

BEFORE THE WELLINGTON CITY COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF Hearing of submissions and further submissions on the
Wellington City Proposed District Plan

STATEMENT OF EVIDENCE BY JOHN KYLE

HEARING STREAM 10 – 1 JULY 2024

INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

- 1 My name is John 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. I am based in the firm's Dunedin office although my work has a national focus.
- 2 I have appeared before the panel on previous occasions and my professional experience was outlined in a brief of evidence dated 16 February 2023.
- 3 An outline of the projects in which I have been called upon to provide resource management planning advice in recent times is included in **Appendix A**. My experience includes advising a number of airport companies around New Zealand including Wellington, Christchurch, Invercargill and Queenstown with respect to airport planning issues, including District Plan reviews, private plan changes, resource consenting, notice of requirements and designations.
- 4 I have assisted Wellington International Airport Limited ("**WIAL**") with planning matters for more than a decade. I am therefore familiar with and have visited the Airport and the areas surrounding the Airport on numerous occasions.

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 contained in the Environment Court Practice Note 2023. I agree to comply with the Code and I 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.

SCOPE OF EVIDENCE

- 6 In this brief of evidence, I will:

- a. Provide a high-level overview of the statutory planning context as is relevant to WIAL’s designations, insofar as they are relevant to this hearing stream;
 - b. Provide an overview of the purpose and the importance of obstacle limitation surfaces, and consequently the Wellington Airport Obstacle Limitation Surfaces designation as it is proposed to be modified (“**WIAL1**”), including the nature of and reasons for the modifications [compared to the existing designation G2 in the Operative District Plan (“**ODP G2 Designation**”)];
 - c. Assess the effects on the environment of confirming WIAL1 as modified;
 - d. Provide an evaluation of the alternatives to the modified WIAL1, insofar as it is necessary to do so;
 - e. Assess whether the proposed modifications to WIAL1 are reasonably necessary for achieving the objectives of WIAL;
 - f. Assess WIAL1 against the relevant planning instruments;
 - g. Assess WIAL1 in terms of Part 2 of the Resource Management Act 1991 (“**the RMA**” or “**the Act**”);
 - h. Briefly address the modifications that WIAL sought to the Wellington Airport Miramar South Area designation (WIAL2), and to the Wellington Airport Runway End Safety Area designation (WIAL3); and
 - i. Respond to submissions on WIAL’s designations by the Wellington City Council, Kāinga Ora Homes and Communities, Guardians of the Bay and Yvonne Weeber.
- 7 In preparing this statement of evidence, I confirm that I have read the following documents:

- a. WIAL’s Notices by Requiring Authority for Designations G2, G3, and G4 to be Included in the Proposed District Plan¹, all dated 15 June 2022.
 - b. The Wellington City Proposed District Plan Hearing Stream 10 – Designations report, prepared under section 42A of the Act (“**the section 42A report**”) and its associated appendices;
 - c. The statements of evidence of Mr L Thurston (dated 1 July 2024), Ms J Lester (dated 1 July 2024) and Ms N Hampson (dated 1 July 2024); and
 - d. The relevant submissions and further submissions of the Wellington City Council, Kāinga Ora Homes and Communities, Guardians of the Bay, B Crothers and Y Weeber.
- 8 The approach to my evidence follows the assessment criteria for considering a notice for a modified designation, as provided for under clause 9 of Schedule 1 which in turns refers back to the usual tests in section 171(1) of the RMA.

WELLINGTON AIRPORT – PLANNING CONTEXT

- 9 WIAL operates the regionally and nationally significant Wellington International Airport (“**the Airport**”). Background context about WIAL and its important role in supporting the social, economic and cultural wellbeing of the city, region and country was provided in Hearing Stream 1.² I do not intend to repeat or elaborate on that evidence here.
- 10 WIAL is a network utility operator and a requiring authority under section 166 of the Act.³
- 11 Wellington International Airport is the subject of five designations in the operative Wellington City District Plan (“**Operative Plan**”). namely:
1. Designation G2 – Airspace in the vicinity of Wellington International Airport – the purpose of this designation is to limit any structure

¹ Pursuant to Schedule 1, clause 4 of the RMA.

² Hearing Stream 1, Statement of Evidence by Ms J Raeburn, dated 16 February 2023.

³ Resource Management (Approval of Wellington International Airport Limited as Requiring Authority) Order 1992, 7 December 1992 (SR 1992/349).

including any building, aerial, antennae or other objects from protruding into set obstacle limitation surfaces which may inhibit the safe and efficient operation of the Airport;

2. Designation G3 – Runway End Safety Area Extension (RESA) – Southern End – this designation provided for the construction (and provides) for the operation of the runway end safety area (RESA) at the southern extent of the airport runway;
 3. Designation G4 – Airport Purposes – Miramar South Area – this designation covers land that was formerly the Miramar South School site and is for airport purposes, including flight catering, rental car storage, maintenance and grooming, freight reception, storage and transfer, ground service equipment, and associated carparking, signage, service infrastructure and landscaping;
 4. Designation G5 – Airport Purposes – Wellington Airport Main Site Area. This designation covers the majority of the airport’s landholdings (including the main operational area) situated between Lyall Bay and Evans Bay with an area of approximately 105 hectares; and
 5. Designation G6 – Airport Purposes – Wellington Airport East Side Area. This designation covers land to the east of the Main Site Area Designation, the majority of which comprises the southern portion of the Miramar Golf Course with an area of approximately 15.5 hectares. The purpose of this designation is to provide for the future provision of aircraft stands and aprons, as well as interim construction and parking activities.
- 12 Designations G2 and G4 are proposed to be “rolled over”, with modifications, into the Proposed Wellington City District Plan (“**the Proposed Plan**”) in accordance with clause 4 of Schedule 1 of the RMA. Designations G2 and G4 are identified in the Proposed Plan as WIAL1 and WIAL2, respectively, and this is how I refer to them going forward.

- 13 Designation G3 has been subsumed by Designation G5, and a formal request for an uplift has been made.⁴ I therefore do not address this Designation any further.
- 14 Designations G5 and G6 (WIAL4 and WIAL5 respectively) were both recently confirmed by the Environment Court (*Guardians of the Bay v Wellington International Airport [2022] NZEnvC 106*), pursuant to Part 8 of the RMA. Accordingly, under section 175 of the RMA, these two designations are not subject to the Proposed Plan's submissions and decisions processes under Schedule 1 of the RMA.
- 15 Submissions on WIAL4 and WIAL5 made by Strathmore Park Residents Association Inc, B Crothers, Guardians of the Bay and Y Weeber on these designations are therefore out of scope of this process and I do not consider them further in this statement of evidence.

WELLINGTON AIRPORT – DESIGNATION WIAL1 – WELLINGTON AIRPORT OBSTACLE LIMITATION SURFACES

- 16 The purpose of Designation WIAL1 – Wellington Airport Obstacle Limitation Surfaces is to limit any structure including any building, aerial, antennae or other objects from protruding into set obstacle limitation surfaces (“**OLS**”) which may inhibit the safe and efficient operation of the Airport.
- 17 In his evidence, Mr Thurston provides an overview of what OLS's are, and why they are a required and important safety feature of an airport operation. I will not repeat his evidence but wish to highlight several key matters, as these point to why Designation WIAL1 is necessary in the context of the relevant statutory tests.
- 18 Mr Thurston has explained that OLS's are important to protect the airspace above and around an airport. OLS's are critical safety features which reduce the possibility of aircraft collision with an object or building on the ground, under both normal operating conditions and when an aircraft is impaired in some way, for example, when an engine is inoperative.

