Before an Independent Hearings Panel of Wellington

City Council

In the matter

of the Resource Management Act 1991 (the Act)

And

In the matter of hearing of submissions and further submisssions on the

Wellington City Proposed District Plan (PDP)

Statement of Evidence of Jo Lester for Wellington International Airport Limited

Dated: 1 July 2024

Amanda Dewar | Barrister

P: 021 2429175

Email: amanda@amandadewar.com

PO Box 7

Christchurch 8140

1. INTRODUCTION

Qualifications and Experience

- 1.1 My name is Jo Lester. I am the Airport Planning Manager at Wellington International Airport Limited (WIAL) that owns and is responsible for Wellington International Airport (Wellington Airport or Airport).
- 1.2 I have appeared before the Independent Hearings Panel with respect to Hearings 5, 6, 7, 8 and 9 of the Proposed District Plan. I have set out my qualifications and experience in my previous evidence. I do not repeat that here, however note that of relevance to this hearing, that a key focus of my employment at WIAL for the last five years has been to lead the process of ensuring that the planning framework for Wellington Airport is flexible and enduring, ultimately resulting in the confirmation of the Airport Purpose designations over the Main Site Area (which consists of the main airport holdings), East Side Area (which is currently the southern half of Miramar Golf Course) and Miramar South Area (which is the former Miramar South School site) in the Wellington City Council (WCC) District Plan. My role also includes responding to any written approval requests under section 176(1)(b) of the Resource Management Act 1991 (RMA).

Code of Conduct

- 1.3 I am giving evidence based on my experience and position. I accept however, that because I am employed by WIAL, my evidence may not be considered entirely impartial or independent.
- Subject to that point, and while this is not an Environment Court hearing, I have read and otherwise complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.

2. SCOPE OF EVIDENCE

- 2.1 This statement of evidence relates to Hearing Stream 10 Designations and focuses on the Obstacle Limitation Surfaces (OLS) Designation (WIAL1).
- **2.2** I will provide an outline of:

- WIAL's Designations;
- WIAL1 OLS Designation;
- The development of the GIS tool for assessing OLS penetrations;
- WIAL's process for assessing requests for OLS penetrations under s176(1)(b) of the RMA;
- The latest data on WIAL written consents under s176(1)(b) of the RMA.

3. OVERVIEW OF WELLINGTON AIRPORT DESIGNATIONS

3.1 The Airport currently has five designations in place. Four of these relate to airport use and development, and one relates to the airspace above a large spatial extent of the city in order to safeguard Obstacle Limitation Surfaces the purpose of which are explained in more detail below and in Mr Thurston's evidence.

ODP	PDP	Title	Purpose	Notes
Desig. #	Desig. #			
G2	WIAL 1	Airspace in the vicinity of Wellington International Airport	Protects the Airports Obstacle Limitation Surfaces (OLS)	Rollover designation (with amendments)
G4	WIAL 2	Airport Purposes – Miramar South Area	Allows for the development of airport ancillary activities on former Miramar South School site	Rollover designation (with amendments)
G3	WIAL 3	Airport Purposes – Runway End Safety Area (southern)	To allow for the development and use of the Runway End Safety Area	Rollover designation (with amendments) However refer para. 3.3 below for update.
G5	WIAL 4	Airport Purposes – Main Site Area	Provides for the continuation and development of the existing airport	Confirmed on 18/07/22 (PDP notification date) therefore <u>not subject</u> to PDP Hearings <u>Process</u>
G6	WIAL 5	Airport Purposes – East Side Area	Allows for the expansion of Wellington Airport apron eastwards over the southern half of the Miramar Golf Course	Confirmed on 18/07/22 (PDP notification date) therefore <u>not subject</u> to PDP Hearings <u>Process</u>

- 3.2 The designations that are subject to this Hearing are WIAL 1 and WIAL 2. The focus of my evidence is on WIAL1.
- 3.3 With respect to WIAL 3, the Runway End Safety Area Designation, the Airport has issued a notice under section 182 of the RMA to uplift this designation as it is no

longer required. WIAL's s182 uplift notice dated 26/06/2024 is attached as **Appendix A** for reference.

3.4 WIAL 4 and WIAL 5 are not subject to the Schedule 1 process (and therefore these hearings) as they were provided for in the District Plan under Part 8 of the RMA on the same day that the PDP was notified¹ after only recently being confirmed by the Environment Court².

4. OBSTACLE LIMITATION SURFACE DESIGNATION (WIAL 1)

- In my evidence for Hearing Stream 5 (Airport Zone)³ I outlined at a high-level, the ICAO⁴/ CAA⁵ requirements which relate to obstacle limitation surfaces in New Zealand.
- 4.2 Mr Thurston provides more detail about these requirements in his evidence.
- 4.3 In simple terms CAA Rule Part 139 requires that aerodromes have certain Obstacle Limitation Surfaces and these are a set of height restrictions designed to ensure safe flight paths in and around an airport and in an ideal world, should not be infringed.
- 4.4 Given that the OLS extend well beyond the land controlled by the Airport itself, the only way that an airport can ensure compliance with these are via height restrictions/zoning provisions or designations provided for in the local District Plan.
- This is particularly important in Wellington due to the hilly terrain (and existing urban development), much of which already penetrates the OLS.
- 4.6 WIAL1 recognises this through the inclusion of conditions that allow a degree of penetration (depending on the location) to reduce the loss of property development rights that would result from a strict adherence to the OLS.
- 4.7 This compromise allows objects to penetrate the OLS if their maximum height is 8 metres or to a maximum height of 30 metres if within the Outer Horizontal Surface,

¹ 18 July 2022

Decision No. [2022] NZEnvC106 GOTB and ICSTI vs WIAL (dated 21 June 2022)

Evidence dated 5 February 2024, Para 6.5

⁴ International Civil Aviation Organisation

⁵ Civil Aviation Authority of New Zealand

without the need for obtaining written consent from WIAL under s176(1)(b) of the RMA.

- **4.8** The conditions also provide an express exemption for penetrations that are shielded or temporary and WIAL's written consent has been obtained.
- **4.9** The Designation does not apply to objects located beneath the obstacle limitation surface as depicted by the figure below.

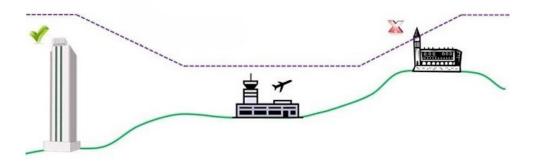


Figure 1: Relevance of Obstacle Limitation Surface

- 4.10 As noted in Mr Thurston's evidence, the WIAL 1 OLS Designation has been updated to be more in line with CAA/ICAO requirements and as a consequence is now more restrictive than the G2 designation in the operative District Plan.
- 4.11 This has meant that members of the public proposing to carry out work within the spatial extent of the designation need to seek WIAL's written consent more often than previously. WIALs internal processes have therefore been updated considerably to streamline the process for WIAL and the community to ensure that consistent, robust decisions are made. This also mitigates the risk of challenges under Section 179 of the RMA which provides a right of appeal for a person to whom WIAL has refused consent or has imposed conditions.⁶

Public GIS Tool

4.12 Once the WIAL 1 spatial extent was uploaded into the proposed District Plan's interactive planning maps and notified, it was apparent that additional information was required to help the public understand the height above ground level on any

⁶ Section 179 RMA

site before the OLS would be penetrated (and therefore the potential for the designation conditions to be triggered).

- 4.13 WIAL received several unnecessary requests for written consent for a proposal because the planning maps showed that the designation extended over the relevant property, even if the OLS itself was well above the property and were not penetrated by the development (meaning the designation did not apply). In addition, there were also submissions relating to this matter by Kāinga Ora⁷ and Wellington City Council.⁸
- After discussion with the WCC District Plan Policy and GIS teams, WIAL contracted Beca to provide a GIS tool with the aim to upload it into the Interactive District Plan maps to facilitate more accessible information in relation to the designation. This tool was developed over the following months and involved a land parcel by parcel analysis to identify the height difference between the ground level of a property and the OLS, to identify:
 - (a) at what height an object would be before it penetrated the OLS, and
 - (b) at what height WIALs written consent would be required.
- 4.15 This GIS tool was uploaded by WCC into the proposed District Planning maps in July 2023, and has resulted in efficiencies for WIAL, as well as better understanding for WCC staff and the public in general.

WIAL s176(1)(b) Approval Process

- 4.16 As noted above, in a situation where someone proposes to carry out an activity that triggers the Designation, they are required to seek written consent from WIAL (under section 176 of the RMA).
- 4.17 When a proposed building/structure/object penetrates the OLS, it can be approved under certain conditions. In some cases, an aeronautical study is required to determine that an object would not adversely affect safety or significantly impact

⁷ Kāinga Ora Submission 391.763 and 391.764

⁸ WCC Submission 266.34

regular flight operations/procedures. *Shielding* by existing terrain or structures may also permit the obstacle's presence.

- 4.18 Shielding occurs when there is an existing immovable object (such as an existing permanent building or the natural terrain) that already penetrates the OLS that essentially dominates or shields the surrounding area thereby providing cover or protection to a new object. If this is the case, the new object may be acceptable (and therefore given WIAL's consent), even though it penetrates the OLS and exceeds the height limit.
- **4.19** The information required for WIAL to make a reasoned and accurate decision on any request for written consent is outlined in the application form that can be downloaded from WIAL's website.⁹
- 4.20 After considering the proposal and all relevant information, the WIAL planner provides an initial assessment and WIAL Operations personnel then determine whether or not WIAL is prepared to provide written consent for the proposal from an operational perspective. WIAL does not charge for this assessment. If however an aeronautical assessment is required, this would be at the applicant's expense.
- 4.21 If WIAL does not provide its written consent, the proposal cannot go ahead as to do so would breach section 176 of the RMA. In saying that, WIAL has not and will not arbitrarily withhold consent without robust reasoning which relates back to the purpose of the Designation. As discussed above any person seeking WIAL's written consent has a right of appeal to the Environment Court under Section 179 of the RMA if dissatisfied with WIAL's decision.
- 4.22 A flow chart showing WIAL's process for considering whether or not to provide written consent under Section 176(1)(b) of the RMA is attached as **Appendix B**.

Data on WIAL's S176(1)(b) Written Consent Requests

4.23 Hearing Panel Minute 29¹⁰ requested the following information from the Council with respect to the Obstacle Limitations Surface Designation: "Information on how

⁹ www.wellingtonairport.co.nz/community/wellington-airport-designations/obstacle-limitation-surface-designation

Dated 9 August 2023

easy or difficult it is for developments to obtain the requiring authority's s176 approval for intruding into the Airport's Obstacle Limitation Surface designation across the City, and whether the process acts as a material constraint on development in practice". The Council Officer in turn requested the following information from WIAL:

- 1. How many requests for approval over past few years.
- 2. How long it takes to provide
- 3. Whether a resource consent has been granted resulting in the penetration.
- 4.24 I have attached the information sent to council as Appendix C. This was also included in as Appendix E to the s42A Report¹¹ for the ISPP wrap up hearing as requested by Minute 29.
- **4.25** I can however update that information to present:

Number of Requests for written consent received under 176(1) (b)

4.26 Since August 2023, there have been an additional 11 requests for approval. These, along with the requests reported earlier, are outlined in Table 1 below. The 11 additional requests are shaded grey.

