendix 3.

11.1.1.5.3 There shall be a maximum of one vehicle access to any site except that sites with more than one frontage may have one access across each frontage.

11.1.1.5.4 The width of any vehicle crossing to a site shall not exceed 6 metres.

11.1.1.5.5 Where vehicular access can be provided from a service lane or right-of-way registered in favour of the site or other private road or private right-of-way, no vehicle access shall be from a street.

11.1.1.5.6 Subject to Rule 11.1.1.5.1 no vehicular access, as shown in Appendix 3.1, shall be situated closer to an intersection than the following:

Arterial and principal streets	20m
Collector streets	15m
Other streets	10m

11.1.1.5.7 All access to sites must be designed to permit a free flow of traffic so that vehicles do not queue on the street.

The standards for site access are designed to promote safety.

11.1.1.6 Lighting

11.1.1.6.1 Any non-aviation activity which requires the lighting of outdoor areas must ensure that direct or indirect illumination does not exceed 8 lux at the windows of residential buildings in any nearby Residential Area.

11.1.1.6.2 Subject to rule 11.1.1.6.1 any development which includes pedestrian routes and carparks available for public use during the hours of darkness must be lit at a minimum of 10 lux measured in accordance with AS/NZS 1158.3.1 : 2005 ~~NZS-CP22:1962~~ and amendments.

The lighting rules are designed to ensure that areas or sites available for public use are adequately lit to keep people safe, and that where sites on the periphery of the Airport area are illuminated, the amenities of nearby residents are reasonably protected.

In all cases the Council will seek to ensure that the adverse effects of glare from lighting sources are avoided, remedied or mitigated.

11.1.1.7 Use, Storage or Handling of Hazardous Substances

See exemptions to the Hazardous Facilities Screening Procedure contained in Section 3.5.2

11.1.1.7.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative Effect Ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table below:

Location	Hazard Area	Not Hazard Area	Either Area
Effect Ratio	0.002 < [ER] ^{PC35} ≤ 0.05	0.002 < [ER] ^{PC35} ≤ 0.1	≤ 0.002
Conditions applying	11.1.1.7.2 to 11.1.1.7.11	11.1.1.7.2 to 11.1.1.7.11	11.1.1.7.8, 11.1.1.7.10 and 11.1.1.7.11 only

Activities that do not meet the above Effect Ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Restricted) Activities.

11.1.1.7.2 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances handled on-site. [Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.]^{PC35}

~~11.1.1.7.2A~~ Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.]^{PC35}

11.1.1.7.34 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill

containment system [that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.]^{PC35}

11.1.1.7.45 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.

11.1.1.7.56 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.

11.1.1.7.67 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.

11.1.1.7.78 Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed to prevent leakage and spills. Compliance with [any relevant provisions under the Hazardous Substances and New Organisms Act 1996 and]^{PC35} the Code of Practice for the “Design, Installation and Operation of Underground Petroleum Storage Systems” (1992) is a minimum [requirement].^{PC35}

The hazards rule relates only to the elements of the activity that involve hazardous substances. A threshold has been set to ensure that the use, storage and disposal of significant amounts of hazardous substances are managed to protect the human and natural environment. The threshold that has been set reflects the necessity for petroleum products to be stored at and reticulated to and within the Airport. Regulations under other Acts still apply.

Signage

11.1.1.7.89 [All facilities must display signage to indicate the nature of the hazardous substances present (compliance with the provisions of the Hazardous Substances and New Organisms Act 1996 and the requirements of the Building Code (F8) or the Code of Practice “Signage for Premises Storing Hazardous Substances and Dangerous Goods” of the New Zealand Chemical Industry Council (Nov 2004) is a minimum requirement).]^{PC35}

Waste Management

11.1.1.7.910 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 11.1.1.7.1 to 11.1.1.7.89 above.

11.1.1.7.101 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which or waste disposal contractors who meet all the requirements of regional and district rules for discharges to the environment [and also the provisions of the Hazardous Substances and New Organisms Act 1996.]^{PC35}

Other

11.1.1.7.142 Council must be informed of the activity's location, the nature of the activity and when the activity commences and ceases.

[In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for on-site and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:

- *the Hazardous Substance and New Organisms Act 1996*
- *legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)*
- *Building Act 1991*
- *Health Act 1956*
- *Fire Service Act 1975*
- *Health and Safety in Employment Act 1992*
- *Radiation Protection Act 1965*
- *Agricultural Compounds and Veterinary Medicines Act 1997]*^{PC35}

[The on-site disposal of hazardous substances will be controlled through Council's Waste Management Strategy, through obtaining the appropriate discharge consents from the Regional Council or trade waste permits, and through relevant controls on disposal of hazardous substances by the Hazardous Substances and New Organisms Act 1996]^{PC35}

11.1.1.8 Landscape Design

Existing trees, particularly pohutukawa, must be retained where they do not affect the safe operation of the Airport.

The pohutukawa trees on Tirangi Road are to be retained. Any trees which need to be relocated are to be resited on or near this boundary.

Pohutukawa trees needing to be relocated are to be transplanted to locations for maximum visual effect on or near to Airport boundaries.

The boundary at the east end of Lyall Bay Parade is to be planted with pohutukawa trees and other appropriate coastal tree and shrub species.

Fencing and planting on common boundaries with residential properties must be undertaken so as to reduce visual and noise effects.

Fencing and replanting on common boundaries with industrial and commercial properties and the golf course must be planned to maximise screening and security considerations.

The north and south ends of the runway, and the Calabar Road and Moa Point Road boundaries of the Airport are to be maintained in grass.

As far as is practicable, the regeneration of native plants and trees is to be encouraged on the gorse-covered embankments above the Cobham Drive and Calabar Road roundabout.

11.1.1.9 Discharge of Contaminants

The discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities.

Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.

11.1.1.10 Electromagnetic Radiation

Activities must be conducted to comply with the New Zealand Standard NZS 6609:1990 (Radio Frequency Radiation) and any subsequent amendments.

The Utilities chapters contain rules regarding safety from utility structure from where the highest levels of energy will be created. Council wishes to take a precautionary approach with adverse effects from other electromagnetic sources and acknowledges the provisions of section 17 of the Act regarding the duty to avoid, remedy or mitigate adverse effects.

~~*The primary function of the Airport is the transport of people and cargo by aircraft. Permitted Activities associated with this primary function, and ancillary activities, include, but are not limited to, aircraft operations, airport operational activities (such as runways, traffic control structures and terminal buildings), warehouses and other storage facilities, travellers' accommodation and services, vehicle parking and servicing, aircraft catering and servicing, retail and commercial services and concessions, internal roading, access and service ways.*~~

Noise provisions exist to control the general level of noise around the Airport generated by the operation of aircraft, in order to manage the effect of noise on surrounding residents, while ensuring that the continued operation of the Airport for the benefit of the region and the nation is not unreasonably compromised.

Exterior storage is required to be screened to avoid, remedy or mitigate its unsightliness from nearby properties. Because of the large distance from some residential sites, screening may serve little purpose. A rule on the generation of dust is included to avoid, remedy or mitigate problems from this source.

The standards for site access are designed to promote safety. The lighting rules are designed to ensure that areas or sites available for public use are adequately lit to keep people safe, and that where sites on the periphery of the Airport area are illuminated, the amenities of nearby residents are reasonably protected.

The hazards rule relates only to the elements of the activity that involve hazardous substances. A threshold has been set to ensure that the use, storage and disposal of significant amounts of hazardous substances are managed to protect the human and natural environment. The threshold that has been set reflects the necessity for petroleum products to be stored at and reticulated to and within the Airport. Regulations under other Acts still apply.

The landscape rules recognise that the relatively harsh climate and poor soil at the Airport impose practical limits on what can be achieved. Added to this is the need to ensure that security boundaries are not screened by vegetation.