⁴ Letter from WIAL dated 26/06/2024 and attached to Ms Lester's evidence.

- 19 As Mr Thurston sets out in his evidence, OLS's are a required feature of an airport with scheduled aircraft traffic under the requirements of the New Zealand Civil Aviation Rules.⁵
- 20 In most cases in New Zealand, it is my experience that an airport's OLS's are designated in district plans. As Mr Thurston sets out in his evidence, an OLS designation is the only land use planning process through which airport operators such as WIAL can manage and control obstacles in its environs.
- 21 In my opinion, designating OLS's in district plans is necessary, because a designation provides long term clarity and certainty for the requiring authority, territorial authorities and the community about the location of the OLS, any related conditions and a clearly defined process for managing proposed penetrations into the surfaces. I will say more about this later in this statement.
- 22 WIAL has sought modifications to WIAL1 as set out in 'The Notice by Requiring Authority for Designations to be Included in the Proposed District Plan', dated 15 June 2022 ("**Notice**") which can be summarised as follows:
- a. Replace the table which describes the various airport height restrictions with the obstacle limitation surfaces required by Civil Aviation Regulations and updated explanatory text which can be reasonably understood and interpreted by plan users;
 - b. Replace the figures that depict the various OLS's:
 - c. Replace discretionary activity height rules and associated procedure and criteria for development with an almost uniform 8m height restriction above existing ground level; and
 - d. Clarify and set expectations around the circumstances that WIAL will provide its approval under section 176(1)(b) of the RMA, informed by Civil Aviation Regulations and International Civil Aviation Organization ("**ICAO**") guidance.

⁵ New Zealand Civil Aviation Authority, Civil Aviation Rules, Part 139 Aerodrome Certification, Operation and Use.

- 23 A copy of WIAL1 with my suggested further refinements in the light of comments I make later in this statement is attached as **Appendix B** for the Panel's convenience.
- 24 **Appendix B** also includes some further amendments that are explained in Mr Thurston's evidence as follows:
- a. The Overview section, paragraph 3 incorrectly refers to CAR 139-7 and has been deleted.
 - b. The Takeoff and Approach Surface referred to in clause 1 should refer to a gradient of 2% rather than 1.2% and has been amended;
 - c. The Visual Segment Surface referred to in clause 2 has been deleted;
- It should be noted that the Wellington City Council GIS maps already depict a 2% gradient, so no updates are needed to the GIS tool described by Ms Lester.
- 25 As set out in the Notice, and elaborated on by Mr Thurston, the proposed modifications to WIAL1 will simplify the existing designation and bring it into much better alignment with Civil Aviation and ICAO regulations.
- 26 The unmodified (i.e. ODP G2 Designation) contains a table which describes various airport height restrictions at Wellington International Airport. These include:
- a. Runway strip and flyover area;
 - b. Take off and approach fan;
 - c. Transitional (side surfaces);
 - d. Instrument lands transitional surfaces; and
 - e. Instrument circling areas.
- 27 The description and mapping of these features are currently inconsistent with Civil Aviation Regulations and ICAO guidance. In addition, some of the features are also no longer applicable to Wellington International Airport. In

addition, the ODP G2 Designation is coupled with an odd discretionary activity rule which covers some situations where a building or structure would penetrate the OLS and where these do so, they trigger the need for a resource consent for a discretionary activity. This is quite unorthodox in my experience and is inconsistent with how section 176(1)(b) of the RMA is intended to work.

28 The proposed modifications to WIAL1 seek to replace the tables and associated descriptions in ODP G2 Designation with up to date obstacle limitation surfaces required by ICAO guidance and Civil Aviation Regulations and updated explanatory text. Specifically, the following amended and/or new surfaces are now proposed:

- a. Take-off and Approach Surfaces;
- b. Transitional Surfaces;
- c. Inner Horizontal Surface;
- d. Conical Surface; and
- e. Outer Horizontal Surface.

29 These surfaces are described in detail by Mr Thurston.

30 I agree with Mr Thurston that the inconsistencies between the ODP G2 Designation surfaces and the obstacle limitation surfaces required by ICAO guidance and Civil Aviation Regulations are undesirable and should be corrected. Therefore, I support these proposed modifications to Designation WIAL1. Moreover, WIAL1 includes conditions which provide for some height relief for objects or buildings and puts in place a proper procedure for notification to WIAL and requisite authorisation in those situations where an over height object or building will penetrate the OLS.

EFFECTS ON THE ENVIRONMENT

31 In my view, the proposed modifications to WIAL1 are necessary to provide for the ongoing safe and efficient operation of Wellington International Airport – which is regionally and nationally significant infrastructure. This opinion is supported by the evidence of Mr Thurston.

- 32 The proposed modifications seek to emulate the OLS that derive from relevant ICAO guidance and Civil Aviation Regulations, except a more moderate approach is promoted, with the controls coming into effect for objects that exceed an almost uniform 8 metre height restriction above existing ground level (with the only exception being the Outer Horizontal Surface at 30 metres).
- 33 As set out in the Notice, although WIAL would prefer to adopt the ICAO guidance and Civil Aviation Regulations exactly it recognises that the airport is located close to a range of existing urban zones where allowable height limits would otherwise potentially enable development that impinges upon the OLS. For this reason, conditions have been attached to the designation that allow for any new objects or extensions to existing objects that penetrate the OLS to occur up to a height of 8m (or 30 m in the case of the Outer Horizontal Surface) above existing ground level. This is intended to strike a balance between ensuring that development within these existing urban zones is not unnecessarily restricted, while ensuring that safety is not further compromised by further obstructions occurring within these relevant areas.
- 34 The submission by Wellington City Council (supported by Guardians of the Bay and Kāinga Ora) seeks to replace the proposed 8m height restriction above ground level with an 11m height restriction above ground level. which is commented on at page 48 of the section 42A report.⁶ I understand that the submitters are concerned that the limitations imposed by the OLS designation will have the effect of reducing the development capacity of individual properties, within the area that is overlain by the OLS.
- 35 At this point, it is important to note that the OLS designation is not necessarily an outright bar on development. By including the height restrictions in conjunction with the various surfaces, the designation requires those who wish to penetrate the OLS to seek approval from WIAL in terms of s176(1)(b) of the Act. This enables WIAL as the requiring authority to determine when it might be appropriate to allow structures to penetrate the surfaces, and when it is not, based on an assessment of aeronautical safety.

⁶ Page 48, paragraph 318.

As Mr Thurston explains, the OLS is a critical tool in ensuring airport's overall operational safety and enabling WIAL to be the determiner in this regard is essential. As Ms Lester explains, WIAL has developed an efficient approach to assessing proposals that penetrate the OLS and consistent, robust decisions are made about such proposals based on an assessment of aeronautical safety. On this basis I support the retention of the 8m height limit-based approach to the designation.

- 36 On a related point, Kāinga Ora sought amendments to WIAL1 to provide greater clarity and information to assist with calculating OLS and associated maximum building heights. I suggest that WIAL's new GIS mapping tool, described by Ms Lester in her statement of evidence, will appropriately meet Kāinga Ora's concerns.
- 37 The fact that the proposed modifications to WIAL1 are unlikely to unnecessarily or significantly impact development potential is recognised in the section 42A report. As the report correctly states, there is no benefit to the requiring authority to limit development beyond that required to ensure the safe and efficient operation of aircraft using the Airport.⁷ Such an approach would also leave the airport exposed to appeals under Section 179 of the RMA.
- 38 Ms Hampson has assessed the potential loss of residential, commercial and industrial development capacity if WIAL1 is confirmed and in particular she evaluates the difference in capacity with the OLS related height restrictions set at 8m compared to 11m above ground level. Ms Hampson also assesses how WIAL1 would affect Wellington City Council's ability to meet its obligations under Objective 2 of the the National Policy Statement for Urban Development ("**NPS-UD**"). I will address the policy requirements of the NPS-UD in further detail later in this evidence, when I evaluate the relevant planning instruments.
- 39 In terms of effects however, it is clear from Ms Hampson's evidence that confirmation of WIAL1, will have only a minor impact on housing capacity

⁷ Page 47, paragraph 318.

generally, with a negligible difference between the 8m and 11m height restriction scenarios.

