

BEFORE THE WELLINGTON REGIONAL COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Natural Resources Plan

STATEMENT OF EVIDENCE BY JOHN KYLE

5 MAY 2017

1. INTRODUCTION

- 1.1 My name is John Kyle. I am a founding director of the firm Mitchell Daysh Limited. I hold an honours degree in Regional Planning from Massey University, obtained in 1987.
- 1.2 I have been engaged in the field of town and country planning and resource and environmental management for 29 years. My experience includes a mix of local authority and consultancy resource management work. For the past 22 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management and environmental effects assessment. This includes extensive experience with large-scale projects involving inputs from a multidisciplinary team.
- 1.3 An outline of the projects in which I have been called upon to provide environmental planning advice in recent times is included as **Appendix A**.
- 1.4 My firm, has been commissioned by Wellington International Airport Limited (WIAL) to provide resource management planning advice with respect to the Proposed Natural Resources Plan (the Proposed Plan). My firm prepared the submissions and further submissions on behalf of WIAL.
- 1.5 I am familiar with and have made numerous visits to Wellington International Airport and the areas surrounding the Airport. I have assisted Wellington International Airport Limited (WIAL) with planning matters for the past five years. From 2012, I have also been involved in providing strategic planning advice to WIAL with regard to the proposed runway extension project.
- 1.6 I advise that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. In particular, unless I state otherwise, this evidence is within my scope of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

- 1.7 In this brief of evidence, I will:
- Set out the planning context for Wellington Airport and provide an overview of the strategic significance of the Airport to the region and nation;
 - Provide a summary of the proposed runway extension at Wellington Airport;
 - Discuss WIAL's submissions relevant to Hearing Stream 1, including Policy P4, and provisions included as part of the Beneficial Use and Development section of the Proposed Plan.

2. WELLINGTON INTERNATIONAL AIRPORT

- 2.1 Wellington International Airport Limited (WIAL) operates the regionally and nationally significant Wellington International Airport (the Airport).
- 2.2 The Airport plays a vital role to the Wellington region, connecting residents, visitors and businesses to all parts of New Zealand and to Australia, the Pacific and the rest of the world, significantly contributing to the city and wider region's economy.
- 2.3 Modern airports are essential to a region's economy. They enable a link to the world for people and for trade; provide an important hub for business investment and economic development; and increase business competitiveness and attractiveness. They are also important for quality of life enabling people to travel and visit family and friends. New Zealand's geography makes this role even more crucial. Air transport is the most efficient passenger transport mode between most domestic destinations and all international destinations.
- 2.4 Airports are widely recognised as having significant strategic implications for the cities and regions that they serve. At the most obvious level, airports provide inter-modal facilities for the arrival and departure of international and domestic passengers and cargo from road, and, in some cases, rail and other surface transport modes.

- 2.5 There are also other advantages that an airport brings to a community, including improved communication links with other communities and regions within the country and overseas, the provision of medical flight services, and focal points for civil and national defence activities.
- 2.6 Passenger numbers at Wellington Airport are increasing, and WIAL needs to plan for, and accommodate this growth, including investment in essential infrastructure. Against this background it is clear that WIAL has a significant interest in the Proposed Natural Resource Plan and the policy and rule framework it establishes for nationally and regionally significant infrastructure throughout the region.

3. THE WELLINGTON AVIATION MARKET AND THE AIRPORT'S ROLE IN THE REGIONAL ECONOMY

- 3.1 Global demand for air service is expected to double in the next 15 years. Asia-Pacific is expected to account for 42% of all air passenger traffic globally by 2034. In response to this global increase in demand, airlines have responded with a high volume of aircraft orders.
- 3.2 The types of aircraft are also changing. Since 2005 there has been a reduction in the use of “extra-large” long haul aircraft types (i.e. Boeing 747) in favour of more efficient wide body aircraft such as Boeing 787 and Airbus A350. These new aircraft types (sometimes referred to as “hub busters”) and other industry advancements allow airlines to expand into new and smaller markets. Wellington has been identified as one of these potential new long haul routes.
- 3.3 New Zealand and Australia are growth markets for major airlines, and carriers generally add capacity to regions where growth is predicted and it fits with their network strategy. As discussed in the following section, the existing market size for long haul flights at Wellington is substantial, attractive and growing.