Length of time taken to provide written consent.

- **4.27** Of these additional requests, eight were approved by WIAL within one working day, and two within two working days.
- 4.28 The other was a significant proposal i.e. the replacement of the series of electricity towers on the Newlands Ridge between Khandallah and Takapu Rd with taller poles. For this, an aeronautical study from Aeropath¹² was required and requested to ensure safety and efficiency of aircraft operations would not be compromised by the proposal. S176 written consent for these structures was given within 3 months. Additional approvals have since been requested and approved for the cranes required to install these towers.
- 4.29 Since the WIAL 1 designation (with modifications) was rolled over into the PDP (notified on 19/07/22), all requests for written consent for penetrations of the OLS

Company (subsidiary of Airways International) that specialise in aeronautical charting and flight procedure design

Dated 22 August 2023

have been approved by WIAL, as shown in **Table 1** below. Table 1 shows all requests that have been received since the WCC Proposed District Plan was notified on 18 July 2022.

Table 1: S176(1)(b) Written Consent Requests - January 2023¹³ to present

	Suburb	Proposal	Proposed Height	District Plan Zone/ Permitted Height	OLS Height	Approved
1	Brooklyn	New House	8.4m	MDR (11m)	Existing Terrain Inner Horizontal Penetration	Υ
2	Maupuia	New House	9m	MDR (11m)	Existing Terrain Inner Horizontal Penetration	Υ
3	Newlands	Multi Unit (12 units)	9.8 m (max)	MDR (11m)	Existing Terrain Approach Surface Penetration	Υ
4	Miramar	Adds & Alts	Just over 8m	MDR (11 m)	Existing Terrain Inner Horizontal Penetration	Υ
5	Strathmore Park	50 unit Kainga Ora development	Just over 11m	MDR (11 m)	Existing Terrain Inner Horizontal Penetration	Υ
6	Te Aro	Scaffolding around Carillon Tower	32 metres	Special Purpose (25.5 m)	23m clearance – Inner Horizontal - Existing Structure 55 m	Υ
7	Roseneath	New townhouse	9.6m	MDR (11m)	Existing Terrain Inner Horizontal Penetration	Υ
8	Island Bay	New dwelling	10 m	MDR (11 m)	Existing Terrain Inner Horizontal Penetration	Υ
9	Paparangi	New antenna on building	18 m	MDR (11m)	8 m clearance – Take- off Surface	Υ
10	Mt Victoria	Multi unit development	13.5m	HDR (22m)	10 m clearance Inner Horizontal	Υ
11	Newtown	Multi Unit development (13 townhouses)	14m	MDR (14m)	7 m clearance Inner Horizontal	Υ
12	Strathmore Park	New dwelling	11m	MDR (11m)	Existing Terrain Inner Horizontal Penetration	Υ
13	Northland	New dwelling	10 m	MDR (11m)	Existing Terrain Conical Surface Penetration	Υ
14	Karori	New retirement village	Up to 16m	MDR (11m)	Existing Terrain Conical Surface Penetration	Υ
15	Mt Victoria	New dwelling	8.7 m	HDR (22m)	5 m clearance Inner Horizontal	Υ
16	Newlands Ridge	Transpower Pylon Replacements	Varies between 17 m and 31.3 m (between 0.5 m and 2.4 m higher than existing)	Varies	Existing Terrain Penetrations Take off and Approach Surfaces	Y

Dated: 1 July 2024

Jo Lester

Airport Planning Manager

 $^{^{\}rm 13}$ $\,$ No requests were received between notification (18 July 2022 until Jan 2023).

APPENDIX A



26 June 2024

Wellington City Council PO Box 2199 WELLINGTON

Attention: Bob Barber, Team Leader Compliance & Monitoring (via email: Bob.Barber@wcc.govt.nz)

WCC District Plan Team (via email: <u>District.Plan@wcc.govt.nz</u>)

Dear Bob and WCC District Plan Team,

NOTICE TO UPLIFT DESIGNATION WIAL3 (RUNWAY END SAFETY AREA)

Pursuant to section 182 of Resource Management Act (RMA), Wellington International Airport Limited (WIAL) gives notice that Designation WIAL3 for Runway End Safety Area (RESA) can be removed from the parcels of land legally described as Section 1 and 5 Survey Office Plan 342914, and Section 1 S0536355 held in Record of Title 1096648 and Part Lot 3 DP78304 held in Record of Title WN45A/75 and Lots 4 DP 78304 held in record of title WN45A/76 and adjoining area Moa Point Road.

The designation is contained in Part 3 – Designations section of the 2024 Wellington City District Plan: Appeals version and is shown on the corresponding Interactive planning maps. It is also contained in Part 24 Designations section (G3 with Condition in Appendix U) of the Wellington City 2000 District Plan and corresponding e-planning maps.

The Runway End Safety Area (RESA) designation was required for the construction of the RESA at the southern end of the Airport's Runway. This has now been constructed. The conditions relating to this designation were primarily in relation to the construction of this area and are therefore no longer applicable. The WIAL4 (Main Site Area) designation which covers the extent of the WIAL3 designation has effectively superseded requirement for the RESA designation.

WIAL intends to insert the current Conditions a - d (of WIAL 3) which provide for the ongoing maintenance of RESA tunnel and ancillary structures in the vicinity of the tunnel into the WIAL 4 (Main Site Area) designation.

No persons will be affected by the removal of the designation.

WIAL requests that Wellington City Council amend the 2024 Wellington City District Plan: Appeals Version and Wellington City 2000 District Plan accordingly and looks forward to confirmation that Designation WIAL3 (and G3) has been uplifted.

Please contact Jo Lester, Airport Planning Manager at <u>jo.lester@wellingtonairport.co.nz</u> or 027 307 6041 should you have any queries.

Kind regards,

Matt Clarke Chief Executive

Attached: Form 23 - Notice of Removal of Designation; WCC District Plan Screenshot; and relevant Land Titles

FORM 23

NOTICE OF REMOVAL OF DESIGNATION UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991

To: Wellington City Council (as territorial authority)

And to: Wellington City Council (as owner of part of the land)

Wellington International Airport Limited gives notice that it no longer requires the following designation:

Designation: Wellington Airport Runway End Safety Area

Designation unique identifier: WIAL3

Designation Purpose: Airport purpose

Site Identifier: Section 1 and 5 Survey Office Plan 342914, and Section 1 S0536355 held in Record of Title 1096648 and Part Lot 3 DP78304 held in Record of Title WN45A/75 and Lots 4 DP 78304 held in record of title WN45A/76 and the adjoining area of Moa Point Road, as identified in the records of titles attached.

Additional Information: Formerly Designation G3 in Wellington City 2000 District Plan.

Wellington International Airport Limited requests that Wellington City Council amends the District Plan accordingly as required by Section 182 of the Resource Management Act 1991.

Signature on behalf of requiring authority

Date: 26/06/2024

Electronic address for service of requiring authority: jo.lester@wellingtonairport.co.nz

Telephone: 027 307 6041

Postal Address: PO Box 14175, Rongotai, Wellington

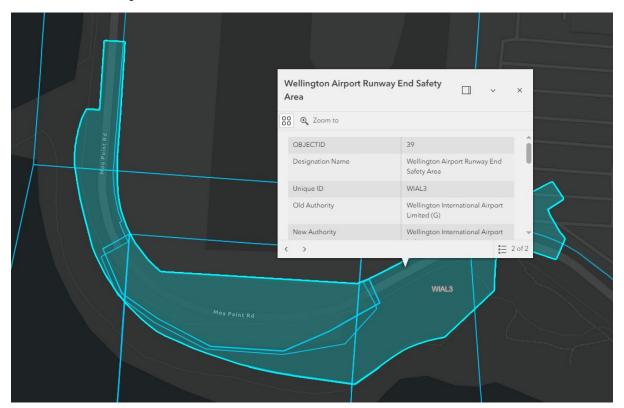
Contact Person: Jo Lester, Planning Manager

WCC DISTRICT PLAN SCREENSHOTS

Extent of WIAL G3 RESA Designation in WCC 2000 District Plan



Extent of WIAL 3 Designation in 2024 District Plan



RECORD OF TITLES

1096648	Sec 1 and 5 SO 342914 Section 1 SO536355 Wellington International Airport Limited	Permanent Designation Boundary and includes part of "Temporary Designation Area"
WN45A/75	Lot 3 DP 78304 Wellington City Council	Part of "Temporary Designation Area" – Local Purpose Reserve
WN45A/76	Lot 4 DP 78304 Wellington City Council	Part of "Temporary Designation Area" – Local Purpose Reserve



RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD





Identifier 1096648

Land Registration District Wellington

Date Issued 14 March 2023

Prior References

1084750

Estate Fee Simple

Area 97.9831 hectares more or less

Legal Description Part Lot 1 Deposited Plan 78304 and Part

Section 1 Survey Office Plan 37422 and Section 2-3 Survey Office Plan 37422 and Section 3 Survey Office Plan 38205 and Section 1, 5 Survey Office Plan 342914 and Section 1 Survey Office Plan 536352 and Section 1 Survey Office Plan 536353 and Section 1-2 Survey Office Plan 536355

Purpose Airport

Registered Owners

Wellington International Airport Limited

Interests

Subject to Section 11 Crown Minerals Act 1991 (Affects parts of the within land formerly vested in Her Majesty the Queen) (Affects part formerly in RT WN51A/720)

K38461 Compensation Certificate pursuant to Section 17 Public Works Amendment Act 1948 - 27.4.1956 at 12.30 pm (Affects the land formerly contained in RT WN311/100)

K43703 Compensation Certificate pursuant to Section 17 Public Works Amendment Act 1948 by Her Majesty the Queen - 11.11.1958 at 9.00 am (Affects formerly part Lot 1 DP 3177 and part formerly contained in RTs WN45A/214 & WN45A/215)

325869.1 Compensation Certificate pursuant to Section 17 Public Works Amendment Act 1948 by Her Majesty the Queen - 6.4.1979 at 10.59 am (Affects formerly part Lot 1 DP 3177 and part formerly contained in RTs WN45A/214 & WN45A/215)

299440.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.7.1993 at 3.00 pm (Affects part formerly in RT WN43B/26)

Appurtenant to part Lot 1 DP 78304 and part Section 1 SO 37422 and Sections 2 to 3 SO 37422 are sewage drainage and water supply rights specified in Easement Certificate B473742.9 - 26.10.1995 at 10:17 am

Subject to a pedestrian right of way (in gross) over part Lot 1 marked A on DP 80477 in favour of The Wellington City Council created by Transfer B516029.15 - 8.8.1996 at 9:00 am

Subject to water drainage rights (in gross) over part Lot 1 marked A on DP 80526 in favour of The Wellington City Council created by Transfer B516029.16 - 8.8.1996 at 9:00 am

Subject to a right to drain sewage (in gross) over part Lot 1 marked A, B, C, D, E, F, G, H, I, J, K, L & O and over part

Section 2 SO 37422 marked P, R & S on DP 83060 in favour of The Wellington City Council created by Transfer