- 40 Ms Hampson considers that confirmation of WIAL1, including the proposed 8m height restriction will not impact Wellington City Council's ability to provide at least sufficient residential development capacity in the short, medium or long-term (long term when greenfield capacity is accounted for). Ms Hampson's analysis also concludes that the net changes to the sufficiency of commercial and industrial floor space under the 8m height restriction would also be very minor. I agree with Ms Hampson where she says that confirmation of WIAL1 is the most efficient option, having particular regard to the economic and social benefits that accrue from the airport.
- 41 Regarding the wording of the designation conditions, the section 42A writer considers that the term 'prohibited' within the designation conditions for the Take-off and Approach Surfaces is unnecessary, as non-compliance with the designation condition simply requires approval from WIAL as the requiring authority. I agree and support the section 42A writer's suggested amendments in this regard.
- 42 Further to the point above, I believe that the text changes to the Take-off and Approach Surfaces condition 1 (b) I and ii should be carried through to the conditions for the Transitional Surfaces, Inner Horizontal Surface, Conical Surface and Outer Horizontal Surface. I have shown these markups together with some minor amendments to further improve the conditions within **Appendix B**.

ALTERNATIVES

- 43 Section 171(1)(b) of the RMA directs territorial authorities to have particular regard to consideration of alternatives, if it is likely that the work will have a significant adverse effect on the environment. In my view, the proposed modifications to WIAL will not have a significant adverse effect on the environment and are in fact seeking to avoid significant adverse effects – that is, potential air accidents.
- 44 Notwithstanding the above, WIAL has given consideration to three alternative options for the OLS designation:

- a. Retain the existing operative designation;
- b. Propose a designation that strictly aligns with Civil Aviation and ICAO regulations; and,
- c. Implementation of the proposed designation.

45 In my view, the implementation of the proposed designation is the most suitable option for the following reasons:

- a. The existing ODP G2 Designation does not align with modern ICAO guidance and Civil Aviation Regulations and has resulted in situations where objects and structures have historically penetrated the OLS, without WIAL's knowledge or approval. This is inherently undesirable from a safety perspective.
- b. However strict alignment with Civil Aviation regulations and ICAO guidance would result in quite stringent limitations on development rights across a number of urban zones around the airport and in some areas of elevated terrain affected by the surfaces in question. WIAL recognises that such an approach may potentially restrict development unnecessarily, and therefore seeks to strike a balance between providing development capacity and ensuring airport operational safety is not further compromised (via the inclusion of conditions associated with the setting of building or structure height restrictions).
- c. The proposed modifications to the designation, as set out in the Notice, seek to achieve greater alignment with Civil Aviation Regulations and ICAO guidance, while acknowledging that existing development patterns mean that the OLS is already affected in some locations.

46 In addition to the alternatives considered in the NOR, Ms Hampson has evaluated the potential loss of development capacity if the height restrictions were 8m compared to 11m above ground level, which is the basis for the Wellington City Council's submission.

47 The effects of the loss of development capacity are considered above. I am of the view that when considering the effect of the loss of development capacity, safety is and should be the preeminent consideration. The very small loss of development capacity identified by Ms Hampson is a minor, and unavoidable cost that is far outweighed by the safety benefits that accrue to the operation of the airport.

REASONABLY NECESSARY

48 As set out in the Notice, the objectives of the requiring authority WIAL1 are:

- a. To provide for the safe operation of aircraft approaching and departing the Airport;
- b. To maintain and enhance operating capacity at the Airport;
- c. To meet international aviation standards and CAA regulations in relation to the protection of flight paths, whilst acknowledging historical development patterns; and,
- d. To provide the community with certainty and clarity as to the height restrictions for properties affected by the OLS.

49 In my view, the proposed modifications are reasonably necessary for achieving these objectives because:

- a. They are the most effective and efficient method of achieving the safety obligations placed on the Airport in order to meet ICAO guidance and Civil Aviation Regulations as far as is practicable in the Wellington context, thereby ensuring that the Airport's operating capacity is maintained. As reflected earlier, this method is employed around all of New Zealand's major airports.
- b. They provide the most effective method of controlling obstacle heights around the Airport which makes a significant contribution to assuring the safe operation of aircraft using the Airport for the long-term; and
- c. The designation is a useful tool for ensuring that the community is advised about the height limitations that apply to land affected by the OLS and provides a mechanism for the requiring authority to be

advised of potential penetrations and to undertake an assessment of such proposals in terms of their potential impact on airport operational safety. The GIS mapping tool referred to by Ms Lester assists in this regard. Penetrating proposals will be authorised unless safety will be compromised and where they are authorised, Mr Thurston explains that advisory material and airport operating procedures can be adapted to recognise their presence.

PLANNING INSTRUMENTS

- 50 In accordance with section 171(1)(a) of the Act, when considering the Notice, particular regard must be given to the relevant provisions of any national policy statement, regional policy statement (operative and proposed) and plans (operative and proposed).
- 51 I have considered the proposed modifications to WIAL1 under the relevant provisions of the NPS-UD, Regional Policy Statement for the Wellington Region (“**RPS**”), the Operative Plan, the Proposed Plan and the now Operative IPI.
- 52 These documents share similar themes. That is, enabling residential development or intensification, and also protecting regionally significant infrastructure, including the Airport.
- 53 I have set out the applicable provisions of the relevant planning instruments below.

NPS-UD

- 54 Objective 1 of the NPS-UD seeks to ensure that New Zealand has well-functioning urban environments, while Objective 2 seeks to improve housing affordability by supporting competitive land and development markets. Supporting Policy 2 requires local authorities to provide sufficient development capacity for housing and businesses, including by enabling intensification to meet expected demand for housing and for business land over the short term, medium term, and long term. The impact of the proposal on Wellington City Council’s ability to meet the requirements of Policy 2 is the focus of Ms Hampson’s evidence.

55 The provision of development capacity as required by Policy 2 must also be considered in conjunction with the other objectives of the NPS-UD. Of particular relevance to the proposed designation modifications is Objective 6, which seeks to promote decisions on urban development that affect urban environments that are integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity.

RPS

- 56 The RPS provides specific policy recognition of infrastructure and acknowledges its importance in providing for the social, economic and cultural wellbeing of people and communities.
- 57 Specifically, Objective 10 and associated Policy 8 seek to recognise and protect the social, economic, cultural and environmental benefits of regionally significant infrastructure, including by utilising regional and district plans.
- 58 With regard to development capacity, Objective 22A and associated policies seek to achieve sufficient development capacity to meet expected housing demand in the short-medium and long term.⁸

Operative District Plan

- 59 The Operative Plan recognises the airport as a strategic transport node and seeks to promote its safe and efficient operation,⁹ whilst also enabling residential intensification within inner and outer residential areas.¹⁰

Proposed District Plan

- 60 Similarly, the Proposed Plan recognises the benefits of infrastructure, and seeks to recognise and provide for the safe, resilient, effective and efficient operation of existing infrastructure. It also seeks to co-ordinate infrastructure with land use, subdivision, development and urban growth.¹¹

⁸ Policies 31 and 55.

