

Private Plan Change 84 Kapiti Airport – Hearing Notes

Robert Schofield, Reporting Planner for Kapiti Coast District Council

1. My name is Robert Schofield, a planning consultant with Boffa Miskell Limited, with over 30 years' experience, including working on the Kapiti Coast. Boffa Miskell was engaged to assist the Kapiti Coast District Council (**KCDC/Council**) in processing and reporting on the privately requested plan change (**PPC84**) on its behalf. PPC84 was requested by Kapiti Coast Airport Holdings Limited (**KCAHL**) pursuant to clause 21(1) of Schedule 1 of the Resource Management Act 1991, and accepted by the Council to proceed to a notified plan change pursuant to clause 25(2)(b).
2. I was the author of the s42A report on PPC84. That report considered submissions received by KCDC on PPC84 in relation to the changes sought by KCHAL to the policy explanation and rules for land use and development in the Airport Zone (Chapters C19, D9).
3. That report outlined recommendations in response to the key issues that have emerged from these submissions, drawing on the expert advice of Council's technical advisers on retailing economics, traffic, and noise management.
4. The plan change request seeks to remove prohibited activity status for the following activities in the Airport Zone under the Operative Kapiti Coast District Plan (ODP):
 - Noise sensitive activities outside of the Air Noise Boundary not specifically provided as a permitted activity, sought to be classified as a discretionary activity;
 - One only department store, sought to be classified as a non-complying activity;
 - One only supermarket, sought to be classified as a discretionary activity;
 - More than one store of between 151m² and 1,500m² gross floor area that retains groceries or non-specified food lines, sought to be classified as a discretionary activity; and
 - Any consequential amendments to the Operative District Plan that may be necessary to achieve the purpose of the private plan change request.
5. The Council received seven submissions and five further submissions, all opposing proposed Private Plan Change 84 and seeking it be declined. Most submissions focused on the potential effects of enabling further retail activities in the Airport Zone on traffic and on the District's town centres, principally the Paraparaumu town centre (**PTC**). Submissions did not address the proposal to enable noise sensitive activities outside the Air Noise Boundary as a discretionary activity.
6. The potential effects of enabling these activities were assessed by Council's advisers, in terms of traffic effects on the capacity and efficiency of the local roading network, the effects of additional retailing on the vitality and vibrancy of the District's centres, particularly the Paraparaumu Town Centre, and the reverse sensitivity effects of providing for noise sensitive activities within the Outer Noise Boundary. The experts identified a number of potential concerns with enabling these activities within the Airport Zone, including:

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- Depending on the timing, scale of existing development and nature of the proposal, the additional retail activities could have a significantly detrimental traffic effect in terms of the local roading's capacity to accommodate the additional traffic generation;
 - The additional 'out of centre' retail activity could dilute the Paraparaumu Town Centre and undermine its redevelopment and future improvement, in accordance with the objectives and policies of the Operative and Proposed District Plan, which provide sufficient capacity for future retail growth within the District's centres; and
 - The potential adverse effects on occupants of "buildings associated with a noise sensitive activity", even if acoustically insulated to meet the permitted activity insulation standard, could be significant as this insulation standard may not adequately insulate against cumulative aircraft take-off or landing noise, aircraft taxiing noise, engine testing and other land-based activity taking place in the Airport.
7. It is correct that the Council's traffic and retail economics advisers have significant concerns about the potential effects of the possible establishment of the retail activities that PPC84 seeks to provide for through the resource consent process. The critical question at the heart of the requested plan change is whether these concerns are such that warrant the continuation of the prohibited activity status, or whether the resource consent process would provide a sufficiently rigorous enough route to address such concerns, to ensure that applications are declined where the adverse effects could not demonstrably be able to be avoided, remedied or mitigated.
 8. From a planning perspective, while acknowledging the concerns of the Council's advisers, I consider it is difficult to support prohibited activity status, given the variables involved and the unknown nature of the potential forms of retail activities for which resource consent may be sought, the timing of such possible development, and the nature of the existing environment at that time (including the level and nature of existing development at the Airport).
 9. In my view, the recommended rule amendments would generally maintain consistency with the ODP's approach of limiting the type and extent of retail activities within the Airport Zone in order to maintain the role and function of the District's centres, particularly the Paraparaumu Sub-Regional Centre. In particular, as a non-complying activity, any resource consent application would have to satisfy the s104D threshold test before consent can be granted, and would be assessed against the objectives and policies of the both the ODP and PDP, requiring a robust assessment of the potential effects to determine any proposal's consistency with the strategic direction of the District Plan. However, drawing on the advice of the Council's retail economist and acoustic adviser, I do not support making grocery and non-specified food stores between 151m² and 1500m² and noise sensitive activities in the Airport Mixed Use Precinct discretionary activities, and recommend that these be classified as non-complying activities.
 10. In summary, after evaluating the proposed changes, having regard to their efficiency and effectiveness in achieving the objectives of the Operative District Plan relative to reasonably practicable options, I have recommended that PPC84 be approved to enable the following changes to the ODP:

- Only one supermarket as a discretionary activity, with additional supermarkets as non-complying activities;
 - One department store as a non-complying activity, with any additional department store remaining as prohibited;
 - More than one store of between 151m² and 1500m² GFA that retails groceries or non-specified food lines as non-complying activities; and
 - Noise sensitive activities that are not otherwise permitted as non-complying activities.
11. Noise sensitive activities within the Airport Noise Boundary and more than one department store would remain as prohibited activities.
 12. A tracked changes version of the recommended amendments to PPC84 as notified was included as Appendix 6 to the s42A report.

Evidence of Requestor and Submitters

13. A number of matters have been raised in the evidence of experts engaged by either KCAHL or the submitters. I shall more fully respond to the key matters in response following the hearing of legal submissions and evidence. The Council's advisers will also be available to respond to any matters arising or questions from the Panel. However, at this point in the proceedings, I intend to briefly indicate my current position, drawing feedback from the Council's expert advisers to the evidence received to date.

Policy Changes

14. I note the amended position of the NZTA in respect of PPC84, as outlined in paragraphs 16 and 17 of Ms Penfold's evidence.
15. Ms Penfold suggests that additional policies be included within the ODP Airport Zone to ensure that there is a robust policy framework against which resource consent applications for the subject activities could be assessed. While I consider that the existing policy framework for both the Airport Zone and Commercial Zones should be an adequate basis for decision-makers to use, and noting that applications have to also be assessed against the provisions of the PDP as well, I am not averse to the suggestion of strengthening the policies as Ms Penfold recommends.

Grocery/Non-specified Food Retailing

16. The evidence for KCAHL took issue with the recommendation that grocery and non-specified food stores between 151m² and 1500m² should be managed as a non-complying activity rather than as a discretionary activity as sought by the plan change request. In this regard, there was some discussion as to whether the existing New World supermarket at the Airport Mixed Use Precinct is defined as a supermarket under the ODP. Under Section Q of the ODP:

Supermarket means an activity of more than 1,500m² gross floor area within a single building mainly engaged in retailing groceries or non-specific food lines, whether or not the selling is organised on a self-service basis.

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17. I understand the existing New World supermarket is smaller than 1500m² in GFA, and therefore technically it is not deemed a 'supermarket' in terms of the ODP provisions. This leaves open to interpretation as to whether it is defined as a grocery and non-specified food store between 151m² and 1500m² or some other form of retailing, given that supermarkets sell much more than food items. However, ultimately, if the existing New World is managed as a grocery store under 1500m², my recommended amendments to PPC84 would treat it as a non-complying activity as a grocery store under 1500m².
18. Having read the evidence of Mr Colegrave (for KCAHL) and Mr Hansen (for Coastlands et al), I am still of a view that grocery and non-specified food stores between 151m² and 1500m² should be a non-complying activity, given that such types of retailing activities would contribute to a potential proliferation of retail activity at the Airport and therefore its overall attractiveness as a retailing centre potentially competing with the PTC. My opinion is reinforced by the fact that small supermarkets (i.e., below 1500m²) are likely to be deemed grocery stores under the ODP.
19. The provision for one supermarket in the AMUP as a discretionary activity is intended to allow for the expansion of the existing New World supermarket, and not for the establishment of a separate new supermarket. The definition of supermarket in the ODP could be amended to reduce the minimum GFA to 1000m², in line with the recommendations of Mr Heath in regard to the PDP provisions.

Policy Assessment

20. Mr Hansen, in his planning evidence for Coastlands et al, correctly identified that the s42A report omitted referring to Objective 2.0 and related policies in the provisions for the Commercial Zone in the ODP. While these are provided in Attachment C of his evidence, I note that Objective 2.0 is to –

Retain and enhance the vitality and viability of the districts [stet] main centres at Paraparaumu, Waikanae and Otaki as part of an economically and socially strong community.
21. Under that policy there are a number of policies, including on relating to retaining and enhancing the consolidation of retail activities within the District's main centres (Policy 1), manage the design and location of large format retail (Policies 2 and 3), and the provision for public transport pedestrians and cycling (Policy 4).
22. In my opinion, this objective and its related policies further reinforce my opinion that resource consent applications under PPC84 for the subject activities would have a clearly articulated policy framework against which proposals for "out-of-centre" retailing activities would be assessed.