B692790.1 - 10.11.1998 at 2.51 pm

Subject to a right to drain water (in gross) over part Lot 1 DP 78304 marked F, H, M, N & O and over part Section 2 SO 37422 marked P & Q on DP 83060 in favour of The Wellington City Council created by Transfer B692790.2 - 10.11.1998 at 2.51 pm

Subject to a right of way and rights to power, gas, telelphone and water supply and stormwater and sewage drainage over part Lot 1 marked A and stormwater and drainage rights over part Lot 1 marked B on SO 38056 created by Transfer B800074.1 - 1.9.2000 at 2:30 pm

Subject to a right to convey aviation fuel and petroleum products (in gross) over part Section 1 SO 37422 marked B and part Lot 1 marked C on DP 90872 in favour of Mobil Oil New Zealand Limited and BP Oil New Zealand Limited created by Transfer 5106205.2 - 9.11.2001 at 11:11 am

9161878.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2)(AFFECTS PART SECTION 1 SO 37422) (ALSO AFFECTS WN327/110, WN356/267 and WN357/296) - 27.8.2012 at 9:57 am

10065530.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (AFFECTS PART LOT 1 DP 78304) (ALSO AFFECTS WN46C/667) - 20.5.2015 at 2:45 pm

Subject to a right to convey gas (in gross) over part Lot 1 marked A & C and part Section 2 SO 37422 marked B on DP 534464 in favour of Powerco Limited created by Easement Instrument 11690603.1 - 28.9.2021 at 2:06 pm

Subject to a right to convey water and a right to drain water and sewage (in gross) over part Section 1 SO 536355 marked A and over part Section 2 SO 536355 marked B on SO 536355 in favour of the Wellington City Council created by Easement Instrument 12541182.2 - 31.8.2022 at 3:28 pm

Subject to a right to convey telecommunications (in gross) over part Section 1 SO 536355 marked A and over part Section 2 SO 536355 marked B on SO 536355 in favour of Chorus New Zealand Limited created by Easement Instrument 12541182.3 - 31.8.2022 at 3:28 pm

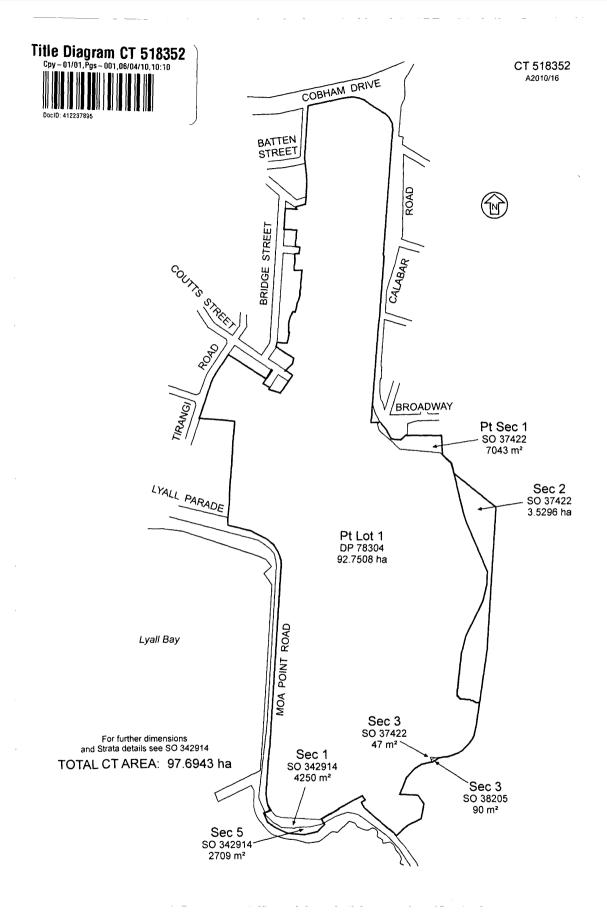
Subject to a right to convey gas (in gross) over part Section 1 SO 536355 marked A and over part Section 2 SO 536355 marked B on SO 536355 in favour of Powerco Limited created by Easement Instrument 12541182.4 - 31.8.2022 at 3:28 pm

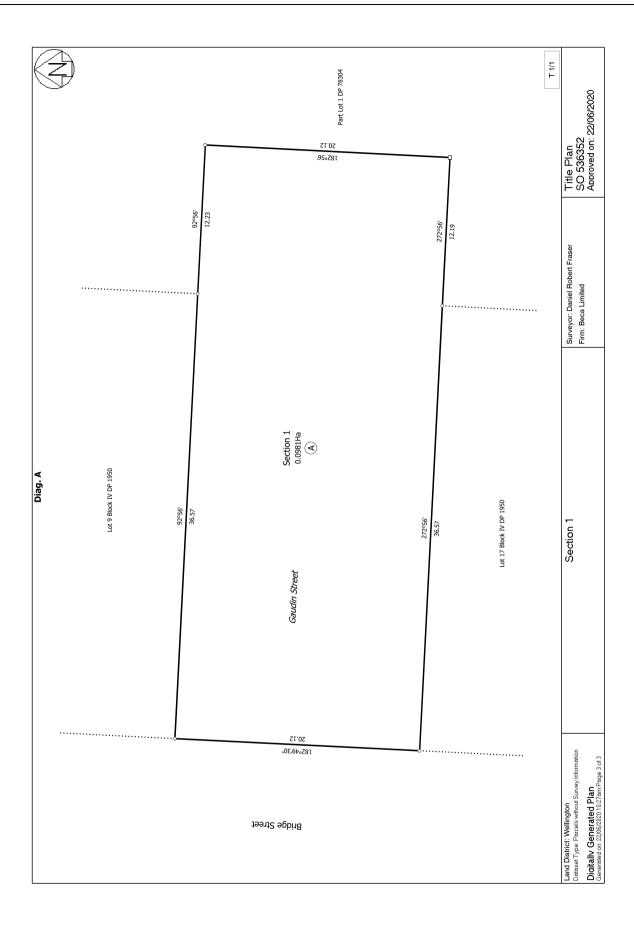
Subject to a right (in gross) to convey electricity and telecommunications over part Section 1 SO 536355 marked A and over part Section 2 SO 536355 marked B on SO 536355 in favour of Wellington Electricity Lines Limited created by Easement Instrument 12552138.1 - 14.9.2022 at 5:29 pm

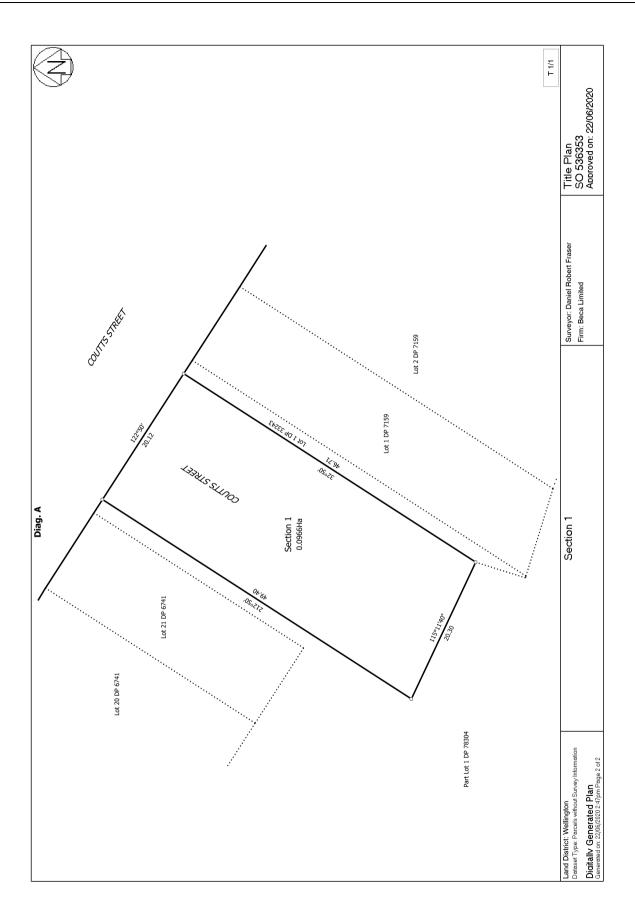
Subject to Section 120(9) Public Works Act 1981

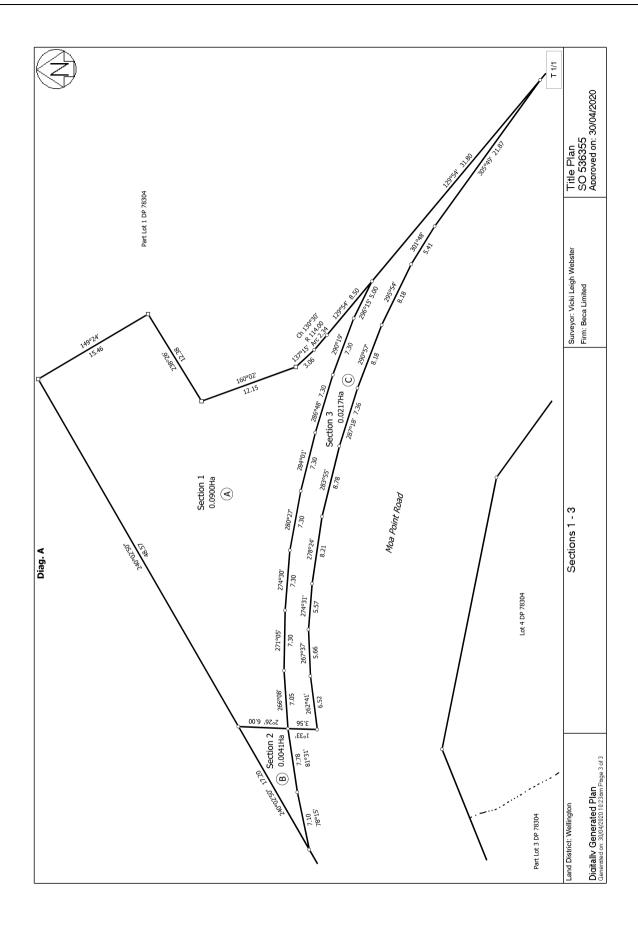
Subject to a right to convey electricity and telecommunications and a right to drain water and sewage over Section 1 SO 536352 created by Easement Instrument 12656272.2 - 14.3.2023 at 9:00 am

Subject to a right of way over Section 1 SO 536352 created by Easement Instrument 12656272.4 - 14.3.2023 at 9:00 am













0.9066 Ha

Digital Title Plan - SO 342914

Survey NumberSO 342914Surveyor Reference3320073/620SurveyorMichael John SnowSurvey FirmBeca Infrastructure Ltd

Surveyor Declaration I Michael John Snow, being a person entitled to practise as a licensed cadastral surveyor, certify that -

(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for

Cadastral Survey 2002/2;

(b) This dataset is accurate, and has been created in accordance with that Act and those Rules.

Declared on 10/07/2009.

