

11/07/2025

Manager, District Plan Team
Wellington City Council
P O Box 2199
WELLINGTON

Attention: Michael Duindam

**Wellington International Airport Limited – Designation WIAL 1 – Requiring Authority Decision
Pursuant to Clause 13 of Schedule 1 to the Resource Management Act 1991.**

Notice Of Requirement

1. On 15 June 2022 Wellington International Airport Limited (**WIAL** or **Requiring Authority**) filed a Notice by Requiring Authority for the Wellington International Airport Airspace Designation (Designation G2) to be included in the Proposed District Plan with modifications, in accordance with clause 4 of Schedule 1 to the RMA.
2. The modifications were to simplify the existing Designation and bring it into better alignment with current Civil Aviation and ICAO regulations. The modified Designation also included conditions which provided for some height relief for objects or buildings which penetrate the relevant Obstacle Limitation Surfaces (**OLS**) and put in place a procedure for notification and authorisation by WIAL.
3. The modified Designation in the Proposed District Plan was identified as “WIAL 1 – Wellington Airport Obstacle Limitation Surfaces” (**WIAL1**).

Purpose of WIAL1 Designation

4. The purpose of the WIAL 1 is to provide for the specification of obstacle limitation surfaces in the airspace within the vicinity of Wellington International Airport in order to limit any structure including any building, aerial, antenna or other objects from protruding into the set obstacle limitation surfaces which in turn may inhibit the safe and efficient operation of the Airport.

Notification And Hearing

5. The Proposed District Plan, including WIAL1 was notified by the Council on 18 July 2022. Two submissions (Wellington City Council (**Council**) and Kāinga Ora) and one further submission (Guardians of the Bays Inc., supporting the WCC submission) were received with respect to WIAL1.
6. The Council appointed an Independent Hearings Panel (**IHP**) to hear evidence in respect of WIAL1 from the Requiring Authority, the Council and those submitters who wished to be heard. Having heard from those attending the hearing, the IHP's function was to make a recommendation to the Council in terms of the relevant statutory tests under the Resource Management Act (**RMA**).
7. The IHP hearing relating to WIAL1 occurred on 16 July 2024 with WIAL providing legal submissions, corporate and expert evidence in relation to OLS/ aviation matters, economics and

planning. This evidence included further amendments to WIAL1 and its associated conditions to delete reference to a Visual Segment Surface, to correct some drafting errors and improve the overall readability of the Designation.

8. The IHP was provided with a written statement from Kāinga Ora and heard evidence from Guardians of the Bay in support of the Council's submission. The Council did not provide separate evidence (other than the Section 42A Report) for its submission.
9. WIAL provided supplementary evidence on 23 July 2024 on a matter raised by the IHP in relation to the aeronautical effect of increasing the allowable height for objects to penetrate the OLS from 8 metres to 11 metres.

IHP Recommendation

10. The IHP set out its comprehensive analysis of the evidence within the relevant statutory context in its Report 10 Designations at pages 39 to 59.
11. The IHP concluded¹ that:
 - a. *The modifications to the OLS sought by the requiring authority are considered to be necessary to better comply with Civil Aviation Regulations and international obligations, and therefore safeguard aeronautical safety and movement around Wellington Airport;*
 - b. *No additional or changes to adverse effects on the environment are expected from the altered OLS requirements;*
 - c. *The limitations imposed by the OLS on the city's development capacity enabled by the PDP are in practice very minor to negligible;*
 - d. *The designation is reasonably necessary in respect of providing certainty for the ongoing and safe operation of the airport; and*
 - e. *There has been an adequate consideration of alternative methods.*
12. The IHP stated that notwithstanding its findings, it informally recommended that WIAL "consider opportunities for refining the OLS. In particular, assessing whether the risks to aeronautical safety may be sufficiently safeguarded with an enabling tolerance of 11m rather than 8m to align with MDRS permitted height limit, particularly in areas of the city where it can be identified in advance that shielding effect of topography would occur."
13. The IHP's formal recommendation² was for WIAL to confirm its Notice of Requirement for WIAL 1 subject to:
 - a. the modifications sought by WIAL at the hearing; and
 - b. a further amendment related to the specific height restriction for Bridge Street properties as identified in Figure 1 to WIAL 1 with the effect that the height limit is to be 4 metres rather than the "existing roofline".

