

**Before an Independent Hearing  
Panel Appointed by  
Wellington City Council**

**In the Matter**

of the Resource Management Act  
1991

**And**

**In the Matter**

of two Notices of Requirement to  
designate land for Airport Purposes at  
Wellington Airport and on land  
currently occupied by the Miramar  
Golf Club

**Statement of Evidence of  
John Clifford Kyle  
for Wellington International Airport Ltd**

Dated: 5 May 2021

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## **INTRODUCTION**

### **Qualifications and Experience**

1. My name is John Clifford 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.
2. I have been engaged in the field of town and country planning and resource and environmental management for more than 30 years. My experience includes a mix of local authority and consultancy resource management work. For the past 25 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.
3. An outline of the projects in which I have been called upon to provide resource management planning advice in recent times is included as **Annexure A**. My experience includes advising a number of airport companies around New Zealand with respect to airport planning issues, including notices of requirement and designations. I have been involved with land designations for other requiring authorities over many years, including transport agencies, telecommunications and radiocommunications operators, providers of meteorological services, aircraft navigation service providers, the conveyors of electricity and numerous Ministers of the Crown. This experience dates to 1993.
4. 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 decade.

### **Code of Conduct Statement**

5. While this is not an Environment Court hearing, I nonetheless confirm that I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the Code and am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might

alter or detract from the opinions I express in my evidence. I understand that I have an overriding duty to assist the hearing in an impartial manner and that I am not an advocate for the party which has engaged me.

### Scope of Evidence

6. I have been asked by WIAL to prepare planning evidence in relation to the two notices of requirement (**NOR**) it has before the Council for a recommendation. The land area subject to the respective NOR's is shown on Figure 1 of Mr Ashby's s42A report<sup>1</sup>.
7. The first notice relates to the airport land holdings which contain WIAL's existing facilities and infrastructure (known for the purpose of these proceedings as the **Main Site NOR**). The land subject to this NOR includes the runway, taxiways, aircraft aprons, hangars and standing areas, associated aviation servicing facilities, the airport terminal, carparking areas, access roads, the airport hotel, the airport firefighting facilities<sup>2</sup> and a range of activities ancillary to WIAL's functions. This land currently falls within the Airport Area within the Airport and Golf Recreation Precinct within the Operative City Plan with the exception of land where the new fire station is to be built which is partly zoned Outer Residential Area, and two areas of local road reserve adjacent to Coutts Road and Moa Point Road<sup>3</sup>.
8. The designation of this land would enable a range of airport related activities to continue. In particular, the following activities would be enabled by the designation (subject to conditions):
  - *Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;*
  - *Aircraft rescue training facilities and emergency services;*
  - *Runways, taxiways, aprons, and other aircraft movement areas;*
  - *Airport terminal, hangars, control towers, rescue and fire facilities, navigation and safety aids, lighting and telecommunication facilities, car parking, maintenance and service facilities, catering facilities, freight*

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<sup>1</sup> Page 9 s42A report by M Ashby

<sup>2</sup> Including the site proposed to be developed for a new fire station on Coutts St which was granted resource consent in 2020.

<sup>3</sup> Chapter 11A of the City Plan.

*facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances;*

- *Associated administration and office activities;*
  - *Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, and landscaping;*
  - *Vehicle parking and storage, rental vehicle facilities, vehicle valet activities, and public transport facilities;*
  - *Signage, artwork or sculptures, billboards and flags;*
  - *Hotel/visitor accommodation, conference facilities and services;*
  - *Retail activities, restaurants and other food and beverage facilities including takeaway food facilities and industrial and commercial activities, provided they serve the needs of passengers, crew, ground staff, airport workers and other associated workers and visitors;*
  - *Structures to mitigate against the impact of natural hazards;*
  - *All demolition (if required) construction and earthworks activities, including associated structures;*
  - *Ancillary activities, buildings and structures related to the above; and*
  - *Servicing, testing and maintenance activities related to the above.*
9. The second NOR relates to land that is currently mostly being use as part of the Miramar Golf Course which has been acquired by WIAL. This land is mostly within the Golf Course Recreation Precinct<sup>4</sup>. This land is directly contiguous to the eastern boundary of the existing airport and the extent of land affected by this NOR is also shown on Mr Ashby's Figure 1. This NOR is known as the **East Side Area NOR**.
10. The designation would enable the following more limited activities to be undertaken (subject to conditions):

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<sup>4</sup> Chapter 11B of the City Plan.

- *Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;*
  - *Taxiways, aprons and other aircraft movement areas;*
  - *Navigation and safety aids, monitoring stations, lighting and telecommunications facilities;*
  - *Car parking, roads, accessways, pedestrian ways, stormwater and wastewater infrastructure, utility activities and security fencing;*
  - *All demolition (if required) construction and earthworks activities, including associated structures;*
  - *Landscaping, planting, tracks and trails;*
  - *Ancillary activities, buildings and structures related to the above; and*
  - *Servicing, testing and maintenance activities related to the above.*
11. The Panel will have observed that both NORs include an area of land that is common to both notices. This area is shown on the plan included on page 4 of the response to the Council's request for further information (Main Site) dated 16 March 2020. The hatched area is included in both the Main Site and East Side NOR's at this stage. The reason for this is that the East Side Area NOR is more limiting as to purpose and is proposed to be subject to greater limitation via conditions. It is proposed that if the East Side Area NOR is confirmed then this hatched land will be the subject of that designation. The Main Site designation can then be uplifted over that hatched area pursuant to s182 of the Resource Management Act 1991 (**RMA or the Act**).
12. WIAL is the owner of the land subject to the Main Site NOR and the East Side Area NOR (having acquired this from the Miramar Golf Club), except for two areas of road reserve. The land tenure is described by Mr Clarke.
13. For completeness I note that WIAL is already the Requiring Authority for the following designations in the District Plan:
- (a) Designation G2 Wellington International Airport – Airspace Designation.

- (b) Designation G3 Wellington International Airport Ltd - Runway End Safety Area Extension (Southern) (RESA Designation)<sup>5</sup>.
  - (c) Designation G4 Wellington International Airport Ltd – Airport Purposes – Miramar South Area
14. In preparing this evidence, I have reviewed the following:
- (a) Both NOR's and the associated Assessment of Environmental Effects (**AEE**) documents that form part of these notices. My firm was the primary author of these.
  - (b) All further information provided by WIAL in response to requests issued by Council.
  - (c) The reports and statements of evidence of all the other witnesses giving evidence on behalf of WIAL with respect to the two NOR's.
  - (d) The notification reports and the section 42A reports prepared by Mr Ashby.
  - (e) The submissions received with respect to both NOR's.
15. My evidence includes:
- (a) An overview of the two NOR's.
  - (b) A description of the planning context for the land subject to the two NOR's.
  - (c) Some comment on key matters raised in the Councils s42A reporting, as well as submissions.
  - (d) An assessment of the two NOR's against the relevant statutory tests set out in s171 of the Act.
  - (e) Commentary on conditions, and in **Annexure B** of my evidence, a strikethrough version of conditions which sets out the changes I consider should be made to address matters raised in submissions and in the S42A Report. I deal with each of the NOR's in turn insofar

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<sup>5</sup> This will become superfluous once the Main Site designation is confirmed.

as conditions are concerned. It should be noted that Ms Lester, who is the requiring authority's Planning Manager has consulted widely with a number of submitters and many of the changes made to the conditions are directed at resolving the individual concerns raised.

## THE MAIN SITE NOR

16. The Main Site NOR seeks to designate what is essentially the existing Wellington Airport site for airport purposes. The purpose of this proposed designation is to set in place a more efficient and flexible planning method to allow for the use of the Airport land in a way that properly reflects evolving development and infrastructure requirements.
  
17. The airport land currently falls within the Airport Area within the Airport and Golf Recreation Precinct in the City Plan with the exception of the minor areas discussed above. This zone was made operative in July 2000. According to the zone statement<sup>6</sup> *“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 its 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 land uses 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*

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<sup>6</sup> Page 10-1 of the City Plan



*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; and*
- *West Side.”*

18. Whilst this zoning is reasonably permissive insofar as airport related activities are concerned, there have been numerous instances in recent years whereby WIAL has needed to obtain resource consents for activities required to fulfil its functions as the airport operator. Mr Ashby has summarised the number and nature of consents that have been obtained over the period 2009 to 2019 (he estimates that 24 resource consents were required by WIAL during that time, which to me seems like quite a high number). He also states that most activities for which consent was required were discretionary activities and were processed without public notice. From the perspective of the requiring authority having to obtain resource consents for generally routine, “conventional” airport related activities has been costly and time consuming. Designating the airport site is seen to be a more efficient planning method for WIAL’s purposes going forward.
19. I note that in my experience with other airports in New Zealand, that WIAL is the only major airport that does not have a designation for its land in the District Plan. Other major New Zealand airports (for example Auckland, Christchurch and Queenstown) have airport related zonings and designations for airport purposes. In my experience, the operators of these airports frequently utilise their designations to authorise new land use activities which are consistent with the designation purpose, or to alter existing land use activities as operations evolve.

## **THE EAST SIDE AREA NOR**

20. Both Messrs Clarke and Howarth describe:

- (a) The significant land constraints that affect operations at Wellington Airport.
  - (b) The recent and projected growth of airport activities at Wellington, which meant in the mid-2010s it became apparent that additional land was required to accommodate future airport activities.
  - (c) WIAL's interest and subsequent purchase of the Miramar Golf Course land and the recently designated former Miramar South School site which are both intended to augment this need for additional land.
  - (d) The master planning work undertaken by WIAL which culminated in the 2040 Master Plan. This shows how the Airport will accommodate future growth over the next 20 years. Mr Munro describes this master plan in some detail.
21. The exact configuration of development on the East Side Area has not been finalised which of course is not unusual in the case of designations. However, as Mr Howarth and Mr Munro outline, through the master planning work undertaken by WIAL, there is a very clear understanding about the type of activities that need to be developed at this location. Mr Munro sets out the likely development configuration that will occur on the land, the technical considerations that have guided that configuration and the likely timing and staging of that development.
22. It is evident to me that there are numerous and complex factors that are applied to planning for new airport infrastructure and at Wellington, there is a compelling need to provide for more apron and aircraft stand space adjacent to the airport terminal. This need increases with time. The way this space is set out must achieve strict safety limitations and result in operational efficiency. I return to this matter later in my evidence where I assess the NOR against the requirements of s171(1)(c) of the Act.
23. As I will also address later in my evidence, the NOR includes a broad range of conditions to manage the effects of the development on the environment, including effects on adjacent residential neighbours. Those conditions have been informed by expert assessment.

## SITE DESCRIPTION AND CONTEXT

24. The site and its context are set out within Section 4 of Ashby's report. He also includes a section titled "Background" at Section 6 of the report. In my assessment, that descriptive material is comprehensive and provides a very useful backdrop to the consideration of the NOR's.

## SUBMISSIONS

25. A summary of the issues raised by submitters is provided in Section 7.4 of Mr Ashby's report.
26. Submissions directly on planning matters express concern that:
- (a) The need for the designations (in particular the East Side Area) has not been established and alternative methods to better sustainably achieve the outcomes sought by WIAL should be considered.
  - (b) WIAL has not undertaken sufficient consideration of alternatives or means (i.e., plan change) for accommodating the activities planned for the East Side Area.
  - (c) The NOR for the East Side Area in particular, does not sit comfortably with the various planning documents which apply, including the District Plan provisions which discourage designations.
  - (d) The NOR for the East Side Area in particular, is not consistent with the requirements of Part 2 of the RMA.
  - (e) The NOR for the East Side Area is not consistent with the objectives and policies of the WCC District Plan which seeks to retain the golf course as a buffer between residential activities and airport operations.
27. Matters (a), (b) and (c) relate to the key statutory considerations for assessing NOR's under s171(1)(a) – (c) of the RMA and I have considered these submission points when addressing those statutory matters below.
28. With respect to uncertainty with the precise plans for the East Side Area, the Panel will be aware it is quite orthodox for the exact configuration of development on a site subject to a NOR to have not been finalised at the time of first promulgation. To address this, Part 8 of the Act enables the imposition

of conditions on designations (s171(2)(c)) and also provides for the outline plan process (s176A).

29. It is also my observation in this case, that as WIAL has specified a range of likely land uses for the site and in fact some reasonably prescriptive details (see the evidence of Mr Munro) within the NOR there is an increased level of certainty to Council and neighbours about the nature of the activity that will be undertaken at this site and the attendant effects. The proposed conditions which I address at the end of my evidence are specifically intended to assist in mitigating the effects of the activities ultimately developed on both the Main Site and the East Side Area.
30. The submissions also raise various other concerns with the effects of the NOR's and in particular the East Side Area NOR, and I have considered these below.

## **STATUTORY EVALUATION**

31. This section of my evidence deals with those matters inherent in the Hearing Panel's consideration of both the Main Site and East Side Area NORs under section 171 of the RMA. It addresses:
- (a) The effects on the environment of allowing the requirement.
  - (b) The relevant provisions of relevant planning documents.
  - (c) Whether adequate regard has been given to alternative sites, routes or methods of undertaking the work.
  - (d) Whether the designation is reasonably necessary for achieving the objectives of the requiring authority.
  - (e) Part 2 of the RMA.

### **The Effects on the Environment**

32. The relevant effects on the environment of allowing the Main Site NOR are largely those anticipated already by the Airport Zone within the District Plan and include:
- (a) Aircraft noise effects.

- (b) Amenity, visual and urban form related effects.
  - (c) Transportation effects.
33. The relevant effects on the environment of allowing the East Side NOR include:
- (a) Landscape and visual effects;
  - (b) Effects on open space and recreational values;
  - (c) Transportation effects;
  - (d) Noise effects, which affect amenity values<sup>7</sup>;
  - (e) Lighting effects;
  - (f) Effects on services and utilities;
  - (g) Construction and earthwork effects.
34. These effects are identified and assessed in the respective AEEs and appended technical assessments, Mr Ashby's report and its appended technical reviews, the evidence of the other expert witnesses engaged by WIAL.
35. The Panel will have read those analyses and I do not wish to repeat this information. However, I do make some brief comments about the effects that are likely to arise from the respective designations where I have a differing view from Mr Ashby or where I think a slightly different perspective might add value to the hearing process.

