

**Before the Independent Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing submissions and further submissions on the
Proposed Wellington City District Plan

**Statement of supplementary planning evidence of Joe Jeffries on behalf of
Wellington City Council**

Date: 13 February 2024

INTRODUCTION

1 My full name is Joe Jeffries. I am employed as a Principal Planning Advisor in the District Plan Team at Council.

2 I have read the statement of evidence of Kirsty O’Sullivan (Planning) and Jo Lester provided on behalf of Wellington International Airport Limited (WIAL).

3 I have prepared this statement of supplementary evidence in response to specific points raised in the evidence of Kirsty O’Sullivan on the Airport Zone.

4 As set out in her statement of evidence Ms O’Sullivan generally supports a number of the recommendations contained in my section 42A report. There are only a few areas where she holds a different view to the section 42A, notably:

- The definition of Airport Purposes;
- Objective AIRPZ-O2 and Policy AIRPZ-P4 and use of urban design and amenity considerations in the Airport Zone;
- Policy AIRPZ-P3;
- Rule AIRPZ-R3 and the default non-complying activity status for non-airport related activities; and
- Standard AIRPZ-S3 and the commercial and retail restrictions imposed within defined areas of the Airport Zone.

3 In this statement of supplementary evidence I address Ms O’Sullivan’s evidence on the provisions mentioned above and recommend several further amendments to the Airport Zone in response.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 The Airport Zone section 42A report¹ sets out my qualifications and experience as an expert in planning.

6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

RESPONSE TO EXPERT EVIDENCE

Airport Purposes Definition

7 In her statement of evidence Ms O'Sullivan recommends amendments to the *Airport Purposes* definition to remove reference to "the activities of the requiring authority described in the Purpose Statement or conditions of that designation".

8 In my section 42a report I rejected the amendments sought by WIAL to the *Airport Purposes* definition primarily because I did not support merging the *Airport* and *Airport Related* activities definitions, policies, and rules.

9 In her evidence Ms O'Sullivan recommends an amended version of the *Airport Purposes* definition that differs from that sought in the WIAL submission. Notably, Ms O'Sullivan's evidence recommendation does not seek to merge *Airport Related* activities into the *Airport Purposes* definition.

10 I generally agree with Ms O'Sullivan that "care needs to be taken when referring to a designation in a plan provision as changes to the designation which occur under one section of the Act may result in

¹ [Section 42A Report - Airport Zone \(wellington.govt.nz\)](https://www.wellington.govt.nz/section-42a-report-airport-zone)

changes to the intent or scope of the planning provision without going through the appropriate Schedule 1 process.”

- 11 In principle I support amending the definition to remove reference to the designation and replacing this with a specified list of activities related to the movement of aircraft and aircraft passengers. However, I have not had time to form a position on the specifics included in Ms O’Sullivan definition and would like to consider this further. I am also open to the possibility of conferencing with Ms O’Sullivan on this matter.

AIRPZ-O2

- 12 My section 42a report recommended rejecting the deletion and replacement of AIRPZ-O2 sought by WIAL and retaining the objective as notified.
- 13 Ms O’Sullivan recommends an alternative amendment to AIRPZ-O2 in her evidence to that in the WIAL submission. This alternative wording of AIRPZ-O2 includes an amendment to clause 3 to change reference to “the public domain” to “directly adjacent public roads and reserves”, and the insertion of a new clause 4.
- 14 I support the insertion of clause 4 recommended by Ms O’Sullivan to recognise that the operational and functional requirements of the Airport may necessitate a specific location, built form, or appearance, and concur with the reasoning provided for this.
- 15 Regarding the recommended amendment to clause 3, I agree in part that the unqualified reference to the “public domain” is excessively broad. However, in my view the wording put forward by Ms O’Sullivan goes too far in the other direction and is overly narrow. To address this, I recommend a small modification to Ms O’Sullivan’s wording to remove the word “directly” to broaden the application of the objective and to change “reserves” to “open space”.
- 16 I therefore recommend amending AIRPZ-O2 as follows:

AIRPZ-O2 Development of the Airport Zone

The dual character of the Airport Zone as a working environment and a regional / international gateway is balanced, recognising:

1. The Airport's role as an air and land transport hub that provides for the safe and efficient movement of people and goods;

2. There will be development that reflects the purpose of the Airport Zone, and for airport related purposes that provide the Airport with other forms of support;

3. A higher standard of design may be necessary where large buildings or structures are ~~adjacent to or~~ visible from ~~the public domain~~ adjacent public roads or open space;
and

4. The operational and functional requirements of the airport and its associated buildings and structures may necessitate a specific scale, location or appearance.

AIRPZ-P3

17 Ms O'Sullivan recommends a further change to AIRPZ-P3 to delete the last sentence in the policy which provides that the "nature, scale and extent of non-airport activities to be generally compatible with the outcomes sought in AIRPZ-P1 and AIRPZ-P2".