~~*Signs in the Airport area provide a more direct purpose than advertising signs in the commercial area; that of giving directions to the location of buildings or activities. Without adequate signs the public may experience confusion and create traffic and parking difficulties. Because of the distance to Residential Areas, the level of control required is less than that applying to commercial areas adjacent to residences.*~~

11.1.2 ~~Any use, The construction, removal, demolition, repair, alteration of or addition to buildings and structures together with any excavation or other disturbance of land related to the primary function of the Airport are Permitted Activities provided that they comply with the following conditions:~~

11.1.2.1 Maximum Buildings Heights

Terminal Area

- For buildings related to the primary function of the Airport (which includes aircraft maintenance) within the Terminal Area 25m

~~Car park building~~ ~~20m~~

~~Travellers' accommodation and services~~ ~~12m~~

~~Recreation/commercial~~ ~~12m~~

Outside the Terminal Area

- For buildings related to the primary function of the Airport 12m
- Aircraft maintenance provided that no account shall be had to those of an aircraft maintenance building necessary to accommodate the tail of 767-sized aircraft) 15m

Lighting poles and navigation instruments No maximum

Several maximum building heights are provided for because the purposes which those buildings perform are very diverse. The lowest height limit of 12m applies to those parts of the area where the buildings would be closest are likely to be closer to Residential Areas and is consistent with the maximum height provided for elsewhere in the District Plan for Suburban Centres surrounded by residential properties.

The other maximum heights provide for a degree of flexibility consistent with the functional nature of the buildings. As well as the specific limits of the rules set out above, all building heights are subject to limitation imposed by airport flight controls and safety setbacks in CAA documentation.

11.1.2.2 Height Control Adjoining Residential Areas

11.1.2.2.1 No building within 5 metres of an Outer Residential Area shall be more than 3 metres high.

11.1.2.2.2 No part of any building located closer than 5 metres from a Residential Area shall be higher than 2.5 metres plus the shortest horizontal distance between that part of the building and any Residential Area boundary.

This rule provides for a transition in the height of buildings between the Airport area of the Precinct and the surrounding Outer Residential Areas, and protect residents from the impact of buildings, particularly overshadowing.

11.1.2.3 Height Control Adjoining the Golf Course Recreation Area

11.1.2.3.1 No part of any building in the Terminal Area shall be higher than 12 metres plus the shortest horizontal distance between that part of the building and the Golf Course Recreation Area, except that at a horizontal distance of 8 metres from this joint boundary buildings in the Terminal Area may be up to 25 metres in height.

This condition provides for a transition in the height of buildings between the Airport area of the Precinct and the surrounding Golf Course recreation area. The condition is to protect the Miramar Golf Course from the impact of buildings.

The extent of the Terminal Area is shown in Appendix 4

particularly overshadowing. This provision was agreed between Wellington International Airport Limited and the Miramar Golf Course.

11.1.3 Subdivision, including lease, company lease, cross lease and unit title subdivision, is a Permitted Activity provided that it complies with the following conditions:

- 11.1.3.1 Every allotment must have services in compliance with the City Bylaws or if applicable the Council's Code of Practice for Land Development.
- 11.1.3.2 The allotment must have practical physical and legal access directly to a legal road.
- 11.1.3.3 Every allotment must have drive-on vehicle access and parking constructed in accordance with Council's Code of Practice for Land Development.
- 11.1.3.4 All earthworks needed to complete the subdivision are completed.
- 11.1.3.5 No subdivision may occur within a heritage area or on a site associated with a heritage item unless in the latter case the subdivision involves land that is not occupied by the heritage item and is not specifically identified for preservation in the Plan as important to the setting of the item.
- 11.1.3.6 A Certificate of Compliance must be obtained for the subdivision to allow Council to assess survey plans for approval.

An applicant must supply the following:

- information to allow Council to assess compliance with conditions 11.1.3.1 to 11.1.3.5
- a certificate stating that all existing services have been located so that they are all contained entirely within the boundaries of the site being serviced and are in accordance with Council's Code of Practice for Land Development
- current copies of titles for all affected properties
- accurately drawn A4 plans at a scale of 1:500 or at a larger scale as appropriate
- a certificate stating that the land is not likely to be subject to material damage by erosion, subsidence, slippage or inundation from any source

All certificates, plans and information supplied must be signed by a registered surveyor or other suitably qualified person certifying their accuracy.

Subdivision is a Permitted Activity in the precinct, subject to meeting specified conditions. This will facilitate airport operations and associated activities with other rules of the Plan controlling building and other land use effects.

11.1.4 Any activity relating to the upgrade and maintenance of existing formed roads and accessways, except the construction of new legal road, is a Permitted Activity.

11.1.5 Any sign is a Permitted Activity provided it complies with the following conditions:

11.1.5.1 Signs

11.1.5.1.1 Any sign located on a building:

- that is affixed to the underneath of a verandah must provide at least 2.5 metres clearance directly above the footpath or ground level.
- must be displayed only on plain wall surfaces
- must not obscure windows or architectural features
- must not project above the parapet level, or the highest part of that part of the building to which it is attached (including above the verandah). This part of the standard does not apply to temporary signs.
- any illuminated sign (excluding signs below verandah level) within 50 metres and visible from a Residential Area must not flash
- within any part of the Airport area except the Terminal Area and the West Side, the total maximum area of signage permitted on each elevation is 20m²
- within the West Side, the total maximum area of signage permitted on each elevation of a tenancy is 20m²

11.1.5.1.2 In addition to 11.1.5.1.1, within the Terminal Area:

- any sign in excess of 12 metres in height above ground level must bear only the name and/or logo of the building owner or occupier, or the building on which the sign is located
- any sign in excess of 12 metres in height above ground level must not flash

11.1.5.1.3 For any free-standing sign or sign located on a structure within any part of the Airport area, except the Terminal Area:

- the maximum area is 8m²
- the maximum height is 4m
- any illuminated sign must not flash.
- any sign that is visible from Outer Residential Area zoned land must be located a minimum of 50 metres from that area
- no sign shall front onto State Highway 1, Moa Point Road, or Lyall Parade

The limit on the area, height and number of signs shall not apply to signs for the purpose of directing pedestrian or vehicular traffic, or to provide safety and security information.

11.1.5.1.4 For any free-standing sign or sign located on a structure within any part of the Terminal Area:

- the maximum height is 9m

Signs in the Airport area perform a range of functions. They provide directional and warning information that is required for the safe and effective operation of the airport. Signs are also used to identify buildings and activities, and for advertising purposes.

Conditions are imposed to ensure that the adverse effects of signs are appropriately managed. This includes managing the potentially obtrusive nature of signs, the effects on building design, and risks to traffic and pedestrian safety. This is particularly important for residential areas, and the main entrance routes to the Airport and along the coastline where stricter conditions apply. The Terminal Area, the golf course provides some buffering to adjacent residential areas from airport activities, and on this basis more flexibility to erect signage is provided in this area. Accordingly, no size limit has been placed on signs attached to buildings in the Terminal Area.

11.1.6 Earthworks are Permitted Activities on Rongotai Ridge (Sec 1 SO 31875) provided that they comply with the following conditions:

11.1.6.1 That existing ground level is not to be altered by more than 2.5 metres measured vertically.

11.1.6.2 That total area of ground surface disturbance is less than 250m².

11.1.6.3 That earthworks are not undertaken on slopes of more than 45°.

11.1.6.4 That no contamination, including siltation, of any waterbody or coastal water occurs.

The ridgeline is a prominent landform in the vicinity of the airport. It provides an important visual reference point when approaching the city, waterfront, eastern suburbs and the airport by air or by road. Given its elevation and location, it has high amenity values in terms of views, sun and aspect. The permitted activity conditions seek to ensure that minor earthworks are appropriately managed, and that more significant earthworks requiring a resource consent can be assessed against Policies 10.2.4.2 and 10.2.4.3.

11.2 Controlled Activities

Section 11.2 describes which activities are Controlled Activities in the Airport and Golf Course Recreation Precinct. A resource consent will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified. ~~in rules 11.2.1 and 11.2.2.~~ The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

11.2.1 The use, storage or handling of aviation fuel up to a maximum of 900,000 litres is a Controlled Activity in respect of:

11.2.1.1 siting

11.2.1.2 safety.

Standards and Terms

There are no standards and terms.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 11.2.1.3 Site layout and design to avoid, remedy or mitigate the adverse effects of the activity.
- 11.2.1.4 Risk analysis of potential hazards, failure modes and exposure pathways.
- 11.2.1.5 Site management and emergency planning.
- 11.2.1.6 Necessity for secondary containment of bulk storage vessels.
- 11.2.1.7 Resistance of materials for secondary containment to the substance to be contained.
- 11.2.1.8 Provisions made for the detection of leaks and the prevention of tank overflow.
- 11.2.1.9 Location of and separation distance between the hazardous facility, public spaces and residential activities.
- 11.2.1.10 Location of and separation distance between the hazardous facility and critical facilities and lifelines.
- 11.2.1.11 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 11.2.1.12 Transport of hazardous substances to and from the site.
- 11.2.1.13 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 11.2.1.14 Potential cumulative hazards presented in conjunction with nearby facilities.