#### *Landscape and Visual Amenity Effects*

36. Landscape and visual amenity effects particularly from the proposed East Side expansion of airport facilities have been a particular focus for some submitters, particularly those that reside close in streets like Bunker Way. Key things that stand out to me in these submissions as being particularly valued by these residents include the open views, the existence of green space and

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<sup>7</sup> I note that the submission by Regional Public Health also suggests that the noise effects associated with the proposed use of the East Side Area would lead to adverse public health outcomes.

recreational opportunities provided by the current golf course. There is concern that current views in the foreground will be replaced by views of more formal airport related infrastructure.

37. Dr Boffa has assessed the effect of the NOR's and in particular the East Side NOR on neighbouring properties in terms of visual and landscape effects. He concludes that properties situated along Bunker Way will be the most affected by the East Side NOR. His assessment concludes that the main change from these locations will be in the nature and composition of the view, being the loss of the golf course outlook to one of airport and aircraft activities. Dr Boffa observes that while lower ground and middle ground views will be directly modified, views to the distant background hills will not be affected and for the most part landscape effects are not considered by him to be significantly adverse.
38. Dr Boffa does acknowledge however that the landscape and visual changes that will be brought about by the East Side Area NOR (once it is fully developed) may be significant for some individual property owners. For this reason and as explained in Mr Clarke's evidence, consultation with those most affected property owners situated on Bunker Way has been undertaken, with a view toward finding an agreeable solution to address these effects.
39. The report prepared by Mr Ashby comments on visual and urban design effects within Section 9.4. He refers to a report from Ms Simpson the Council's urban design advisor. Mr Ashby notes that the conditions relating to the terminal precinct allow for buildings up to 25m in height to be constructed without the need for an outline plan to be submitted in terms of s176A of the Act. This reflects the fact that buildings in this precinct are currently permitted activities within the terminal precinct of the airport zone. For buildings that might exceed the 25m height limit it is proposed that an outline plan would be required, and this would need to meet conditions which provide guidance on design outcomes. Reflecting a comment by Ms Simpson, Mr Ashby suggests that it would be useful for all built development in the terminal area and any other larger ancillary buildings to accord to a Design Guide "to ensure quality"<sup>8</sup>.

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<sup>8</sup> See 9.4.2 of Mr Asbhy's s42A report.

40. The most recent buildings erected at Wellington Airport include the carparking building, the airport hotel and a significant expansion to the domestic terminal. All of these buildings have been architecturally designed to meet exacting standards as to function and visual appearance<sup>9</sup>. If the Panel holds the view that the requiring authority should be subject to a more prescribed set of design guidelines for buildings in the terminal area and for larger ancillary buildings, I have no particular difficulty with that provided that they are not overly prescriptive. I have added such a condition to my **Annexure B**.
41. I also agree with Ms Simpson that the Broadway/Calabar Road area should adhere to an Integrated Design Management Plan (in the same way that the recently confirmed designation for the former Miramar South School land (the Kauri Street designation) includes a condition for managing interface effects at Broadway). The addition of a similar condition on the Main Site designation would ensure consistency with the Kauri Street designation conditions and I have included something similar within **Annexure B**.
42. Ms Simpson expresses concern that the designation could allow the Rongotai Ridge area to be developed in an inappropriate way. Mr Ashby correctly points out that built development in the location is highly constrained by the Obstacle Limitation Surface designation. The evidence of Mr Howarth identifies how this land is currently used by the requiring authority (it hosts an array of navigation aids), and how it is likely to be used in future. Clearly the utilisation of this land is necessary to fulfil an important aviation related purpose. For this reason, it is my view that it should remain part of the designation. Any other non-airport related use would of course be subject to the need to obtain a resource consent.
43. Ms Simpson expresses concern that the Main Site designation would enable the removal of the small remnant hill near Freight Drive on the airport site. There is nothing in the Airport Zone provisions that would preclude this from occurring now. There are no District Plan rules which limit the airport's ability to remove this remnant feature. I note Dr Boffa's expert view that there is nothing significant about this remnant hill from a landscape perspective.

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<sup>9</sup> I understand that the carparking building has been the recipient of an architectural award.

*Noise*

44. Other effects on amenity include the effects of noise. Ms Smith has provided expert noise evidence on behalf of the requiring authority and I have considered the noise reporting which forms part of the s42A report and the submission from Regional Public Health in particular which raises specific concerns about noise. Ms Smith has approached her assessments on the basis of a fully developed East Side Area site.
45. Ms Smith confirms for the Main Site NOR that the proposed conditions would ensure that there is no significant change to the current permitted noise emissions from operations occurring on this land.
46. For the East Side NOR, she explains that the main additional noise sources would be aircraft taxiing, aircraft auxiliary power units (APUs) and to a lesser extent ground support equipment. From modelling the cumulative impacts of these potential noise sources (for the fully developed site) Ms Smith predicts future noise levels at adjacent residential receivers will be between 60 and 65 dB L<sub>dn</sub>. Ms Smith describes these levels as moderately high that are generally undesirable for residential activity but not uncommon for residents in the vicinity of New Zealand airports, ports or roads.
47. Ms Smith acknowledges however, that by expanding operations onto the East Side Area it is increasing the intensity and frequency of noise effects experienced for residential neighbours adjacent to the eastern boundary (or ESA receivers as she refers to them).
48. Ms Smith has recommended a range of noise mitigation conditions. These have been considerably refined since the East Side NOR was filed with the Council. The changes proposed have been described in detail by Ms Smith and they are, in the main a response to concerns raised by Mr Borich for the Council, submitters including that by Regional Public Health, and some further reflection on her part as to what might comprise the best method for ameliorating the noise effects that will arise. Recommended conditions include the following:
  - (a) Require noise from aircraft operations to be limited to 65 dB L<sub>dn</sub> at a new proposed compliance line within the ESA designation area.



- (b) Restrict the time that APUs can operate on parked aircraft to 15 minutes each before departure and after departure. This is a significant reduction to what is permitted on the main airport site (which is 90 minutes before departure and 60 minutes after departure).
  - (c) Install a permanent noise monitor along the eastern boundary of the site to continuously measure noise effects on the adjacent residential properties and to confirm compliance through modelling with the relevant noise limit.
  - (d) Prevent aircraft taxiing (using engine power) and using APUs within the designated land during the night time. This will help ensure that sleep disturbance effects are minimised.
  - (e) Require any Ground Service Equipment using the designated land and road traffic on the realigned Stewart Duff Drive to comply with a night time noise limit of 45dB  $L_{Aeq}$  at adjacent residential properties.
49. Notably Ms Smith has also suggested adding conditions which mean that the requiring authority must offer suitable ventilation to be installed in residential dwellings of ESA Receivers situated on Nuku Street, Bunker Way, Ruakawa Street and Kekerenga Street in Strathmore Park ahead of operational noise levels reaching a certain threshold at those locations. Ms Smith says that this measure is consistent with best practice adopted at airports within New Zealand where similar circumstances apply.
50. Those familiar with Wellington Airport may be acquainted with the Land Use Management and Insulation for Airport Noise Study (“**LUMINS**”) that was completed by the Wellington Airport Air Noise Management Committee in 2009. The purpose of LUMINS was to determine the future management of land use and acoustic insulation for properties located around Wellington Airport, which are exposed to higher levels of aircraft related noise. The study involved an in depth assessment of the effects of aircraft noise on noise affected residents which in turn led to consideration of mitigation options such as acoustic insulation for existing houses and more stringent land use controls for new noise sensitive activities. Since 2009, Wellington Airport has implemented an extensive programme of property purchase and retrofitting to mitigate the effects of noise on its surrounding community which is referred to as “*Quieter Homes*”.

51. As Ms Smith describes the measures proposed to be offered to the ESA receivers she identifies are a little different to some of the retrofitting that has occurred as part of Quieter Homes but this reflects the level of effect that would accrue at these locations and the type of noise that would be received. I include these conditions in the revised conditions that have been appended to my evidence. I note that 8 of the identified ESA receivers are already situated within the current ANB for the Airport and the conditions proposed reflect that these landowners will continue to be part of the Quieter Homes program.

### *Lighting*

52. Mr Ashby has referred to comments made by the Council's lighting expert Mr Swaminarayan. He states that "*The impact of the lighting on the surrounding area should be looked into against the criteria and limits prescribed in the recently published "Control of the obtrusive effects of outdoor lighting AS/NZS 4282:2019" rather than following the obsolete district plan NZS CP22:1962 and amendments. The reason for that is that the lighting technology has evolved since than from the old gas discharge lamp / High pressure sodium / mercury vapour lamp to current solid State Lighting (SSL) aka LED Luminaire which has its own unique attributes and characteristics that are best captured in the latest AS/NZS 4282:2019 and AS/NZS 1158.3:2020*".
53. Mr Read the lighting expert for the requiring authority agrees that lighting within the designated land should be managed in accordance with this more recent standard. This advice is helpful, and I have amended the appropriate condition within **Annexure B** to align with this advice.

### *Earthworks and Construction Effects – Amenity and Visual Effects*

54. Due to the current undulating nature of the golf course site and escarpment area, earthworks will be required before WIAL is able to use the land for airport purposes. Such activities can give rise to temporary amenity related effects such as noise, dust generation and visual effects.
55. Mr Howarth explains how WIAL approaches any construction activity at the Airport. In my experience, the proposed approach to earthworks and construction management is consistent with best practice for large scale infrastructure projects. Mr Howarth also explains how the development of the

East Side Area is likely to occur in stages, with each stage being carefully managed during the construction phase.

56. Dr Boffa has considered the visual and amenity effects that might arise from the retaining structure that may be necessary to support the development of the site. His assessment confirms that treatment of the façade could be utilised to soften this structure (if it is necessary). Though not related to amenity values, the evidence of Mr Robins also confirms that the development, in particular the retaining structure, can be soundly engineered, having considered relevant geotechnical matters.
57. In terms of the Main Site NOR, the District Plan does not place limitations on earthworks in the Airport area, except in the Rongotai Ridge area and within areas identified in Appendix 5 of the Airport and Golf Course Recreation Precinct Chapter 11 (potentially contaminated sites). If earthworks outside the permitted activity threshold on this land are proposed, the proposed designation conditions require an outline plan which addresses:
  - (a) Whether any earthworks will alter the existing topography of the site and the effects on the area's amenity values and cultural values.
  - (b) The extent to which earthworks would affect the stability and erosion potential of the site and surrounding sites.
58. In my opinion, these measures are aligned with the outcomes expected via the current permitted activity rules in the Plan so in effect the management approach to earthworks on the Main Site is emulated by the approach taken to conditions in the NOR.
59. I note that the Council's reviewer Mr Davies agrees that suitable management methods are available to ameliorate the effects of earthworks activities. He suggests that conditions similar to the Omāroro project are appropriately applied to proposed works that might occur in the East Side Area. I have reviewed the suite of conditions he suggests. The conditions are detailed, and it was originally anticipated by the requiring authority that such detail would be included in the Construction Management Plan. However, the suggested conditions are reasonably conventional in my experience and where these lend themselves to the current situation, I have included them in my **Annexure B**.

### *Transportation Effects*

60. The effects of the NORs on the wider transportation network has been raised in several submissions. Some submitters have requested assurance that the Stewart Duff Drive linkage through the Airport will remain operational for public use. This road is not legal road, and it is located on land owned and administered by the requiring authority. Mr Clarke has responded to this matter in his evidence. While I understand that WIAL has no obligation to retain this private road for public access, Mr Clark confirms that at this stage the requiring authority has no intention to preclude public access across via this linkage.
61. With respect to this issue I note that the Council transportation reviewer Mr Spence has recommend that the requiring authority be requested to work with the Council to explore how a greater level of future security of public access through the airport land and the nature of such access might be achieved. He suggests the following condition *“That WIAL agrees to work constructively with the Wellington City Council to explore the potential for a greater level of future security of public access and the nature of such access, so as to achieve an acceptable balance between the Airport’s commercial requirements and the needs of the local community”*.
62. This seems somewhat odd to me. The council is the road controlling authority for the City (aside from the State highway network). It is the councils’ role to make provision for roads in the City where it deems them necessary. If long term security of public access through the airport land is a key priority for the council then it has available to it a range of tools to give effect to this.
63. A submission by the Greater Wellington Regional Council raises concerns about future provisioning for public transport. From my assessment, much of what is stated in this submission is not related to resource management considerations and the concerns appear to be based on commercial concerns. Notwithstanding this, provision for increased use of public transport has been accounted for in WIAL’s master planning work. Mr Georgeson identifies this in his evidence. The Main Site NOR is intended to assist in implementing the necessary provision of additional infrastructure necessary to provide for public transport use.

64. Construction related traffic effects were identified in the submission made by Waka Kotahi NZ Transport Agency. The submission requested that WIAL work closely with Waka Kotahi to resolve how any fill transportation and construction traffic more generally would be managed during the development of the East Side Area. As explained by Mr Howarth the development of the East Side Area is likely to occur in stages (subject to Airport demand and forecasting) and the exact quantity of earthworks cut to waste and associated traffic movements is not yet known. In recognition of this, the proposed conditions require that the requiring authority prepare an Earthworks and Construction Management Plan prior to the development of the site (or stages of development).
65. WIAL has undertaken further consultation with Waka Kotahi regarding its submission. As a result of this consultation WIAL has agreed to amend this proposed condition to include a specific obligation to undertake consultation with the relevant road controlling authority prior to any significant earthworks occurring on site. Waka Kotahi has confirmed that this amendment resolves its concerns. Construction related traffic effects are therefore considered to be suitably managed via the conditions and outline plan mechanism that has been proposed.
66. Mr Georgeson has prepared evidence which addresses transport related issues. He discusses "*Let's Get Wellington Moving*" (**LGWM**) and WIAL's role as a key participant in that initiative. LGWM is a joint initiative between Wellington City Council, Greater Wellington Regional Council, and Waka Kotahi NZ Transport Agency. It focuses on the implementation of a programme of transport network upgrades to improve network efficiency and reliability, reduce the reliance on private vehicle use, improve safety, increase adaptability to disruption and reduce future uncertainty. The programme extends from Ngauranga Gorge to Miramar including the Wellington Urban Motorway, access to the port, and connections to the central city, Wellington Hospital, and the airport.
67. Mr Georgeson explains that a specific 'Airport Module' is being developed to support the current suite of transport models used by the LGWM team, which captures the most up-to-date forecast Airport growth, along with public transport mode share expectations.