Survey Details

Dataset Description Sections 1, 3, 5 & 6 **Status** Approved as to Survey

Land District Wellington Survey Class I Cadastral Survey

Submitted Date 10/07/2009 **Survey Approval Date** 13/07/2009

Deposit Date

Territorial Authorities

Wellington City

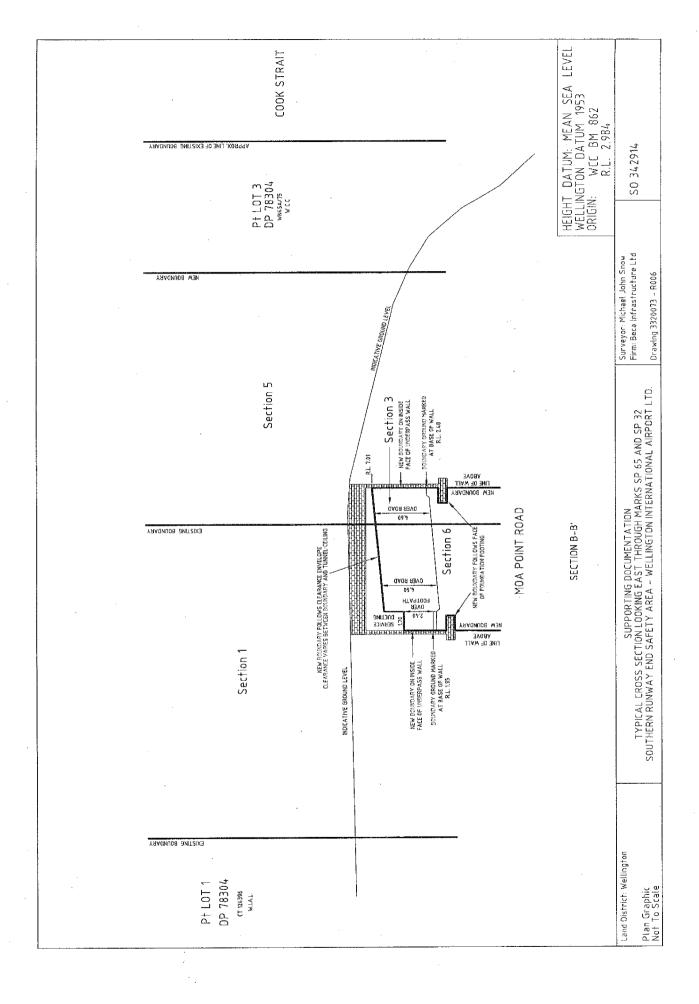
Comprised In

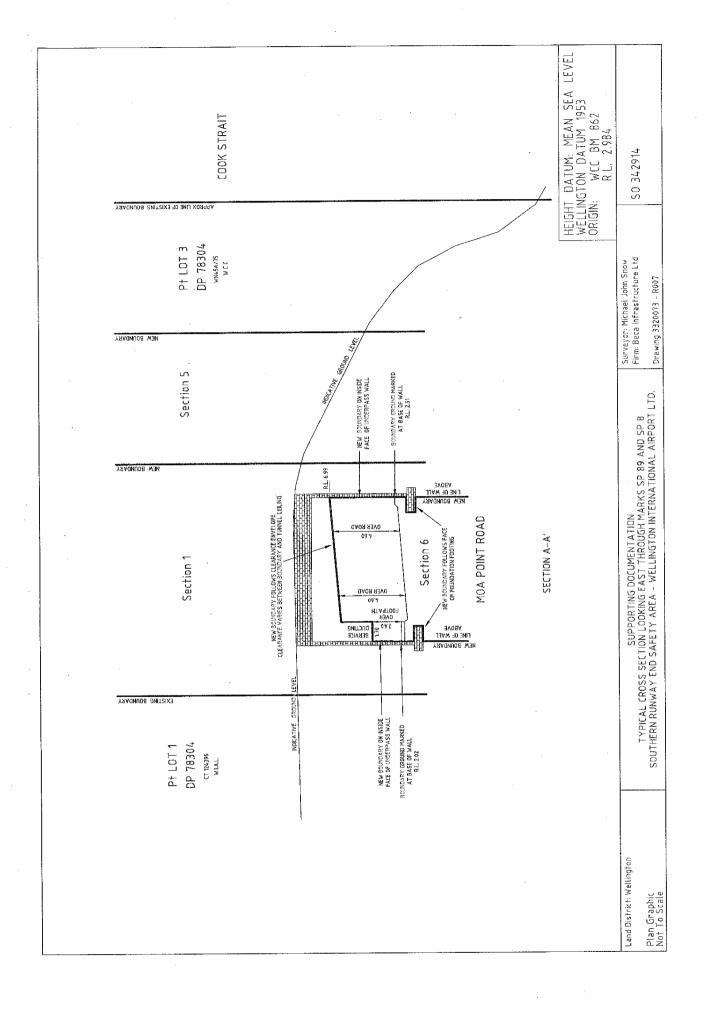
CT WN45A/75

Created Parcels

Total Area

Parcels	Parcel Intent	Area	CT Reference
Section 1 Survey Office Plan 342914	Legalisation	0.4250 Ha	
Section 3 Survey Office Plan 342914	Road Strata	0.0148 Ha	
Section 5 Survey Office Plan 342914	Legalisation	0.2709 Ha	
Section 6 Survey Office Plan 342914	Road Strata	0.1959 Ha	
Part Lot 3 Deposited Plan 78304	Fee Simple Title		
	Road		
	Road		
	-		





Area Schedule SO 342914

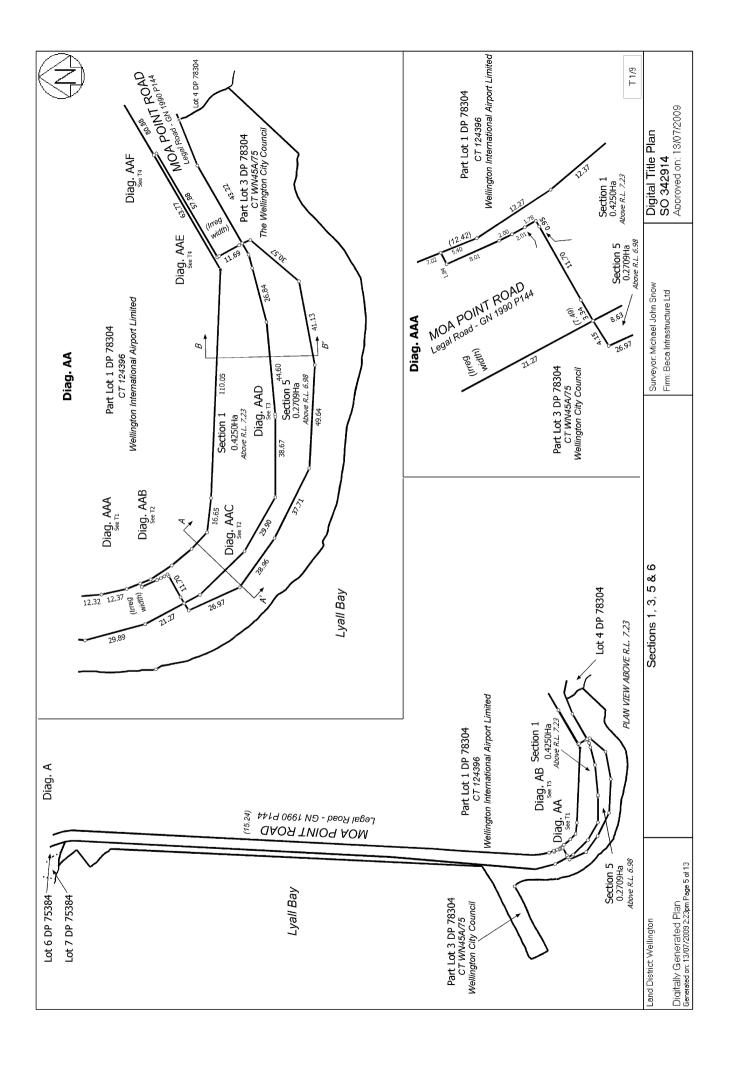
Road to be Stopped						
Shown	Area					
Section 1	Pt Lot 1 DP 78304	124396	0.4250 ha above R.L. 7.23			
	Lot 3 DP 78304	WN45A/75	0.2291 ha below R.L. 6.29			

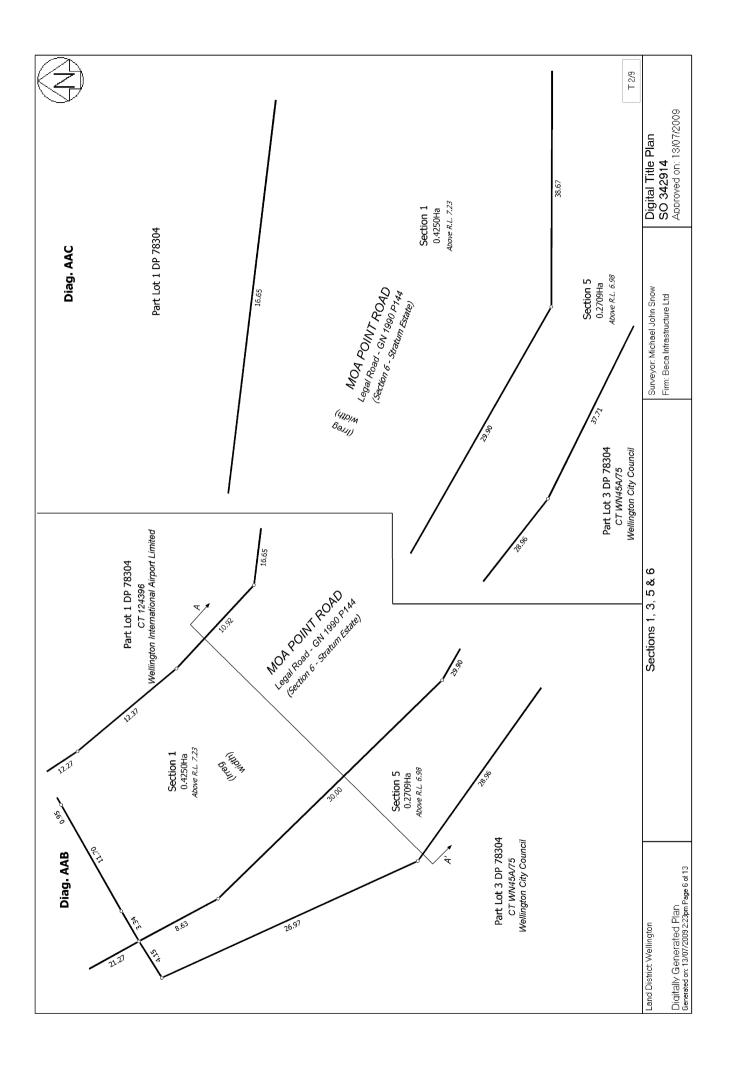
Land to be Acquired for Road					
Shown	Description	Title Reference	Area	Upper Limit	
Section 3	Pt Lot 3 DP 78304 (Strata)	WN45A/75	0.0148 ha	R.L. 6.98	