- 3.4 The global tourism market is also set to grow¹. Over the past 10 years, global wealth has doubled, from US \$113 trillion to US \$241 trillion. That growth is projected to continue at an annual rate of 6.5%. As the world's wealth increases and the world's economic centre of gravity shifts from west to east and thus closer to New Zealand, very valuable opportunities are emerging for New Zealand and New Zealand tourism.
- 3.5 An increase in wealth is a stimulus for travel, and the outlook for tourism globally is bright. The Asia-Pacific region's share of the global middle class is expected to rise from just over one-quarter today, to two-thirds. New Zealand is already experiencing the benefits: in 2013, China became not only the country to which New Zealand exports more goods than any other, it also moved into second place behind Australia as New Zealand's second largest visitor market. The significance of this is clear when reviewing the State of Tourism Industry Report 2015, which notes that the average Chinese visitor spends \$4,265 and stays for 19 nights, whereas the average Australian visitor spends \$1,746 and stays for 11 nights.
- 3.6 Visitor numbers to Wellington are strong, both in the domestic and international markets. Wellington City saw 1.4 million domestic commercial guest nights in 2014, and there were 184,352 international visitor arrivals to Wellington in 2014 (equating to a 23% increase since 2010). Over the last 12 months, passenger numbers at Wellington Airport have increased by over 6%, higher than any other major airport in New Zealand. Passenger numbers are expected to reach more than 5.7 million in 2016 to double to 10 million by 2030.
- 3.7 Wellington is the main gateway to the lower North Island and central New Zealand, and is New Zealand's second largest city as measured by urban population. As the capital of New Zealand, it is the seat of central Government and the location of the most consular representation in New Zealand, as well as the location of the New Zealand Stock Exchange.
- 3.8 The Wellington region is the second largest regional contributor to the New Zealand economy, behind Auckland. The area generates \$53.3

¹ Source: Tourism 2025 (www.tourism2025.org.nz).

billion in GDP, almost 30% of New Zealand's total. Over the period 2007 – 2010, GDP growth in central New Zealand was 30% higher than the New Zealand average and almost twice as high as the upper North Island.

- 3.9 The Wellington region has a significant tertiary education and research sector, including four universities and three institutes of technology/polytechnics.
- 3.10 Quite clearly the economic impact of the Airport both now and in the future, is significant. The ongoing ability of Wellington Airport to function and growth without undue constraint is therefore of significant importance to the tourism, business and education industry, both regionally and nationally.

4. AIRPORT PLANNING

- 4.1 A major aspect of successfully maintaining and operating an airport resource is having a robust and accepted development strategy. Such a strategy generally will include a plan for the airport, the identification and strategies for the protection of land for existing and future airport development and operations, and the provision of an aircraft noise buffer for the surrounding community.
- 4.2 Wellington Airport operates on a constrained 110 ha site in Rongotai, a residential suburb within 8 kilometres of the centre of Wellington City. The Airport has a single 1945m² long runway with a full length parallel taxiway and is close to Evans Bay to the north and Lyall Bay to the south.

² TORA (Take Off Runway Available).

150m protection areas (including a runway end safety area (RESA)) are provided at each end of the runway (refer to Figure 1 below).



- 4.3 Airport planning requires a long term view and a commitment to put resources towards planning and protecting for the future. Aviation is a long term growth industry. In the short term there can be high volatility, marked by the introduction (and occasional withdrawal) of new services, airlines and aircraft types. It is susceptible to fluctuations in the price of fuel as well as other macro-economic movements, however over longer periods the growth in air travel is consistent. Therefore, and acknowledging the short term potential volatility, airport planning remains a dynamic and flexible discipline, all the while with a mind to the ongoing long term growth.
- 4.4 While not a requirement in the New Zealand legislative context, well managed airports such as Wellington recognise the importance of having a Master Plan in place.