¹ Paragraph 273 of IPL Report 10 Designations

² Ibid 277 noting the Report also referred to replacement of the term "Precinct" in the designation however the OSL Designation does not refer to this term

Council Recommendation

14. The IHP's recommendation relating to WIAL1 was considered by the Council on 12 June 2025.
15. The Council's resolution recommended that the IHP recommendation be amended to require WIAL to further modify WIAL1 to:
 - a. exclude areas that are adequately shielded by terrain from the mapped OLS; and
 - b. increase the Inner Horizontal Surface and Conical Surface penetration height allowance from 8 metres to 11 metres.
16. The Council notified WIAL in a letter dated 13 June 2025 of the Council's recommendation stating that it's further recommended modifications were made pursuant to Section 171(2) of the RMA and that:

The reason for these further modifications under s171(3) is to meet the purpose of the designation while also achieving the least impact on development.

17. The Council's letter goes on to say:

The Council's recommended modifications in respect of WIAL1 to exclude areas that are adequately shielded by terrain from the mapped OLS is a matter that has been left for WIAL to undertake.

Decision of the Requiring Authority

18. WIAL, as the Requiring Authority, has reviewed the IHP Report 10 Designations, the Minutes of the Council dated 12 June 2025 and the Council's notification letter of 13 June 2025.
19. Pursuant to Clause 13 of Schedule 1 to the RMA, WIAL has decided to reject the Council's recommendation to further modify the OLS Designation as set out in paragraph 16 above.
20. In doing to WIAL generally adopts the reasons of the IHP in its Report 10 Designations set at pages 39 to 59.
21. Additional reasons for this decision, informed by the relevant provisions of the Section 171 of the RMA, are outlined in the following sections:

Exclude areas that are adequately shielded by terrain from the mapped OLS

22. Shielding by terrain is only one of the aspects that needs to be considered in determining whether an object would adversely affect safety or significantly impact flight operations and procedures and with the complex aviation assessment involved including the uncertainty of approach associated with an aircraft responding to an emergency situation.
23. The number of obstacles in respect to Wellington International Airport are numerous including significant terrain penetration at a wide range of locations. Applying an additional shielding criterion as suggested by the Council would require a full review of the obstacle database and extensive re-modelling of the OLS surfaces. Whilst WIAL accepts it is technically possible to do this it considers that this would:
 - a. be very time consuming and costly;
 - b. result in a complex and difficult set of surfaces to manage.

24. As a result, WIAL considers that the approach is not practicable and prefers the formal recommendation of the IHP.
25. However, in light of the concerns raised WIAL has decided to further modify WIAL1 with the inclusion of the following condition:

WIAL shall consider on an annual basis whether WIAL1 should be altered pursuant to Section 181 of the RMA to exclude areas from the OLS that are adequately shielded by terrain taking into account:

- a. Any technology advances such that applying an additional shielding criteria to the OLS becomes a reasonably practicable prospect; and*
- b. the monitoring of written consents provided for by condition 6 b. demonstrates that there is a disproportionate adverse effect on the surrounding community in obtaining written consents under Section 176 of the RMA.*

Increase the Inner Horizontal Surface and Conical Surface penetration height allowance from 8 metres to 11 metres

26. As a Civil Aviation Authority (CAA) certified aerodrome operator, WIAL is not only obligated to provide obstacle limitation surfaces but is required to manage the obstacle environment in such a way as not to endanger aircraft operations or the regularity of aerodrome operations.
27. For WIAL to be completely compliant with ICAO guidance and Civil Aviation Regulations, no development would be permissible that penetrates the OLS. However, WIAL in recognition of the existing urban environment in which it is located, has included conditions that allow development within the Inner Horizontal Surface and the Conical Surface that penetrates the OLS to extend to a height of 8 metres (ie two stories in height) without the written consent of WIAL. This allowance was intended to strike a balance between ensuring that development in these existing urban areas is not unnecessarily restricted, while ensuring that safety is not further compromised by further obstacles occurring within these areas.
28. In relation to the *Inner Horizontal Surface*, the height of this surface is 56.986m RL. This means that persons wanting to develop their property will only need to seek written consent from WIAL if the development is above this level **and** exceeds 8 metres (approximately 2 stories). By way of example, the majority of the Te Aro area has a 50-metre clearance before the OLS is penetrated (and the District Plan permitted height is mostly below this). Austin Street in Mt Victoria has a 30-metre clearance before the OLS is penetrated and the maximum building height in this location is 22 metres.
29. In relation to the *Conical Surface*, which covers Wellington Central, Kelburn, Aro Valley, Brooklyn, Northland and Thorndon, its lowest point is the outer periphery of the Inner Horizontal Surface (ie 56.986m RL) which then extends outward at a slope of 5% (or 1 in 20) to a height of 161.986m RL. In this area, Lambton Quay for example has 80-100 metres of clearance above the ground before the OLS is penetrated, however areas higher on the hill above (eg Kelburn Parade) the terrain itself penetrates the OLS.
30. The matter of increasing the allowable OLS penetration height from 8 metres to 11 metres was directly addressed at the IHP hearing of WIAL1. In responding to this issue WIAL consulted with