⁹ Objective 10.2.1, Policy 10.2.1.1.

¹⁰ Objective 4.2.1, Policy 4.2.1.5.

¹¹ Strategic Objectives SCA-O1, Objective INF-O1, INF-P1, INF-P2.

- 61 The Proposed Plan also recognises that there may be situations where infrastructure may have an adverse effect on the environment. In this instance, regard must be given to the necessity of the infrastructure, including the impact of not operating, repairing, maintaining, upgrading, removing or developing infrastructure.¹²

Operative IPI

- 62 The now operative IPI includes provisions that relate to the intensification streamlined planning process, which seek to (at a strategic direction level) maintain Wellington's compact urban form, make available sufficient development capacity, and locate medium to high density housing developments in appropriate locations.¹³

Evaluation against statutory documents

- 63 In my view, the proposed modifications to WIAL1 are consistent with the relevant provisions of the NPS-UD, RPS, the Operative Plan, the IPI and the Proposed Plan, for the following reasons:
- a. Wellington International Airport is nationally and regionally significant infrastructure. The RPS and both the Operative and Proposed Plans seek to protect the airport and promote its safe and efficient operations.
 - b. As set out above, the OLS is a critical contributing tool to ensuring the safe and efficient operation of the airport, both from a functional and regulatory perspective.
 - c. Whilst the NPS-UD, RPS and Operative and Proposed District Plans (including the IPI) all seek to increase housing development capacity, this should not occur where public safety could be compromised.
 - d. Furthermore, as demonstrated by Ms Hampson's evidence, WIAL has considered the impact on the proposed modifications to WIAL1 on development capacity, as it relates to Wellington City Council's obligations under Policy 2 of the NPS-UD and the IPI. It is clear from the work that has been undertaken that any reductions in the potential

¹² Policy INF-P6.

¹³ Strategic Objectives UFD-O1-O8.

opportunity for development under WIAL's proposed 8m height restrictions are minor and are unlikely to affect the ability of Wellington City Council to meet the needs of the NPS-UD Policy 2 over the short, medium and long-term.

PART 2

- 64 The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 7 identifies that particular regard should be given to, amongst other things, the efficient use and development of natural and physical resources.
- 65 In my view, the proposed amendments to WIAL1 represent an efficient use and development of natural and physical resources. By ensuring that appropriate obstacle limitation surfaces are applied to the airspace around Wellington International Airport, the operational safety of aircraft is assisted, with flow on benefits to social and economic wellbeing.

WELLINGTON AIRPORT – MIRAMAR SOUTH AREA DESIGNATION – WIAL2

- 66 WIAL sought modifications to WIAL2 to update the correct lot descriptions / street address and to update the conditions as they relate to noise, earthworks, nighttime activities, and Outline Plan of Works requirements.
- 67 The modifications are supported by the s42A report¹⁴ writer. All the proposed modifications are minor and are intended to assist with the implementation of the conditions, which are directed at managing the effects of the activities undertaken on the particular site on the surrounding levels of amenity. Therefore, I support the modifications as requested by WIAL and the recommendation of the section 42A writer.

CONCLUSION

- 68 WIAL has sought modifications to WIAL1 to bring the Airport's OLS designation into better alignment with Civil Aviation regulations and ICAO guidance.

¹⁴ Pg 48, para 319.

69 In my view, these changes will better provide for the ongoing safe and efficient operation of Wellington International Airport – which is regionally and nationally significant infrastructure. As I set out above, the potential diminishment of development opportunity that may occur as a result of this modification is minor and is a cost that is far outweighed by the public safety benefits that accrue as well as the operational efficiency of the Airport as a whole.

John Kyle

1 July 2024

APPENDIX A

Summary of Recent Experience of John Kyle

- Christchurch International Airport Limited – Assistance with the Proposed Canterbury Regional Policy Statement – Canterbury.
- Christchurch International Airport Limited – Waimakariri District Plan Review – Air Noise and Bird Strike – Evidence to Hearing Panel – Waimakariri District.
- Christchurch International Airport Limited – Christchurch City Plan Change 14 – Intensification Provisions, Air Noise, hearing attendance.
- Christchurch International Airport Limited – Selwyn District Plan Review – Environment Court Mediations – Air Noise, Bird Strike – Selwyn District.
- Wellington International Airport Limited – notice of requirement to designate airport site and Miramar Golf Course site – Wellington City.
- Wellington International Airport Limited – Wellington City District Plan review – managing airport noise effects – Wellington.
- Wellington International Airport – notice of requirement to designate former Miramar School site for airport purposes – Wellington City.
- OceanaGold (New Zealand) Limited – Waihi North Project, Waihi – Hauraki District.
- Ravensdown Fertiliser Limited – Coastal and Air Discharge Consent Renewal, Dunedin – Otago Region.
- Fortescue Future Industries – Green Hydrogen Plant – Environmental investigations – Southland.
- Ministry of Business, Innovation and Employment – Environmental evaluation panel – Lake Onslow Pumped Hydro Scheme – Central Otago.
- Silver Fern Farms – wastewater discharge consent Finegand Meat Processing Plant – Clutha District.
- Silver Fern Farms – stormwater management and consenting – Hawera Plant – Hawera.
- Silver Fern Farms – coastal defences work – Pareora Meat Processing Plant – Timaru.
- OceanaGold (New Zealand Limited) – Waihi North gold mine project - Hauraki District.
- Federation Mining – Snowy River Gold mine consenting – Buller District.
- OceanaGold (New Zealand Limited) – Deep Dell mine expansion – Macraes Mine – Waitaki District.
- Queenstown Airport Corporation – Proposed plan change to manage the effects of aircraft noise – Queenstown Lakes District.
- Alliance Group Limited – renewal of all discharge and land use consents Mataura Meat Processing Works, Mataura - Southland Region.

- Simcox Construction (then Isaac Construction) – Quarry operation consent renewal, Marlborough District.
- Fulton Hogan Limited – Canterbury Regional Quarry Project – Templeton – Selwyn District.
- Pernod Ricard NZ Limited – District Plan review – Marlborough Environment Plan submissions – Marlborough District.
- Alliance Group Limited – renewal of all discharge and land use consents Lorneville Meat Processing Works, Lorneville - Southland Region.
- Alliance Group Limited – Air Discharge Consents – Pukeuri Meat Processing Works, Pukeuri - Otago Region.
- Queenstown Lakes District Council – preparation of a Plan Change to expand Queenstown town centre, including to accommodate a convention centre.
- Wellington International Airport Limited – strategic and resource management advice with respect to a proposed runway extension – Wellington City.
- OceanaGold (New Zealand) Limited – Project Martha Gold Mine Expansion, Waihi – Hauraki District.
- Ryman Healthcare – resource consent applications for new retirement villages – New Zealand wide role.
- 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.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a plan change application to the Wellington Regional Water plan to assist with the proposed Transmission Gully Project – Wellington Region.
- Queenstown Airport Corporation – lead consultant - Notice of Requirement for land adjacent to QAC in order provide for the future expansion of airport operations, Queenstown Lakes District.
- Genesis Power Limited – due diligence Slopedown Wind Farm, Southland District and Southland Region.
- TrustPower Limited – proposed Kaiwera Downs Wind Farm, Gore District and Southland Region.