68. Mr Georgeson also explains that the LGWM partners are currently investigating both highway and public transport interventions that will benefit airport customers as well as other users of the network. The current preferred option proposes the development of a MRT service to the Airport after 2029. In advance of MRT, transport improvements are expected to take the form of optimisation of the road corridor, a continued focus on walking and cycling infrastructure and a return of passenger buses. In terms of the latter, he notes that the requiring authority is working with GWRC to launch a new public bus service between the Airport and the CBD, replacing the Airport Flyer that ceased operating to and from the Airport in November 2020.
69. It appears to me that LGWM is a key initiative for managing the transportation demands created by the airport (and other traffic generators in the City). WIAL has and continues to take a collaborative role in LGWM. It seems to me that this is the best method for WIAL to continue to address and assist to manage the remaining issues identified in Mr Spence's report.

#### *Climate Change*

70. I note that there are a significant number of submissions on the East Side Area NOR relating to climate change effects. There is a consensus amongst these submissions that aircraft emissions are a significant contributor to greenhouse gas emissions and the Airport should not be allowed to expand during a climate change emergency. I also note that Mr Ashby has made some comments about this matter and in fact, he goes so far as to say that the East Side Area NOR should be withdrawn on the basis of his concerns about climate change (and noise, which I have addressed earlier in this evidence), unless appropriate conditions are developed under section 171(2)(c).
71. Ms Dewar will address the legal issue arising with these submissions and Mr Ashby's approach.
72. For my part, I have had some experience with this issue particularly through my role as advisor to three Boards of Inquiry, being those convened to hear applications by the New Zealand Transport Agency to consider three roads of national significance projects, north of Wellington<sup>10</sup>. From that experience it is my understanding that that the emission of greenhouse gases resulting from

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<sup>10</sup> Transmission Gully, MacKays to Peka Peka and Peka Peka to North Otaki.

construction or operation of those roads was not a relevant consideration under the RMA. Positive benefits such as avoiding climate change impacts on existing roads were relevant, but not the emissions from construction or future vehicle use once the roads were opened.

73. The same applies to airport facilities that would be enabled by the East Side Area NOR because no consents are sought for the discharge of greenhouse gas emissions as part of this NOR process.
74. In addition, the Regional Plan explicitly states that discharges to air from mobile transport sources, which in my view includes aircraft and ground-based vehicles, are not controlled by the Plan<sup>11</sup>. That provision in the Regional Plan is consistent with the current Sections 70A and 104E of the RMA which direct a regional council (when making a rule) and a consent authority (when considering an application for a discharge permit) to disregard the effects of any discharge of greenhouse gases on climate change, except to the extent that the use of renewable energy enables a reduction in the discharge of greenhouse gases.
75. For these reasons, it would not make any sense to me if, on the one hand, the Act presently prohibits consideration of the effects of greenhouse gas emissions on climate change when determining discharge applications, and yet, on the other hand, they are seen as relevant to the consideration of these NORs, where the primary emissions derive from combustion, being aircraft and land based vehicle emissions.
76. As Mr Ashby has advised, carbon emissions are regulated by central government at the national level. He also advises that s7(i) requires particular regard to be had to the effects of climate change in resource management decision making. In my opinion, the extent to which climate change matters can be accounted for in this case is limited by the fact that such effects derive primarily from discharges which emanate from combustion processes which are permitted by the relevant Regional Plan (mobile transport sources).
77. Notwithstanding this, WIAL has elected to proffer some responses to the submissions relating to climate change and this is largely set out in the evidence of Messrs Vincent and Clarke.

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<sup>11</sup> See 5.1.1. of the Regional Air Plan (pg 48)

78. Messrs Vincent and Conway also describe the new aircraft technology being introduced by manufacturers to reduce greenhouse gas emissions. Innovation is occurring to build aircraft that are ever more fuel efficient, and airlines continue to look for ways to operate with greater efficiency. Aircraft utilising alternative means of propulsion are being investigated by a number of leading manufacturers. Mr Vincent confirms that even in a changing technological and zero carbon future, WIAL still needs to plan and provide adequate manoeuvring and parking space for current and future aircraft types at the Airport. And in fact, providing more space to do this is necessarily driven by a need to provide for greater operational efficiency.
79. The evidence of Messrs Munro and Howarth also confirms that current operations can be hampered by a shortfall in aircraft stands at the Airport, which can result in aircraft and passenger delays and increasingly will do so as passenger volumes increase. This is inefficient and can result in instances where aircraft are required to hold for longer whilst a gate comes available, which adds to fuel burn. In this regard one of the benefits of the East Side Area NOR is to address issues that are already currently arising in terms of lack of space and gate availability at the Airport.
80. Mr Ashby has suggested that his concerns in this regard might be alleviated if the requiring authority was to proffer a condition that demonstrated an ongoing commitment on its part to progressively adopt initiatives to reduce its carbon footprint. Mr Clarke has described the work that WIAL is doing in this respect. It seems to me that such a condition might be a useful addition and WIAL has agreed to volunteer one. I intend to work this up in collaboration with Mr Ashby at conferencing.

### **Relevant Planning Documents**

81. At Section 10 of his report Mr Ashby's identifies those higher order planning documents that have relevance in the context of s171(1)(a) of the Act. I make some additional comments about these matters in the following part of my evidence.

#### ***NPS-UD 2020***

82. The NPS-UD 2020 is about recognising the national significance of:



- (a) urban environments and the need to enable such environments to develop and change; and
  - (b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
83. Several submitters have identified that the NPS-UD requires effective transportation within an urban environment, and they suggest that WIAL's plans do not sit comfortably with the NPS-UD in this regard.
84. As indicated above Mr Georgeson has set out in some detail the collaborative role that WIAL has with LGWM and the way that LGWM is addressing airport related transportation demands.
85. On the basis of this evidence, I do not consider that either NOR gives rise to any transport related concerns such that they would be inconsistent with the NPS-UD. On the contrary, both WIAL and those directing LGWM are being appropriately proactive to address future transportation issues in a sustainable way.
86. Some submitters also consider that the development of the East Side Area will prevent further residential intensification and make Miramar an area which is less attractive to live in.
87. In assessing this issue, it is in my opinion important to consider the broader urban development purpose of the NPS-UD. In this regard the NPS-UD seeks to maintain urban environments where land use and 'other infrastructure'<sup>12</sup> (which includes Wellington Airport) are integrated with each other.<sup>13</sup> In my opinion, using the East Side Area for urban expansion, particularly residential expansion would be unwise. Already this land is exposed to the effects of aircraft noise and further intensification of residential use in this location would in effect bring many more people to this effect.
88. In my view it should be acknowledged that the Airport and its associated activities have long been part of the Miramar environment and at a broader level, it has been influential in shaping the City's existing urban form.

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<sup>12</sup> *Other infrastructure means:*

...

*g) other infrastructure not controlled by local authorities.*

<sup>13</sup> Objective OD1.

89. Wellington is unique in a way in that it boasts an international airport conveniently close to the City's centre and the catchment of both business-people and residents using it. No other major New Zealand city has such good access to its airport. The Airport's position has long influenced major decisions on the City form and growth. This influence includes planning of transport infrastructure and the way in which land uses have transitioned around the Airport. Investment and expansion of the Airport at its current location also remains the most logical and efficient outcome. As Mr Munro discusses, previous investigations into alternative airport locations within the Wellington region confirm that retention of the Wellington Airport at its current location remains the most appropriate, due to its close links to the Wellington CBD, and the existing investment and infrastructure already established at the site.
90. When considered in this broader context, it is my view that both of the NOR's are directly aligned with achieving the NPS-UD provisions.

### **RPS**

91. Chapter 3 of the RPS contains relevant resource management issues, objectives and policies, and those contained in Chapter 3.3. (Energy, Infrastructure and Waste) and Chapter 3.9 (Regional Form Design and Function) are particularly relevant. These provisions relate to urban form, regionally significant infrastructure and transport.<sup>14</sup>
92. Wellington International Airport is classified by the RPS as regionally significant infrastructure. I agree with Mr Ashby that in considering the NORs, due consideration must be given to the social, economic, cultural and environmental benefits. I also agree that the proposed designations will enable the Airport to maintain its operations and to grow in response to demand. In my opinion the NORs recognise the regionally significant importance of Wellington Airport and are therefore consistent with the above objective and policies of the RPS.
93. Mr Ashby makes specific reference to Policy 57 which requires that particular regard be given to achieving key outcomes from the Wellington Regional Land Transport Strategy. He cites a range of outcomes specified in this Policy and expresses the view that all these outcomes are relevant to how the Airport

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<sup>14</sup> These include: Objective 10 and Policy 39, Objective 21 and Policy 51, Objective 22 and Policy 54, Policy 55, Policy 57, Policy 58 and Policy 67.

relates, in a traffic and transport sense, to the rest of the city and region. He then notes comments by Mr Spence and in the Wellington Regional Council submission that link to the need for inter-agency coordination over traffic and transport matters, and consistency with the Regional Land Transport Plan. Mr Ashby then states that *“it is not clear that the existing or expanded Airport designations will give effect to the RPS or RLTP”*. And that *“this may be capable of clarification via appropriate commitments made in conditions attached to the designations”*.

94. In the light of Mr Georgesons’ evidence, it is not clear to me how the requiring authority might be lacking in appropriate commitment to assisting the two key road controlling authorities in the City to properly plan for the future transportation demands associated with people using the airport. Clearly a multi-agency planning approach is required. That is occurring and WIAL is an active participant. Moreover, the requiring authority actively plans and provides for public transport modes as this is an essential part of planning for a functional airport. It seems to me that in this regard the requiring authority is acting in a manner consistent with achieving the matters included in Policy 57.

### ***District Plan***

95. The most relevant provisions in the District Plan are contained in:
- (a) Chapter 10 - Airport and Golf Course Recreation Precinct.
  - (b) Chapter 24 – Designations.
96. The relevant provisions of the above Chapters are covered in Section 10.4 of Mr Ashby’s report.
97. Mr Ashby agrees that both NORs are consistent with Policy 10.2.1.1 with respect to providing for the Airport as a strategic transport node. However, he continues to express some doubt about whether the Airport performs that role in an effective and efficient way with regard to land transport. For the reasons given earlier in this evidence I disagree with this assertion.
98. Objective 10.2.1 of the City Plan seeks to promote the safe, effective and efficient operation of the Airport. Both NOR’s are aligned with this. The evidence of Mr Munro shows why the East Side Area is reasonably necessary to assist in achieving this outcome. The Airport is currently highly constrained

within its existing landholdings, and while development will continue to make the best use of a limited land resource (the Main Site designation would further assist this), projected demand means that WIAL must look at other expansion options and available land in its vicinity in order to continue to adequately provide for its safe, effective and efficient operation. The East Side Area NOR is reasonably necessary to achieving this.

99. Objective 10.2.2 seeks to provide for the continued use and development of Golf Course land for golf course and recreation purposes. Associated policies identify the Golf Course Recreation Area as having a distinct character and use and seeks to provide for the ongoing use as a buffer of land to the east of the Airport area. I note Mr Ashby's view that the East Side Area NOR "*stands in opposition to this objective and its policies*"<sup>15</sup>. In preparing the NOR, a deliberate strategy of setting aside some of this land for buffering purposes has been applied in order to provide a transition between airport operations and the residential neighbourhood to the east. In my view this provisioning is important to assist with the overall approach to mitigation of effects.
100. WIAL has also assessed whether the remaining golf course site could be utilised as a 9 hole course. This has been confirmed and it is expected that the remaining land will be developed as such, which means that there is some residual alignment with Objective 10.2.2 and the associated policies.
101. I agree with Mr Ashby that Objective 10.2.4 and the ensuing policies are only relevant to the Main Site NOR. As indicated earlier I agree that a design guide for the terminal precinct in particular would assist to achieve the policies in question. I note that Dr Boffa agrees.
102. Objective 10.2.5 seeks to protect the amenities of areas surrounding the Airport from adverse environmental effects. Supporting policies seek to exercise an appropriate level of control over the Airport and ancillary activities for the avoidance or mitigation of adverse effects. These policies seek to ensure the reasonable protection of residential uses from Airport activities by providing controls on building 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.

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<sup>15</sup> Page 47

103. As indicated above, part of the golf course site will become available for airport activities, whilst the balance will remain as a buffer which will be enhanced with landscaping to better provide for visual screening and a general softening at the transitional edges.
104. As I have indicated earlier, the conditions proposed for the East Side Area NOR have been revised and in my opinion, they are better aligned with addressing those amenity related concerns that have been raised by submitters and by the Council reporting officers. I discuss that in more detail below.
105. Policy 10.2.5.4 seeks to manage the noise environment to maintain and where possible enhance community health and welfare. As stated earlier, the activities that will be authorised within the East Side designation will give rise to noticeable noise effects particularly at the closest residential receivers to the east. These effects are predicted to occur incrementally as operations in the East Side Area increase over time. This is likely to be noticeable for those residential property owners located to the east and for some it will affect the enjoyment of their property, particularly outdoors. For this reason Ms Smith has suggested the inclusion of a range of ameliorating conditions, including a new obligation to offer ventilation for the nearest dwellings.
106. Chapter 24 sets out policy that dissuades the use of designations within the Plan unless the Council has financial responsibility for the public work.<sup>16</sup> The proposed NORs are somewhat at odds with these policies. However, in my experience these policies are unconventional, and I do not see how they achieve a resource management purpose. It is also my view that these policies are inconsistent with the rights and abilities conveyed by Part 8 of the Act. The weight to be attached to these policies should be tempered accordingly. I note that Mr Ashby agrees.

### ***Consideration of Effects and Relevant Statutory Plans Conclusion***

107. Having considered the effects of the proposal in the light of the NPSUDC, the RPS and the District Plan, it is my opinion that confirming the designations would largely be consistent with the relevant provisions.

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<sup>16</sup> See in particular Policies 24.2.1.1. and 24.2.1.2.

108. The only exception to this is the District Plan Chapter 24 provisions that purport to dissuade the use of designation as a method unless the Council is the requiring authority. My view is that these provisions are inconsistent with Part 8 of the Act and as such should carry little weight.