- 4.5 Wellington Airport's current master plan adopted in 2010 sets out its vision for development and growth for a 20 year period, to 2030. It provides a framework for the Airport's future, building on the developments that have occurred over the past few decades, and the previous Master Plan which was prepared in 1994.
- 4.6 A key aspect of the Master Plan is to enable the Airport to accommodate forecast growth in passenger numbers and freight volumes. The Master Plan also recognises that the introduction of new long range aircraft types will result in new opportunities for Wellington to join the global air travel network through direct connections to new markets. The Master Plan anticipates that Wellington Airport will invest more than \$450 million in infrastructure, including runway improvements, aircraft parking stands, additional terminal space and car parks. Much of the early staged development anticipated by the Master Plan (out to 2020) is now either nearing completion or in train for completion.

5. PROPOSED RUNWAY EXTENSION

- 5.1 A key project planned for Wellington Airport is the proposed runway extension. WIAL is seeking consents under the Resource Management Act 1991 (RMA or Act) to enable the construction, operation and maintenance of a 355 metre (m) extension to its runway³ and associated structures and activities (the Project). The extension will provide a minimum TORA distance of 2,300m and the total construction footprint of the runway extension is approximately 12.52 hectares (ha)⁴. It is proposed that the full extent of the Project will be achieved via a reclamation of the coastal marine area (CMA) and is located to the south of the existing runway in Lyall Bay. The applications have been directly referred to the Environment Court to be heard. The applications are currently on hold pending an outcome from the Supreme Court with regard to the necessary length of the runway end safety area within the extension, however WIAL remains committed to the Project.

³ TORA.

⁴ Both above and below Mean High Water Springs (MHWS).

- 5.2 Historically, Wellington Airport has undertaken two large land reclamations, together with substantial capital investment to cater for growth. In 1959 the Crown completed the significant task of creating the existing runway through major earthworks and land reclamation. The Crown extended the runway again in the 1970s through further land reclamation to ensure Wellington was able to retain services to Australia, which it lost when jets were introduced. These works created a true city airport with one of the closest links to the Central Business District in the World. The Airport has continued to develop to cater for growth.
- 5.3 Extending the operational runway by 355 metres will open up direct links for fuel efficient long haul aircraft to Asia and North America within 12 ½ hours flying time. The extension will meet today's market demand and stimulate growth in tourism and international students plus deliver efficient business travel and freight services. It will also save long haul traveler's time and money. The long haul flights forecasted would see a daily long haul service in 2021 growing to 30 per week by 2035 and 45 per week by FY 2060. Between 25% and 40% of the passengers on each long haul service will be new visitors who would not otherwise have come to the country. It is anticipated that the growth in overall traffic for New Zealand will reach an additional 704,900 passengers and there would be 201,850 new visitors per year by 2060.
- 5.4 As part of the applications for consent, WIAL has fully assessed all the environmental effects arising from the proposed extension. The Project and its interaction with the surrounding CMA is therefore well understood. It is my opinion that this material provides a sound basis for assessing the values that are present in and around this part of the CMA, which in turn can usefully inform the promulgation of the Proposed Natural Resources Plan.

6. SUBMISSION POINTS

- 6.1 WIAL made a number of submissions points in relation to the provisions of the Proposed Natural Resources Plan. With regard to Hearing Stream 1 WIAL has an interest in:

- Part B: Overall policy framework of the proposed plan; and
- Provisions relating to Beneficial Use and Development

6.2 Relevant to the overall policy framework of the proposed plan, WIAL submitted in support of the Council’s proposal to take an integrated approach to land, water and coastal planning and the consolidation of activities into one plan. WIAL considers that this will provide a more efficient administrative environment for the consideration and determination of development proposals. The section 42A report writer, Ms Greenberg, recommends retaining this approach and I agree that this is appropriate. For completeness, WIAL sought some changes to some specific rules to clarify that the plan is internally consistent and that rules do not overlap or contradict each other. I understand that such specific matters will be dealt with at subsequent hearings.

7. POLICY P4

7.1 Proposed Policy P4 is addressed in Ms Greenberg’s report⁵. Ms Greenberg explains that Policy P4 contains the criteria for implementing the policies that require the minimisation of effects. Ms Greenberg adds that, as notified two objectives and 40 policies in the proposed Plan require the minimisation of adverse effects, and that for such provisions this policy is then used to provide clarity as to how “minimise” is to be interpreted.