- TrustPower Limited – proposed alteration to the Rakaia Water Conservation Order – Lake Coleridge Hydro Electric Power Scheme – Canterbury Region.
- Meridian Energy Limited – Proposed Mokihinui Hydro Electric Power Scheme, damming, water and land use related consents, Buller District and West Coast Region.
- TrustPower Limited – 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 – 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.
- Riverstone Holdings Limited – Proposed Monorail Link – Lake Wakatipu to Fiordland, Department of Conservation Concession Application – Southland Conservancy.
- Otago Regional Council – Consents required for controlling the Shotover River to mitigate flood risk – Queenstown Lakes District and Otago Region.
- Queenstown Airport Corporation – aircraft noise controls and flight fan controls – Plan Change and Designations, Queenstown Lakes District.
- Todd Property Pegasus Town Limited – Pegasus Town, North Canterbury – Waimakariri District, Canterbury Region.
- Willowridge Developments – 3 Parks Plan Change to create new commercial, large format retail, service, tourist and residential land use zones, Wanaka, Queenstown Lakes District.
- Gibbston Valley Station – Land use and regional consents, Viticulture and Golf Resort, Gibbston – Queenstown Lakes District and Otago Region.
- Marlborough District Council – Business Park Plan Change, Blenheim - Marlborough District.
- Infinity Investment Group and JIT Investments – Hillend Station Farm Park development, Wanaka – Queenstown Lakes District.
- Infinity Investment Group – Peninsula Bay Plan Change, Wanaka – Queenstown Lakes District.
- Genesis Power Limited – Tongariro Power Development, Water Related Consents, Central North Island – Environment Waikato and Horizons MW.
- Genesis Power Limited – Waikato District Plan review and provision for the Huntly Power Station, Waikato District.

- Department of Corrections –New Corrections Facility, Milton - Clutha District and Otago Region.
- Department of Child Youth and Family – Youth Justice Facility, Rolleston – Selwyn District and Canterbury region.
- Kuku Mara Partnerships – Large Scale Marine Farms, Marlborough Sounds – Marlborough District.
- Marine Farming Industry – Plan Appeals, Tasman Aquaculture Inquiry, Tasman and Golden Bays – Tasman District.

APPENDIX B

Notice By Requiring Authority for Designation to be Included in the Proposed District Plan Including Amendments Recommended 1 July 2024

Black ~~strikeout~~ shows deletions and underlines show additions to the operative designation as filed in designation modification filed on 15 June 2022.

Red ~~strikeout~~ shows deletions and underlines show additions recommended by the section 42A report regarding the designation as filed on 15 June 2022.

Blue ~~strikeout~~ shows deletions and underlines show additions recommended by John Kyle in response to the section 42A report recommendations regarding the designation as filed on 15 June 2022.

Airport Height Restrictions

The designation of airspace in the vicinity of Wellington International Airport is required to promote the efficient operation of the Airport and a planned approach to its future development.

The designation takes the form of airspace height restrictions, which limit the development of any structure including any building, aerial, antenna, or other object which may inhibit the safe and efficient operation of Wellington International Airport.

The airspace height restrictions are defined and explained in the following table, and illustrated on Plans 1, 2 and 3.

Description of airport height restrictions

Surface	Explanation	Definition
Runway strip and flyover area	This surface defines the area of controlled space around the runway.	a) This is a rectangular surface extending 60m beyond the ends of the runway and 150m on either side of the extended centreline. b) The height of this surface is defined by the lowest level of the formed runway strip.
Take-off and approach fan	This surface defines the glidepath on which an aircraft making an instrument approach would be expected to descend, and along which an aircraft in a situation involving loss of power	a) The fan rises from the ends of the runway strip and flyover area. b) The surface rises initially for 3,000m at a gradient of 1:50 with side splaying at 15% from the ends of the runway strip and flyover area.

Surface	Explanation	Definition
	in one engine on take-off would be expected to climb.	c) After 3,000m, an inner portion relating to take-off rises at a steeper gradient to intercept an approach fan. The approach fan commences 2,000 metres south of Ngauranga trig, rising at a gradient of 1:50 to clear the trig by 10.0 metres. An outer portion rises at a gradient of 1:40. These surfaces continue out to 18,000m from the ends of the runway strip and flyover area
Transitional (side) surfaces and horizontal surfaces	The transitional and horizontal surfaces provide for a situation where an approaching aircraft is either off-centreline or where it has executed a missed approach, or where it is circling prior to landing.	<p>Inner transitional surface: The inner transitional surface rises at a gradient of 1 in 7 from the edge of the western edge of the runway strip and flyover area. This surface rises to a level of 57m. On the eastern side of the runway the surface rises at a gradient of 1 in 7 to a height of 165m.</p> <p>Outer transitional surfaces: These surfaces rise at a gradient of 1 in 7 from the edges of the horizontal surfaces.</p> <p>Horizontal surfaces: These surfaces extend from the edges of the transitional surfaces. Their dimensions are determined by existing terrain and obstacle penetration.</p>
Instrument landing transitional surface	This surface is designed to protect the instrument approach to Wellington International Airport and takes into account the presence of existing terrain (Mt Kaukau).	This surface extends from the western edge of the approach and take-off fan to the north and runs parallel to the extended centreline of the runway until intercepting the edge of the horizontal surface.
Instrument circling area	This area protects the instrument approach of aircraft above existing terrain.	This horizontal surface covers the residual portion of Wellington City at a height of 600m.

Discretionary Activity Height Rules

The following table summarises the relevant Discretionary (Restricted) Height Rules for all areas affected by the airspace height restrictions.

	Permitted height	Permitted height	Discretionary Height (extension)	Discretionary Height (extension)	Total height
	Rule reference	Height	Rule reference	Height	
Outer Residential	5.1.3.4.2	8.0m	5.3.3.3	+1.6m	9.6m
Suburban Centre	7.1.2.1	12.0m	7.3.2.1	+6.0m	18
Rural	15.1.4.1	8.0m	15.3.3.3	+1.6m	9.6m

Procedure and criteria for development

For some properties the airspace restrictions are more restrictive than the applicable Discretionary (Restricted) height rules. Properties within this category, and for which development will be restricted by the airspace height restrictions, are identified on the Planning Maps. The permissible height for structures on these properties in each case is specified on the Planning Maps.

For all other properties, development up to the applicable Discretionary (Restricted) height rules either will not penetrate the airspace height restrictions or will have no impact on the operation of the airport. On these properties development up to the applicable Discretionary (Restricted) height rules can proceed without reference to Wellington International Airport Limited.

Development which exceeds the Discretionary (Restricted) height rules and which penetrates an airspace height restriction may not be undertaken without the prior written consent of Wellington International Airport Limited.

An application for consent will be assessed against the following criteria:

- (a) Whether the proposed penetration is shielded by existing structures and hence has no additional impact on safe and efficient airport operations; and
- (b) Whether the proposed penetration compromises the safety of existing airport operations.

Criteria (b) will be measured with reference to a runway strip and flyover area extending 60 m beyond the ends of the runway and 75 metres either side of the extended centreline.

Overview

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. This is done by means of height controls based on a series of geometric surfaces projecting up from the edges of the runway strip which surround the runways, the intention being to prevent objects such as structures and trees from penetrating these surfaces which are important for the operational safety and efficiency of aircraft.

The ~~e~~Obstacle ~~L~~imitation ~~s~~urfaces contained in this designation 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.

The ~~e~~Obstacle ~~L~~imitation ~~s~~urfaces in this designation are based on combinations of various Civil Aviation Authority (CAR 139-6 ~~and 139-7~~) and ICAO Annex 14 obstacle limitation surfaces.