### **Is the Designation Reasonably Necessary?**

109. WIAL's objectives for both the Main Site and East Side NOR are repeated in Section 5.2 of Mr Ashby's report.
110. Both AEE's (section 9) contain detailed analysis in the context of s171(1)(c) of the RMA of why the proposed designations are reasonably necessary for achieving these objectives. I agree with that analysis.
111. More specifically, the Main Site NOR is reasonably necessary to achieve these objectives for the following reasons:
- (a) It recognises the unique planning nature and characteristics of an airport;
  - (b) Greater efficiency and flexibility will also be achieved by designating the site because WIAL will not be subsequently required to undertake resource consent processes for land use activities, when it needs, for example, to build a new car parking building or terminal re-development;
  - (c) The designation provides certainty to both WIAL and the public as to the use of the land into the future and the proposed conditions will ensure that any development within the designated areas will meet Part 2 of the RMA while enabling the requiring authority to evolve and grow to meet the fast-changing and long-term needs of air travel and passenger movement. Conditions on the designation will also obligate WIAL to ensure that aircraft operations are managed to ensure continued compliance with the ANB limit.
112. The East Side Area NOR is reasonably necessary to achieve these objectives for the following reasons:
- (a) One of the major constraints for the Airport's is its limited landholding. The availability of land to meet the current, medium and long term

needs of the Airport is a critical issue for its successful operation and additional land is required to accommodate both its landside and airside activities. Use of the East Side Area helps to reduce existing operational constraints associated with a limited taxiway separation distance and shortage of aircraft stands during peak hours;

- (b) The proposed designation site is contiguous with the requiring authority's current landholdings and is located directly adjacent to the terminal area of the Airport. The majority of the NOR site will be encapsulated within the airside area of the Airport, where public access is limited.
  - (c) The East Side Area NOR also provides WIAL with longer term certainty with regard to its future operational capacity. The requiring authority needs to be proactive in achieving appropriate control over land that is of strategic significance for the long-term safe and efficient operation of the Airport. In this instance, the designation is not only necessary to provide for immediate and future forecasted passenger and/or aircraft demand, but also reduces operational constraints and enhances safety as is described by Mr Munro.
113. In my opinion the requiring authority has been rigorous in assessing alternatives. It has assessed the use of alternative available land areas to accommodate the necessary infrastructure and it has evaluated different development configurations for the land that is available.
114. As you would expect in the current circumstances, submitters and Mr Ashby have questioned the impact of the current COVID-19 situation on this analysis. Put simply does COVID remove the need to act now? Mr Vincent addresses this and he puts the current COVID situation into a broader context.
115. For these reasons, and those set out in the relevant sections of the respective AEE's in my opinion the NORs satisfy the requirements of s171(1)(c) of the RMA.

### **Consideration of Alternatives**

116. Section s171(1)(b) of the Act requires that the territorial authority has particular regard to whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work in certain circumstances. With

regard to the Main Site NOR, I do not consider an assessment of alternatives is necessary because:

- (a) WIAL owns or has an interest in the land sufficient for undertaking the work; and
  - (b) The NOR will not have a significant adverse effect on the environment. This is because, for the most part, the proposed designation is not anticipated to give rise to any adverse effects that are significantly greater than what can occur under the permitted District Plan provisions given that proposed conditions effectively emulate the majority<sup>17</sup> of performance standards within the existing zone. Significant areas of the Airport are dedicated to enabling existing aviation activities (i.e. the runway, taxiway areas) and due to the limited land area available and civil aviation safety requirements, these features are likely to remain relatively fixed with supporting activities developed and redeveloped around these (i.e. terminals, car parking, aircraft hangars).
117. An assessment of alternatives was undertaken in Section 8 of the East Side Area NOR. Although WIAL now owns the Golf Course site, it is accepted that for some individual property owners the effects of developing the land for airport purposes will be perceived as being significant, so an assessment of alternatives was completed.
118. Suitable alternative sites for the proposed activities do not realistically exist, and the East Side Area is ideally suited for expanded airside airport activities. As indicated earlier this land can be developed to include the retention of a reasonable buffer between the Airport and other land use activities.
119. WIAL's master plan and the evidence of Mr Munro shows that development of the Airport needs to occur in a way that is complementary to the existing terminal development on-site, meaning that for the most part, it will build upon these existing facilities. Land which is located on the 'far' side or western side of the runway, for example is not suitably proximate to the terminal area. For this reason, it does not lend itself to the further development of landside airport related activities in the way that land on the terminal side of the runway does.

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<sup>17</sup> Some of the provisions have not been replicated on the basis that they are out of date or irrelevant to managing effects at the Airport site.



Unnecessary movement across the operational runway would likely be required if this land was brought into service for airport related activities of the nature envisaged. Mr Munro explains why this is inefficient and undesirable.

120. It is acknowledged that some of the existing activities will be relocated to the now Airport owned former Miramar South School Site, given that a designation has been recently confirmed for that land. Airside activities, such as those proposed to be enabled through this NOR (i.e. aircraft taxiing and parking), however have a functional need to be contiguous with the existing terminal and runway and taxiway facilities. This inherently constrains the options available to WIAL to expand onto landholdings that are not directly contiguous to its airside operations.
121. Investment and expansion of the Airport at its current location also remains the most logical and efficient outcome. Investigations into alternative airport locations within the Wellington region confirm that retention of the Wellington Airport at its current location remains the most appropriate, due to its close links to the Wellington CBD, and the existing investment and infrastructure already established at the site. Mr Munro makes some comments about the assessments into alternative sites that have occurred from time to time.
122. With regard to alternative planning methods, a designation was preferred as it allows WIAL to be responsive to the dynamic nature of aviation planning where infrastructural requirements can change, very often across short time scales. A designation is an appropriate way of providing for this necessity for flexibility. In addition, a designation clearly identifies the range of purposes the land can be put to and precludes any other person or entity doing something that is inconsistent with that purpose, without first obtaining the requiring authority's approval to do so. Adequate checks and balances are built into the designation process with environmental effects able to be managed via conditions, and the outline plan process giving the Council the opportunity to request changes to ensuing work, where it is necessary to do so.
123. Neither the plan change, nor the resource consent option does this in such an efficient and effective way for WIAL as the requiring authority. A resource consent application could be made to undertake the proposed activities; however, this would be reliant on much greater certainty as to the built outcome and if these details change, it is likely that a new consent would be

required creating further inefficiencies. The private plan change option would better address these issues; however, it requires a more time and resource intensive Schedule 1 process and does not provide the flexibility of the outline plan process.

### **Lapse Date**

124. Mr Ashby expresses the view that a 15 year lapse date on the East Side Area designation is too long. He suggests that a 10 year lapse date is more appropriate. Given the development imperatives identified by Messr Munro, Vincent and Clarke, I agree. I understand that a 10 year lapse date is acceptable to the requiring authority.

### **Part 2**

125. Of course, the consideration pursuant to Section 171(1) is subject to Part 2. The various elements of Part 2 will be well known to the Commissioners.

126. By way of summary, the key matters that stand out to me are:

- (a) With respect to section 5:
  - (i) the extent to which Wellington Airport is a significant existing physical resource that provides for the social and economic wellbeing of the community through direct and indirect employment opportunities, and through its role in facilitating the movement of people and goods to the City, wider region and beyond; and
  - (ii) The designations that are being sought will contribute to this by enabling the continued operation and growth of Wellington Airport in an efficient and sustainable way, on a site that is ideally suited and located for this purpose.
- (b) There are no particularly relevant Section 6 matters specifically for the Main Site NOR. As the East Side Area is already a modified site the proposed work will not affect significant landscape features or natural character, nor will it affect significant indigenous vegetation or the habitat of indigenous fauna. Any Maori cultural connection with the land will be appropriately managed by adherence to accidental discover protocols which are required by the conditions set out in

**Annexure B.** , There are no significant natural hazard risks and the risks such as they are can be suitably managed. The evidence of Mr Robins addresses this and there are a range of conditions set out within **Annexure B** to assist this.

- (c) With respect to s7(b) and s7(g), land adjacent to the Airport is a finite resource and in short supply, and the designation of the sites for airport use recognises this fact and represents efficient use.
- (d) With respect to s7(c) and s7(f), it is anticipated that the amenity and quality of the environment will be maintained largely in accordance with the expectations set out within the District Plan. Temporary effects during the construction and development of the site can be suitably mitigated through the adherence of best practice, such as adherence to recognised construction standards for noise.
- (e) The proposed landscaped area will maintain a significant buffer and other visual effects arising from, for example, the retaining structure (if it is required), will be mitigated by façade treatment. Retention of the remainder of the golf course will also assist with the management of visual effects. The work proposed within the East Side Area will also not block or screen any residential views, and as such, outlooks towards the bay and adjacent hills will remain unaffected by the proposal. Consultation with the most affected residents will also continue and it may be that agreement can be reached to further reduce the severity of effects on these property owners.
- (f) In terms of section 7(i) which relates to climate change, I have addressed this matter earlier in this statement.
- (g) There do not appear to be any particular issues in respect of the various tangata whenua aspects of Part 2, including sections 6(e), 7(a), 7(aa) and 8. This conclusion is supported by reports WIAL has commissioned in the past relating to the cultural and archaeological significance of the Airport and wider environs. Based on the information contained in these reports, the proposed East Side NOR does not appear to directly affect any known Maori site of significance, or other known archaeological site of significance. Heritage New Zealand submitted that a site specific archaeological assessment was

required. WIAL has agreed that this will be undertaken prior to any earthwork activity on the site. An accidental discovery protocol will also be adhered to during any earthworks, should any unknown feature be discovered. No submissions were also received from any Mana Whenua that identified any further issues relating to either of the proposed NORs.

127. Accordingly, in my assessment, there is nothing in Part 2 that alters my assessment of the NORs being appropriate, having had particular regard to the matters highlighted in s171(1)(a) – (d).

## **PROPOSED CONDITIONS**

128. Based on an assessment of the various effects of confirming the respective NORs, the provisions of the relevant planning documents, and the expert technical assessments, a suite of proposed conditions for each of the designations has been developed.
129. Those conditions have been refined over time in response to feedback provided by Mr Ashby, further review by WIAL and its technical advisors, the various expert reviewers commissioned by the Council, matters raised by submitters and my own evolving views on how best to manage the effects of the activities.
130. I have included an updated strikethrough version of the Main Site conditions and the East Side Area conditions at **Annexure B**. This version of the conditions is based on the version of the conditions which comprises the original conditions submitted with the NOR documents (as amended by further information requests) and incorporates the subsequent changes to those conditions proffered by WIAL as a result of the abovementioned inputs and feedback.
131. In the following paragraphs I provide a road map to my strikethrough version of the conditions.

### **Main Site NOR Conditions**

132. In terms of an overall approach of the conditions as part of the Main Site NOR, where an activity is currently permitted by the District Plan provisions or is

considered to have effects which are minor or less than minor, it is proposed that no outline plan is required to be submitted in terms of section 176A of the Act. Where an activity exceeds the existing District Plan performance standards or limitations, it is proposed that an outline plan will be required.

133. To demonstrate this in practice, I use building height within the Terminal Precinct to show how the NOR conditions are intended to work versus the current District Plan rule requirements.
134. As set out in **Annexure B** to this evidence, Condition 1(B) permits buildings up to 25m in height without the need to submit an outline plan. Similarly, the District Plan Rule 11.1.2.1 permits buildings within the Terminal Area of the Airport Precinct up to a maximum height of 25m, without the need for a resource consent. Condition 3 of the NOR then sets out that if this permitted building height of 25m is exceeded, an outline plan is required to be prepared which is accompanied by a Design Statement.
135. The purpose of the Design Statement will be to confirm that the building achieves the following outcomes (within the Terminal Precinct of the designation):
  - (a) A maximum building/structure height of 30 metres (above existing ground level);
  - (b) That site levels and building form, colour and texture reduce the apparent height and bulk of large buildings when viewed from adjoining public or residential areas;
  - (c) Variations in building mass, height and architectural form have been considered in order to provide visual interest, reduce visual massing and promote visual permeability through the higher elements of built form to maintain view lines from adjoining more elevated properties to the east where this is practicable;
  - (d) Incorporation of landscaping treatment where appropriate in order to assist in providing visual softening of large buildings and the screening of parking, loading and storage areas;
  - (e) That any signage proposed will be integrated with the building form and surrounding architectural and landscape design; and

- (f) That low glare, high cut off exterior lighting is used, and integrated with the building form and surrounding architectural and landscape design.
136. In comparison to this approach, the District Plan Rule 11.3.2.1 sets out that buildings up to 30m in height (within the Terminal Area) require consent as a restricted discretionary activity, and such applications do not need to be publicly notified. Council's consideration of the application under this rule is restricted to the effect the building will have upon sunlight access to residential buildings in Residential Areas or public space.
137. At a more general level and as I have outlined earlier in this evidence, I agree that it is also appropriate to require all buildings within the Terminal Precinct and Broadway Area to be developed in accordance with an overarching Urban Design guide. Conditions have been added to require this.
138. Mr Ashby expresses concern that the conditions imply that signage without limitation could be established anywhere outside the Terminal Precinct. The conditions allow signage relating to directional, or health, safety or security purposes to be able to occur anywhere within the designated site without an outline plan.
139. Other signage the Requiring Authority has responsibility for will likely only occur within the Terminal Precinct. As such, "permitted activity" criteria relating to the signs within the Terminal Precinct are proposed and if these are achieved then an outline plan is not required.
140. There are no "permitted activity" limits for signage in other location of the designation. Ultimately, this means that should WIAL wish to establish signage in any other location outside the Terminal Precinct which is not for directional or safety/security purposes, an outline plan will be required. Of course, the District Plan rules relating to signage would apply should a third party operator seek to establish any signage within the designated area.
141. Condition 7 has been amended to address the concerns which were raised in the submission of PowerCo. The condition has been amended so that prior to any earthworks or construction activities within the Main Site designation, WIAL shall prepare a Network Utilities Management Plan. The changes to this condition ensure greater certainty that network utility providers will be consulted with prior to any earthworks commencing which could affect

underground services. On the basis of these amendments PowerCo's concerns have been suitably addressed.