7.2 Proposed Policy P4 reads as follows:

Policy P4: Minimising Adverse Effects

Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:

(a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and

⁵ Section 42A Report Overall Policy Framework of the Proposed Plan – Part B, page 124

- (b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and*
- (c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and*
- (d) using good management practices for reducing the adverse effects of the activity, and*
- (e) designing the activity so that the scale or footprint of the activity is as small as practicable.*

7.3 WIAL opposed the inclusion of Policy P4. WIAL submitted that the term “minimise” conflicts with the avoid-remedy-mitigate requirements specified as the proper manner by which to manage effects within section 5 of the RMA. As an outcome WIAL sought the deletion of Policy P4 and consequentially the removal of the term “minimise” from the remainder of the Plan. Ms Greenberg recommends rejecting WIAL’s submission on Policy P4. I disagree with Ms Greenberg’s recommendation and consider that Policy P4 invokes a broad reaching burden of proof which is more onerous than the obligations inherent in section 5 of the Act and is therefore inappropriate.

7.4 Turning to the specific elements of the WIAL submission, I respond as follows.

MINIMISE IN RELATION TO AVOID, REMEDY OR MITIGATE

7.5 Ms Greenberg does not consider it appropriate for regional plans to “merely restate, or parrot the RMA”. I agree that plans are important tools for implementing the obligations inherent within the Act, and a direct restatement of the Act’s obligations is generally unhelpful. However it is my view that the use of the term “minimise”, as has been defined through Policy P4 brings with it some considerable and broad reaching difficulties in this instance. Policy P4 introduces a management regime which is

quite different to the intended outcomes achieved via the terminology inherent in section 5.

- 7.6 In the context of the Proposed Plan, Policy P4 defines minimise, as a requirement to reduce adverse effects to the smallest amount “practicable”. I understand that the Court of Appeal has recently confirmed that the term “practicable” is something that is feasible or able to be accomplished according to known means and resources; it links the feasibility or practicality of something to the availability of resources.⁶ This interpretation would likely be read to say that if there are known means and resources available to do something in order to minimise a given effect, then that should be done, and matters of cost are subordinate considerations in determining the efficacy of that action.
- 7.7 I consider this to be a much more stringent requirement than imposing a discipline to mitigate (or to reduce the severity) or remedy adverse effects, which are the known management regimes established under the RMA. Whilst the protection of some values might warrant such an approach (where values are highest), great care should be exercised in adopting a minimisation doctrine at a broader scale, as is advocated in the Proposed Plan via Policy P4.
- 7.8 In my opinion if the Proposed Plan maintains the use of the term “minimise” it should do so in a very careful and considered manner.

DELETING POLICY P4 OR THE WORD MINIMISE FROM THE PROPOSED PLAN

- 7.9 Ms Greenberg does not agree that the term “minimise” should be deleted from the Proposed Plan. She notes that the term is not defined in the RMA, but that it is used in policies in the New Zealand Coastal Policy Statement (NZCPS), National Policy Statement for Freshwater Management and the Wellington Regional Policy Statement.

⁶ New Zealand Air Line Pilots’ Association Industrial Union of Workers Incorporated V Director of Civil Aviation [2017] NZCA 27, 28 February 2017 – subject to a potential appeal to the Supreme Court.

- 7.10 In this regard, Ms Greenberg refers to two policies within the NZCPS which use the term “minimise”. The first is Policy 23 which requires particular regard to be given to discharges to water in the coastal environment to ‘minimise adverse effects on the life supporting capacity of water within a mixing zone’. And Policy 27 of the NZCPS which seeks that hard erosion protection structures are ‘designed so as to minimise adverse effects on the coastal environment’.⁷
- 7.11 These policies use the term “minimise” in very specific circumstances being the management of effects on the life supporting capacity within mixing zones, and coastal hazard protection. This in my view does not justify the much broader use of the approach which emanates from Policy P4 and in fact I see inherent danger in adopting such an approach at the very broad level currently advocated in the Proposed Plan.
- 7.12 Ms Greenberg also refers to Policy A3 of the NPS-FM which requires regional council’s to make rules requiring the adoption of the best practicable option to prevent or minimise adverse effects from discharges.⁸ Again, this is a very specific provision, which requires the minimisation of adverse effects through the adoption of the best practicable option (BPO). The BPO is defined in the Act, and so its interpretation and application is well known and understood. In my view, Policy P4 introduces something that is very different to the Act’s obligation to adopt the BPO with regard to discharges of contaminants.
- 7.13 Ms Greenberg’s has similarly listed several policy provisions within the Wellington RPS where the term minimise has been expressly used. Again, the cited examples relate to situations where the management of specific (and usually high value) natural resources warrants a higher level response where deliberate use of the term “minimise” has been preferred. For example, Policy 15 requires that regional and district plans include policies, rules and other methods that control earthworks and vegetation disturbance to *minimise*: erosion and silt and sediment runoff.