- 11.2.1.15 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 11.2.1.16 Arrangement for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 11.2.1.17 Emergency service access, fire safety and fire water management.
- 11.2.1.18 Site drainage and utility infrastructure.
- 11.2.1.19 Site security arrangements.
- 11.2.1.20 Additional measures are required to mitigate the potential effect of a natural hazard event.
- [11.2.1.21 Whether appropriate contingency measures and emergency plans are in place.]^{PC35}
- [11.2.1.22 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]^{DPC35}

11.2.2 Any activity listed in Section 3.5.2.2 is a Controlled Activity in respect of:

11.2.2.1 use, storage or handling of hazardous substances.

Standards and Terms

There are no standards and terms

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 11.2.2.2 Site layout and design to avoid, remedy or mitigate any adverse effects of the activity.
- 11.2.2.3 Site management and emergency planning.
- 11.2.2.4 Necessity for secondary containment of bulk storage vessels.
- 11.2.2.5 Location of and separation distance between the hazardous facility and residential activities.
- 11.2.2.6 Location of and separation distance between the hazardous facility and critical facilities and lifelines.
- 11.2.2.7 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 11.2.2.8 Transport of hazardous substances to and from the site.
- 11.2.2.9 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 11.2.2.10 Potential cumulative hazards presented in conjunction with nearby facilities.

- 11.2.2.11 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 11.2.2.12 Arrangement for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 11.2.2.13 Fire safety and fire water management.
- 11.2.2.14 Site drainage and utility infrastructure.
- 11.2.2.15 Identification and mitigation of exposure pathways .
- 11.2.2.16 Additional measures are required to mitigate the potential effect of a natural hazard event.
- [11.2.2.17 Whether appropriate contingency measures and emergency plans are in place.]^{PC35}
- [11.2.2.18 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]^{DPC35}

<u>11.2.3</u>	<u>In the Terminal Area:</u>	<u><i>The extent of the Terminal Area is shown in Appendix 4</i></u>
	<ul style="list-style-type: none"> • <u>any non-airport activity, or</u> • <u>the construction, alteration of, or addition to buildings and structures relating to a non-airport activity;</u> 	
	<u>is a Controlled Activity in respect of:</u>	
<u>11.2.3.1</u>	<u>the design, external appearance and siting of buildings and structures</u>	
<u>11.2.3.2</u>	<u>traffic generation, vehicle parking, site access and servicing</u>	
<u>11.2.3.3</u>	<u>ongoing connectivity and accessibility through the Terminal Area from Calabar Road to Moa Point Road</u>	
<u>11.2.3.4</u>	<u>landscaping</u>	

Non-notification/ service

In respect of rule 11.2.3 applications do not need to be publicly notified and do not need to be served on affected persons.

Standards and Terms

All activities must meet the conditions specified under rules 11.1.1, and 11.1.2. **except 11.1.1.4 which does not apply.**

The maximum height for buildings shall not exceed 12 metres.

A traffic report must be supplied, which addresses:

- details of the parking to be provided on the site and its use (whether it is intended for staff or customers)
- site access

- provision for servicing
- internal traffic circulation, to the extent that it is relevant to the movement of vehicular traffic to and from the site
- what effect the extra traffic will have on local streets and the surrounding road network

Safety of airport operations:

All applications must be accompanied by certification from WIAL that the proposal will not adversely impact the safety of airport operations.

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

11.2.3.6 Design, External Appearance and Siting

11.2.3.6.1 The extent to which the proposal is consistent with the relevant objectives and policies of the Airport and Golf Course Recreation Precinct.

11.2.3.7 Vehicle Parking, Servicing and Site Access

11.2.3.7.1 Whether the proposed development will cause congestion or affect the safe or efficient movement of traffic on streets in the local or surrounding road network.

11.2.3.7.2 Whether appropriate levels of loading, servicing and parking are provided, and ongoing connectivity through the Terminal Area is maintained.

11.2.3.7.3 Whether the proposed activity provides high standard facilities for public transport, cycling, pedestrian and vehicular movements or has easy access to those facilities or promotes the use of transport modes other than private vehicles.

11.2.3.8 Landscape Design

11.2.3.8.1 The extent to which the proposal complements the surrounding natural landform and mitigates any adverse visual effects of the development.

Airport operations remain the primary function of the Airport area. However in the Terminal Area, where development concentrates around the terminal buildings, a mix of airport and non-airport activities is likely to develop.

The effects of development within the Terminal Area are relatively buffered because of the setback from adjacent residential and open space areas. However, managing building design, landscaping and transport impacts are important matters for achieving quality development within this area. Therefore, standards and conditions are imposed on these matters for non-airport developments.

- 11.2.54** Any earthworks activity that includes the erection of buildings or structures that disturb, or alters the ground of a contaminated site within the Airport Area in the locations identified in Appendix 5 is a Controlled Activity in respect of:
- 11.2.54.1** the objectives and protocols for any investigations to determine the nature and extent of contamination
- 11.2.54.2** the nature and extent of the contamination
- 11.2.54.3** risk of contaminant exposure on public health, safety and the environment.
- 11.2.54.4** the approach to decontamination, remediation or management of the contaminated site and the mitigation measures, including monitoring, adopted to avoid adverse effects on public health, safety and the environment.

Rule 11.2.4 deals with issues of site contamination. Any activity considered under this rule will also be subject under Rules 11.2.3, 11.3.1 to 11.3.5, and 11.4.2 as appropriate.

Non-notification/ service

In respect of rule 11.2.54 applications do not need to be publicly notified and do not need to be served on affected persons.

To avoid risks to the public and the environment, any disturbance of a contaminated site will require appropriate remediation. The memorandum of understanding between the Wellington City Council and Wellington International Airport will ensure that constructive dialogue takes place and significant issues are resolved before applications for resource consent are submitted.

11.3 Discretionary Activities (Restricted)

Section 11.3 describes which activities are Discretionary Activities (Restricted) in the Airport area. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rule 11.3.1. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

11.3.1 ~~Activities and buildings that do not meet the conditions for Permitted Activities or are not a Controlled Activity in the Airport Area are Discretionary Activity (Restricted) in respect of Any activity related to the primary function of the Airport, that is not a Permitted or Controlled Activity, is a Discretionary Activity (Restricted) in respect of:~~

11.3.1.1 screening of activities and storage

11.3.1.2 dust

11.3.1.3 vehicle parking and access

11.3.1.4 lighting

11.3.1.5 use, storage, handling or disposal of hazardous substances

11.3.1.6 landscape design

~~**11.3.1.7 sign**~~

~~**11.3.1.8 maximum building heights**~~

~~**11.3.1.9 Height control adjoining Residential Areas**~~

~~**11.3.1.10 noise, except for 11.1.1.1, 11.1.1.2, 11.1.1.2A and 11.1.1.6.**~~

~~**7**~~

Non-notification

~~The written approval of affected persons will not be necessary in respect of items 11.3.1.3, 11.3.1.6 and 11.3.1.7. [Notice of applications need not be served on affected persons]² and applications need not be notified. In respect of rule 11.3.1 applications do not need to be publicly notified and do not need to be served on affected persons in respect of items 11.3.1.3 (vehicle parking and access) and 11.3.1.6 (landscape design).~~

Standards and Terms

~~Except for the matters specified in rule 11.3.1 this activity must comply with all the conditions specified for activities in rules 11.1.1. and 11.1.2.~~

~~The conditions in rules 11.1.1 and 11.1.2 may be waived totally, except that:~~

²~~District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)~~

- rule 11.1.1.1.7 noise emission levels shall not be exceeded by more than 5 decibels
- rule 11.1.1.6, maximum lighting levels, must not be exceeded by more than 20 percent
- ~~rule 11.1.1.9, conditions relating to any sign dimension, must not be exceeded by more than 50 percent~~
- ~~rule 11.2.1.1, maximum building heights, must not be exceeded by more than 50 percent~~
- ~~rule 11.1.2.2, height control adjoining Residential Areas must not be exceeded by more than 20 percent~~

For hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **greater than 0.1** or does not meet the conditions in rules 11.1.1.7, unless the site is located in a Hazard Area.

For hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **less than or equal to 0.5** but does not meet the conditions in rules 11.1.1.7.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

11.3.1.11 Screening of Activities and Storage

Whether changes in topography or other measures would provide appropriate screening.

The diversity and size of the Airport area is such that there will be instances where variations from the permitted standards can be considered.

11.3.1.12 Dust

The extent to which existing amenities are protected. Council will seek to ensure that dust nuisances are avoided, remedied or mitigated as far as is practical.

There may be instances where it is impractical to prevent dust nuisance because of Wellington's variable weather and winds. Such proposals will be carefully considered to ensure that any dust nuisance is of a minor nature.

11.3.1.13 Vehicle Parking and Site Access

11.3.1.13.1 Whether the required parking will exceed the needs of the proposed activities on the site.

11.3.1.13.2 Whether adequate public transport is available or whether other means can be adopted to encourage public transport to the site.

11.3.1.13.3 The extent to which alternative parking can be provided in association with other uses or activities in the vicinity.

11.3.1.13.4 The extent to which the standards for parking and site access can be varied without jeopardising public safety or efficient traffic operations on the street.

The parking provisions have been devised to assist efficient, convenient and safe access in the Airport area. It is nevertheless recognised that the demands of particular developments may justify variations from the prescribed conditions or standards.

11.3.1.14 Lighting

11.3.1.14.1 Applications to provide more intensive lighting near Residential Areas must have regard to the present and future development in the Residential Area, the degree to which topography or other site features may avoid, remedy or mitigate the effects of lighting and the extent to which planting, screening or the orientation of the light source, will mitigate lighting effects.

11.3.1.14.2 The consideration of applications to provide less intensive lighting on site areas open to public use will take into account the nature of the activities on the site, the extent of public use and what other measures are being taken to keep the public safe.

The nature of landforms and the types of development surrounding the Airport area are so different that there will be instances where the extra lighting can be added without affecting the amenities of Residential Areas. Applications to exceed the permitted levels will therefore be considered. Similarly, within the Airport area itself, development is so diverse that there will be circumstances where the lighting of publicly used areas may not need to comply with the specified standards.

11.3.1.15 Hazardous Substances

See Exemptions to the Hazardous Facilities Screening Procedure contained in section 3.5.2

11.3.1.15.1 Site design and management to avoid, remedy or mitigate any adverse effects of the activity.

11.3.1.15.2 The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:

- any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented
- the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented
- the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.

11.3.1.15.3 Location of the facility in relation to the nearest waterbody or the coastal marine area.

11.3.1.15.4 Location of hazardous facility in relation to residential activities.

11.3.1.15.5 Location of hazardous facility in relation to critical facilities and lifelines.

- 11.3.1.15.6 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.
- 11.3.1.15.7 Existing and proposed (if any currently under consideration by Council) neighbouring uses.
- 11.3.1.15.8 Potential cumulative hazards presented in conjunction with nearby facilities.
- 11.3.1.15.9 Transport of hazardous substances to and from the site.
- 11.3.1.15.10 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.
- 11.3.1.15.11 Whether the site has adequate signage to indicate the presence of hazardous substances.
- 11.3.1.15.12 Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.
- 11.3.1.15.13 Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operability's Studies), to identify the potential hazards, failure modes and exposure pathways.
- 11.3.1.15.14 Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.
- 11.3.1.15.15 Type and nature of the existing facility.
- [11.3.1.15.16 Whether appropriate contingency measures and emergency plans are in place.]¹
- [11.3.1.15.17 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]²

To reduce the potential adverse effects, Council will require the production of a Site Management Plan or Environmental Management System when a resource consent application is made, this will be before hazardous substances are brought onto the hazardous facility. In addition, Council will require the design of the site to include measures which will prevent the accidental releases of any hazardous substances into the environment. Through this process, Council seeks to protect the surrounding environment from any adverse effects of the hazardous facility.

11.3.1.16 Landscape Design

The extent to which existing amenities are protected and existing trees preserved.

11.3.1.17 Noise

- 11.3.1.17.1 The degree to which noise emissions can be reduced through mitigation or management measures, changes in the location, or methods of operation of the activity.

11.3.1.17.2 Whether the proposal will have any adverse effects on the health and safety of people.

11.3.1.17.3 The effects of the type, intensity and duration of the noise emitted from any activity.

It is appropriate for noise sensitive activities locating within the Airport area to be protected from intrusive noise effects.

11.3.2 The construction or alteration of, and addition to buildings or structures related to the primary function of the Airport, that is not a Permitted or Controlled Activity, is a Discretionary Activity (Restricted) in respect of:

11.3.2.1 maximum heights

11.3.2.2 height control adjoining Residential Areas

11.3.2.3 height control adjoining the Golf Course recreation area

11.3.2.4 vehicle parking and access

In respect of rule 11.3.2, applications do not need to be publicly notified and do not need to be served on affected persons in respect of item 11.3.2.4 (vehicle parking and access).

Standards and Terms

- rule 11.1.2.1, maximum height of buildings related to the primary function of the Airport within the Terminal Area must not exceed 30 metres, and buildings outside the Terminal Area, must not exceed 25 18 metres.
- rule 11.1.2.2, height control adjoining Residential Areas must not be exceeded by more than 20 percent.
- rule 11.1.2.3, height control adjoining Golf Course recreation area must not be exceeded by more than 20 percent.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

11.3.2.6 Vehicle Parking and Site Access

11.3.2.6.1 Whether the proposed activities on the site will not generate a demand for parking to the extent required in the conditions.

11.3.2.6.2 Whether adequate public transport is available or whether other means can be adopted to encourage public transport to the site.

11.3.2.6.3 The extent to which alternative parking can be provided in association with other uses or activities in the vicinity.

11.3.2.6.4 The extent to which the standards for parking and site access can be varied without jeopardising public safety or efficient traffic operations on the street.

The parking provisions have been devised to assist efficient, convenient and safe access in the Airport area. It is nevertheless recognised that the demands of particular developments may justify variations from the prescribed conditions or standards.

11.3.2.7 Maximum Heights

11.3.2.7.1 Whether additional height would have a material effect upon sunlight access to residential buildings in Residential Areas or public space.

The permitted building height for the Airport area provides reasonably for most development, but in some cases additional height may be necessary or desirable. Taller buildings will not generally be favoured towards the boundaries with Residential Areas or Open Spaces. Council seeks to protect any adjacent Residential or Open Space Area from the effects of additional height.

11.3.2.8 Height Control Adjoining Residential Areas and the Golf Course Recreation Area

11.3.2.8.1 Whether the topography of the site or surrounding land or the nature of the proposed building development is such that the amenities of adjacent Residential Areas and the Golf Course recreation area will be protected.

The diversity of possible building forms on sites is such that in some cases developments may occur which do not comply fully with the standards for Permitted Activities.

11.3.3 Any non-airport activity, or the construction or alteration of, or addition to any non-airport building or structure, that is not a Controlled Activity, is a Discretionary Activity (Restricted) in respect of:

11.3.3.1 design, external appearance and siting of buildings and structures

11.3.3.2 traffic generation, vehicle parking, site access and servicing

11.3.3.3 landscaping

11.3.3.4 within the Rongotai Ridge area (Sec 1 SO 31875), the effects of any earthworks and development on the form and character of the ridge

11.3.3.5 the effect of any retail activity on the vitality and viability of surrounding Town Centres (particularly Kilbirnie and Miramar) and the Central Area Kilbirnie and Miramar Town Centres

Non-notification

In respect of rule 11.3.3 applications do not need to be publicly notified and do not need to be served on affected persons in respect of items 11.3.3.1, 11.3.3.2, 11.3.3.3 and 11.3.3.4, and 11.3.3.5

Standards and Terms

The maximum height of buildings shall not exceed 12 metres.

All conditions specified for Rule 11.1.1. ~~except 11.1.1.4 (which does not apply)~~ and conditions 11.1.2.2 and 11.1.2.3 must be met.