For the purposes of this designation:

- The Airport Reference Point level described in this designation is set at an elevation of 11.986 metres.
- Objects (as referred to throughout this designation) include, but are not limited to, vegetation (including trees), structures (including buildings masts and poles), cranes, construction machinery or other equipment that might penetrate the ~~Obstacle Limitation~~ ~~s~~urfaces on a temporary or permanent basis.
- Any point where two ~~Obstacle Limitation~~ ~~s~~urfaces overlap and are at differing elevations, the lower of the two ~~surfaces~~ shall apply.
- The designation restrictions do not apply to objects located beneath the ~~Obstacle Limitation Surfaces~~ ~~OLS~~ identified in the District Plan's online interactive Planning Maps [insert reference] and described in this designation.
- The runway strip is a rectangular surface extending 60m beyond the runway and 140m metres either side of the runway centreline.
- The runway clearways are measured from the runway thresholds and extend for a length of 379m on Runway 34 and 355m on Runway 16.
- Runway 34 refers to the runway when approaching over Cook Strait and departing over Evans Bay. Runway 16 refers to the runway when approaching over Evans Bay or departing over Cook Strait.

The airspace height restrictions ~~applying to the Obstacle Limitation Surfaces~~ to which this designation applies are defined and explained below and illustrated on the **attached G2 Maps**.

1. Take-off and Approach Surfaces

a. Specifications

- There is a Take-off and Approach ~~s~~urface at each end of the runway clearways. These ~~take-off and approach surfaces~~ differ in detail, but both are protected by a slope extending upward and outward from each end of the runway.
- The combined Take-off and Approach Surfaces rise at a gradient of 4.2% (1 in ~~83.5~~ 50) from the outer edge of their respective clearways, over a horizontal distance of 15,000m

and continues along the extended runway centreline. The rate of lateral divergence from the inner edge is 15% (1 in 6.6) on each side of the fans. The elevation of the respective clearways are as follows:

- Runway 34 Clearway Outer Edge: RL16.72
- Runway 16 Clearway Outer Edge: RL11.08

b. Conditions

- With the exception of the properties identified in **Figure 1** below, any new objects or extension to an existing objects that penetrates the Take-off and Approach Surfaces and shall not exceed a height of 8m above existing ground level (as of 15 June 2022) shall be prohibited except where the new object or extension is shielded by an existing immovable object, or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) and that penetration has been approved by Wellington International Airport Limited.
- With respect to the properties shown in Figure 1 below, any new objects or extension to an existing objects that penetrates the take-off and approach surfaces and shall not exceed the height limits specified in Figure 1 shall be prohibited, except where the new object or extension is shielded by an existing immovable object or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) of these surfaces and that penetration has been approved by Wellington International Airport Limited.

2.—Visual Segment Surface

a.—Specification

- The Visual Segment Surface is a key tool used as part of the procedure design for Wellington Airport and is required to protect the visual segment of an aircraft approach procedure transitioning from instrument flight to visual reference before landing. This only applies to the northern approach Wellington International Airport (i.e. over Evans Bay).
- The Visual Segment Surface is a triangular surface, starting 60m before the Runway 16 threshold at a width of 150m and extends over a horizontal distance of 8, 932m. The slope of the surface rises at a rate of 1.88° (3.28%), with the sides of the surface diverging at an angle of 9.53° (16.79%) to the west of the runway centreline and 10.13° (17.87%) to the east of the runway centreline.

b.—Condition

- New objects or extensions of objects that penetrate the Take-off and Approach Surfaces and exceed a height of 8m above existing ground level shall be prohibited except where the new object or extension is shielded by an existing immovable object, or the penetration is a temporary short term penetration (e.g. construction machinery

or equipment) of this surface and that penetration has been approved by Wellington International Airport Limited.

3. Transitional Surfaces

a. Specifications

- i. The Transitional Surfaces provide for a situation where an approaching aircraft is either off centreline or where it has executed a missed approach and allows for an area free of obstacles to protect aircraft in the final phase of the approach to land manoeuvre or when overflying the runway from an aborted landing.
- ii. These extend upwards and outwards from the sides of the runway strip at a gradient of 14.3% (1 in 7) to a height of 45 metres above the Airport Reference Point level, where it intersects with the Inner Horizontal Surface.
- iii. The Transitional Surfaces extend at the same heights beyond each end of the runway strip to intercept the Take-off and Approach Surfaces.

b. Condition

- i. Any Nnew objects or extension to an existing objects that penetrates a Transitional Surface ~~and shall not~~ exceed a height of 8m above existing ground level (as of 15 June 2022) ~~shall be prohibited~~, except where the new object or extension is shielded by an existing immovable object or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) of this surface and that penetration has been approved by Wellington International Airport Limited.

4. Inner Horizontal Surface

a. Specification

- i. The Inner Horizontal Surface is a horizontal plane located at a height of 45 metres above the Airport Reference Point and enclosed within a 4000 metre radius drawn from the periphery of the runway strip.

b. Condition

- i. Any Nnew objects or extension to an existing objects that penetrates the Inner Horizontal Surface ~~and shall not~~ exceed a height of 8m above existing ground level (as of 15th June 2022) ~~shall be prohibited~~, except where the new object or extension is shielded by an existing immovable object or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) of this surface and that penetration has been approved by Wellington International Airport Limited.

5. Conical Surface

a. Specifications

- i. The Conical Surface extends from the periphery of the Inner Horizontal Surface upwards and outward at a slope of 5.0% (1 in 20) to a height of 150m above the Airport Reference Point level.

b. Conditions

- i. Any Nnew objects or extension to an existing objects that penetrates the eConical sSurface and shall not exceed a height of 8m above existing ground level (as of 15th June 2022) shall be prohibited, except where the new object or extension is shielded by an existing immovable object or the penetration is a temporary short term penetration (e.g. construction machinery or equipment) of this surface and that has been approved by Wellington International Airport Limited.