Aeropath, a subsidiary of Airways International Ltd³ which is responsible for the design of instrument flight procedures in New Zealand.

31. As a result of Collision Risk Modelling undertaken by Aeropath, which is a very complex evaluation, it was assessed that the increase in allowable penetration height would increase the collision risk.
32. In particular Aeropath assessed that this increase in risk would mean the minimum altitude that pilots are allowed to descend to when approaching the runway from the north to be clear of low cloud and see the runway, would need to be increased by 40 ft. to meet the ICAO target level of safety.
33. In practice this would mean if a pilot could not see the runway at that increased height, the landing would have to be aborted with a need to attempt another approach or fly to an alternate airport. This would cause additional disruption to the NZ flight network over and above what Wellington Airport currently experiences due to adverse weather conditions.
34. WIAL considers this would have an adverse impact the operational efficiency of Wellington Airport and in particular WIAL adopts the findings of the IHP as set out at paragraphs 249 to 260 of its Report 10 Designations.
35. However, in light of the concerns raised WIAL has decided to further modify WIAL1 with the inclusion of the following condition:

If at any time the Civil Aviation Authority of New Zealand makes substantive changes to the obstacle limitation surfaces requirements that affects Wellington International Airport, including the lowering of the height of the applicable obstacle limitation surfaces, WIAL shall as soon as reasonably practicable, consider whether the Designation should be amended, and if so give notice of its requirement to alter the Designation pursuant to Section 181 of the RMA.

Minor Modification to Recommendation and Reasons

36. During the Council Committee's consideration of the WIAL1 recommendations, WIAL noted that some of the Councillors were concerned that although WIAL currently processes the written consents required under Section 176 of the RMA in a timely manner this may not be the case over time. They were also concerned that WIAL would not have the resources to be able to process the number of applications that those Councillors perceived will be forthcoming.
37. In this regard WIAL notes that the modified designation has been in place since July 2022 as it has interim effect pursuant to section 178 of the RMA. During the three years to date, WIAL has received 26 requests for written approval (ie less than 10 per year). 17 of these have been in the Inner Horizontal Surface and 4 within the Conical Surface. All of these have been given written consent by WIAL, some due to surrounding terrain shielding, and some due to surrounding existing objects or buildings shielding. The majority of these have been given within 1 week.
38. However, in light of the concern raised WIAL has decided to further modify WIAL1 with the inclusion of the following condition:

³ Being the commercial arm of Airways New Zealand

The Requiring Authority shall prepare a report on an annual basis to include details of any requests received for written consent under s176(1)(b) of the RMA and processed by WIAL during the preceding 12 months. The reporting shall include but not be limited to:

- (a) The number of requests for written consent under s176(1)(b) of the RMA;*
- (b) The OLS surface to which the requests relate;*
- (c) The length of time to provide each s176 written consent.*

The Report shall be made available to the Wellington City Council upon request and posted in an appropriate location on WIAL's Wellington Airport website.

Decision Conditions

- 39. A modified version of WIAL1 and the associated conditions which records the modifications discussed above and formatting alterations is **attached** as **Appendix A** to this Decision.
- 40. It is noted the version of WIAL1 sent to WIAL by the Council on 13 June 2025 included figures depicting the deleted Visual Segment Surface. These figures have been deleted in the attached Version.

Schedule 1 Clause 13 – Council Notification of WIAL's Decision

- 41. Would you please arrange for notification of WIAL's decision in terms of the Council's obligations under Clause 13 of Schedule 1 to the RMA to be fulfilled in accordance with the time frames set out there.
- 42. We thank you and your staff for the assistance provided to date.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Matt Clarke", is positioned above the printed name.

Matt Clarke
Chief Executive