A traffic report must be supplied, which addresses:

- details of the parking to be provided on the site and its use (whether it is intended for staff or customers)
- site access
- provision for servicing
- internal traffic circulation, to the extent that it is relevant to the movement of vehicular traffic to and from the site
- the effect extra traffic will have on local streets and the surrounding road network
- transportation impact assessments

An application for resource consent for a retail activity must supply a Centre Impact Report which addresses:

- *the extent to which the retail activity impacts on the overall vitality and viability of the Kilbirnie and Miramar town centres. Any application for resource consent that contains a retail tenancy in excess of 2500m² gross floor area, or a combined total gross floor area of all retail tenancies in excess of 4000m² must address the extent to which the retail activity impacts on the overall vitality and viability of other nearby town centres including the CBD and Central Area.*
- the extent to which the activity promotes the efficient use of resources and a compact urban form
- the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces
- how the activity promotes accessibility, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities.

All applications must be accompanied by certification from WIAL confirming the proposal will not adversely impact the safety of airport operations.

Non-airport activities will be managed in a way that is both consistent with airport activities and to a standard that does not adversely impact on adjacent areas within and around the Airport area. The objectives and policies provide guidance on how Council will assess resource consent applications triggered by this rule.

11.3.4 Signs that do not meet one or more of the conditions specified in Rule 11.1.5 are a Discretionary Activity (Restricted) in respect of:

11.3.4.1 position

11.3.4.2 dimensions

11.3.4.3 flashing lights

11.3.4.4 The sign display for signs on buildings extending 12m above ground level

11.3.4.5 traffic and pedestrian safety

Non-notification

In respect of rule 11.3.4 applications do not need to be publicly notified and do not need to be served on affected persons.

Standards and Terms

Rule 11.1.5, the maximum height of any free standing sign must not exceed 9m.

All applications must be accompanied by certification from WIAL confirming the proposal will not adversely impact the safety of airport operations.

11.3.5 Earthworks on Rongotai Ridge (Sec 1 SO 31875) that do not comply with the conditions for Permitted Activities are a Discretionary Activity (Restricted) in respect of:

11.3.5.1 Visual appearance

11.3.5.2 Geomorphological impacts

11.3.5.3 Dust and sediment control

11.3.5.4 Traffic impacts caused by transporting earth and construction fill material

Non-notification

In respect of rule 11.3.5 applications do not need to be publicly notified and do not need to be served on affected persons.

11.4 Discretionary Activities (Unrestricted)

Section 11.4 describes which activities are Discretionary Activities (Unrestricted) in the Airport area of the Airport and Golf Course Recreation Precinct. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

11.4.1 Any subdivision that is not a Permitted Activity is a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 11.4.1.1 The requirements of section 106 of the Act.
- 11.4.1.2 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Precinct rules.
- 11.4.1.3 The extent of compliance with the relevant parts of the Council's Code of Practice for Land Development.

Subdivisions in the Airport area that are not a Permitted Activity will be assessed as Discretionary Activities. This will enable the full effects of a subdivision to be considered with public involvement where appropriate. The resource consent process will be used to determine the extent of land considered suitable for subdivision and the most appropriate design having regard to the intended future use.

11.4.2 The construction or addition of, or alteration to a building or structure, and any activity that is not a Permitted, Controlled or a Discretionary (Restricted) Activity is a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but not be limited to, the following criteria:

- 11.4.2.1 Whether the future use or development of the Airport area for its primary function, as defined in 3.10, will be significantly diminished.
- 11.4.2.2 Whether the safe and effective operation of the airport can be maintained.
- 11.4.2.3 The extent to which the existing amenities of adjacent or nearby Residential areas, the Golf Course recreation area, public space and Open Space areas will be lessened.

11.4.2.4 Whether vehicular traffic generated by any activity can be accommodated without a loss of amenity, safety or without causing congestion.

11.4.2.5 Whether the design of buildings is in keeping with the scale of the development in the immediate area and accords with good urban design principles.

11.4.2.6 A centre impact report involving an assessment of whether any retail activity impacts on the overall vitality and viability of nearby town centres including the CBD and central area.

11.4.2.7 the extent to which the activity promotes the efficient use of resources and a compact urban form

11.4.2.8 the extent to which the activity affects existing public investment and minimises the need for additional public investment in infrastructure and public spaces

11.4.2.9 how the activity promotes accessibility, enables sustainable transport choices (including public transport), and minimises trip generation through the co-location of similar activities

Activities that do not meet relevant standards and terms have been included as Discretionary Activities (Unrestricted). This enables the full effects of a proposal to be evaluated.

Note, refer to 11.8 for the Non-Complying rule applying to the Chapter 11A.

CHAPTER 11B. GOLF COURSE RECREATION PRECINCT RULES

Guide to Rules

NOTE: The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements.

P refers to Permitted Activities, C to Controlled Activities, DR to Discretionary Activities (Restricted) and DU to Discretionary Activities (Unrestricted).

Uses/Activities	Rule	P	C	DR	DU
Activities related to the function of the Golf Course recreation area subject to conditions	11.5.1	●			
Activities not complying with conditions for Permitted Activities	11.6.1			●	
Upgrade and maintenance of existing formed roads and accessways	11.5.3	●			
Buildings	Rule	P	C	DR	DU
Any use, construction, removal, demolition, repair, alteration of or addition to buildings and structures subject to conditions	11.5.2	●			
Buildings not complying with conditions for Permitted Activities	11.6.1			●	
Subdivision	Rule	P	C	DR	DU
Subdivision	11.7.1				●
Heritage	Rule	P	C	DR	DU
Activities affecting listed heritage items	21.0	●	●		●
Utilities	Rule	P	C	DR	DU
Utilities	23.0	●	●	●	●

Schedule of Appendices

Number	Appendix
1	Noise
2	Vehicle Parking Standards
3	Site Access for Vehicles

11B GOLF COURSE RECREATION AREA RULES

11.5 Permitted Activities

The following activities are permitted in the Golf Course recreation area (as shown on District Plan Maps), provided that they comply with any specified conditions and payment of any financial contribution (refer to Rule 3.4).

11.5.1 Activities related to the function of the Golf Course recreation area and activities and services ancillary to this function, are Permitted Activities provided that they comply with following conditions:

11.5.1.1 Noise

11.5.1.1.1 Noise emission levels when measured at or within the boundary of any site, other than the site from which the noise is generated, shall not exceed the following:

Monday to Saturday 7am to 10pm	45 dBA L10
At all other times	40 dBA L10
All days 10pm to 7am	65 dBA Lmax

11.5.1.1.2 Any activity occurring within the Golf Course recreation area when measured from any land or premises outside the precinct shall comply with the noise limits stated in Appendix 1.

11.5.1.2 Dust

Activities must not create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids in the air across a site boundary; or
- there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.

11.5.1.3 Vehicle parking

11.5.1.3.1 Parking spaces must be provided at the following rates:

<i>Activity</i>	<i>Minimum Parking Requirement</i>
<i>Recreation</i>	
Golf Course	6 : per hole
Other	1 : 4 people that facility is designed to accommodate

11.5.1.3.2 All parking shall be provided and maintained in accordance with the standards set out in Appendix 2.

11.5.1.4. Site Access for Vehicles

11.5.1.4.1 Site access for vehicles must be provided and maintained in accordance with the standards set out in Appendix 3.

11.5.1.4.2 There shall be a maximum of one vehicle access to any site except that sites with more than one frontage may have one access across each frontage.

11.5.1.4.3 The width of any vehicle crossing to a site shall not exceed 6 metres.

11.5.1.4.4 No vehicular access, as shown in Appendix 3.1, shall be situated closer to an intersection than the following:

Arterial and principal streets	20m
Collector streets	15m
Other streets	10m

11.5.1.4.5 All access to sites must be designed to permit a free flow of traffic so that vehicles do not queue on the street.

11.5.1.5 Lighting

11.5.1.5.1 Any activity which requires the lighting of outdoor areas must ensure that direct or indirect illumination does not exceed 8 lux at the windows of residential buildings in any nearby Residential Area.

11.5.1.5.2 Subject to rule 11.5.1.5.1 any development which includes pedestrian routes and carparks available for public use during hours of darkness must be lit at a minimum of 10 lux, measured in accordance with NZS CP22:1962 and amendments.

In all cases the Council will seek to ensure that the adverse effects of glare from lighting sources are avoided, remedied or mitigated.

11.5.1.6 Use, Storage or Handling of Hazardous Substances

See Exemptions to the Hazardous Facilities Screening Procedure in section 3.5.2

11.5.1.6.1 For those activities which are not specifically exempted (see Section 3.5.2.2) the cumulative Effect Ratio calculated using the HFSP will be used to determine whether or not those other activities should be Permitted Activities according to the table above.