142. Condition 8 has also been included which I understand resolves the matters raised in Airway's submission on the NORs.
143. Other key conditions relating to the Main Site NOR require WIAL to manage aircraft operations in accordance with the current aircraft noise compliance obligations and formalise the (ongoing) obligation to prepare the Noise Management Plan and continue to operate the Airport Noise Management Committee.
144. I also note that the NOR has not encapsulated the car parking standards that are currently within the District Plan (Rule 11.1.1.4) into a designation condition. Subjecting airport related activities to generalised or unrelated car parking demand calculations is likely to result in an under or oversupply of the necessary parking facilities required at the site and will result in an inefficient use of land. Minimum car parking requirements are therefore not proposed as part of the designation, instead car parking will be assessed and developed as part of WIAL's ongoing strategic review of car parking requirements at the site, alongside planning for and accommodating other modes of transportation in and out of the Airport. This is particularly important in the light of one of the key LGWM objectives to transition more people to public transportation modes in future.
145. The requiring authority has proposed providing an annual parking demand and supply report which is produced and submitted to the Council. Airports and those involved with airport planning assess demand for on-site carparking according to a reasonably unique set of guiding principles, which are ground-truthed by reviewing what works in other locations. It is therefore considered that the requiring authority is best placed to manage this within the Airport to ensure an efficient and effective car parking supply.

### **East Side NOR Conditions**

146. Over time the majority of the new designation area will be dedicated to aircraft movement areas, taxiways, the establishment of ground service equipment areas and landscaping. In this regard the proposed conditions relating to the East Side NOR:

- (a) Define the design outcomes for the landscape buffer area of the designation and the associated management requirements;
  - (b) Put in place a range of controls to manage temporary construction effects, including obligations around construction noise management, archaeological assessment and accidental discovery protocols;
  - (c) Put in place a range of controls to manage the effects of bulk earthworks and geotechnical requirements;
  - (d) Define façade treatment requirements for any retaining structures;
  - (e) Define maximum building height and setback limits (generally consistent with the underlying District Plan rules);
  - (f) Restrict certain activities and impose noise limits for activities undertaken within the East Side Area and a range of mitigation measures.
  - (g) Impose lighting limits within the East Side Area.
147. The key amendments to these conditions as shown in **Annexure B** to my evidence are explained as follows:
- (a) Conditions 8 to 23 relate to earthwork and construction activities. A new obligation has been added to this condition which requires WIAL to consult with the relevant roading authority should the works be of such an extent that heavy vehicle use on public roads will be a requirement. As I have discussed earlier in this evidence, Waka Kotahi has advised that this addition satisfactorily addresses the concerns raised in its submission.
  - (b) New geotechnical and construction management requirements have also been added in response to the recommendations of Mr Robins and Mr Davies.
  - (c) In response to the Heritage New Zealand submission, conditions 14 and 15 have been included to require the requiring authority to undertake an archaeological assessment prior to any earthworks commencing within the land that was occupied by the golf course. While it is not anticipated that any such features exist within this area,



this further assessment will seek to confirm this prior to any formal works occurring on the site.

- (d) A revised condition relating to construction noise management has been included which accords with the recommendations of WCC's noise advisor Mr Borich.
- (e) The conditions relating to operational noise have been reviewed by Ms Smith as a result of feedback received from Mr Borich the councils noise advisor and the submission from Regional Public Health.
- (f) Operational noise condition 25 has been expanded so that the use of APUs is also captured as part of the noise compliance obligations for the site. It also requires compliance to be confirmed against an assessment of the cumulative effect of aircraft operations occurring within the wider Airport environs and not just those within the ESA.
- (g) Condition 27 has been amended to clarify that no aircraft shall operate under its own engine power during night time hours.
- (h) Condition 34 requires WIAL to update its Noise Management Plan to specifically include the obligations relating to noise within the East Side Area.
- (i) Conditions 29 - 39 relate to the noise mitigation package which will be offered to ESA receivers (who are not already within the ANB) when it is predicted that their property will fall within the the 60 dB Ldn contour within the following year. The reasons for this are described in the evidence of Ms Smith.
- (j) The changes to conditions 41 and 42 as they relate to Network Utilities and Airways matters are the same as those which have been suggested in the Main Site NOR.

## CONCLUSION

148. In my opinion, both the NORs are necessary to enable WIAL to achieve its objectives. With regard to the East Side Area, it is in my opinion, adequate consideration of alternatives has also been given by the requiring authority prior to progressing with the preferred option which is the subject of this NOR.

The Main Site NOR does not trigger a requirement to undertake an alternatives assessment.

149. An assessment of effects on the environment of the activities that would be enabled by confirming the NORs has been undertaken.
150. For the East Side Area NOR which effectively will result in new activities being located within this area, this includes independent assessments of the effects on landscape and visual amenity, noise, traffic, geotechnical and lighting. I have suggested conditions in **Annexure B** of my evidence which I consider will serve to avoid, remedy or mitigate effects in accordance with the recommendations in those assessments, matters raised in submissions and advice subsequently received and considered via the council's section 42A reporting.
151. In the light of the changes made to the conditions which include in **Annexure B** it is my opinion that there is no planning related reason why both the Main Site and East Side Area NORs should not be recommended for confirmation.

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John Kyle

5 May 2021

**ANNEXURE A: SUMMARY OF RECENT EXPERIENCE**

## Summary of Recent Experience of John Kyle

- Fulton Hogan Limited – Resource management planning advice to support a proposal to develop the Royden Quarry – Templeton/Canterbury Region.
- Simcox Construction Limited – Resource management planning advice to consent a quarry facility – Omaka Valley – Marlborough District.
- Oceana Gold – assistance with various consenting projects – McRaes Mine, Waitaki District/Otago Region.
- Oceana Gold – assistance with various consenting projects - Martha Mine, Waihi – Hauraki District/Waikato Region.
- Minister of Transport – evaluation of options for meeting upper North Island port requirements, Auckland.
- Alliance Group Limited – manage renewal process for all discharge and land use consents - Lorneville Meat Processing Works, Lorneville - Southland Region.
- Alliance Group Limited – manage renewal process for all discharge and water takes – Mataura Meat Processing Works, Mataura - Southland Region.
- Alliance Group – advisor regarding various regional and district plans – nationwide.
- Silver Fern Farms - advisor regarding various regional and district plans – nationwide.
- Silver Fern Farms - manage renewal process for all discharge and water takes – Finegand Meat Processing Works, Balclutha – Clutha District/Otago Region.
- Bathurst Resources – manage consent processes associated with expansion of Canterbury Coal mine – Coalgate – Canterbury Region.
- Bathurst Resources – manage consent processes associated with expansion of West Coast mining assets – West Coast Region.
- Kingston Village Limited (Goodman) – manage consent processes associated with establishing a new urban village – Kingston – Queenstown Lakes District.
- Brecon Street Partnership – manage consent processes associated with establishing a new hotel and commercial land uses – Queenstown Lakes District.
- Queenstown Lakes District Council – managed preparation of plan change to expand Queenstown town centre (Plan Change 51), including to accommodate a convention centre – Queenstown Lakes District.
- Wellington International Airport Limited – strategic and resource management advice with respect to a proposed runway extension – Wellington City/Region.
- Wellington International Airport Limited – strategic and resource management advice with respect to the proposal to replace existing coastal defences – Wellington City/Region.
- Homestead Bay – proposed plan change to extend Jacks Point Zone – Homestead Bay – Queenstown Lakes District.
- Ryman Healthcare Limited – resource management advice to establish and operate retirement villages – land use and regional consents – nationwide.
- Wellington International Airport Limited – strategic and resource management advice with respect to proposals to expand the airport land holding in order to enable the implementation of the airport master plan – 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 Airport Corporation – strategic and resource management advice - Notice of Requirement for land adjacent to Queenstown Airport in order provide for the future expansion of airport operations, Queenstown Lakes District.
- Queenstown Airport Corporation – strategic and resource management advice – Wanaka Airport - Queenstown Lakes District.
- Queenstown Airport Corporation – strategic and resource management advice – Plan Changes to expand the noise contours around Queenstown Airport - Queenstown Lakes District.
- TrustPower Limited – resource management planning witness - proposed alteration to the Rakaia Water Conservation Order – Lake Coleridge Hydro Electric Power Scheme – Canterbury Region.
- Meridian Energy Limited – resource management planning witness -Proposed Mokihinui Hydro Electric Power Scheme, damming, water and land use related consents, Buller District and West Coast Region.
- TrustPower Limited – resource management planning witness - Wairau Hydro Electric Power Scheme, water and land use related consents, Marlborough District.
- Sanford Limited, various marine farm proposals Marlborough Sounds, Marlborough District.
- Port Marlborough Limited – 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 – resource management planning witness - proposed Wind Farm, Lammermoor Range, Central Otago District and Otago Region.
- Queenstown Airport Corporation – Runway End Safety Area, designation and construction related consents, Queenstown Lakes District and Otago Region.
- Otago Regional Council – resource management planning witness - consents required for controlling the Shotover River to mitigate flood risk – Queenstown Lakes District and Otago Region.

**ANNEXURE B: STRIKETHROUGH VERSION OF CONDITIONS**

# WELLINGTON INTERNATIONAL AIRPORT LTD

## AIRPORT PURPOSES DESIGNATION

### Designation

The designation shall cover the area shown in **Attachment 1** (“**the Designated Area**”).

Subject to the conditions set out below, land within the Designated Area may be used for activities for the operation of Wellington International Airport (“**the Airport**”) including but not limited to:

- Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;
- Aircraft rescue training facilities and emergency services;
- Runways, taxiways, aprons, and other aircraft movement areas;
- Airport terminal, hangars, control towers, rescue and fire facilities, navigation and safety aids, lighting and telecommunication facilities, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances;
- Associated administration and office activities;
- Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, and landscaping;
- Vehicle parking and storage, rental vehicle facilities, vehicle valet activities, and public transport facilities;
- Signage, artwork or sculptures, billboards and flags;
- Hotel/visitor accommodation, conference facilities and services;
- Retail activities, service retail, restaurants and other food and beverage facilities including takeaway food facilities and commercial activities, provided they are located within the Terminal Precinct;
- Industrial and commercial activities provided they are associated with aircraft operations or serve the needs of passengers, crew, ground staff, airport workers, and other associated workers and visitors;
- Structures to mitigate against the impact of natural hazards;
- All demolition (if required) construction and earthworks activities, including associated structures;
- Ancillary activities, buildings and structures related to the above; and



- Servicing, testing and maintenance activities related to the above.

Airport Precinct Development Areas (“**Precincts**”) are shown in **Attachment 2**.

## Conditions

### Glossary:

#### Aircraft Operations

Means the engine runup, taxiing, take-off or landing at the Airport of an aircraft, and “operate” has a corresponding meaning.

### Need for Outline Plan - Criteria

1. An outline plan in accordance with section 176A(2) of the Resource Management Act 1991 (“**RMA**”) need not be submitted for any works within a Precinct or at a location if, where relevant, the following criteria are met:

#### Airport Precinct / Location and Criteria for Exclusion of Outline Plan

Condition Sub-Reference	Precinct / Location	Activity / Criteria
A	Rongotai Ridge Precinct	Any earthworks shall achieve the following: <ol style="list-style-type: none"> <li>The existing ground level shall not be altered by more than 2.5 metres measured vertically; and</li> <li>The total area of ground surface disturbance shall be less than 250m<sup>2</sup>; and</li> <li>The earthworks shall not be undertaken on slopes of more than 45°.</li> </ol>
B	Terminal Precinct	Buildings or structures shall not exceed height limits (above existing ground level): of 25 m  except that: <ol style="list-style-type: none"> <li>Buildings or structures located within 8m of the Golf Course Recreation Area shall not exceed a height limit of 12m.</li> </ol>
C	All Precincts with the exception of the	Buildings or structures shall not exceed a height limit of 12m above existing ground level; except that: <ol style="list-style-type: none"> <li>Buildings or structures used for hangars shall not exceed a height limit of 15m; and</li> </ol>



Condition Sub-Reference	Precinct / Location	Activity / Criteria
	Terminal Precinct	ii. Buildings or structures within 5m of any adjoining Residential zone shall not exceed a height limit of 3m.
D	All Precincts	<p><b>Lighting – Non-Aviation Activities</b></p> <p>i. <a href="#">The direct or indirect illumination of outdoor areas associated with non-aviation activity</a> <del>Any development or activity which includes pedestrian routes and/or car parks available for public use during the hours of darkness shall be managed so that it is in accordance with the requirements of AS/NZS 4282:2109 ‘Control of the obtrusive effects of outdoor lighting’, for Environmental Zone A4.</del></p> <p>ii. <del>The direct or indirect illumination of outdoor areas associated with any other non-aviation activity shall not exceed 8 lux at the windows of residential buildings in any adjoining Residential zone.</del></p>
E	All Precincts	<p><b>Landscape Design</b></p> <p>i. Existing trees within the Designated Area are to be retained except where they affect the safe operation of the Airport, and provided that;</p> <p>ii. Any pohutukawa trees adjacent to Tirangi Road required to be removed shall be resited as close as is practicable to the boundary of Tirangi Road</p>
F	All Precincts	<p><b>Electromagnetic Radiation</b></p> <p>i. Any activity shall be conducted to comply with the New Zealand NZS 6609:1990 (Radio Frequency Radiation) and any subsequent amendments.</p>
G	Sites identified on Attachment 3  (Sites on the east side of the runway fronting Broadway, Miro Street and	<p><b>Restricted Site Access for Vehicles</b></p> <p>i. No vehicle shall be permitted to a site across any Restricted road frontage identified on Attachment 3.</p> <p><b>Site Access for Vehicles</b></p> <p>ii. Site access for vehicles shall be provided and maintained in accordance with the standards set out in Appendix 3 of the Wellington City District Plan Airport and Golf Course Recreation Precinct Chapter 11; and</p> <p>iii. There shall be a maximum of one site access to any site, except that sites with more than one frontage may have one access across each frontage; and</p> <p>iv. The width of any site access shall not exceed 6 metres; and</p>

Condition Sub-Reference	Precinct / Location	Activity / Criteria
	Calabar Road.	v. Where site 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 site access shall be from a street; and
	Sites on the west side of the runway).	vi. No site access shall be sited closer to a street intersection than the following: <ul style="list-style-type: none"> <li>- Arterial and principal streets: 20m</li> <li>- Collector streets: 15m</li> <li>- Other streets: 10m; and</li> </ul>
		vii Any site access shall be designed to permit a free flow of traffic so that vehicles do not have to queue on the street.
H	Terminal Precinct	<b>Signage</b> <ul style="list-style-type: none"> <li>i. Any sign located on a building: <ul style="list-style-type: none"> <li>a. That is affixed to the underneath of a verandah shall provide at least 2.5 metres clearance directly above the footpath or ground level; and</li> <li>b. Shall be displayed only on plain wall surfaces; and</li> <li>c. Shall not obscure windows or architectural features; and</li> <li>d. Shall not project above the parapet level, or the highest part of that part of the building/structure to which it is attached (including above verandah). This part of the condition does not apply to temporary signs; and</li> <li>e. Any sign located on a building in excess of 12 metres in height above ground shall bear only the name and/or logo of the building owner or occupier, or the building on which the sign is located; and</li> <li>f. Any sign located on a building in excess of 12 metres in height above ground level shall not flash; and</li> </ul> </li> <li>ii. Any illuminated sign (excluding signs below verandah level) within 50 metres and visible from any Residential zone shall not flash; and</li> <li>iii. Any free-standing sign or sign located on a structure shall not exceed a maximum height of 9 metres (above ground level).</li> </ul>

2. Notwithstanding Condition 1, in accordance with section 176A(2) of the RMA an outline plan need not be submitted for works and activities associated with the following:
- a) Any activity relating to or supporting Airport Operations within the Airside Precinct; or

- b) Signage within any precinct where it is related to the purpose of directing pedestrian or vehicular traffic, or to provide safety and security information; or
- c) Lighting poles and navigational instruments; or
- d) Building or structure maintenance or repair; or
- e) Upgrade or maintenance of existing formed roads and public accessways; or
- f) Pavement maintenance or repair; or
- g) Landscape maintenance or repair; or
- h) Earthworks, other than those which do not comply with the conditions in Table 1 in the Rongotai Ridge Precinct; or
- i) Placement / maintenance of street furniture or art / sculptures; or
- j) Maintenance or repair of lighting, signage and other existing fixtures or structures.