6. Outer Horizontal Surface

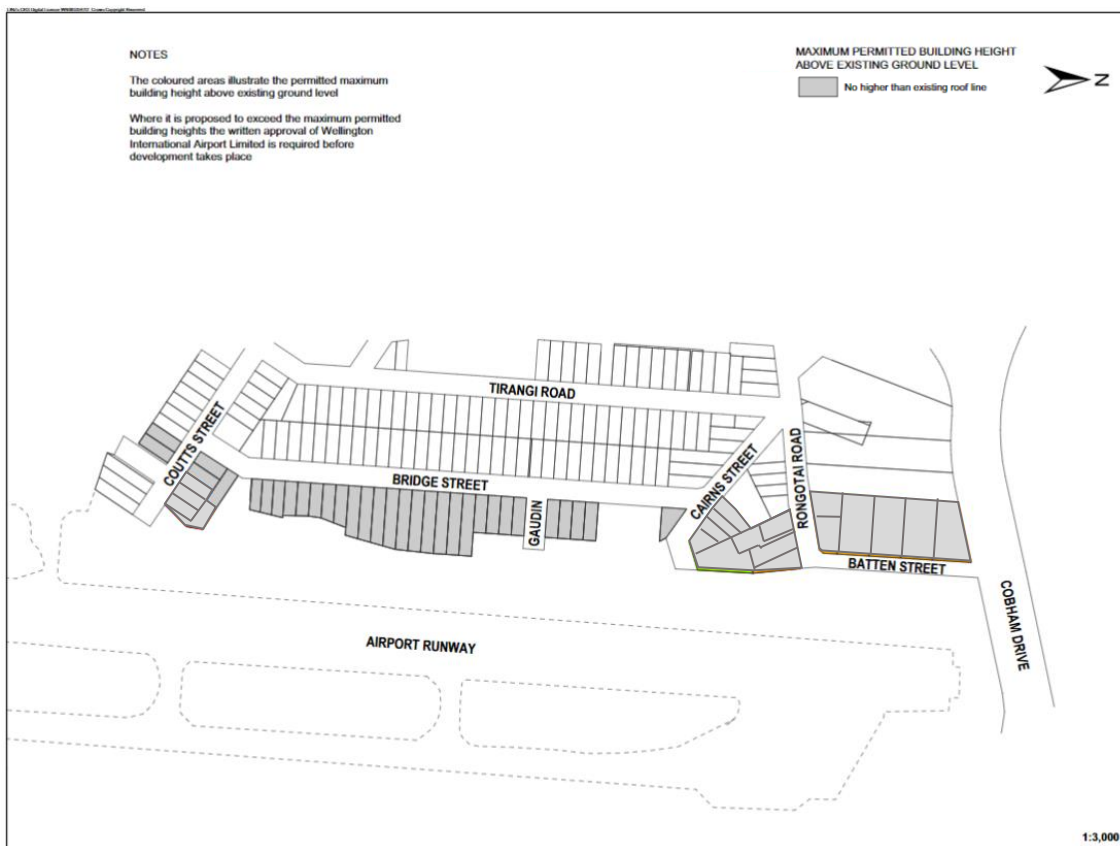
a. Specification

- i. The Outer Horizontal Surface is a plane surface at a height of 150m above the Airport Reference Point level, enclosed within a 15,000m radius drawn from the mid point between the runway thresholds on the runway centreline.

b. Condition

- i. Any Nnew objects or extension to an existing objects that penetrates the Outer Horizontal Surface and shall not exceed a height of 30m above existing ground level (as of 15th June 2022) shall be prohibited except where the new object or extension is shielded by an existing object, the penetration is a temporary short term penetration (e.g. construction machinery or equipment) of these surfaces and that penetration has been approved by Wellington International Airport Limited or Wellington International Airport has determined that such objects and structures will not affect aircraft operations within this area.

Figure 1: Designation G2 Properties affected by specific height restrictions.

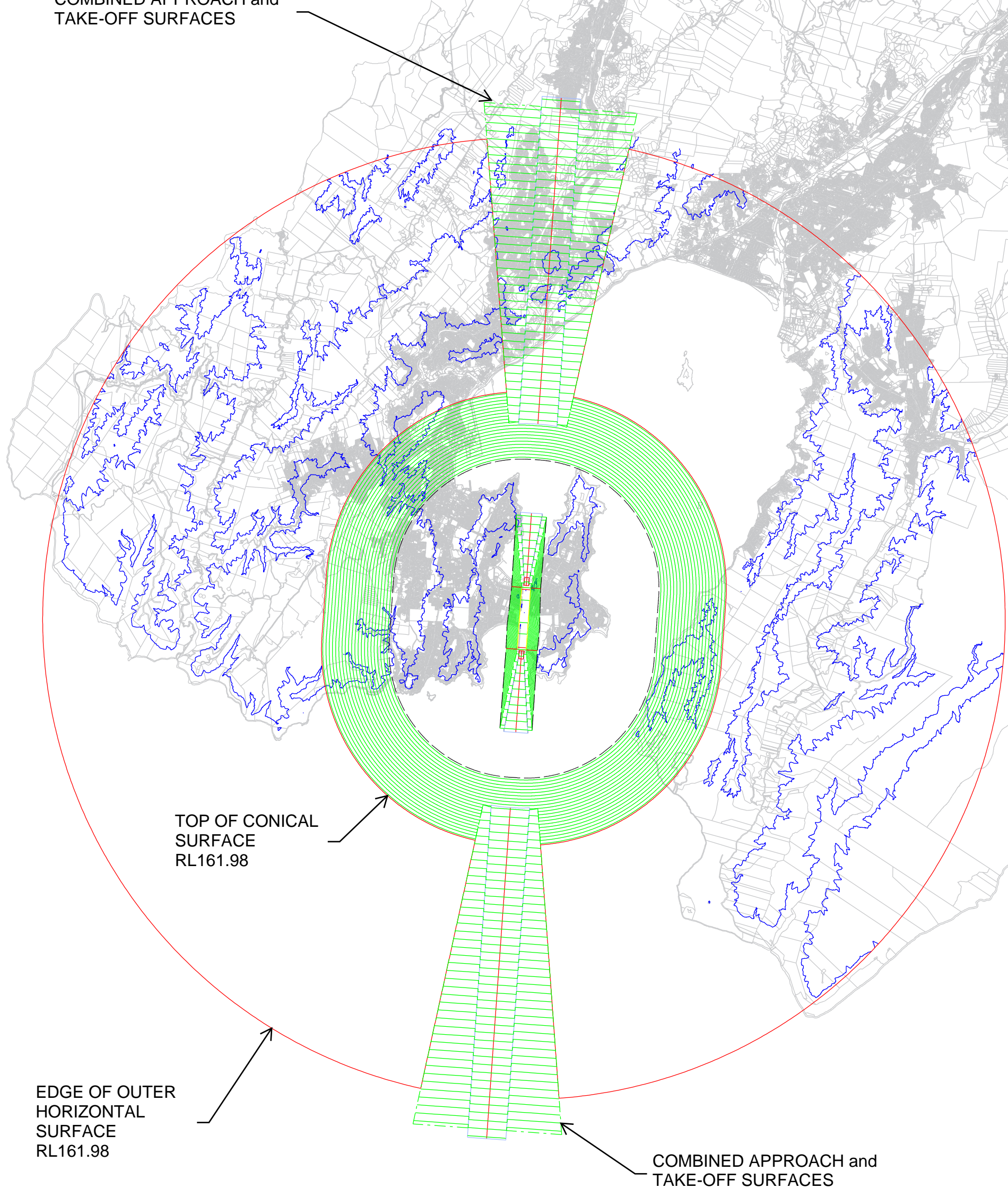


Notes:

WIAL may request an aeronautical study to inform its decision regarding whether to provide approval for any breach of the conditions pursuant to Section 176 of the RMA.

WIAL is [in the process of developing](#) has developed a geographic information system (GIS) [tool](#), which is available on [Wellington City Councils interactive District Planning Map](#), to assist in the identification of whether an object or structure would be subject to an [Obstacle Limitation Surface](#) as identified in this designation and to provide guidance setting out the process for obtaining an approval for any breach of the conditions pursuant to Section 176 of the [Resource Management Act](#).