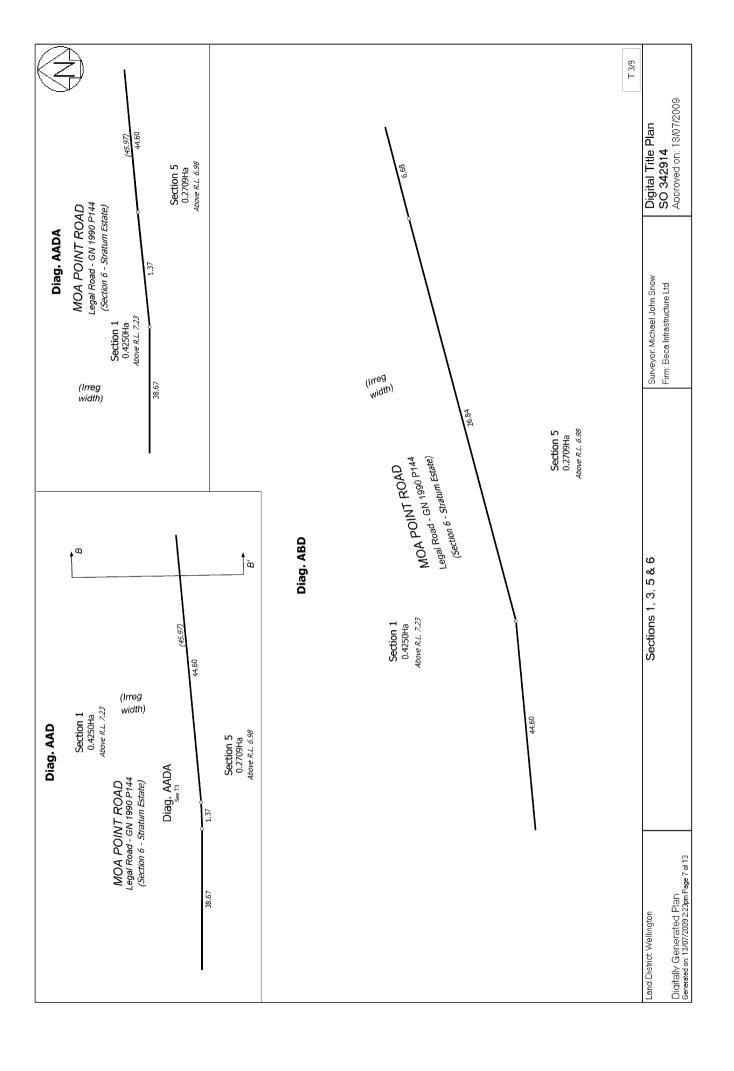
Land to be Acquired					
Shown	Description	Title Reference	Area		
Section 5	Pt Lot 3 DP 78304	WN 45A/75	0.2709 ha above R.L. 6.98 0.2561 ha below R.L. 6.92		

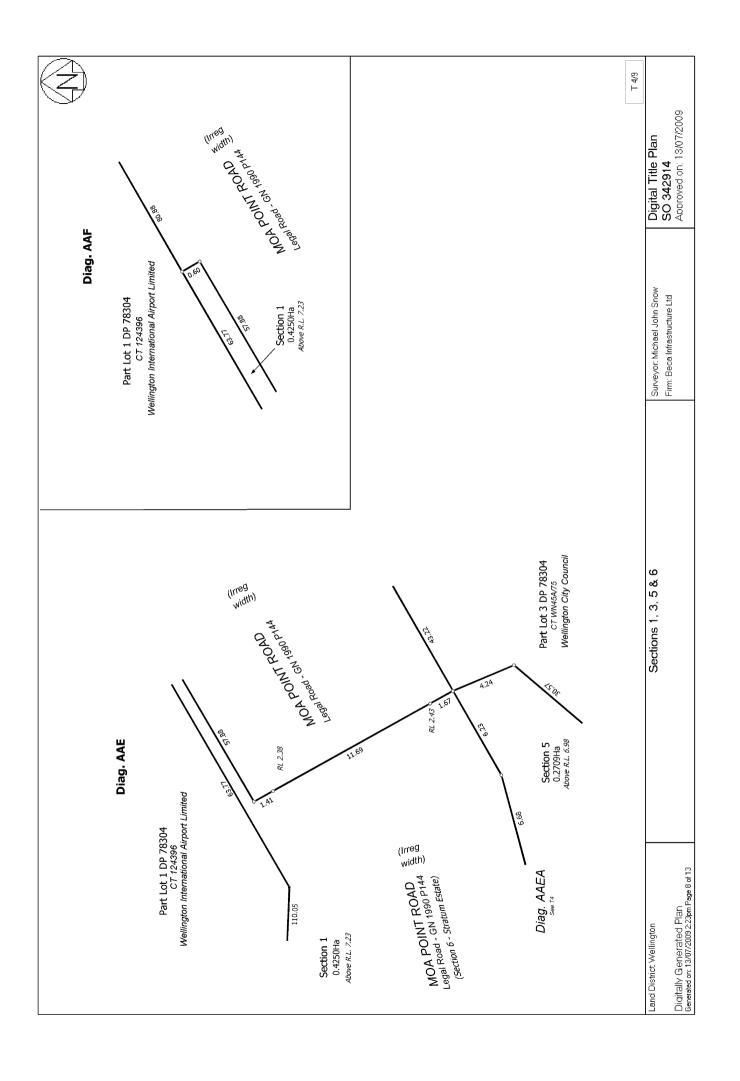
Legal Road					
Shown	Description	Title Reference	Area	Upper Limit	
Section 6	Moa Point Road (Strata)	GN 1990 P144	0.1959 ha	R.L. 7.23	