3. No later than six months from the date of the notice of requirement being confirmed, the Requiring Authority shall prepare a draft document describing the Urban Design Principles to guide the development of buildings, infrastructure and open space areas within the Terminal Precinct. The document shall ensure that when developing new buildings or areas within the Terminal Area appropriate regard is had to urban design form and function to enhance aesthetics, land use and resilience to create community and place. It shall include, but not be limited to, reference to the following urban design principles where relevant:

- a) Urban Structure;
- b) Density and Mix;
- c) Urban Grain;
- d) Height and Massing;
- e) Public Spaces;
- f) Streetscape and Landscape;
- g) Façade and interface;
- h) Energy/resource/land efficiency including lighting;
- i) Details and materials.

The draft document shall be submitted to the Wellington City Council for comment. In finalising the document the Requiring Authority shall take into account any feedback received from the Wellington City Council. Upon finalisation of the document, the Requiring Authority shall ensure that any future development within the Terminal Area has appropriate reference to the outcomes prescribed in the document.

3.4. Where an outline plan is required under Section 176A of the RMA as a result of non-compliance with any relevant criteria of Condition 1, the outline plan shall include, in addition

to the matters required under section 176A(3) of the RMA, a Design Statement. The purpose of this Statement shall be to demonstrate how the following outcomes will be achieved:

- a) A maximum building/structure height of 30 metres (above existing ground level) in the Terminal Precinct, and 18 metres (above existing ground level) in other Precincts, except that:
  - i. In the West Side Precinct, buildings or structures used for Code E (or other wide body aircraft) hangars shall not exceed a height of 20m.
  - ii. Buildings or structures located within 8m of the Golf Course Recreation Area shall not exceed a height limit of 15m.
  - iii. Buildings or structures within 5m of any adjoining Residential zone shall not exceed a height limit of 4m.
  - iv. For the purpose of this condition, lift shafts, plant rooms, stairwells, water tanks, air conditioning units, ventilation ducts, chimneys, lighting poles and similar features on buildings or structures shall be excluded from this calculation of maximum height.
- b) That site levels and building form, colour and texture reduce the apparent height and bulk of large buildings when viewed from adjoining public or residential areas;
- c) Variations in building mass, height and architectural form have been considered in order to provide visual interest, reduce visual massing and promote visual permeability through the higher elements of built form to maintain view lines from adjoining more elevated properties to the east where this is practicable;
- d) Incorporation of landscaping treatment where appropriate in order to assist in providing visual softening of large buildings and the screening of parking, loading and storage areas;
- ~~e)~~ e) [Alignment with the Urban Design Principles document prepared in accordance with condition 3;](#)
- ~~f)~~ f) That any signage proposed will be integrated with the building form and surrounding architectural and landscape design; and
- ~~f)g)~~ g) That low glare, high cut off exterior lighting is used, and integrated with the building form and surrounding architectural and landscape design.

5. Prior to any construction or new development occurring within the Broadway Area Precinct, the Requiring Authority shall prepare an Integrated Design Management Plan specific to the Broadway Area Precinct. The Integrated Design Management Plan shall show the general configuration of any existing and/or new buildings or structures within the Broadway Area, signage and areas of landscaping that may be proposed. The Integrated Design Management Plan for the Broadway Area Precinct shall achieve the following objectives:

a) Landscaping

Landscaping within the site achieves a high level of offsite amenity and ensure that any adverse effects on neighbouring land arising from the development of the neighbouring land arising from the development of the designated area are appropriately mitigated.

b) Buildings

Buildings are designed and located so they are a scale suited to the surrounding area and are setback from boundary edges, whilst recognising and providing for the building's function and use.

c) Signage

Signage is well integrated with and sensitive to the receiving ~~environment, and~~ environment and maintains public safety.

No outline plan shall be submitted for the Broadway Area Precinct without first having submitted the Integrated Design Management Plan for the Broadway Area Precinct to the Wellington City Council. Any subsequent outline plan shall be accompanied by a report from a suitably qualified and experienced landscape architect and / or urban designer addressing how the outline plan achieves the objectives of the Integrated Design Management Plan.

4.6. Within the Rongotai Ridge Precinct, where an outline plan is required under Section 176A of the RMA, the outline plan specific to this area shall include, in addition to the matters required under section 176A(3) of the RMA, a report or reports covering the following matters:

- a) Whether any earthworks will alter the existing topography of the site and the impacts on the area's amenity values and cultural values;
- b) The extent to which earthworks affect the stability and erosion potential of the site and surrounding sites; and,
- c) Whether any landscape treatment is necessary, and if so, whether it is in scale with the proposed development.

5.7. Prior to the commencement of any project which involves earthworks or construction activities~~work or activity which requires an outline plan under Section 176A of the RMA~~, the Requiring Authority shall prepare or update a Network Utilities Management Plan for the project. The purpose of the Plan shall be to inform the relevant network utility providers that enabling work, design, and construction of any ~~development or construction activity~~project, takes account of (and includes measures to address) the safety, integrity, protection (or where necessary) relocation of exiting network utilities. The Plan shall also include the location of any existing underground network utilities within the project area; a requirement to consult with any relevant network utility provider and a requirement to inform all construction personnel, including contractors of the presence and location of any existing network utilities

which traverse, or are in close proximity to the project area as well as any restrictions in place in relation to those existing network utilities.

8. Where it is likely that an activity will adversely affect the operation of any Airways Corporation of New Zealand's electronic or visual navigation aid or air traffic service facility, the requiring authority shall consult with Airways Corporation of New Zealand to ensure that the requirements of the Parties' respective obligations under Civil Aviation of New Zealand Rules 139.121 and 172.57 (and any subsequent amendment) are met.

### **Aircraft Operations Noise**

~~6.9.~~ The Requiring Authority shall ensure that all aircraft operations are managed so that the rolling day average 24 hour night-weighted sound exposure does not exceed a Day/night Level (Ldn) of 65dBA outside the Air Noise Boundary shown on District Plan Map 35.

~~7.10.~~ Aircraft noise shall 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 NZS:6805.

~~8.11.~~ The following aircraft operations shall be excluded from the calculation of the rolling 90 day average described in Conditions ~~96~~ and ~~107~~:

- a. Aircraft operating in an emergency;
  - b. 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;
  - c. The operation of unscheduled flights required to meet the needs of any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency;
  - d. Military aircraft operations.
- a) — Aircraft landing in an emergency;
- b) — The operation of emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in an emergency; [JL1]
- c) — The operation of unscheduled flights required to meet the needs of a national civil defence emergency declared under the Civil Defence Act 2002;
- d) — Military aircraft operations; [JL2]



~~9.12.~~ The Requiring Authority shall ensure that:

- a) All domestic aircraft operations shall not occur during the hours from midnight (12am) to 6am; and
- b) All international aircraft operations shall not occur during the hours:
  - v. Midnight to 6am for departures.
  - vi. 1am to 6am for arrivals.

*For the purposes of this condition, “operations” means the start of the take-off roll or touch down on landing.*

~~10.13.~~ The following are exceptions to Condition ~~129~~:

- a) Disrupted flights where aircraft operations are permitted for an additional 30 minutes;
- b) In statutory holiday periods where operations are permitted for an additional 60 minutes;

*For the purposes of this condition, **statutory holiday period** means:*

- i. The period from 25 December to 2 January, inclusive. Where 25 December falls on either a Sunday or Monday, the period includes the entire of the previous weekend. Where 1 January 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.~~ [Matariki.](#)

~~iv.~~[v.](#) Waitangi Day.

~~v.~~[vi.](#) ANZAC Day.

~~vi.~~[vii.](#) Where Waitangi Day or ANZAC Day falls (or is recognised) on a Friday or a Monday, the adjacent weekend is included in the statutory holiday period.

~~vi.~~[viii.](#) The hours from midnight to 6am immediately following the expiry of each statutory holiday period defined in (i) to (vi).

- c) Aircraft using the Airport as a planned alternative to landing at a scheduled airport, but which shall not take-off unless otherwise permitted under Condition ~~129~~;
- d) Aircraft landing in an emergency;

- e)a) 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;
- f)b) The operation of unscheduled flights required to meet the needs of any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency;
- g)c) Aircraft carrying heads of state and/or senior dignitaries acting in their official capacity or other military aircraft operations;
- h)d) No more than 4 aircraft movements per night with noise levels not exceeding 65 dB LAFmax (1 sec) at or beyond the Air Noise Boundary.

*For the purposes of this condition, night means between midnight and 6am [and consistent with Condition [129](#)].*

### Engine Testing

~~11.14.~~ [14.](#) The Requiring Authority shall ensure that aircraft propulsion engines may be run within the Designated Area for the purpose of engine testing as follows:

- a) Undertaken during the hours of 6am to 8pm only;
- b) To carry out essential unscheduled maintenance between 8pm and 11pm only;
- c) 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 condition, shall provide solely for short duration engine runs by way of flight preparation while the aircraft is positioned on the apron;
- d) No person shall start or run any aircraft propulsion engine for the purposes of engine testing on the locations shown on the map attached as **Attachment 4**;
- e) Restrictions on engine testing from 11pm to 6am do not apply if engine testing can be carried out in compliance with all of the following:
  - i. measured noise levels do not exceed 60 dB LAEQ (15 min) at or within the boundary of any residential zone;
  - ii. measured noise levels do not exceed 75 dB LAFmax at or within the boundary of any residential zone;
  - iii. noise levels shall be measured in accordance with NZS6801: 2008 Acoustics – Measurement of Environmental Sound;
  - iv. the total number of engine test events relating to aircraft using the Airport as an alternate landing site shall not exceed 18 in any consecutive 12 month period;



- v. the total duration of engine test events relating to aircraft using the Airport as an alternate landing site in terms of Condition ~~13~~<sup>10</sup> c) shall be no more than 20 minutes.

### Ground Power and Auxiliary Power Units (GPUs/APUs)

~~12~~<sup>15</sup>. The Requiring Authority shall ensure that the operation of ground power units (**GPUs**) and auxiliary power units (**APUs**) when measured at any adjoining Residential zone shall not exceed the following limits:

- a) Monday to Saturday 7am to 10pm 55 dB L<sub>AEQ</sub> (15 MIN)
- b) At all other times 45 dB L<sub>AEQ</sub> (15 MIN)
- c) All days 10pm to 7am 75 dB L<sub>AFmax</sub>

Exception that these limits shall not apply to APUs for:

- i. Aircraft under tow;
- ii. The first 90 minutes after an aircraft has stopped on the gate;
- iii. 60 minutes prior to scheduled departure;
- iv. The use of APUs to provide for engine testing pursuant to Condition ~~14~~<sup>14</sup>.

### Land Based Noise

~~13~~<sup>16</sup>. The Requiring Authority shall ensure that noise emission levels from any activity within the Designated Area, other than aircraft operations, engine testing and the operation of APUs when measured at any adjoining Residential zone, shall not exceed the following limits:

- a) Monday to Saturday 7am to 10pm 55 dB L<sub>AEQ</sub> (15 MIN)
- b) At all other times 45 dB L<sub>AEQ</sub> (15 MIN)
- c) All days 10pm to 7am 75 dB L<sub>AFmax</sub>

### Noise Management Plan

~~14~~<sup>17</sup>. Without in any way limiting its obligations to fully comply with the conditions attaching to this designation, the Requiring Authority shall update its Noise Management Plan (“**NMP**”) which describes in detail how it proposes to manage the Airport in order to comply with the relevant noise conditions.

~~15~~<sup>18</sup>. The Noise Management Plan shall include, as a minimum:

- a) A statement of noise management objectives and policies for the Airport;
- b) Details of methods and processes for remedying and mitigating adverse effects of Airport noise including but not limited to:
  - i. improvements to Airport layout to reduce ground noise;
  - ii. improvements to Airport equipment (including provision of engine test shielding such as an acoustic enclosure for propeller driven aircraft) to reduce ground noise;
  - iii. aircraft operating procedures in the air and on the ground procedures to minimise noise where this is practicably achievable;
- c) The procedures for the convening, ongoing maintenance and operation of the Airport Noise Management Committee (“**ANMC**”) as set out in Condition [2017](#);
- d) The mechanisms to give effect to a noise monitoring programme to assess compliance with Conditions [96](#) – [163](#);
- e) The procedures for reporting to the ANMC any Aircraft Operations and engine testing activities which contravene a condition of this designation;
- f) Fulfilment of the LUMINs programme (as required);
- g) The dispute resolution procedures to resolve any disputes between Wellington International Airport Limited (“**WIAL**”) and ANMC about the contents and implementation of the NMP;
- h) The procedures for reviewing and amending the NMP.