Location	Hazard Area	Not Hazard Area	Either Area
Effect Ratio	$0.002 < ER^1 \leq 0.05$	$0.002 < ER^2 \leq 0.1$	≤ 0.002
Conditions applying	11.5.1.6.2 to 11.5.1.6.11	11.5.1.6.2 to 11.5.1.6.11	11.5.1.6.8, 11.5.1.6.10 and 11.6.1.6.11 only

Activities that do not meet the above Effect Ratio criteria or do not otherwise comply with the applicable conditions will be Discretionary (Restricted) Activities.

11.5.1.6.2 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area where hazardous substances are used, stored or handled in any manner on-site shall have secondary containment (via bunding or otherwise) using materials that are resistant to the hazardous substances handled on-site. [Secondary containment systems also need to comply with any relevant provisions under the Hazardous Substances and New Organisms Act 1996.]³

[11.5.1.6.2A Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any secondary containment system shall be maintained to ensure that it will perform the functions for which it was designed and contain any spill or accidental release.]⁴

11.5.1.6.3 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), any area(s) where hazardous substances are loaded, unloaded, packaged, mixed, manufactured or otherwise handled shall have a spill containment system [that is compliant with relevant provisions under the Hazardous Substances and New Organisms Act 1996.]⁵

11.5.1.6.4 Except for the storage, use or handling of Liquid Petroleum Gas (LPG), secondary containment systems shall be designed to contain any spill or accidental release of hazardous substance, and any storm water and/or fire water that has become contaminated, and prevent any contaminant from entering the sewerage or stormwater drainage system unless expressly permitted under a resource consent or trade waste permit.

11.5.1.6.5 All stormwater grates, collection structures and inspection chamber covers on the site shall be clearly marked as such.

11.5.1.6.6 Any area where vehicles, equipment or containers that are or may have been contaminated with hazardous substances are washed down shall be designed, constructed and managed to prevent the effluent from the washdown area from discharge into or onto land, entry or discharge into the sewerage or stormwater drainage system unless expressly permitted by a rule in a regional plan, trade waste permit or resource consent.

11.5.1.6.7 Underground tanks for the storage of petroleum products shall be designed, constructed, installed, maintained, operated, managed and at the end of their life removed to prevent leakage and spills. Compliance with the Code of Practice for the “Design, Installation and Operation of Underground Petroleum Storage Systems” (1992) is a minimum.

Signage

- 11.5.1.6.8 All facilities must display signage to indicate the nature of the hazardous substances present (meeting the requirements of the Building Code (F8), or meeting the requirements of the Code of Practice “Warning Signs for Premises Storing Hazardous Substances” of the New Zealand Chemical Industry Council (October 1988) as a means of complying).

Waste Management

- 11.5.1.6.9 Any process waste or waste containing hazardous substances shall be stored in a manner which complies with 11.5.1.6.1 to 11.5.1.6.8 above.
- 11.5.1.6.10 Any hazardous facility generating wastes containing hazardous substances shall dispose of these wastes to facilities which or waste disposal contractors who meet all the requirements of regional and district rules for discharges to the environment.

The disposal of hazardous substances will be controlled through the Council Waste Management Strategy and through obtaining the appropriate discharge consents from the Regional Council or Trade Waste permits.

Other

- 11.5.1.6.11 Council must be informed of the activity’s location, the nature of the activity and when the activity commences and ceases.

[In addition to the provisions of the Plan, all activities which involve the use, storage, handling or transportation of hazardous substances are regulated for on-site and off-site effects by a range of other legislation and regulations, and associated standards and codes of practice which should be complied with. Key pieces of legislation include:

- *the Hazardous Substance and New Organisms Act 1996*
- *legislation, rules and standards relating to the transportation of hazardous substances (Land Transport Act 1993, Land Transport Rule: Dangerous Goods 1999 and New Zealand Standard 5433:1999)*
- *Building Act 1991*
- *Health Act 1956*
- *Fire Service Act 1975*
- *Health and Safety in Employment Act 1992*
- *Radiation Protection Act 1965*
- *Agricultural Compounds and Veterinary Medicines Act 1997*^{DPC35}

11.5.1.7 Landscaping

Fencing and planting on common boundaries with residential properties must maximise screening where possible.

11.5.1.8 Signs

- 11.5.1.8.1 For signs on buildings:

- the maximum size of any one sign is 10m²
- no more than one sign may be displayed on a building
- signs must denote only the name, character or purpose of any permitted activity on the site
- illuminated signs must not flash.

- 11.5.1.8.2 Subject to rule 11.5.2.2, for free-standing signs not attached to any building:

- the maximum size is 5m²
- the maximum height is 4m

- only two signs shall be permitted on any site frontage
- signs must denote only the name, character or purpose of any permitted activity on site
- illuminated signs must not flash.

The function of the Golf Course recreation area is to allow people to enjoy this recreational activity. Activities associated with this function include the operations of the golf course itself, and all associated activities (such as clubhouse buildings, storage facilities, catering and entertainment facilities, Pro-shop, accommodation and vehicle parking).

A rule about generating dust is included to avoid, remedy or mitigate problems from this source.

The lighting rules are designed to ensure that areas available for public use are adequately lit to ensure people's safety, and that where sites on the edge of the Golf Course recreation area are lit, that the amenities of nearby residents are reasonably protected.

The standards to site access are designed to promote safety.

The hazards rule relates only to the elements of the activity that involve hazardous substances. A threshold has been set to ensure that the use, storage or disposal of significant amounts of hazardous substances are managed to protect the human and natural environment. The threshold that has been set reflects the level of activity expected in the area. Regulations under other Acts still apply.

The rules recognise that the relatively harsh climate and poor soil of the Golf Course recreation area imposes practical limits on what can be achieved in terms of landscape design.

The rules relating to signs are generally consistent with those for signs in Suburban Centre Areas.

11.5.2 Any use, construction, removal, demolition, repair, alteration of or addition to buildings and structures together with any excavation or other disturbance of land are Permitted Activities, provided that they comply with the following conditions:

11.5.2.1 Maximum building height

The maximum building height is 12m, except for lighting poles which may be up to 20m high.

This height limit is consistent with the maximum height provided for elsewhere in the District Plan in suburban commercial centres surrounded by residences.

11.5.2.2 Height Control Adjoining Residential Areas

11.5.2.2.1 No building within 5 metres of a Residential Area shall be more than 3 metres high.

11.5.2.2.2 No part of any building located closer than 5 metres from a Residential Area shall be higher than 2.5 metres plus the shortest horizontal distance between that part of the building and any residential boundary.

This rule provides for a transition in the height of buildings on the Golf Course and surrounding Residential Areas, and protects residents from overshadowing.

11.5.3 Any activity relating to the upgrade and maintenance of existing formed roads and accessways, except the construction of new legal road, is a Permitted Activity.

11.6 Discretionary Activities (Restricted)

Section 11.6 describes which activities are Discretionary Activities (Restricted) in the Golf Course recreation area. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rule 11.6.1. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

11.6.1 Activities and buildings that do not meet the conditions for Permitted Activities in the Golf Course recreation area are Discretionary Activities (Restricted) in respect of:

11.6.1.1 noise

11.6.1.2 dust

11.6.1.3 vehicle parking and access

11.6.1.4 lighting

11.6.1.5 use, storage, handling or disposal of hazardous substances

11.6.1.6 landscaping

11.6.1.7 signs

11.6.1.8 maximum building heights

11.6.1.9 height control adjoining Residential Areas.

Non-notification

The written approval of affected persons will not be necessary in respect of items 11.6.1.3, 11.6.1.5 and 11.6.1.7. [Notice of applications need not be served on affected persons]¹ and applications need not be notified.

Standards and Terms

Except for the matters specified in rule 11.6.1 this activity must comply with all the conditions specified for activities in rules 11.5.1 and 11.5.2.

The conditions in rule 11.5.1 and 11.5.2 may be waived totally, except that:

- rule 11.5.1.5, maximum lighting levels, must not be exceeded by more than 20 percent
- rule 11.5.1.8, conditions relating to any sign dimension, must not be exceeded by more than 50 percent

¹District Plan Change No.28 – Non-notification Statements (Operative 6 July 2006)

- noise emission levels under Rule 11.5.1.1, shall not be exceeded by more than 5 decibels
- rule 11.5.2.1, maximum building heights, must not be exceeded by more than 50 percent
- rule 11.5.2.2, height control adjoining Residential Areas, must not be exceeded by more than 20 percent.

For hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **less than or equal to 1** but does not meet the conditions in rules 11.5.1.6 unless the site is located in a Hazard Area.

For hazardous substances, where the hazardous facility is located in a Hazard Area, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is **less than or equal to 0.5** but does not meet the conditions in rules 11.5.1.6.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose Council will have regard to the following criteria:

11.6.1.10 Noise

The extent to which noise emissions will be intrusive. Council will seek to ensure that the best practicable option is used to mitigate noise and that adverse effects are minor.

11.6.1.11 Dust

Council seeks to ensure that existing amenities are protected and generally requires that dust nuisances are mitigated as far as practical.

There may be instances where it is impractical to prevent dust nuisance, because of Wellington's variable weather and winds. Such proposals are carefully considered to ensure that any dust nuisance is minor.

11.6.1.12 Vehicle Parking and Access

11.6.1.12.1 Whether the proposed activities on the site will generate a demand for the required parking.

11.6.1.12.2 The extent to which parking might be shared with other uses or activities in the vicinity.

11.6.1.12.3 The extent to which the standards for parking and access can be varied without jeopardising public safety or efficient traffic operations on the street.

The parking provisions have been established to assist efficient, convenient and safe access in the Golf Course recreation area. It is nevertheless recognised that the variability and demands of particular developments may justify variations from the prescribed conditions or standards.

11.6.1.13 Lighting

11.6.1.13.1 Applications to provide more intensive lighting near Residential Areas will be considered with regard to present and future development in the Residential Area, the degree to which topography or other site features

may avoid, remedy or mitigate the effects of lighting, and the extent to which planting, screening or the orientation of the light source will mitigate lighting effects.

11.6.1.13.2 The consideration of applications to provide less intensive lighting on site areas open to public use will take into account the nature of the activities on the site, the extent of public use and whether other measures will be taken to keep the public safe.

The nature of landforms and the types of development on the edge of the Airport and Golf Course recreation area are so different that there will be instances where extra lighting can be added without affecting the amenities of Residential Areas. For this reason, applications to exceed the permitted levels will therefore be considered.

11.6.1.14 Hazardous Substances

11.6.1.14.1 Site design and management to avoid, remedy or mitigate any adverse effects of the activity.

11.6.1.14.2 The adequacy of the design, construction and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled such that:

- any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented
- the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented
- the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.

11.6.1.14.3 Location of the facility in relation to the nearest waterbody or the coastal marine area.

11.6.1.14.4 Location of hazardous facility in relation to residential activities.

11.6.1.14.5 Location of hazardous facility in relation to critical facilities and lifelines.

11.6.1.14.6 Access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density.

11.6.1.14.7 Existing and proposed (if any currently under consideration by Council) neighbouring uses.

11.6.1.14.8 Potential cumulative hazards presented in conjunction with nearby facilities.

11.6.1.14.9 Transport of hazardous substances to and from the site.

11.6.1.14.10 Potential for contamination of the surroundings of the site and sensitivity of the surrounding environment.

11.6.1.14.11 Whether the site has adequate signage to indicate the presence of hazardous substances.

11.6.1.14.12 Whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated.

11.6.1.14.13 Whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways.

11.6.1.14.14 Where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event.

11.6.1.14.15 Type and nature of the existing facility.

[11.6.1.14.16 Whether appropriate contingency measures and emergency plans are in place.]^{PC35}

[11.6.1.14.17 Whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.]^{PC35}

To reduce the potential adverse effects, Council will require the production of a Site Management Plan or Environmental Management System when a resource consent application is made, this will be before hazardous substances are brought onto the hazardous facility. In addition, Council will require the design of the site to include the measures which will prevent the accidental releases of any hazardous substances into the environment. Through this process, Council seeks to protect the surrounding environment from any adverse effects of the hazardous facility.

11.6.1.15 Landscape Design

The extent to which existing amenities are protected and existing trees preserved.

11.6.1.16 Signs

11.6.1.16.1 Whether any signs are obtrusively visible from any residential or public space.

11.6.1.16.2 Whether the area of the sign is in scale with associated activities or building development and is compatible with the visual character of the area in which it is situated.

11.6.1.16.3 Whether signs detract from the architecture of the building to which they are attached.

11.6.1.16.4 Whether additional signs will result in clutter.

11.6.1.16.5 Whether free-standing signs form part of a landscape plan for an area or are designed to screen unsightly sites, activities or buildings.

Because of the diversity of sign types and the situations in which they are erected, variations from the rules may be justified in certain cases. In all instances, however, Council seeks to ensure that visual amenities are maintained.

11.6.1.17 Maximum Building Height

Whether additional height will have a material effect upon sunlight access to residential buildings in Residential Areas or public space.

The permitted building height for the Golf Course recreation area provides reasonably for most development, but in some cases additional height may be

necessary or desirable. Taller buildings will not generally be favoured towards the boundaries with Residential Areas or public spaces. Council seeks to protect any adjacent Residential or Open Space area from the effects of additional height.

11.6.1.18 Height Control Adjoining Residential Areas

Whether the topography of the site or surrounding land or the nature of the proposed building development is such that the amenities of adjacent Residential Areas will be protected.

The diversity of possible building forms on sites is such that there will be instances where developments may occur which do not comply fully with the standards for Permitted Activities.

11.7 Discretionary Activities (Unrestricted)

Section 11.7 describes which activities are Discretionary Activities (Unrestricted) in the Golf Course area of the Airport and Golf Course Recreation Precinct. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

11.7.1 Any subdivision is a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 11.7.1.1 The requirements of section 106 of the Act.
- 11.7.1.2 Whether proposed allotments are capable of accommodating Permitted Activities in compliance with the Precinct Area rules.
- 11.7.1.3 The extent of compliance with the relevant parts of the Council's Code of Practice for Land Development.

Subdivisions in the Golf Course area will be assessed as Discretionary Activities. This will enable the full effects of a subdivision to be considered with public involvement where appropriate. The resource consent process will be used to determine the extent of land considered suitable for subdivision and the most appropriate design having regard to the intended future use.

11.8 Non-Complying Activities

Activities that contravene a rule in the Plan, and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) are Non-Complying Activities. Resource consents will be assessed in terms of section 105(2A)(b) of the Act.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

Appendix 1. Noise

Activities must comply with the following noise limits.

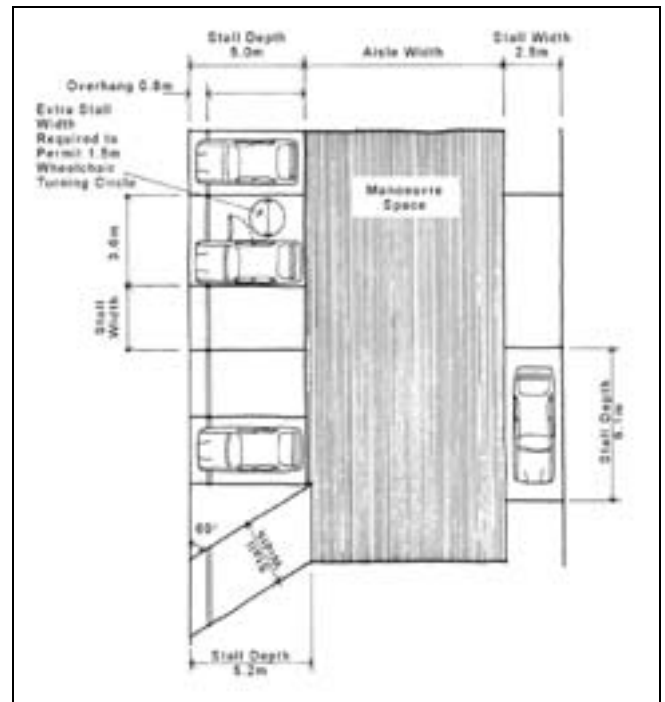
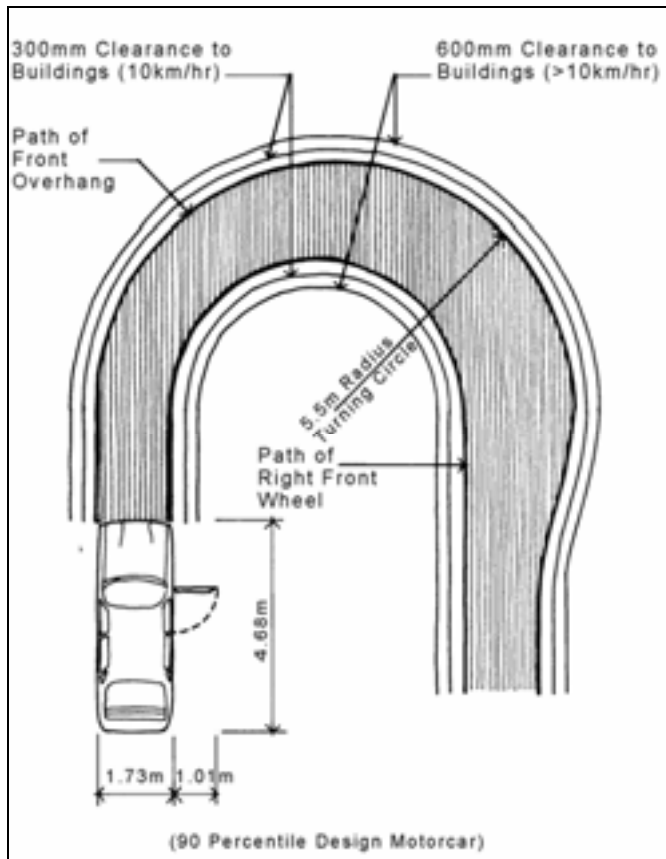
Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>65dBA(Lmax)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Appendix 2. Vehicle Parking Standards