⁷ Paragraph 568 of Section 42A Report Overall Policy Framework of the Proposed Plan – Part B, page 129

⁸ Paragraph 569 of Section 42A Report Overall Policy Framework of the Proposed Plan – Part B, page 129

7.14 In my view provisions which use the term “minimise” in all of the examples provided by Ms Greenberg, have done so in a carefully measured way. I do not think the same measured approach has been adopted by the Council in the drafting of provisions in the Proposed Plan where the term minimise has been incorporated, to have effect at a much broader level.⁹

7.15 Ms Greenberg considers that the word minimise requires a reduction in effects to a specific level and is therefore consistent with the RMA’s purpose and principles to promote the sustainable management of natural and physical resources, while avoiding, remedying or mitigating adverse effects.¹⁰ I do not agree. Policy P4 establishes a regime which is much more directive and narrow than this. It requires:

- The reduction in adverse effects to the small extent that is practicable; and
- An assessment of alternative locations and methods for undertaking the activity which might result in less adverse effects; and
- Avoidance of certain significant areas; and
- Timing of the activity, or adverse effects to avoid particularly sensitive times of the year or receiving environment; and
- Adoption of good management practice to manage adverse effects; and
- Designing the activity so that the scale is the smallest extent practicable.

7.16 There is no inherent consideration of costs. There is no ability to take into account the benefits that might derive from the proposed activity in question. This type of assessment lacks appropriate balance in my view. Such a broad application of the term minimise which requires an extensive assessment will create onerous and unfair obligations on

⁹ Objective O19, Objective O44, Policy P26, as some examples.

¹⁰ Paragraph 572 of Section 42A Report Overall Policy Framework of the Proposed Plan – Part B, page 130

resource users in many instances. The way the policy has been drafted means that all of the above matters have to be considered when determining whether a development has successfully “minimised” the adverse effects. Requiring an assessment of alternatives and the adoption of “good management practices” in all circumstances where there is a general requirement to reduce adverse effects is inappropriate in my view.

SMALLEST AMOUNT PRACTICABLE

- 7.17 I note that several submitters have sought that the phrase “smallest amount practicable” in Policy P4 should be amended as “smallest amount reasonably practicable”.
- 7.18 Ms Greenberg refers to legal advice that the Council has received and concludes that what is considered to be reasonably practicable will depend on a case by case analysis, and that it is something less than ‘impracticable’ and incorporates an element of reasonableness, which would likely consider an assessment of cost and other matters. She goes on to say that the sub-clauses in (a) – (e) of Policy P4 serve to clarify the matters that must be considered in determining what might be ‘practicable’, and adding the term “reasonably” is therefore not necessary.¹¹ I do not agree.
- 7.19 The Supreme Court in *King Salmon* has made it clear that the drafting of policies and objectives in plans requires a very high level of precision as to outcome. In short, provisions should “say what they mean”. If the Policy is intended to achieve a test of “reasonably practicable” then in my view it should say that. There is nothing currently in the drafting of this policy which indicates to me that there will be any consideration of the existing environment, nor benefits or costs when applying the policy approach to a given proposal.