18 I agree with the reasoning provided by Ms O'Sullivan and support deletion of the final sentence of AIRPZ-P3. In particular, I consider it is inappropriate to refer to the outcomes sought for AIRPZ-P1 and AIRPZ-P2 as these policies relate to Airport and Airport Related activities not Non-Airport Activities. I also agree that the "nature, scale and intensity" of non-airport activities is sufficiently addressed by clause 4 of the policy.

19 I therefore recommend amending AIRPZ-P3 to delete the final sentence as set out in Appendix 1.

AIRPZ-P4

20 Ms O’Sullivan recommends deletion of reference to “the intent of the Centres and Mixed Use Design Guides” from the s42a version of AIRPZ-P4, due to concern that the design guide was developed for the Centres and Mixed Use Zones and not the airport specifically. According to Ms O’Sullivan it may therefore be overly broad and insufficiently nuanced to the unique requirements of the Airport.

21 In my view the Centres and Mixed Use Design Guides contains generic design principles that are broad enough to appropriately apply to the Airport Zone without inappropriately constraining development to specific design solutions that do not fit the unique requirements of the Airport Zone. I therefore consider that reference to “the intent of the Centres and Mixed Use Design Guides” is appropriate.

AIRPZ-R3

22 Consistent with the WIAL submission, Ms O’Sullivan recommends amending the activity status for Non-airport activities from *Discretionary* to *Restricted Discretionary*.

23 As noted by Ms O’Sullivan the Operative District Plan (ODP) provides for non-airport activities (outside the terminal area) as a Restricted Discretionary Activity, defaulting to Discretionary for non-compliance with the standards in the Airport Precinct. Ms O’Sullivan is also correct to note that the Airport Zone section 32 evaluation report does not substantively assess the specific change from Restricted Discretionary to Discretionary for non-airport activities.

24 However, the ODP Airport Precinct does not apply to the area covered by the East Side Precinct in the Airport Zone in the PDP. Therefore, a Restricted Discretionary status for non-airport activities within the Airport Zone cannot be considered the status quo in this area. I also note that *Airport Related Activities* are a Discretionary activity in the East Side

Precinct under AIRPZ-R2. This means that a change to Restricted Discretionary for *Non-airport Activities* under AIRPZ-R3 would have a more enabling consent pathway than for *Airport Related Activities*, which is somewhat counter to the policy framework of AIRPZ-P2 and AIRPZ-P3.

25 It is unclear to me whether Ms O'Sullivan has turned her mind to this issue. A potential solution is to retain a Discretionary activity status within the East Side Precinct and apply a Restricted Discretionary Activity status to the remaining areas of the Airport zone. Alternatively, I am open to considering a Restricted Discretionary status for non-airport activities in the East Side Precinct if the case is appropriately made.

26 While I agree in principle that a Restricted Discretionary activity status is appropriate outside the East Side Precinct, I consider that further thought needs to be given to the status of non-airport activities within the East Side precinct and how these sit within the broader policy and rule framework. I would also appreciate additional time to consider specific amendments to the rule including the assessment criteria and would be open to the possibility of conferencing with Ms O'Sullivan on this matter.

AIRPZ-S3

27 AIRP-S31.b applies restrictions on commercial and retail activity to the land between Calabar Road and Miro Street. Ms O'Sullivan's evidence points out that there are no equivalent restrictions on commercial and retail activity applying to this area under the ODP and the Airport Zone section 32 evaluation report does not justify or meaningfully discuss this change from the status quo. Ms O'Sullivan accordingly recommends deletion of the clause as she claims there is no basis for its retention.

28 I accept that there are no exactly equivalent restrictions on commercial and retail activity applying to the land between Calabar Road and Miro Street under the ODP. I also accept that the Airport Zone section 32 evaluation report does not meaningfully evaluate this change.

29 However, as noted by Ms O’Sullivan, the ODP manages vehicle access to this area through rule 11.1.1.5. While I am open to considering deletion of AIRPZ-S3.1.b, I would like to further consider how the issue of vehicle access for commercial and retail activities is managed in this area.

30 Regarding Ms O’Sullivan’s recommended deletion of AIRPZ-S3.2, I note that this amendment was not sought through the WIAL submission.

31 However, I accept that the matters identified in AIRPZ-S3.2 may not meet the definitions of commercial or retail activities, and are matters that would be more appropriately addressed through the relevant activity rules AIRPZ-R1 and AIRPZ-R2. I am open to considering the deletion of AIRPZ-S3.2 subject to scope and to a consequential review of AIRPZ-R1 and AIRPZ-R2 to ensure these rules appropriately manage activities in the Miramar South Precinct.

Conclusion

32 In my view the recommended amendments as set out above and in Appendix 1 are more efficient and effective than the notified provisions in achieving the objectives of the Plan.

33 With respect to the definition of *Airport Purposes*, the status of non-airport activities within the East Side precinct, and amendments to AIRPZ-S3 I am open to the possibility of conferencing with Ms O’Sullivan.

Date: 13 February 2024

Name: Joe Jeffries

Position: Principal Planning Advisor

Wellington City Council

Appendix 1: Tracked Changes to Airport Zone Chapter