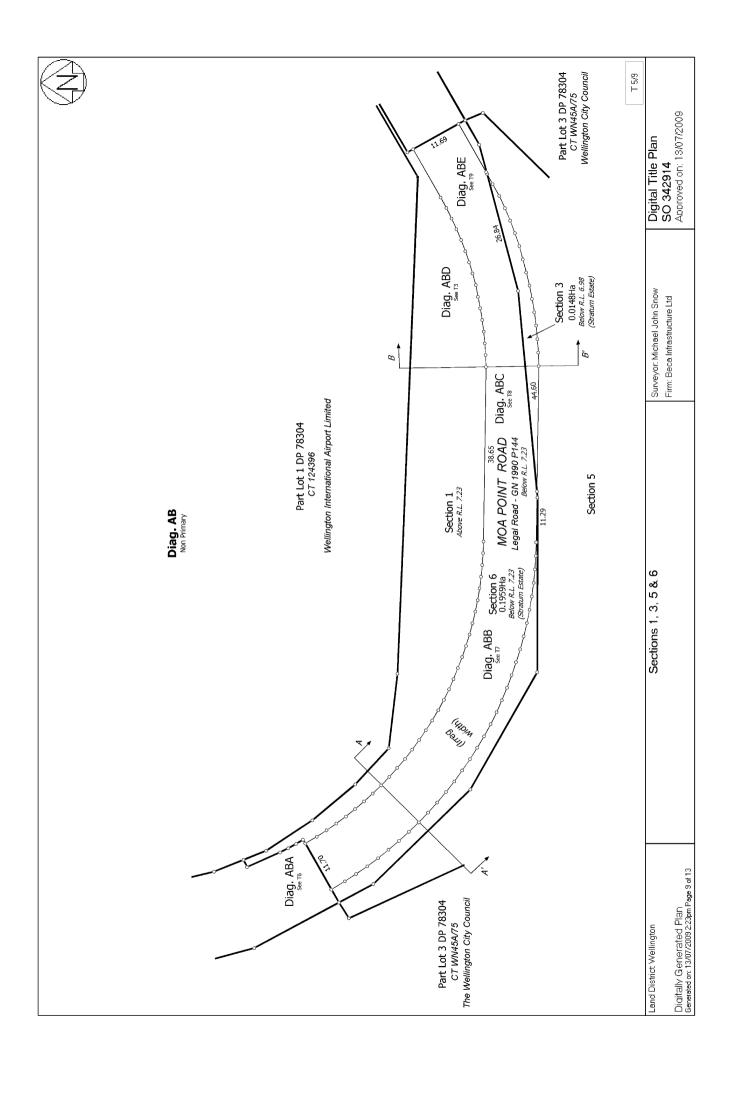


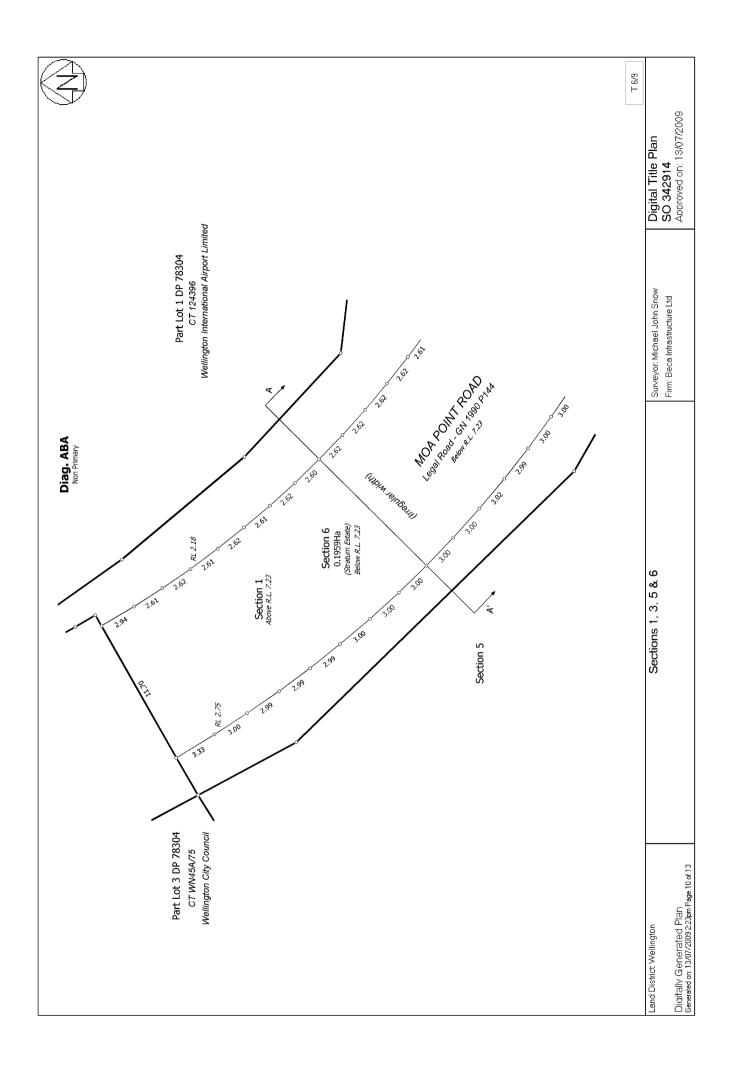


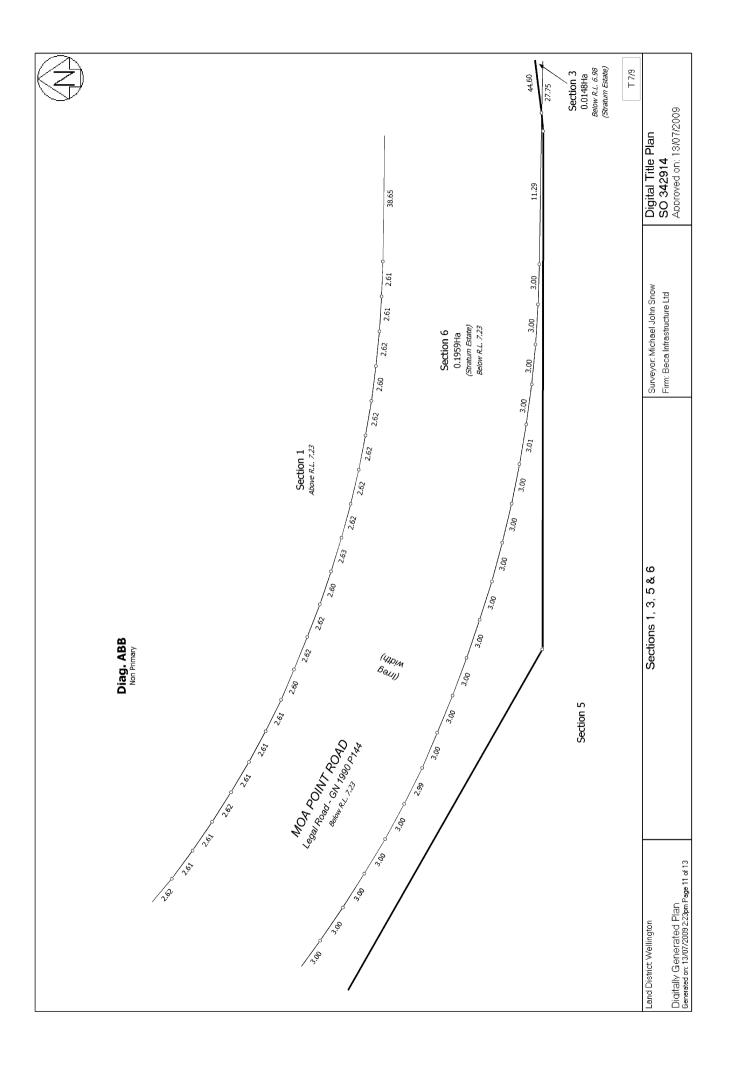


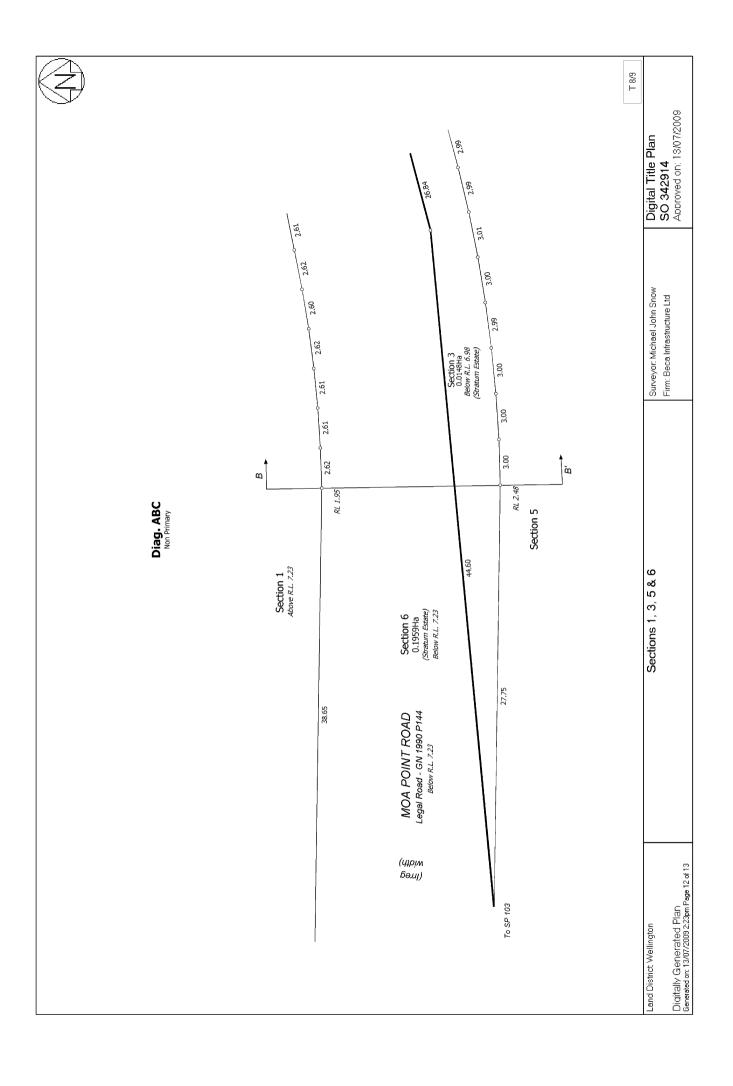


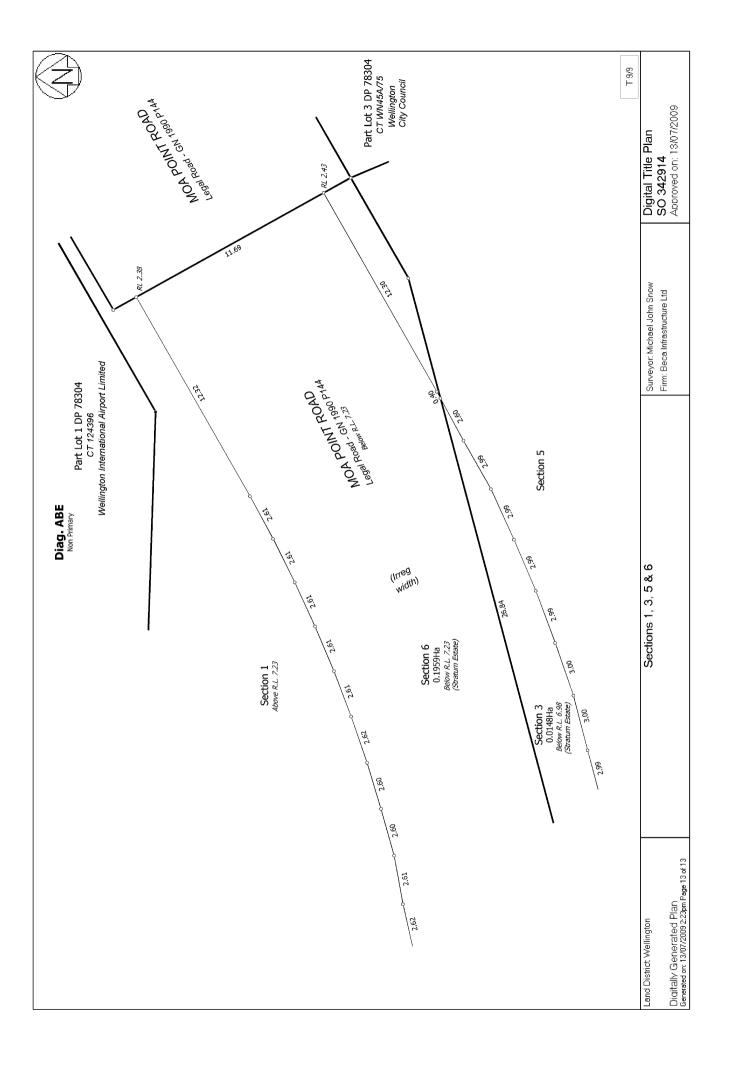














RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD





R.W. Muir Registrar-General of Land

Part-Cancelled

Identifier WN45A/75

Land Registration District Wellington
Date Issued 08 August 1996

Prior References

WN40C/622 WN40C/623

Estate Fee Simple

Area 2.2000 hectares more or less

Legal Description Lot 3 Deposited Plan 78304

Purpose Local Purpose Reserve (Esplande)