COMBINED APPROACH and
TAKE-OFF SURFACES



TOP OF CONICAL
SURFACE
RL161.98

EDGE OF OUTER
HORIZONTAL
SURFACE
RL161.98

COMBINED APPROACH and
TAKE-OFF SURFACES

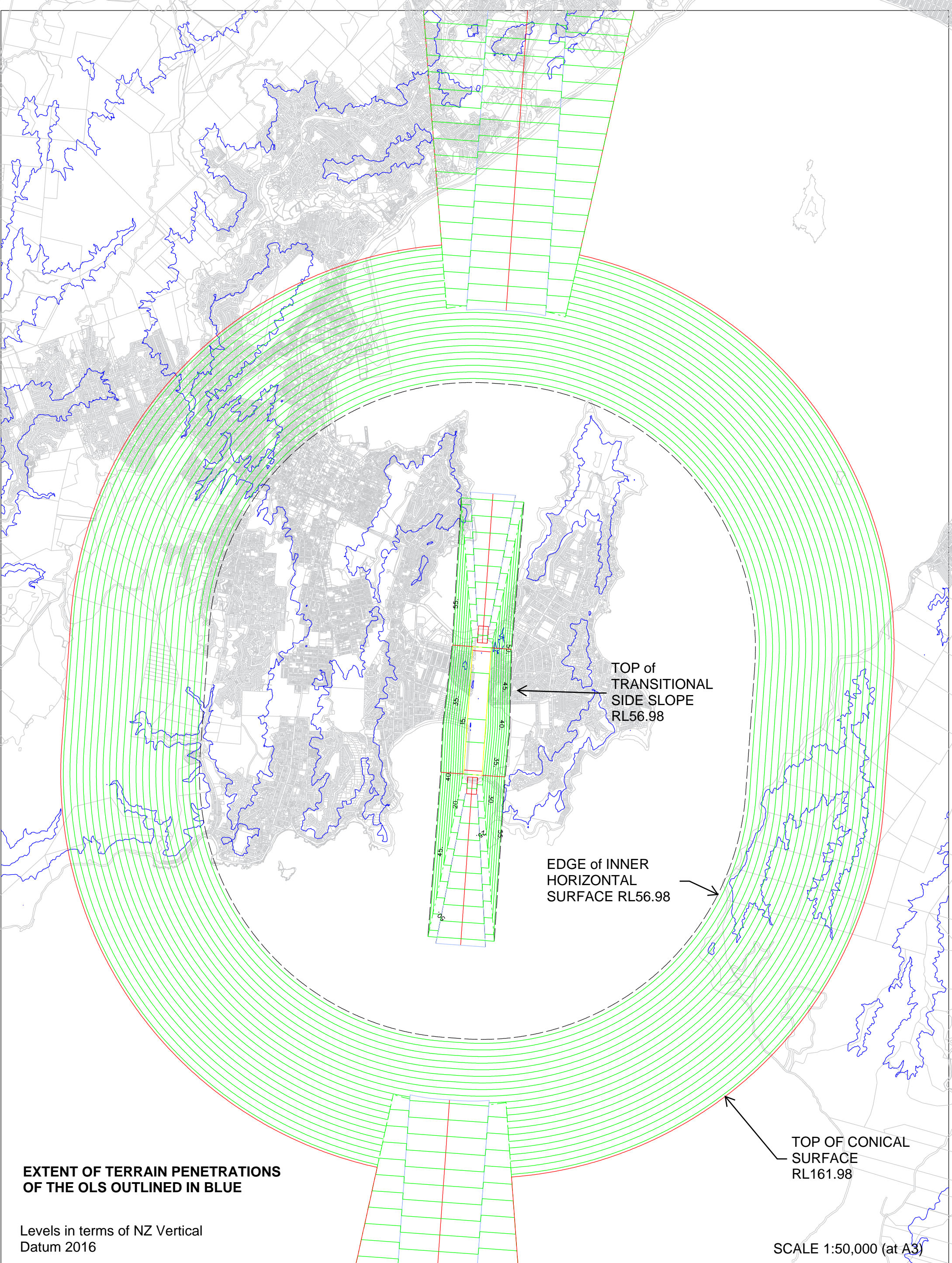
EXTENT OF TERRAIN PENETRATIONS
OF THE OLS OUTLINED IN BLUE

Levels in terms of NZ Vertical
Datum 2016

SCALE 1:125,000 (at A3)

WELLINGTON INTERNATIONAL AIRPORT OBSTACLE LIMITATION SURFACE

Fig 1



**EXTENT OF TERRAIN PENETRATIONS
OF THE OLS OUTLINED IN BLUE**

Levels in terms of NZ Vertical
Datum 2016

TOP of
TRANSITIONAL
SIDE SLOPE
RL56.98

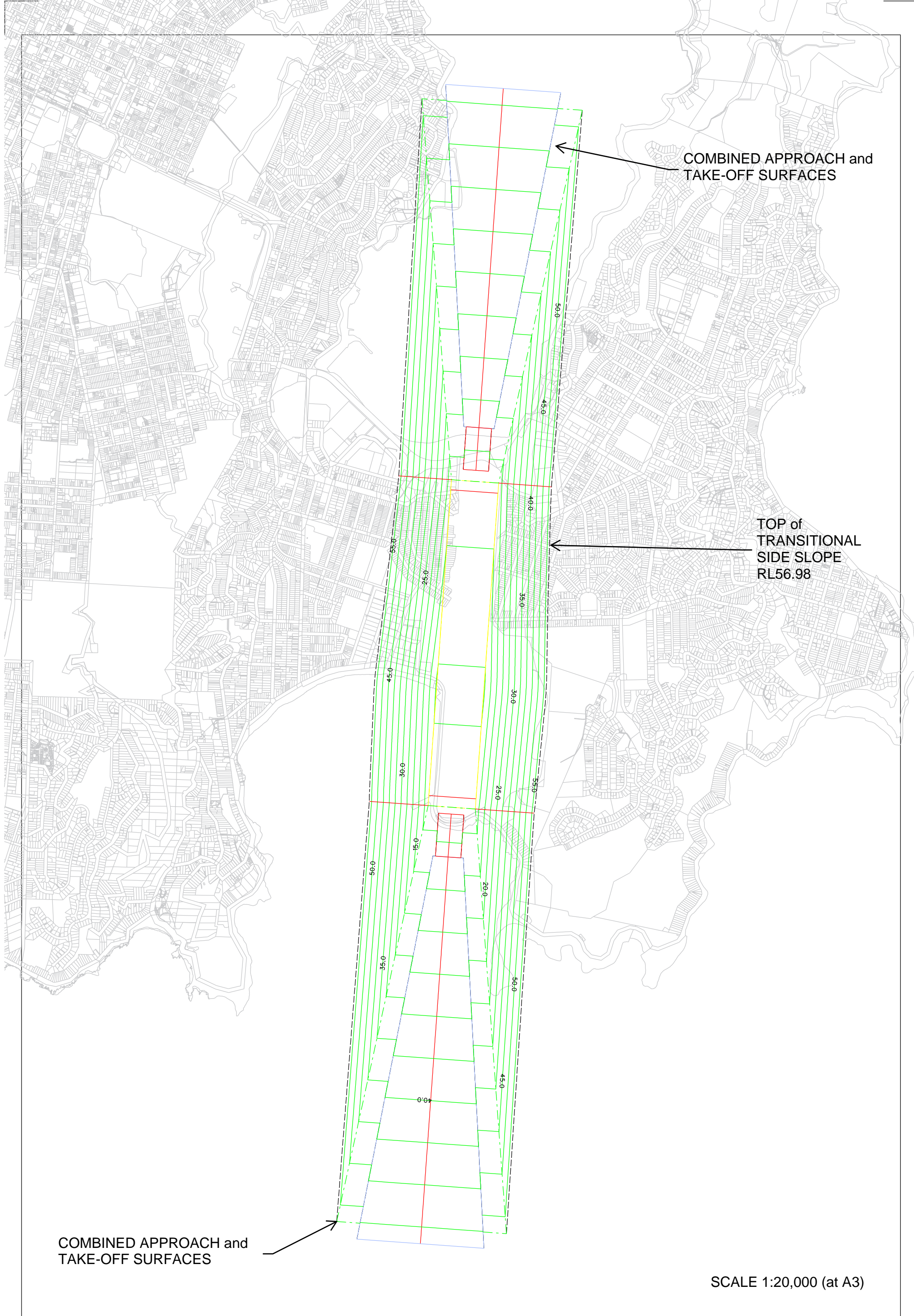
EDGE of INNER
HORIZONTAL
SURFACE RL56.98

TOP OF CONICAL
SURFACE
RL161.98

SCALE 1:50,000 (at A3)

**WELLINGTON INTERNATIONAL AIRPORT
OBSTACLE LIMITATION SURFACE**

Fig 2



**WELLINGTON INTERNATIONAL AIRPORT
OBSTACLE LIMITATION SURFACE**

Fig 3