¹¹ Paragraph 584 of Section 42A Report Overall Policy Framework of the Proposed Plan – Part B, page 133

- 7.20 Policy P4 requires an applicant or resource user to apply all known means and resources available to in order to minimise adverse effects. The available known means might be a requirement to install state of the art mitigation technology, to use an alternative location, or adopt an alternative design, or any or all of these methods, regardless of the sensitivity of the values impacted by a given proposal, without consideration of costs associated with the known means or the benefits that would otherwise derive from the project.
- 7.21 I therefore agree with WIAL that Policy P4 should be deleted from the Plan, and the term minimise, if it is to be used in preference of the other familiar RMA terms needs to be applied where protection of a given value might warrant such an approach (that is, where natural values are highest).

8. BENEFICIAL USE AND DEVELOPMENT

- 8.1 WIAL also made submissions on the provisions in the Proposed Plan which relate to the development and growth of regionally significant infrastructure.
- 8.2 WIAL submitted that a more enabling approach towards such development with the Proposed Plan is necessary in order to recognise the benefits of significant infrastructure. Therefore, among other submission points, WIAL sought that a new objective is inserted to specifically recognise and provide for the growth and development of regionally significant infrastructure. The section 42A report writer, Mr Denton, recommends rejecting this submission on the basis that the Proposed Plan already sets up an appropriate framework for addressing the issues and recognising the benefits of significant infrastructure for the region.¹²
- 8.3 The development and growth of regionally significant infrastructure assets is vital to the wellbeing and health and safety of current and future generations, particularly with respect to economic, social and cultural

¹² Paragraph 304, Section 42A Report Officer's Report: Beneficial Use and Development, page 67

prosperity. It is also consistent with the intended outcomes of the Wellington RPS which seeks to recognise and protect the social, economic and cultural benefits of regionally significant infrastructure.

8.4 Objectives O12 and O13 of the Proposed Plan seek to recognise the benefits of regionally significant infrastructure and renewable energy generation, and that its use and ongoing operation in the CMA are protected from reverse sensitive effects. While I consider these provisions to be appropriate, I do not think they go far enough. The benefits that are to be derived from regionally significant infrastructure will only be achieved through enabling or providing for the development, operation, maintenance and upgrading of new and existing activities and this needs to be explicit in the Proposed Plan. I also note that while the Proposed Plan provides for the development of regionally significant infrastructure via such Policies as P12, P139, P145 and Rules R175, R214, there is no higher order objective in the Proposed Plan to provide the framework for such subsequent provisions.

8.5 In my opinion a new objective is necessary, which is specific to enabling the development of such infrastructure as follows:

Provide for and enable the development and growth of regionally significant infrastructure.

9. OBJECTIVES O9 AND O10

9.1 Objectives O9 and O10 relate to recreational values and public access to the coastal marine area, rivers and lakes. WIAL submitted in partial support of these objectives.

9.2 As notified, Objective O9 seeks that recreational values of the coastal marine area, rivers and lakes, and their margins and, natural wetlands are maintained and enhanced. WIAL submitted that this objective should be better aligned with the NZCPS which seeks that public open space qualities and recreational opportunities are maintained and enhanced. WIAL also sought that the objective be amended to only require enhancement in appropriate circumstances, recognising that in some

cases a proposal will not be able to enhance all existing recreational values.

9.3 In my view this objective does not adequately recognise that there can be competing interests in the coastal marine area, river or lake that may mean existing recreational values cannot be absolutely maintained and enhanced in all circumstances. For example, the proposed runway extension at Wellington Airport will result in the loss or reduction of some existing recreational opportunity in and around the immediate reclamation area. However, similar or enhanced recreational opportunities in the area will be created to offset this loss (e.g. via enhanced pathways, a proposal to enhance Moa Point beach area, and a structure to enhance the formation of surfable waves).

9.4 In my assessment, Objective O9 should be refined to read:

The recreational ~~values~~-opportunities of the coastal marine area, rivers and lakes and their margin and, natural wetlands are maintained and where appropriate enhanced.

9.5 Similarly, proposed Objective O10 seeks to maintain and enhance public access to and along the coastal marine area, rivers and lakes. WIAL sought amendments to this objective to recognise that not all proposals will be able to maintain and enhance all existing public access opportunities. A good example of this is the proposed runway extension where it will not be possible to provide for public access to the margins of the coast which fall within areas dedicated to aircraft operations.