Registered OwnersWellington City Council

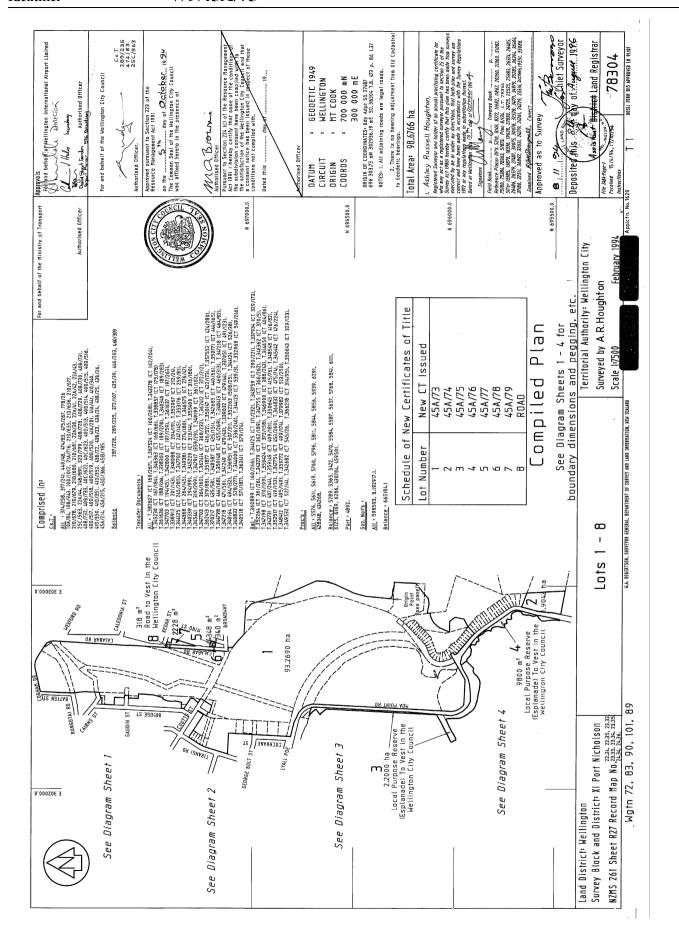
Interests

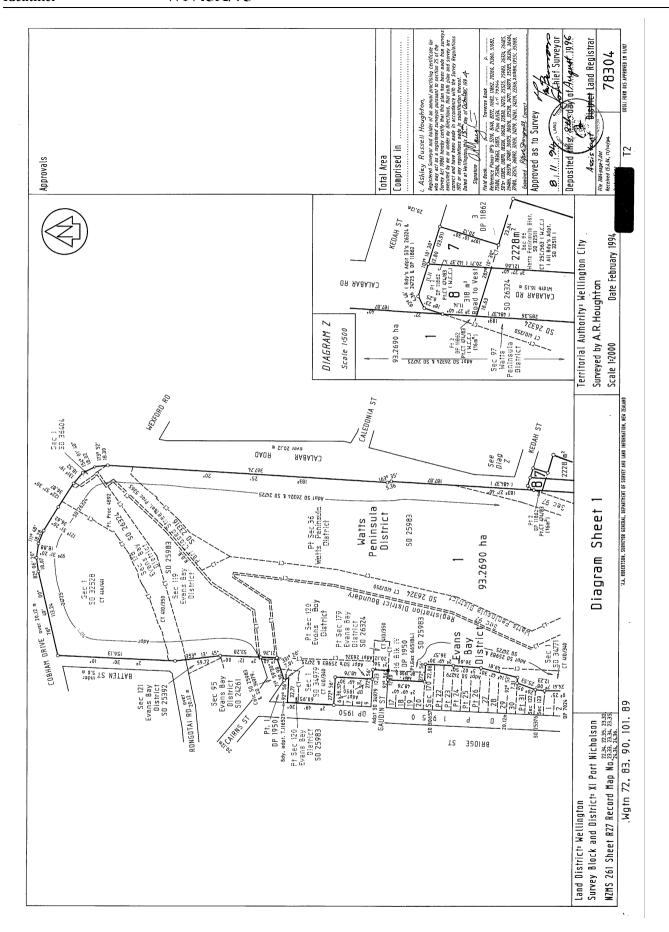
Subject to the Reserves Act 1977

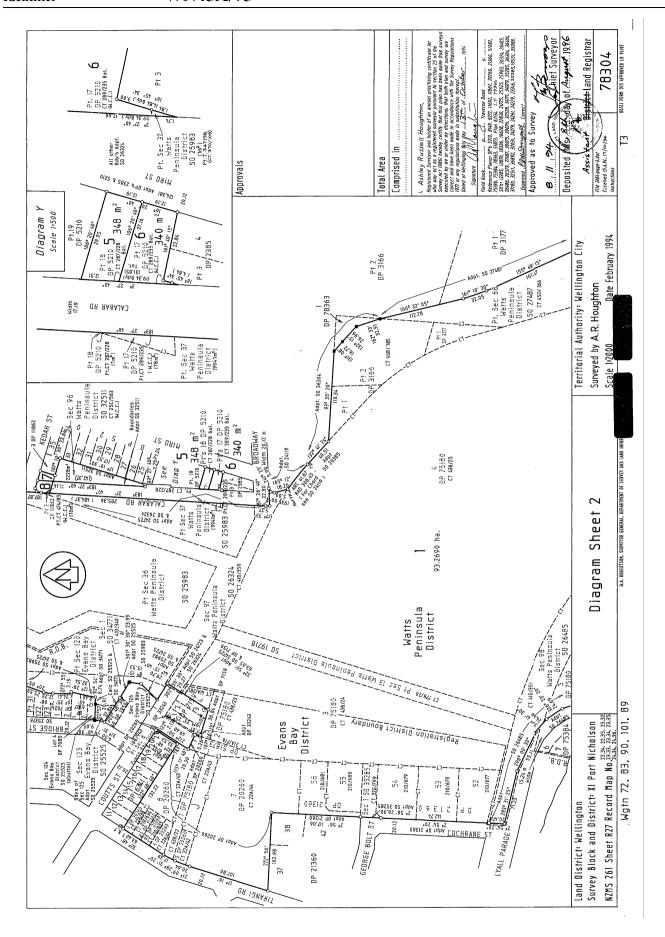
8437982.1 Gazette Notice (NZ Gazette, 26.11.2009, No.171, p.4145) declaring part (148m2 Section 3 SO 342914) to be road and shall vest in the Wellington District Council - 26.3.2010 at 10:28 am

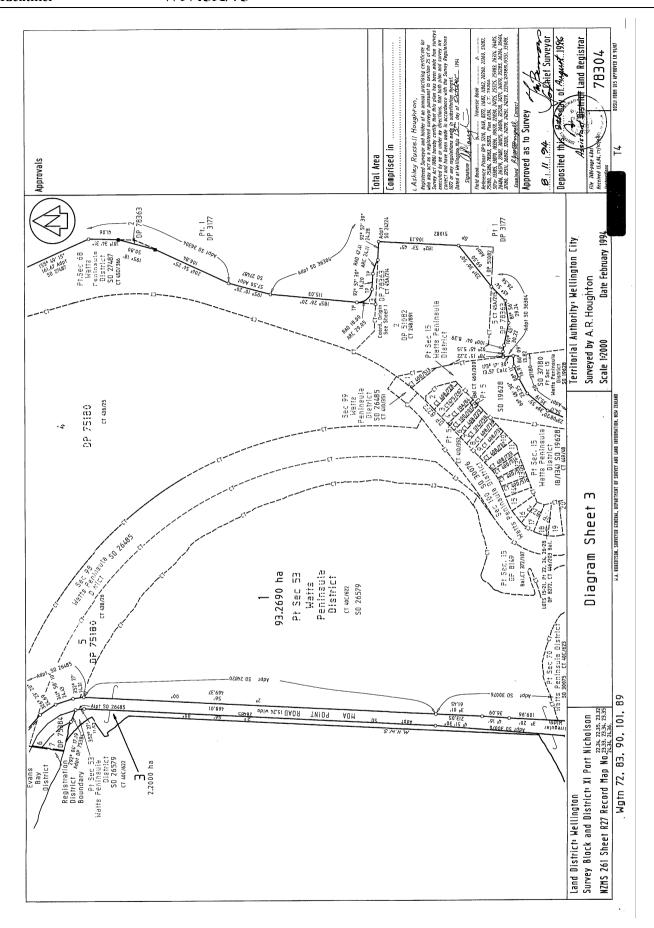
8437982.1 Gazette Notice (NZ Gazette, 26.11.2009, No.171, p.4145) setting apart part of the within land (2709m2 Section 5 SO 342914) for airport purposes and shall vest in Wellington International Airport Limited by amalgamation with the land in CT 124396 - 26.3.2010 at 10:28 am

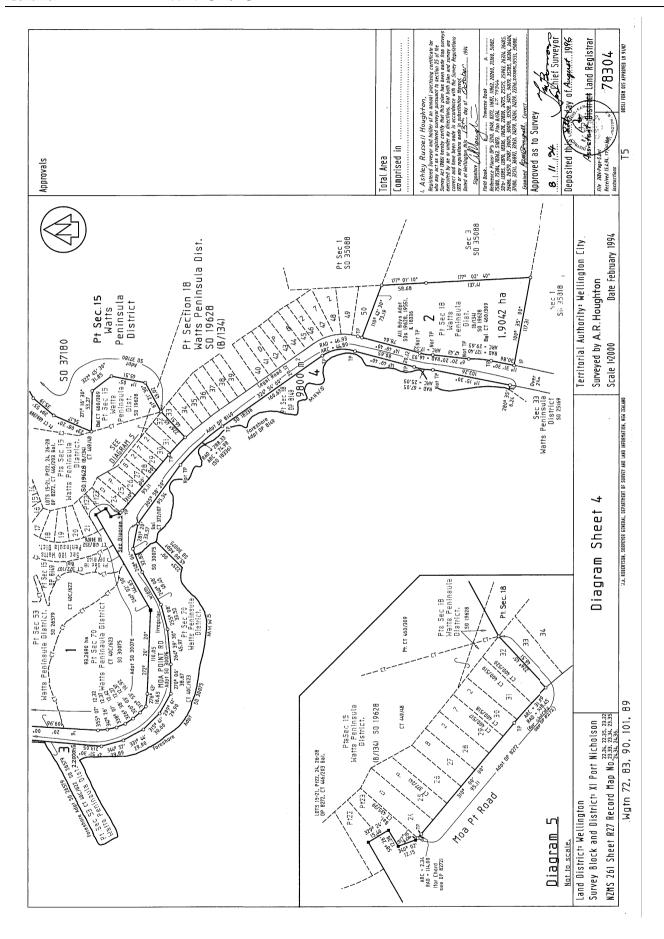
8437982.2 Gazette Notice (NZ Gazette, 4.3.2010, No.25, p.586) amending Notice 8437982.1 by deleting the part 2709m2 Section 5 SO 342914 and substituting it with 2709m2 above RL 6.98 (includes 2561m2 below RL 6.92) Section 5 SO 342914 - 26.3.2010 at 10:28 am - 26.3.2010 at 10:28 am













RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD





Identifier WN45A/76
Land Registration District Wellington

Date Issued 08 August 1996

Prior References WN372/107

Estate Fee Simple

Area 9800 square metres more or less

Legal Description Lot 4 Deposited Plan 78304

Purpose Local Purpose Reserve (Esplande)

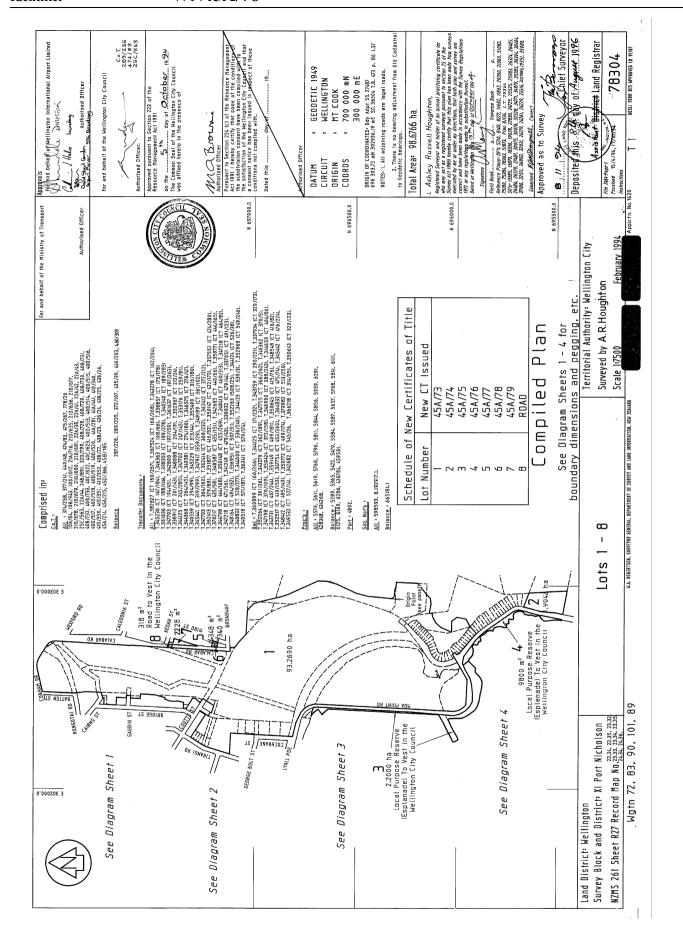
Registered OwnersWellington City Council