[16.19.](#) The relevant version of the Noise Management Plan shall be made available to the public on WIAL’s web site.

[17.20.](#) The Requiring Authority shall at its cost be responsible for the ongoing membership and function of the ANMC identified in Condition [185](#) c). The purpose, membership and functions of the ANMC shall be set out within the Terms of Reference included in the NMP.

### **Car Parking**

[18.21.](#) On an annual basis, the Requiring Authority shall submit to the Wellington City Council a report describing the current status of Airport car parking demand and supply. The report shall include a description of traffic management and car parking within the Airport environs, and an overview of any planned changes or improvements in order to improve the efficiency and effectiveness of the provisioning for car parking within the Airport. [Consideration of the efficiency and effectiveness of car parking shall include identification of actions or strategies](#)

[the Requiring Authority could practicably implement to reduce airport related car parking effects occurring at external sites.](#)







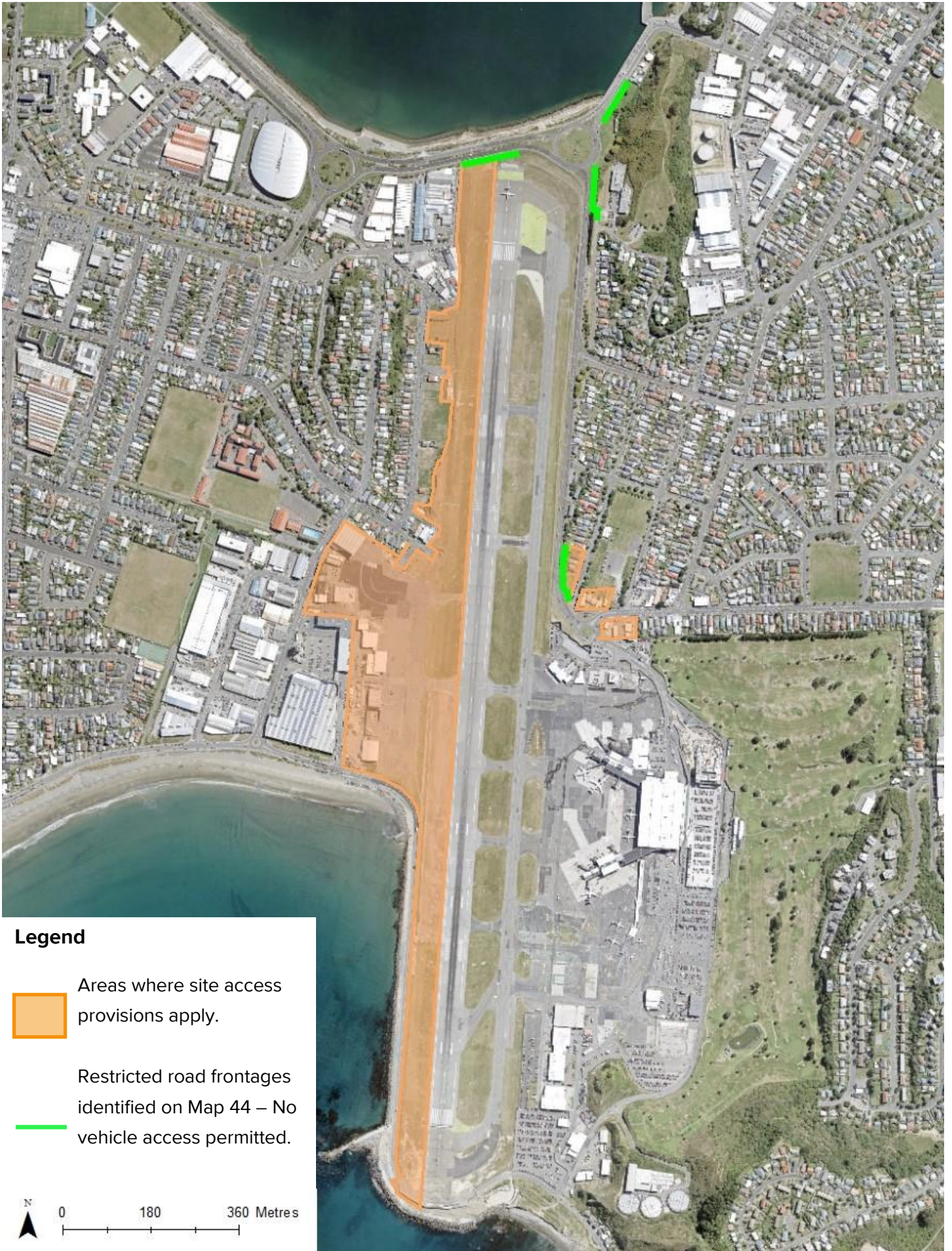
### Airport Precincts

- 1 Terminal Area
- 2 Broadway Area
- 3 South Coast Area
- 4 Rongotai Ridge
- 5 West Side
- 6 Airside





Airport Precinct Development Areas





**Legend**

-  Areas where site access provisions apply.
-  Restricted road frontages identified on Map 44 – No vehicle access permitted.

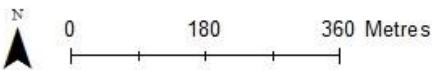






Figure XX: Engine testing exclusion area

# WELLINGTON INTERNATIONAL AIRPORT LIMITED

## AIRPORT PURPOSES DESIGNATION – EAST SIDE AREA

### Purpose of the Designation

The designation shall cover the area shown in **Attachment 1** (“**the Designated Area**”).

Within the Designated Area land may be used for activities for the operation of Wellington International Airport (“**the Airport**”), limited to the following:

- Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;
- Taxiways, aprons and other aircraft movement areas;
- Navigation and safety aids, monitoring stations, lighting and telecommunications facilities;
- Car parking, roads, accessways, pedestrian ways, stormwater and wastewater infrastructure, utility activities and security fencing;
- All demolition (if required), construction and earthworks activities, including associated structures;
- Landscaping, planting, tracks and trails;
- Ancillary activities, buildings and structures related to the above; and
- Servicing, testing and maintenance activities related to the above.

### Glossary:

#### Aircraft Operations

Means the engine runup, taxiing, take off or landing at the Airport of an aircraft, and “operate” has a corresponding meaning.

### Conditions

#### Outline Plan and Staging

1. An outline plan of works to be constructed on the Designated Area shall be submitted to the Wellington City Council (“**the Council**”) pursuant to section 176A of Resource Management Act 1991 (“**the RMA**”) unless the works have been otherwise approved under the RMA, or the Council waives the requirement for an outline plan.
2. Works may be undertaken in stages in accordance with the relevant conditions below.





## Landscape and Visual

3. Not less than three (3) months prior to the first outline plan being submitted pursuant to section 176A of the RMA, the Requiring Authority shall prepare and submit to the Council for certification a Landscape and Visual Amenity Management Plan. The purpose of the Landscape and Visual Amenity Management Plan shall be to show the mitigation proposed at the boundary interface between the residential zoned land to the east and activities undertaken within the Designated Area. The Landscape and Visual Amenity Management Plan shall demonstrate how the following outcomes will be achieved:
  - a. Landscaping within the Landscape Buffer Area is of a nature, scale and extent to provide screening (as far as can practicably be achieved) of the Designated Area for the residential zoned land to the east;
  - b. Where appropriate, provision of public recreational (pedestrian and if practicable, cycle) access through the Landscape Buffer Area shall be shown, including connections to existing accessways where practicable; and
  - c. Façade treatment of [any](#) engineered retaining features over 1.5m in height to reduce the visual prominence of such structures and to add visual interest.
4. No outline plan shall be submitted for work within the Designated Area until such time as the Council certifies the Landscape and Visual Amenity Management Plan is consistent with the matters included in condition 3.
5. The Requiring Authority shall subsequently implement the Landscape and Visual Amenity Management Plan as part of any development of the Designated Area provided that:
  - a. If the development of the Designated Area is to be developed in ~~stages~~[stages](#), then the Landscape and Visual Amenity Management Plan may [also](#) be implemented in stages in a manner that meets the intention of the Landscape and Visual Amenity Management Plan to mitigate the effects of the work within the Designated Area; and if so;
  - b. The Requiring Authority shall submit to the Council a staging plan showing the likely stages, the likely timing of staged development and the methods that will be applied to ensure that the staging meets the intention of the Landscape and Visual Amenity Management Plan.
6. The Requiring Authority may amend the Landscape and Visual Amenity Management Plan as necessary provided that any amendment is consistent with achieving the purpose and outcomes of the Plan set out in condition 3. Any amendment to this Plan shall be submitted to the Council for certification.
7. All planting and landscaping work carried out to give effect to the Land and Visual Amenity Management Plan shall be maintained by the Requiring Authority to ensure that the outcomes set out within condition 3 continue to be achieved.

## Geotechnical

8. Prior to any earthworks commencing on the Designated Area ~~land~~ which was previously occupied by the golf course, the Requiring Authority shall commission a geotechnical assessment report of any ~~area of at least the~~ land that is to be disturbed. The geotechnical assessment report shall be ~~submitted~~ provided to the Wellington City Council ~~for certification~~ at least 20 working days prior to any earthworks occurring ~~within the land which was previously occupied by the golf course~~. The geotechnical assessment report must be undertaken by an experienced “Geotechnical Professional” and as a minimum contain, but not be limited to, the following:

- a) A review of all available geotechnical reports for the site including the geotechnical report by BECA Ltd (dated 20 Sep 2020, reference 3324206)
- b) A summary of the ground conditions undertaken with geological mapping and/or geotechnical investigations
- c) An assessment of the geotechnical hazards and risks including both seismic and elevated water table scenarios for slope stability analysis
- d) A geotechnical analysis of the design concept and resulting recommendations that will mitigate any potential adverse effects.

The purpose of the geotechnical assessment shall be ~~is~~ to ensure that appropriate geotechnical hazards have been identified and to ensure the geotechnical soundness and resilience of the earthworks

A ‘Geotechnical Professional’ is defined as a Chartered Professional Engineer (CPEng) with specialist geotechnical skills and experience in the design, construction and monitoring of excavations in similar ground conditions as the proposed work ~~development~~.

9. A Geotechnical Professional ~~must~~ shall be engaged for the detailed design and construction phases of the project.

10. The name and the contact details of the Geotechnical Professional ~~must~~ shall be provided to the Wellington City Council as part of the geotechnical assessment report required by condition 8.

11. The Geotechnical Professional ~~will~~ shall monitor the earthworks on the site.

12. The Geotechnical Professional ~~will~~ shall advise on the best methods to ensure:

- a) the stability of the land

- b) the design and construction of the temporary and permanent earthworks, retaining structures and drainage, are consistent with the recommendations in the geotechnical assessment by BECA Ltd (dated 20 Sep 2020, reference 3324206) and the geotechnical report as part of condition 8 above.

## **Earthworks and Construction Management**

8. 13. For any site enabling work involving any earthworks or construction activities within the Designated Area, an outline plan required by section 176A of the RMA shall include an Earthworks and Construction Management Plan. The purpose of the Earthworks and Construction Management Plan shall be to:
- a. Describe the methods proposed for the development of the Designated Area and the programme for earthworks and construction activities, including any staging;
  - b. Provide details regarding the quantity of excavated material and the location in which it will be stockpiled, used elsewhere within the Airport, and/or transported from the site;
  - c. Describe what actions will be taken to manage the actual or potential effects arising from earthworks and construction activities including, but not limited to:
    - i. Stability controls, including measures to ensure earthworks and retaining structures are constructed incrementally to maintain stability of all slopes.
    - ii. Specific erosion and sediment control ~~and stability requirements~~ requirements proposed on the site including a plan that records key features, management and monitoring requirements;
    - iii. Construction noise so that it complies where practicable with the requirements of New Zealand Standard 6803:1999 Acoustics Construction Noise. Any construction activity or work that cannot comply with the recommended limits of New Zealand Standard 6803:1999 Acoustics Construction Noise:
      - Shall be identified;
      - The duration for each activity shall be specified;
      - The Best Practical Option (BPO) to reduce noise to a reasonable level shall be adopted;
      - An assessment of what is the best practical option shall be included in the Earthworks and Construction Management Plan;
    - iv. Vibration construction so that it complies where practicable with the requirements of set out in German Standard ‘DIN 4150-3:1999 ‘Structural Vibration – Part 3: Effects of vibration on structures’. Any vibration construction activity or work that cannot comply with the recommended limits of German Standard ‘DIN 4150-3:1999 ‘Structural Vibration – Part 3: Effects of vibration on structures’
      - Shall be identified;
      - The duration for each activity shall be specified;

- The Best Practical Option (BPO) to reduce noise to a reasonable level shall be adopted;

- ~~i.~~ • An assessment of what is the best practical option shall be included in the Earthworks and Construction Management Plan.

~~ii.~~ ~~Construction noise and vibration so that it complies where practicable with the requirements of New Zealand Standard 6803:1999. Where any construction activity or work cannot comply with the New Zealand Standard 6803:1999 an understanding of the extent of the non-compliance is required to be detailed in the plan along with fit for purpose mitigation measures to properly manage the effects of any exceedances. Methods employed to assist with this during construction activities shall include, but not be limited to the identification of mitigation and management measures necessary to assist in reducing the effect of construction noise and vibration on sensitive receptors (such as the selection of construction equipment or methods, hours of operation, screening of the affected area, temporary relocation of persons directly affected);~~

~~iii.~~ v. Stormwater runoff and wWaste management;

~~iv.~~ vi. Dust control measures to ensure there is no airborne or deposited dust beyond the Designated Area or other Airport land as a result of the earthworks and construction activities that is noxious, offensive or objectionable; and

vii. Construction tTraffic related movements and parking.