Type of User	Parking angle	Stall Width (metres)	Aisle Width (metres)	Stall Depth (metres)	Parking angle	Stall Width (metres)	Aisle Width (metres)	Stall Depth (metres)
Regular	90	2.4	7.0	5.0	60	2.4	4.5	5.2
		2.5	6.6	5.0		2.5	4.1	5.2
		2.6	6.2	5.0		2.6	3.5	5.2
Casual	90	2.5	8.0	5.0	60	2.5	4.8	5.2
		2.6	7.0	5.0		2.6	4.4	5.2
		2.7	6.6	5.0		2.7	3.3	5.2
People with Disabilities	90	3.6	8.0	5.0				
All	0 (Parallel)	2.5	3.5 (one-way) 5.5 (two-way)	6.1				

Notes:

- Regular users are people whose regular use gives them a familiarity with the carpark that permits smaller but safe clearances.
- Casual users are people (usually short-term visitors) who would not be familiar with the parking layout.
- Stall widths shall be increased 300mm where they abut obstructions such as columns or walls.
- All parking and manoeuvring dimensions assume the use of a 90 percentile design motor car. Compliance with the above requirements will be assessed using this standard of vehicle.

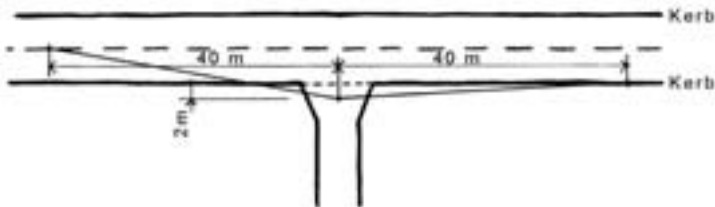
Appendix 3. Site Access for Vehicles

1. Vehicular access near intersections.



2. Access sight lines.

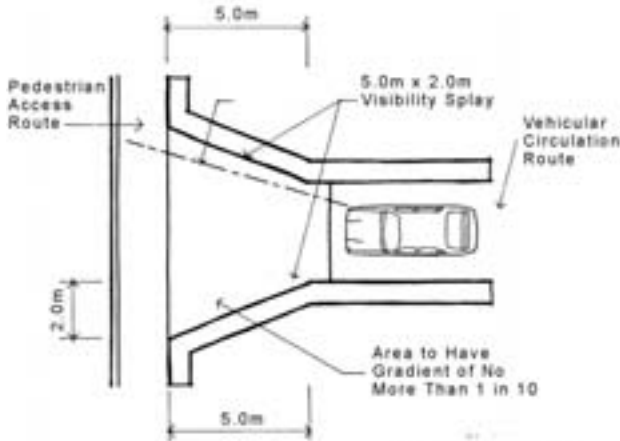
2.1



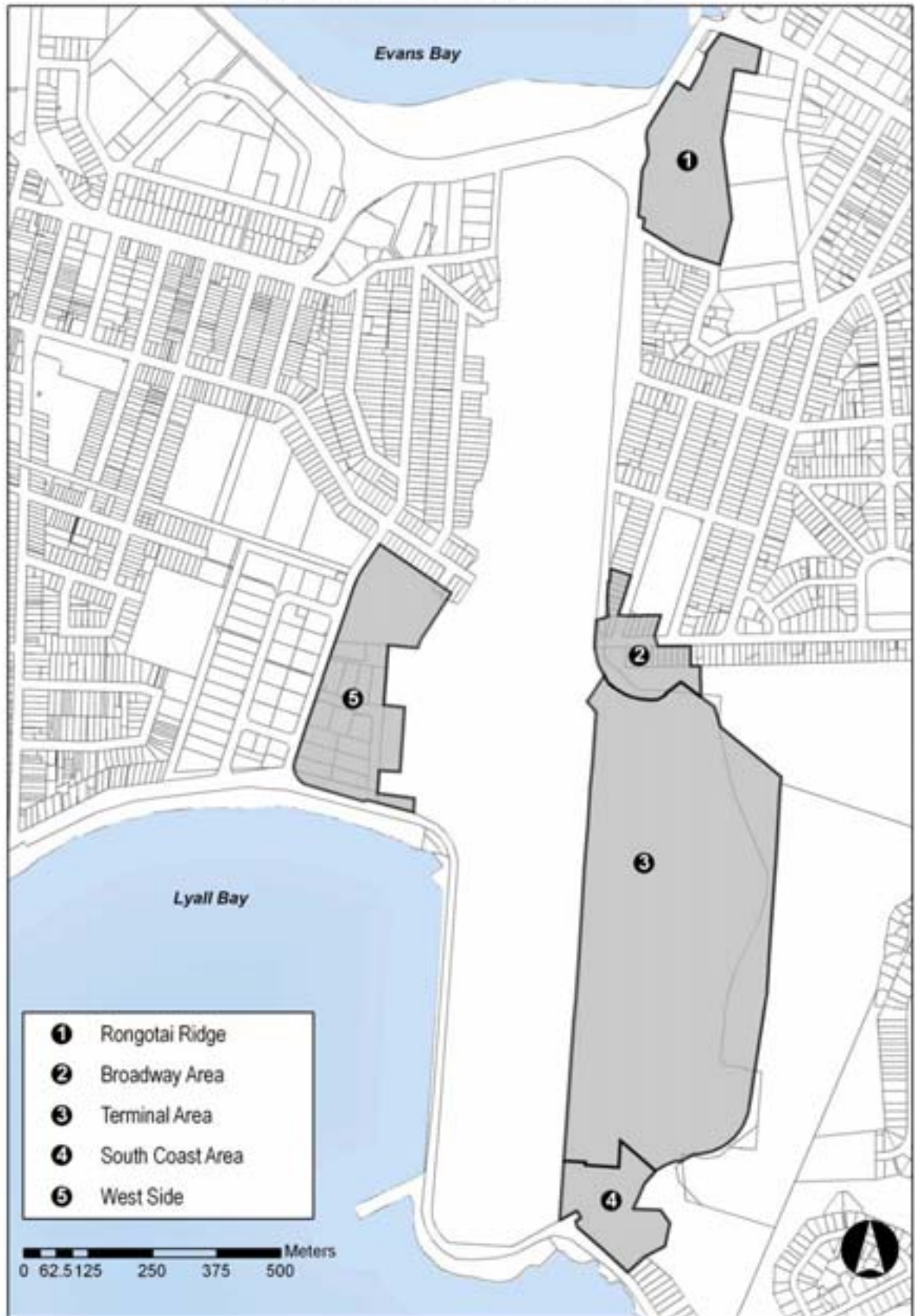
Within the area represented by the visibility splay, full visibility is required above a level of one metre above the level of the adjacent carriageway.

For one-way streets and dual carriageway visibility will only be required in the direction of approaching traffic.

2.2 Access sight lines for access drives which cross a pedestrian access route.



Appendix 4 - Development Areas



Appendix 5 - Potentially Contaminated Sites within the Airport Area