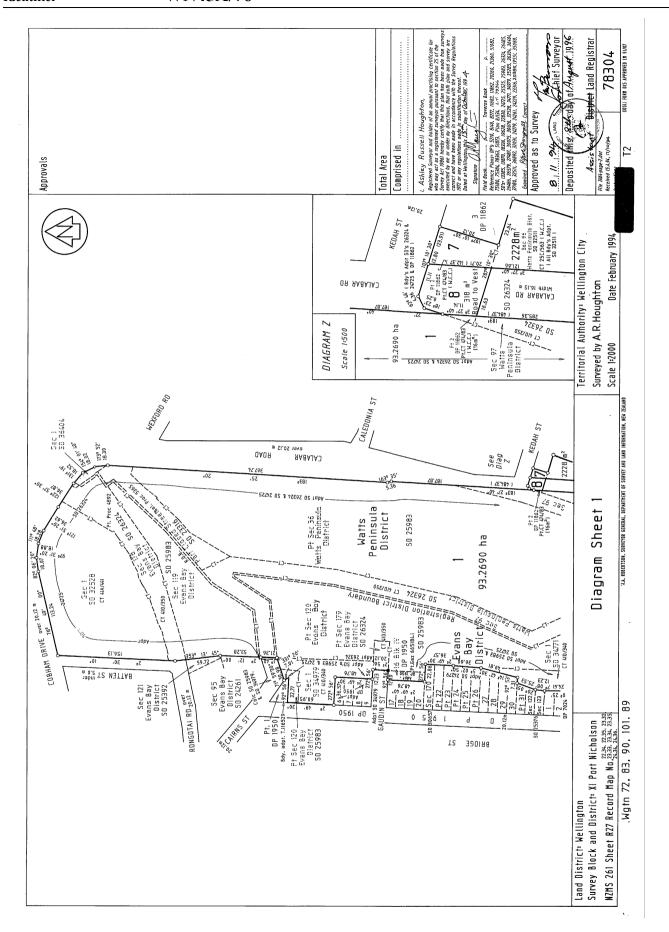
Interests

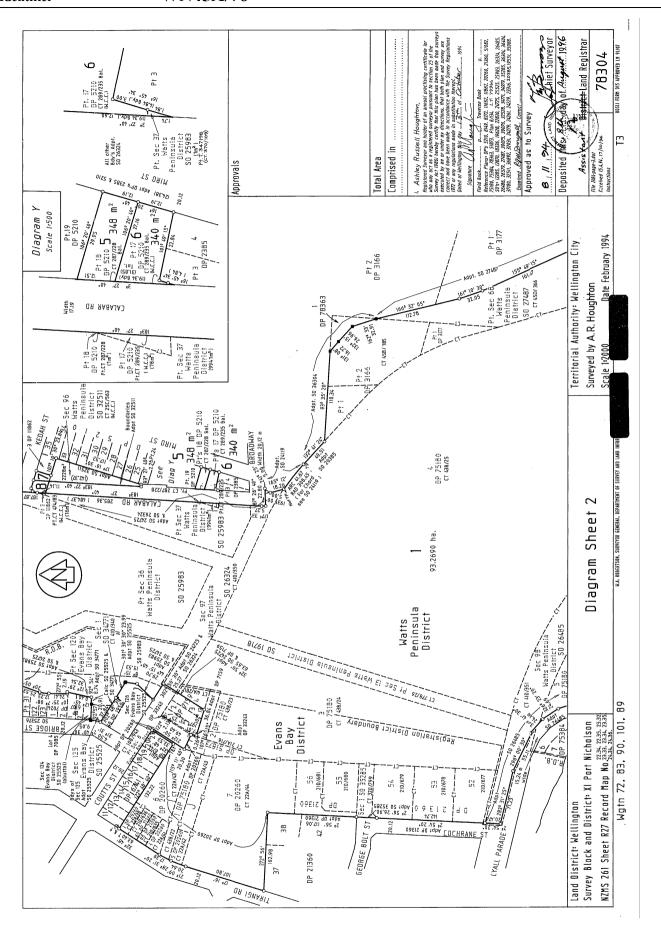
Subject to the Reserves Act 1977

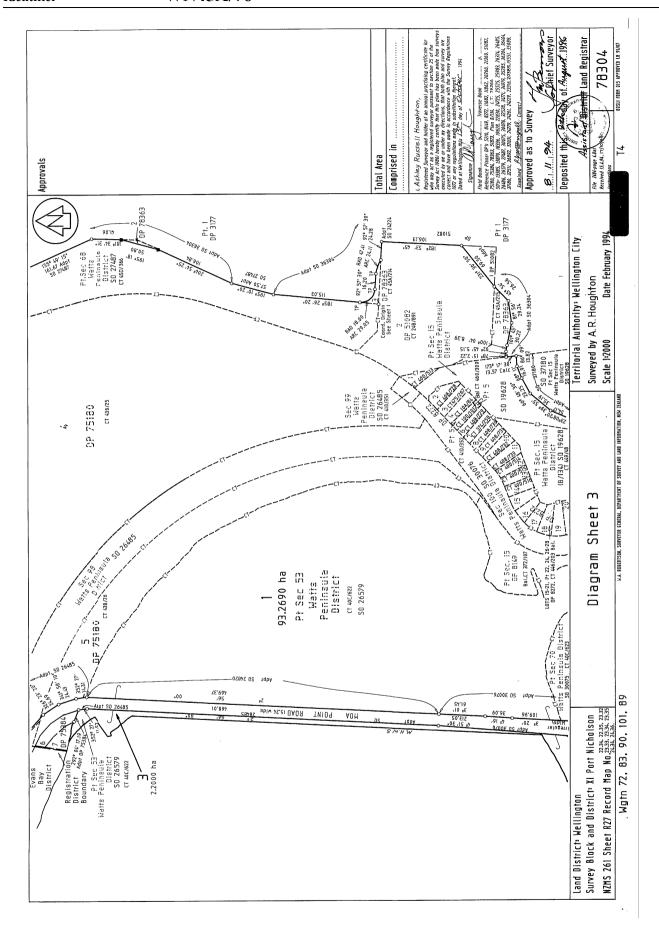
Land Covenant in Easement Instrument 7475764.2 - 25.7.2007 at 9:00 am

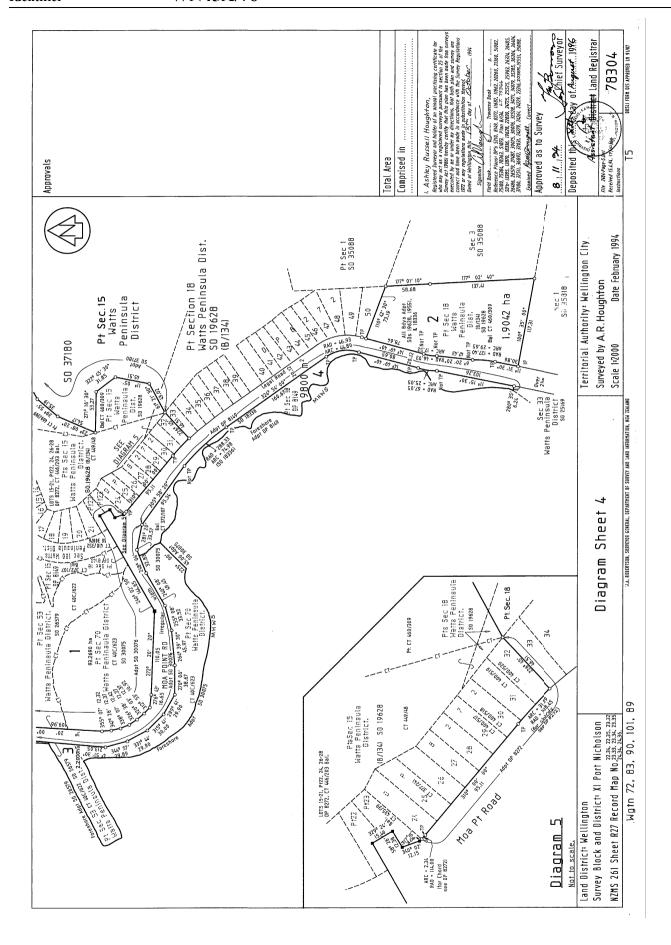
8078180.1 Revocation of Covenant 7475764.2 as to part formerly Lot 1 DP 381401 now contained in Lot 2 DP 415256 (CFR 458564) - 19.2.2009 at 9:00 am





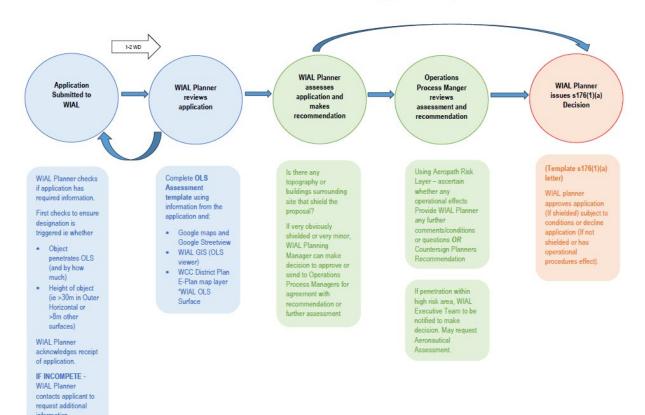






APPENDIX B

Process for OLS Penetration s176 Approvals By WIAL



APPENDIX C



16/08/2023

Team Leader
District Planning
Wellington City Council

Attention: Adam McCutcheon

Dear Adam,

REQUIRING AUTHORITY S176(1)(b) WRITTEN APPROVAL RATES – WELLINGTON AIRPORT'S OBSTACLE LIMITATION SURFACE (OLS) DESIGNATION

I am writing with respect to the WCC Proposed District Plan Hearing Panel's Minute 29 which requested the following information from Council with respect to the Wellington International Airport Limited's (WIAL) Obstacle Limitation Surface Desingation (WIAL 1).

"Information on how easy or difficult it is for developments to obtain the requiring authority's s176 approval for intruding into the Airports Obstacle Limitation Surface designation across the city, and whether their process acts as a material constraint on development in practice."

I note that the panel also asked the Council for a cross section of the city centre zone overlaid with the OLS. With respect to this, the OLS height line that this cross section will show will not represent the extent to which the OLS will constrain developent. Rather it will show the area within which WIAL as the designating authority will need to ascertain whether any proposal that penetrates the relevant OLS will affect aircraft operations and safety to such an extent that it was not able to provide its written consent.

In order to support your response to this request, you have asked me to provide the following information/data:

- 1. How many requests for approval over the past few years
- 2. How long it takes the Airport to provide s176 approval
- 3. Whether a resource consent has been granted resulting in the penetration.

No. of Requests for Written Consent under s176(1)(b) RMA

I have worked at Wellington International Airport Limited (WIAL) for four years. During this time, WIAL have received five requests for written consent under section 176(1)(b) of the RMA relating to proposals that will penetrate the OLS. WIAL provided written consent to all of these requests.

Length of time to Provide Written Consent under s176(1)(b) RMA

The length of time that it takes for WIAL to provide written consent depends on the the proposal's extent of penetration through the OLS, and its location. In order to ensure that a proposal's penetration of the OLS does not affect aircraft safety, we look at whether there are existing features, such as natural terrain, or other existing structures/buildings, that already penetrate above the OLS within the surrounding area, and whether the proposed additional penetrating object/building/structure will not cause an additional obstacle to aircraft

safety. If it is concluded that the original obstacle (natural terrain/existing building) effectively shields the surrounding area, we provide approval to the proposed new penetration.

Of the five proposals that we have received requests for, only one of these took longer than three working days to obtain WIAL's approval. This was for a proposed 50-unit Kainga Ora residential development in Strathmore Park. Approval for this took approximately 1 month (22 working days), primarily because I was away sick with Covid for two weeks during this period.

Whether resource consents were granted by WCC prior to request for Written Consent under s176(1)(b) RMA

Only one of the five requests for written consent already had a resource consent already granted for the proposal. The remainder were either requested during the consenting process itself or during pre-application stage.

The WIAL website outlines the process surrounding obtaining the written consent from WIAL for OLS penetrations. Obstacle-Limitation Surface Designation (wellingtonairport.co.nz). This has recently been updated to include links to the new (WIAL provided) data layer that is now presented in the WCC Interactive District Planning Maps. Prior to this data layer, applicants would email me directly to request the information that is now provided in that data layer (ie the distance between the terrain and the OLS and whether written approval was required from WIAL).

If you require any further information with respect to this process, please do not hesitate to contact me.

Kind regards,

Jo Lester

Planning Manager