~~v.~~ viii. In circumstances where it is necessary for heavy vehicles to make use of the public roading network, a summary of the consultation that will be undertaken with the relevant road controlling authority with the respect to the timing, route selection and volume of those heavy vehicle movements

d. Provide a list of key personnel and points of contact during earthworks and construction activities including a suitably experienced Construction Supervisor. A Construction Supervisor is defined as a person with skills and experience in the construction of excavation and retaining works similar to those proposed and in similar ground conditions.;

~~d.~~

e. Describe how adjoining landowners will be kept informed during earthworks and construction activities;

f. Describe staff training and induction requirements to implement the Earthworks and Construction Management Plan;

g. The establishment of a complaints procedure;

h. The adherence to any recommendations of the Archaeological Assessment report and/or archaeological work as required by condition 149 and 150. accidental discovery protocol and obligations on the Requiring Authority if taonga is discovered during any earthworks or construction activities.

*For the avoidance of doubt this condition ~~does~~ shall not apply to subsequent earthworks associated with any maintenance or repair work within the Designated site.*

14. Prior to any earthworks commencing on the Designated Area which was previously occupied by the golf course site, the Requiring Authority shall undertake an archaeological assessment to identify and report on the potential for archaeological sites on the golf course land. The Requiring Authority shall be required to implement any recommendations made in this report. Note: this may entail an exploratory archaeological authority from Heritage New Zealand Pouhere Taonga made under section 56 of the Heritage New Zealand Pouhere Taonga Act 2014.

15. If required, the Requiring Authority shall will need to apply for all necessary archaeological authorities under section 44(a) of the Heritage New Zealand Pouhere Taonga Act 2014 prior to the commencement start of any earthworks within the Ddesignated Aarea with the potential to affect archaeological remains.

~~9-16.~~ The Requiring Authority shall submit the Earthworks and Construction Management Plan to the Council for certification that it is consistent with the matters included in condition ~~13~~8 above.

~~10-17.~~ The Requiring Authority may amend the Earthworks and Construction Management Plan as necessary provided that any amendment is consistent with achieving the purpose of the Earthworks and Construction Management Plan set out in condition ~~13~~8. Any amendment to this Plan shall be submitted to the Council for certification.

~~11-18.~~ Within 10 working days following the completion of earthworks within the Designated Area all areas of exposed soil will be permanently stabilised against erosion.

~~12-19.~~ As far as practicable all fill extracted from the site shall be stored and/or utilised within land or projects being undertaken by the Requiring Authority. If the material is to be stockpiled for a period of longer than 15 days, the material shall be suitably covered and/or rehabilitated so as to not cause a dust nuisance or generate sediment runoff.

~~13-20.~~ The Requiring Authority shall ensure that there is no obstruction of access to public footpaths, public berms, private properties, public services/utilities, or public reserves resulting from the earthworks and/or construction activity unless permission has been granted by the relevant property owner.

21. All construction related plant and equipment shall be stored within the Designated Area or other Airport land.

22. The Requiring Authority shall provide the Wellington City Council with an As Built Plan (or Plans) of completed earthworks. The Plan(s) shall meet the requirements of A.7 and B.18 of the Code of Practice for Land Development 2012 and as a minimum include the following:

- a. Extent cut and fill and depth of fill in the form of lines joining all points of equal depth of fill at appropriate vertical intervals of 1 metre or as appropriate;
- b. Plans shall also show the type of fill material and any areas where buildings or foundations will require specific design together with any fill areas of low density not complying with this Code:

- c. The position, type and size of all subsoil drains and their outlets shall also be shown;
- d. Full sized As-Built drawings are to be supplied in AutoCAD (\*.dxf or \*.dwg), Microstation (\*.dgn) or other agreed electronic format of all earthworks:-
- e. All co-ordinates shall be in terms of the New Zealand map grid, NZTM (New Zealand Transverse Mercator), to ±0.1m for all earth worked areas.

The plan must be provided within one month of the earthworks / stage of the earthworks being completed.

23. A Geotechnical Completion Report (GCR) ~~must~~ shall be supplied by a suitably experienced Geotechnical Professional, to the Wellington City Council within one month of the earthworks or earthwork stages being completed. The report ~~must~~ shall :

~~14.-~~

- a. Provide evidence that the land is suitable for the intended use including its ability to support services infrastructure and utilities;
- b. Provide details of any changes that were necessary to address geotechnical or engineering problems encountered during the earthworks;
- c. Confirm that the completed earthworks reflect current engineering guidelines and standards including, but not limited to, NZS4431:1989;
- d. A statement of professional opinion that any unretained cuts and/or slopes are considered stable with respect to the future use, and that the risk of instability is low as reasonable practicable.

### **Building and Structures**

- ~~15-24.~~ The Requiring Authority shall ensure that buildings or structures within the Designated Area shall not exceed a height limit of 10m (from finished ground level) and shall be located at least 5m from any adjoining residential area. This condition shall not apply to navigation and safety aids, monitoring stations, lighting and telecommunications facilities, fencing or retaining wall features.

### **Operational Noise**

25. The Requiring Authority shall ensure that aircraft operations and the operation of Auxiliary Power Units (APUs) within the Designated Area are managed so that the rolling 90 day average 24 hours night-weighted sound exposure does not exceed a Day/Night Level (Ldn) of 65 dB outside of the ESA Compliance Line identified on **Figure 1** below. In achieving this limit account shall be taken of the cumulative effect of all aircraft operations from the Airport. All terminology shall have the meaning that may be used or defined in the context of NZS:6805:1992. ~~The~~

26. The following aircraft operations shall be excluded from the calculation of the rolling 90 day average described in Condition 25:



- a) Aircraft operating in an emergency;
- b) 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;
- c) The operation of unscheduled flights required to meet the needs of any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency.



**Figure 1: Aircraft operations EEA compliance line.**

27. The Requiring Authority shall ensure that the noise emission levels from within the Designated Area, from any activity other than aircraft operations and the operation of APUs, when measured at any residential site shall not exceed the following limits:

- a) All days 7am to 10pm 55 dB  $L_{AEQ(15 MIN)}$ ;
- b) At all other times 45 dB  $L_{AEQ(15 MIN)}$ ;
- c) All days 10pm to 7am 75 dB  $L_{AFmax}$ .

16. —

### Compliance Monitoring



28. The Requiring Authority Shall demonstrate compliance with Condition 25 by undertaking:
- a) continuous noise monitoring at a location in the relevant area shown in Figure 1. At ~~in~~ this location the rolling 90 day average  $L_{dn}$  noise level from aircraft operations and the operation of APUs shall not exceed 62 dB  $L_{dn}$ . Noise shall be measured in accordance with NZS 6805:1992.;
  - b) The monitoring results shall be available to the public every three months.

### Mitigation Measures

29. The operation of Auxiliary Power Units (“APUs”) within the ESA Designated Area shall be restricted to a period not exceeding 15-minutes after the aircraft has stopped at the gate and 15 minutes prior to leaving the gate. Noise from APUs is subject to the noise limit in Condition 25.
30. There shall be no aircraft engine testing in the Designated Area.
31. There shall be no operating of APUs in the Designated Area between the hours of 10pm and 7am.
32. Any aircraft stand within the Designated Area shall have a Plug-in Ground Power Unit (GPU) available.
33. The Requiring Authority shall ensure that there are no aircraft operating under ~~its~~ their main engine ~~own~~ power within the Designated Area between the hours of 10pm and 7am. For the avoidance of doubt, this condition does not include aircraft under tow or parked on a taxiway.
34. The Requiring Authority shall amend its Airport Noise Management Plan in line with conditions 25 – 33 as soon as the ~~D~~esignation is confirmed. Additional operational procedures should be developed and included in the Airport Noise Management Plan once the demand for night-time GSE operations on the eastern stands and the types of equipment are known.
35. Each year the Requiring Authority shall prepare a Compliance Annual Aircraft Noise Contour (“Compliance AANC”) for the area adjacent to ESA Designation. The Compliance AANC shall be defined as the 65 dB  $L_{dn}$  contour calculated using noise prediction software (which is periodically calibrated by interrogating monitoring information from actual aircraft movements) for the busiest 90 days of the preceding year. The Compliance AANC shall



be adjusted if appropriate for measured noise levels from the monitoring station in condition 28a. The Compliance AANC shall account for all noise sources identified within condition 25.

36. The Requiring Authority shall utilise the Compliance AANC to prepare the Projected Annual Aircraft Noise Contour (“Projected AANC”) for the purpose of achieving the obligations within conditions 25 to 28. The term Projected AANC shall be defined as the 60 and 65 dB L<sub>dn</sub> contours calculated using the previous year’s Compliance AANC (Condition 35) adjusted for annual growth estimated for the following year. The Projected AANC shall be available to the public annually.

37. The Requiring Authority shall offer to install mechanical ventilation to habitable rooms of those residential dwellings listed in Attachment 2 ~~Annexure C of Ms Smith’s evidence dated 5 May 2021,~~ where it is predicted that those dwellings will fall within the Projected AANC 60 dB L<sub>dn</sub> contour within the following year.

38. An offer made under Condition 37 shall remain open for acceptance by the landowner for a period of 12 months. If the landowner declines or fails to accept the offer within 12 months, they may request to take up the offer at a later date by notifying the Requiring Authority. Acceptance of such a request shall not unreasonably be withheld by the Requiring Authority.

39. Prior to the first offers under Condition 37 being made, the Requiring Authority shall prepare an ESA Noise Mitigation Plan detailing the processes to implement ~~the offers~~ Conditions 35 - 38.

## **Lighting**

40. The Requiring Authority shall ensure that any direct or indirect illumination of outdoor areas associated with non aviation activity ~~activity which requires the lighting of outdoor areas within the Designated Area that such direct or indirect illumination is managed so that it is in accordance with AS/NZS 4282:2109 ‘Control of the obtrusive effects of outdoor lighting’, for Environmental Zone A4. For the avoidance of doubt any lighting controlled by Civil Aviation rules shall not be controlled by this condition.~~

~~17. work occurs does not exceed 8 lux at the windows of residential buildings in any adjoining residential area.~~

~~18. Subject to condition 22 any development which includes pedestrian routes and carparks available for public use during the hours of darkness shall be lit at a minimum of 10 lux measured in accordance with [AS/NZS1158.3.1:2005] and any subsequent amendment.~~

## **Network Utilities**

41. Prior to the commencement of any ~~work~~ ~~project~~ which involves earthworks or construction activities ~~work or activity which requires an outline plan under Section 176A of the RMA within the Designated Area~~, the Requiring Authority shall prepare or update a Network Utilities Management Plan ~~for the project~~. The purpose of the Plan shall be to inform the relevant network utility providers that enabling work, design, and construction of any ~~development or construction activity~~ ~~project~~, takes account of (and includes measures to address) the safety, integrity, protection (or where necessary) relocation of exiting network utilities. The Plan shall also include the location of any existing underground network utilities within the project area; a requirement to consult with any relevant network utility provider and a requirement to inform all construction personnel, including contractors of the presence and location of any existing network utilities which traverse, or are in close proximity to the project area as well as any restrictions in place in relation to those existing network utilities.

~~19.~~

42. Where it is likely that work within the Designated Area ~~an activity~~ will adversely affect the operation of any Airways Corporation of New Zealand's electronic or visual navigation aid or air traffic service facility, ~~the requiring authority shall consult with Airways Corporation of New Zealand to ensure that the requirements of the Parties' respective obligations under Civil Aviation of New Zealand Rules 139.121 and 172.57 (and any subsequent amendment) are met.~~

### **Lapse**

~~20.~~43. The designation shall have a lapse period of ~~10~~5 years from [insert the date the designation is confirmed by Wellington International Airport Limited].

### **Climate Change**

45. ~~[place holder – to be discussed at expert planning conference] No later than six months from the date of the notice of requirement being confirmed, the Requiring Authority shall prepare a document describing the work that it is doing to progressively adopt initiatives to reduce its carbon footprint. The Requiring Authority shall keep the document updated on an annual basis and have it available upon request to the Wellington City Council.~~

### **Other Designations**

~~21.~~46. Upon confirmation of this notice of requirement the Requiring Authority shall uplift that part of designated Airport Land *[main site designation reference once known]* that overlaps with the ESA Designated Area depicted within the hatched area in black in Figure 2 below.



**Figure 2: Extent of Designation and Proposed Airport Purposes Designation Boundary Overlaid**



Attachment 1 – Extent of the Designation



## ATTACHMENT 2 AFFECTED PROPERTIES FOR VENTILATION OFFERS

**Properties Eligible for ESA Ventilation Treatment Offers Triggered by Annual 60 dB Ldn Contour**

<b>Number</b>	<b>Street</b>	<b>Predicted ESA Taxiing and APU Noise (Ldn)</b>	<b>Predicted Main Site Aircraft Ops Noise (Ldn)</b>	<b>Combined (Ldn)</b>
15	Bunker Way	56	58	60
17	Bunker Way	56	58	60
19	Bunker Way	57	58	61
21	Bunker Way	57	58	61
10	Bunker Way	55	58	60
14	Bunker Way	55	58	60
16	Bunker Way	55	58	60
44a	Raukawa Street	55	58	60
46	Raukawa Street	56	58	60
46A	Raukawa Street	56	58	60
48	Raukawa Street	57	58	61
48A	Raukawa Street	57	58	61
50	Raukawa Street	57	58	61
50A	Raukawa Street	56	58	60
50B	Raukawa Street	57	58	61
50C	Raukawa Street	57	58	61
52	Raukawa Street	56	58	60
52A	Raukawa Street	57	58	61
54	Raukawa Street	57	58	61
54a	Raukawa Street	57	58	61
56	Raukawa Street	57	58	61
56A	Raukawa Street	57	58	61
1/58	Raukawa Street	57	58	61
2/58	Raukawa Street	57	58	61
58A	Raukawa Street	57	58	61
60	Raukawa Street	56	58	60
62B	Raukawa Street	56	58	60
62A	Raukawa Street	56	58	60
64	Raukawa Street	56	58	60
66	Raukawa Street	55	58	60
68	Raukawa Street	55	58	60
70	Raukawa Street	55	58	60
74	Raukawa Street	55	59	60
76	Raukawa Street	55	59	60
79	Raukawa Street	50	59	60
16	Kekerenga Street	49	60	60
18	Kekerenga Street	48	60	60
20	Kekerenga Street	53	60	61
22	Kekerenga Street	54	60	61
24	Kekerenga Street	51	60	61
26	Kekerenga Street	53	60	61
28	Kekerenga Street	53	61	62
30	Kekerenga Street	54	61	62
32	Kekerenga Street	53	61	62