9.6 In comparison, I note that the Wellington RPS seeks as an objective that public access to the CMA is enhanced.¹³ I consider this to be a more achievable outcome, as it provides sufficient scope to recognise that in some instances the maintenance of an existing level of public access will not be achievable, but that as an overall outcome public access to the CMA is enhanced.

¹³ Objective 8

9.7 Restricting access may also be necessary for public health and safety reasons. This is consistent with the NZCPS Policy 19(3)(e). It is further considered that the amendments being sought to O10 by WIAL provide a foundation for the public access restrictions identified in Policy P9. In my view, the amendments improve the structural coherence of the Proposed Plan and gives effect to the higher order NZCPS and RPS provisions, which both recognise that there may be reasons which mean it is not appropriate to maintain public access.

10. CONCLUSION

- 10.1 This evidence has provided an overview of the strategic importance of Wellington Airport to the region and nation. The Proposed Plan needs to suitably recognise that the development of the Airport has had a direct influence on the form and function of the surrounding environment. Substantial reclamation to build the Airport in its present configuration has resulted in a significant change to the original form of Lyall Bay. It is therefore appropriate in my view that the Proposed Plan via appropriate objectives and policies in particular enables the Airport to continue to operate and develop within defined parameters. In this regard WIAL has made submissions relating to the provisions in the Plan which relate to beneficial use and development.
- 10.2 The proposed runway extension has required an extensive investigation into the potential effects and interactions of the proposal with regard to the adjacent CMA. It is my opinion that this material provides a sound basis for assessing the values that are present in and around this part of the CMA, which in turn can usefully inform the promulgation of the Proposed Natural Resources Plan. This work can be drawn upon during the course of this hearing, and at later hearings where other elements of WIAL's submission to the Proposed Plan are considered.
- 10.3 With regard to Hearing Stream 1, WIAL is particularly concerned with Policy P4 and the application of the term "minimise" throughout the Proposed Plan. I do not agree with the section 42A report writer that minimise, as it has been defined and used in the Proposed Plan, is

consistent with achieving a reduction of adverse effects, similar to a mitigation outcome. Instead, Policy P4 introduces a regime whereby if there are known means and resources available to do something in order to minimise a given effect, then that should be done, and matters of cost are subordinate considerations in determining the efficacy of that action. Whilst I accept that the protection of some values might warrant such an approach (where values are highest), great care should be exercised in adopting a minimisation doctrine at a broader scale, as is advocated in the Proposed Plan via Policy P4.

J Kyle

5 May 2017

Appendix A

Summary of Recent Experience of John Kyle

- Alliance Group Limited – Lead consultant – renewal of all discharge and land use consents Lorneville Meat Processing Works, Lorneville - Southland Region.
- Alliance Group Limited – Air Discharge Consents – Pukeuri Meat Processing Works, Pukeuri - Otago Region.
- Alliance Group – advisor regarding various regional and district plans – nationwide.
- Queenstown Lakes District Council – preparation of a Plan Change to expand Queenstown town centre, including to accommodate a convention centre.
- Wellington International Airport Limited – Lead consultant - strategic and resource management advice with respect to the proposed runway extension – Wellington City.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a Plan Change by Tainui Group Holdings and Chedworth Properties for the Ruakura Inland Port Development, Hamilton.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a Notice of Requirement and resource consent applications by the New Zealand Transport Agency with respect to the Expressway between Peka Peka and North Otaki on the Kapiti Coast.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a Notice of Requirement and resource consent applications by the New Zealand Transport Agency with respect to the Expressway between MacKays Crossing and Peka Peka on the Kapiti Coast.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding resource consent applications and designations by the New Zealand Transport Agency with respect to the proposed Transmission Gully Project – Wellington Region.
- Queenstown Lakes District Council – member of the review team commissioned to undertake a review of Council consenting and resource management policy operations.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a plan change application to the Wellington Regional Water plan to assist with the proposed Transmission Gully Project – Wellington Region.
- Queenstown Airport Corporation – lead consultant - Notice of Requirement for land adjacent to QAC in order provide for the future expansion of airport operations, Queenstown Lakes District.
- Genesis Power Limited – due diligence Slopedown Wind Farm, Southland District and Southland Region.
- TrustPower Limited – Planning witness - proposed Kaiwera Downs Wind Farm, Gore District and Southland Region.
- TrustPower Limited – Planning witness - proposed alteration to the Rakaia Water Conservation Order – Lake Coleridge Hydro Electric Power Scheme – Canterbury Region.
- Meridian Energy Limited – Planning witness -Proposed Mokihinui Hydro Electric Power Scheme, damming, water and land use related consents, Buller District and West Coast Region.

