



12/06/2023

Hearings Panel

Proposed Wellington City District Plan

By Email: Jaskirat.kaur@wcc.govt.nz

**RE: Wellington International Airport Limited – Submitter 406 and Further Submitter 36 – Hearing Stream 4
General Industrial Zone**

Rezoning of the Miramar / Burnham Wharf Precinct

Wellington International Airport Limited (WIAL) filed further submissions regarding the Miramar / Burnham Wharf Precinct of the General Industrial Zone with respect to the following matters:

- In opposition to the submission by Shelly Bay Road Limited (324.1) which seeks to rezone 3 Shelly Bay Road from General Industrial to Mixed Use Zone; and,
- In support of the submission by The Fuel Companies (372.3) which seeks to retain the notified zoning of the Miramar Terminal and adjoining land as General Industrial Zone.

This statement is filed because these submission points are addressed in paragraphs 48 to 49 and 61 to 69 of the Section 42A report for the General Industrial Zone.

In summary, the section 42A report officer recommends rejecting the rezoning request made by Shelly Bay Road Limited, and accepting the submission of the Fuel Companies. The reasons for this include:

- Miramar and Burnham Wharves play a crucial role in the supply for jet fuel to Wellington International Airport and are both considered regionally significant infrastructure. The General Industrial Zone therefore recognises and provides for this regionally significant infrastructure, operational port activities and [associated] industrial activities;
- The site is located within the Inner Air Noise Overlay, and the rezoning sought by Shelly Bay Road Limited therefore has the potential to result in the intensification of noise sensitive activities, giving rise to potential reverse sensitivity effects on WIAL; and
- The site is subject to Designation WIAL1 (Wellington Airport Obstacle Limitation Surface Designation).

WIAL supports the recommendations of the section 42A report officer and notes, further to the section 42A report officers' recommendations that:

- The wharf structures are strategic assets of particular interest to WIAL as they provide a critical support function to the Airport and it is therefore important that the zoning and associated planning provisions reflect this use; and,
- The New Zealand Standard for Air Noise Management and Land Use Planning (NZS6805) recommends that new noise sensitive activities are prohibited within the 65dB Ldn Noise Boundary (i.e. the Inner Noise Overlay in the PDP). Rezoning the site to an alternative land use zone which would allow for the establishment of new noise sensitive activities would therefore be inconsistent with the recommendations set out in this standard. While WIAL recognises that large areas of existing residential activity are located immediately surrounding Wellington International Airport, this is due to historical land use zoning patterns. WIAL strongly opposes any land use rezoning proposals and/or provisions (such as those being addressed during Hearing Stream 5) that would enable the intensification of noise sensitive activities within the Air Noise Overlay.

For completeness, we note that WIAL1 (WIAL's OLS designation) has an interim effect under section 178 of the Resource Management Act 1991 (RMA). WIAL's case regarding this designation will not be heard until 2024 (Hearing Stream 10), but in the interim it should be noted that:

- Civil Aviation Regulations require an airport operator to provide obstacle limitation surfaces around the airport to ensure the safe and efficient operation of aircraft approaching and departing the airport.
- The obstacle limitation surfaces contained in designation WIAL1 protects Wellington International Airport from possible intrusion of over-height obstacles into the necessary approach and take-off areas required for the safe operation of the airport by all types of aircraft in use, or expected to be in use, at the airport.
- This designation may have a limiting effect on any possible development at the Miramar / Burnham Wharf Precinct, or Shelly Bay Road

In light of the above, WIAL supports the recommendations of the section 42A report officer and considers that the submission by Shelly Bay Road Limited should be rejected and the submission by the Fuel Companies accepted.

Procedural matter regarding hearing allocation for OLS designation

WIAL also wishes to take this opportunity to note that the submission points in paragraphs 4.111 to 4.113 on pages 25-26 of WIAL's submission (which relate to WIAL's OLS designation) appears to have been inadvertently assigned to the Temporary Activities and the Airport Zone hearings (noted as submission points 406.494 and 406.545 respectively in the WCC Summary of Submissions by Submitter table). WIAL's overarching submission in relation to the OLS designation is more broadly framed, and was intended to apply beyond the two chapters that it has been indicatively assigned against. With respect, it appears that the nuancing of the submission point has been lost by the Council Officer preparing the summary of WIAL's submission, and assigning it to hearing streams.

In WIAL's view, the issue raised in paragraphs 4.111 to 4.113 of its submission is in effect, a District Wide matter, due to the area of land potentially affected by the obstacle limitation surface described in WIAL1. This includes a number of land use zones that have been considered as part of Hearing Streams 2 and 4.

WIAL therefore seeks leave from the Panel to provide evidence at Hearing Stream 5 regarding this matter, including high level technical evidence from WIAL's Head of Operational Readiness regarding the statutory and operational requirements that underpin the obstacle limitation surface, which flow through to the WIAL1 conditions. This evidence will be kept at a high level to inform the panel, as the substantive evidence regarding the designation is not scheduled to be heard until 2024 (Hearing Stream 10). WIAL proposes this approach as it considers that the Panel will be assisted by having this high level overview of the OLS designation at this earlier stage, rather than waiting until hearing stream 10.

If the Panel agrees with WIAL's proposed approach, and has any specific questions regarding the obstacle limitation surfaces that have arisen throughout the course of the earlier hearings that it would like WIAL to specifically address, WIAL would welcome receiving these in advance of the hearing so they can be addressed in the written evidence.

Yours sincerely,

A handwritten signature in black ink that reads "Jo Lester". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Jo Lester

Planning Manager
Wellington International Airport Limited