

BEFORE THE ENVIRONMENT COURT

Decision No. W082/2009

**IN THE MATTER**

of appeals pursuant to clause 14 of the  
First Schedule to the Resource  
Management Act 1991

**BETWEEN**

B P CAMMACK and A M R EVANS  
(ENV-2008-WLG-000103)  
PARAPARAUMU AIRPORT  
COALITION INCORPORATED  
(ENV-2008-WLG-000126)  
TE WHANAU A TE NGARARA INC  
(ENV-2008-WLG-000127)  
Appellants

**AND**

KAPITI COAST DISTRICT COUNCIL  
Respondent

Court: Environment Judge B P Dwyer  
Environment Commissioner J R Mills  
Environment Commissioner H M Beaumont  
Heard: at Wellington on 2-6, 9-12 March and 21 May 2009  
Counsel/ Appearances:

L Watson for Paraparaumu Airport Coalition Incorporated and Te  
Whanau a Te Ngarara  
C M Stevens for B Cammack and A Evans  
J Winchester for Kapiti Coast District Council  
B Matheson for Paraparaumu Airport Limited

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**FINAL DECISION**

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Decision issued: **16 OCT 2009**

A: Final version of Plan Change confirmed.



***Introduction***

[1] The Court issued its interim decision (W69/2009) on 3 September 2009, declining the appeals. We directed a timetable for a final version of Plan Change 73 to be prepared and to allow other parties to comment on it. PAL filed a Final Version of Proposed Plan Change 73 dated 11 September 2009, in response to the interim decision. The Court issued a minute on 18 September 2009 suggesting some further refinements.

[2] The Court has now considered the Final Version of Proposed Plan Change 73 dated 21 September 2009. The amendments satisfy the Court's requirements in the interim decision and incorporate the suggestions made in the Court's minute.

[3] The Court has amended what appear to be minor typographical errors, as follows:

- on page 21 at bullet 8, amended "an a prohibition on "sling load"" to read "and a prohibition on "sling load"";
- on page 26 at paragraph (c)(i), amended "which are inconsistent the" to read "which are inconsistent with the"; and
- on page 33, in the last bullet under number 30, amended "used in imaginatively" to read "used imaginatively".

[4] The Court has also amended the final sentence under the heading "Noise from Aircraft Operations" to read "*The monitoring shall be to determine compliance at the 65 dBA L<sub>dn</sub> contour only.*" This wording clarifies the intent of the monitoring programme.

[5] The Kapiti Coast District Council is directed to amend its District Plan in accordance with the Final Version of Plan Change 73 (track changes removed, dated 1 October 2009), attached to this decision.

**DATED** at WELLINGTON this 16<sup>th</sup> day of October 2009  
For the Court:

B P Dwyer  
Environment Judge



# PLAN CHANGE 73 - KAPITI COAST DISTRICT PLAN

## FINAL VERSION

(1 OCTOBER 2009)

### AMENDMENTS TO VOLUME I

1. Amend Part B “Significant Resource Management Issues”, “B5 Commercial/Retail Environment” by deleting paragraph 4 (commencing “*The General Business Precinct of the Airport Zone....*”) and replacing it with:

*The Airport Zone has been formulated to enable the enhancement of aviation activity and to facilitate sustainable business and employment activity to support the integrated management of the Airport Zone. Non-aviation activities are needed to financially support aviation activity. The Airport Mixed Use Precinct therefore enables both aviation and non-aviation activities. Specific provision is made for retail and commercial activities to provide certainty and avoid or mitigate effects on the Paraparaumu Town Centre.*

2. Amend Part B “Significant Resource Management Issues, “B7 Industrial/Service Environment” by deleting paragraph 3 (commencing “*The General Business Precinct of the Airport Zone....*”) and replacing it with:

*The Airport Zone has been formulated to provide sustainable employment and economic benefits by permitting use of the land for aviation, commercial and other non-aviation activities so that the role of the Airport as an economic, service and recreational asset is maintained and enhanced, and the ancestral association of tangata whenua to the land is recognised.*

3. Amend Part B “Significant Resource Management Issues”, “B13 Open Spaces and Reserves” by adding:

*The Airport Zone incorporates an “Airport Buffer Precinct” to provide a physical “buffer” between adjoining residential and rural areas, and open spaces and the Airport Core and Airport Mixed Use Precincts, as well as for stormwater, conservation and recreational purposes.*

4. Amend Part B “Significant Resource Management Issues”, “B19 Transportation Issues” by deleting B.19.4.1(iv) (titled “*Paraparaumu Airport*”) and replacing it with:

#### **Paraparaumu Airport**

*The Paraparaumu Airport has been operating since the late 1930s and has been identified as a valued transport asset for the District.*

*The Airport is privately owned and if it is to continue operating it needs to be financially supported by non-aviation and commercial activity. The Airport Zone therefore has an Airport Core Precinct” where only aviation and aviation related activities are permitted, and an Airport Mixed Use Precinct” in which commercial and other non-aviation employment*



generating activities are permitted in addition to aviation activities. The Zone provisions are designed to facilitate the enhancement of aviation and the achievement of sustainability objectives such as increased opportunities to create local employment, reduction in commuter traffic, and the economic enablement and wellbeing of the community. However, while recognising the importance of the Airport the Council also recognises the potential adverse effects development of the airport may have and the need to avoid, remedy or mitigate these effects. The main resource management issues associated with the airport are:

- *Providing an optimum balance between allowing for reasonable noise associated with aviation activities, and managing the adverse effects on surrounding occupiers.*
- *Controlling noise sensitive activities within the Zone.*
- *Managing the relationship between the Airport and the surrounding area, for example through the provision of a buffer between the site and surrounding areas.*
- *Establishing open space and public access generally within the Airport Zone, subject to safety and operational considerations, and establishing links with existing Cycleways, Walkways and Bridleways linkages.*
- *Managing development, including the timing of development, so that it occurs with appropriate provision for infrastructure and services, including upgrades to transport and infrastructure. Managing development to avoid, remedy and mitigate the effects of airport development on transport and service infrastructure.*
- *Managing environmental effects including protection of the Wharemauku Stream, stormwater, flooding and water quality issues, and potential for protecting and enhancing the biodiversity within the site.*
- *Airport safety.*
- *Providing appropriately for the archaeological and tangata whenua values associated with the Airport, particularly in respect of the area to the south of Wharemauku Stream and in the area to the west of Magrath Avenue.*

*Aircraft noise arising from airport operations is an inevitable consequence of airport operations, but one that has the potential to affect amenity values associated with people's enjoyment of their properties. Air noise boundaries have been established, based on a modelling timeframe of 2026, to regulate the amount of noise permitted from the use of the Airport for aviation purposes. Aviation noise at these boundaries will be monitored. This provides some certainty for surrounding occupiers and landowners and the certainty required for the future operation of the Airport and investment in aviation infrastructure.*

*The uncontrolled development of activities sensitive to aircraft noise around the Airport will exacerbate the problem of exposure to the adverse effects of noise. Noise sensitive activities within the Air Noise Boundary will be strictly managed to limit the additional population within this area. Within the area between the Air Noise Boundary and the Outer Control Boundary, management is less strict reflecting the lower exposure to aircraft noise. (No specific noise mitigation of existing dwellings around the Airport is considered necessary because there are no existing dwellings within the Air Noise Boundary. If however a future plan change is required to extend the Air Noise Boundary to accommodate increased aviation activity, then the owner of the Airport will offer a noise mitigation package for any existing dwellings that fall within that extended Air Noise Boundary.)*