- TrustPower Limited – Planning witness - Wairau Hydro Electric Power Scheme, water and land use related consents, Marlborough District.
- Southern Health – Plan Change Invercargill Hospital Development - Invercargill City.
- Sanford Limited, various marine farm proposals Marlborough Sounds, Marlborough District.
- Port Marlborough Limited – Lead consultant - Plan Change proposal to alter the marina zone within the Marlborough Sounds Resource Management Plan to provide for consolidation of marina development in Waikawa Bay, Marlborough District.
- Port Marlborough Limited – Resource consent application for occupation of coastal space – Shakespeare Bay port facilities – Marlborough District.
- Meridian Energy Limited – Planning witness - proposed Wind Farm, Lammermoor Range, Central Otago District and Otago Region.
- Queenstown Airport Corporation – Lead consultant - Runway End Safety Area, designation and construction related consents, Queenstown Lakes District and Otago Region.
- Riverstone Holdings Limited – Lead consultant - Proposed Monorail Link – Lake Wakatipu to Fiordland, Department of Conservation Concession Application – Southland Conservancy.
- Ryman Healthcare Limited – Proposed rest homes – land use and regional consents – nationwide.
- Otago Regional Council – Planning witness - Consents required for controlling the Shotover River to mitigate flood risk – Queenstown Lakes District and Otago Region.
- Queenstown Airport Corporation – Lead consultant - aircraft noise controls and flight fan controls – Plan Change and Designations, Queenstown Lakes District.
- Todd Property Pegasus Town Limited – Pegasus Town, North Canterbury – Waimakariri District, Canterbury Region.
- Willowridge Developments – Lead consultant - 3 Parks Plan Change to create new commercial, large format retail, service, tourist and residential land use zones, Wanaka, Queenstown Lakes District.
- Gibbston Valley Station – Lead consultant - Land use and regional consents, Viticulture and Golf Resort, Gibbston – Queenstown Lakes District and Otago Region.
- Marlborough District Council – Business Park Plan Change, Blenheim - Marlborough District.
- Ravensdown Fertiliser Limited – Lead consultant - Coastal and Air Discharge Consent Renewal, Dunedin – Otago Region.
- Irmo Properties Limited – Resource consent application for retail complex, Green Island – Dunedin City.
- Infinity Investment Group and JIT Investments – Lead consultant - Hillend Station Farm Park development, Wanaka – Queenstown Lakes District.
- Infinity Investment Group – Lead consultant - Peninsula Bay Plan Change, Wanaka – Queenstown Lakes District.
- Genesis Power Limited – Planning witness - Tongariro Power Development, Water Related Consents, Central North Island – Environment Waikato and Horizons MW.
- Genesis Power Limited – Planning witness - Waikato District Plan review and provision for the Huntly Power Station, Waikato District.
- Matukituki Trust – Planning witness - Residential Development, Roy’s Peninsula, Wanaka – Queenstown lakes District.

- Department of Corrections – Planning witness - New Corrections Facility, Milton - Clutha District and Otago Region.
- Department of Child Youth and Family – Lead consultant -Youth Justice Facility, Rolleston – Selwyn District and Canterbury region.
- Telecom New Zealand Limited – Mobile Phone and Landline Infrastructure Developments, South Island, all Districts.
- Kuku Mara Partnerships – Planning witness - Large Scale Marine Farms, Marlborough Sounds – Marlborough District.
- Marine Farming Industry – Plan Appeals, Tasman Aquaculture Inquiry, Tasman and Golden Bays – Tasman District.
- Various clients – advice with respect to the promulgation of Resource Management Plans and Changes to those Plans – various Districts and Regions – predominantly South Island.