



KAPITI COAST AIRPORT

15 May 2017

Hearings Officer – Erin Campbell
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WELLINGTON

Attention: Hearing Panel – Proposed Natural Resources Plan - Wellington Region

PROPOSED NATURAL RESOURCES PLAN – HEARING STREAM 1

Kapiti Coast Airport Holdings Limited (Submitter 99) (“**KCAHL**”) is a submitter on the Proposed Natural Resources Plan (“**PNRP**”). KCAHL’s submission points relating to Hearing Stream 1 sought to:

- Amend the name of the Airport.
- Amend policy wording seeking minimisation of adverse effects and recognition of regionally significant infrastructure.
- Clarify the extent of the scheduled site with significant mana whenua value identified in Schedule C (Wharemauku Stream) and potential changes to the related objectives and policies.

KCAHL has considered the s42A report for Hearing Stream 1 and supports the recommendation to update the name of the Airport from Paraparaumu to Kapiti Coast (S99/032) and appreciates the clarification received in relation to the extent of the scheduled site with significant mana whenua value (S99/002).

KCAHL notes that some of its concerns with the policy framework have not been adequately addressed and, from a review of the evidence filed by other submitters, KCAHL is not alone in holding this view. KCAHL’s concern is to ensure that that the policy framework is mindful of the implications of the Supreme Court’s decision in *King Salmon* and need for care to be taken in how objectives and policies are phrased. In particular, KCAHL notes the following:

- Kapiti Coast Airport (previously Paraparaumu Airport) is recognised as regionally significant infrastructure in the PNRP; however, the objective and policy framework for regionally significant infrastructure is not as directive as the objectives and policies that are applicable to the protection and avoidance of effects on certain aspects of the environment. Para 172 of the s42A report recognises the interrelationship between policies and notes that:

“...the provisions of the plan are intended to be considered in an integrated manner. For example, I note that Objective O12 and Policy P12 in the proposed Plan recognise the social, economic, cultural and environmental benefits associated with regionally significant infrastructure, amongst other matters.” [emphasis added]

Following the Supreme Court decision in *King Salmon*, there is a clear move away from an overall judgement approach and the decision clarifies that policies expressed in directive terms carry greater weight than those expressed in less directive terms (i.e. ‘avoid’ is stronger than ‘recognise’). *King Salmon* confirms the importance of provisions saying what they mean. There is, therefore, a real risk of regionally significant infrastructure and other forms of development being unduly hindered if the policy wording supporting them is inadequate. KCAHL seeks that the regionally significant infrastructure is not only recognised but enabled (S99/006, S99/008 and FS15/001).



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- The extent of the scheduled site with mana whenua value located on the Airport land has now been clarified as being limited to the area within the waterbody of the Wharemauku stream. This provides KCAHL with some necessary certainty about how the related provisions are intended to apply. As above, however, KCAHL considers that the wording of the wider objective and policy framework should be cognisant of the need for policy wording to strike an appropriate balance if they are intended to be read in an integrated manner.
- Policy 45 requires the avoidance of activities in sites of significance in the first instance and if they cannot be avoided, then more than minor effects must be evaluated through a cultural impact assessment undertaken by the relevant iwi authority or authorities. The effects are then to be managed in accordance with tikanga and kaupapa maori as recommended in the CIA to, amongst other things, avoid more than minor adverse effects. KCAHL considers that care should be taken to ensure that any recommendation in a CIA is appropriately assessed by Council in its regulatory role as part of an application, including recognising that complete avoidance of more than minor adverse effects may not always be practicable. (S99/002 and S99/004)
- As is the case with a number of other submitters, KCAHL has concerns with policy 4 (minimising effects) as currently drafted and does not consider that a policy requiring “minimisation of adverse effects...to the smallest amount practicable” to be consistent with the RMA’s statutory framework. KCAHL considers that this policy requires significant reworded or alternatively should be deleted. (S99/022)

KCAHL seeks that the concerns raised above are addressed so as to ensure there is no ambiguity about how objectives and policies interrelate or should be weighed when in conflict.

If you have any further questions please don’t hesitate to contact me direct.

Yours faithfully

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On behalf of Kapiti Coast Airport Holdings Limited

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