

**Notice of Requirement
Section 149ZCB (1)-(4), 149ZCC (1)-(4), 149ZCE, 149ZCF
of the Resource Management Act 1991
Notification Decision Report**

8 September 2020

Service Request No: SR455891

File Reference: 0600 1001102

1. APPLICATION DETAILS

<u>Site Address:</u>	28 Stewart Duff Drive / 52 Moa Point Road; 124 Calabar Road; 333 – 343 Broadway; 3 – 25 Miro Street
<u>Legal Descriptions:</u>	See appended table
<u>Owners:</u>	Wellington International Airport Limited (WIAL)
<u>Application Type:</u>	Notice of Requirement (NOR)
<u>Requiring Authority:</u>	Wellington International Airport Limited
<u>Purpose:</u>	Airport Purposes
<u>Service Request No:</u>	SR455891
<u>File Reference:</u>	0600 1001102
<u>District Plan Area:</u>	Airport and Golf Course Precinct, Outer Residential Area and Open Space B
<u>Notations in District Plan:</u>	Subject to designations M5, A2, A3, G2, G3, 58
<u>Locality Plan:</u>	Refer to Figure 1 below

1.1 Application Documents

The Requiring Authority has provided the following information with the NOR:

- A notice of requirement document (NOR) dated 4 December 2019.
- Supporting appendices to the NOR document including:
 - Appendix A: Proposed Designation
 - Appendix B: Legal Descriptions and Certificate of Titles
 - Appendix C: Designation Form and Conditions
 - Appendix D: Conceptual (Partial) Master Plan
 - Appendix E: Wellington International Airport Ltd as Requiring Authority
 - Appendix F: Map of Utilities

- An updated draft of proposed conditions, responding to issues raised by the Council's requests for further information¹.

2. SITE AND SURROUNDING ENVIRONMENT DESCRIPTION

2.1 Site Description

Wellington International Airport and the Miramar Golf Course cover approximately 142ha in the east of the city. Until recently, the Airport landholding was around 110ha, and the Golf Course is about 32ha. In October 2019 it was announced that 15.6ha of the Golf Course would be sold to the Airport.

The district plan Airport and Golf Course Recreation Precinct separates the activities of Wellington Airport and the Miramar Golf Course into two distinct areas; the Airport area, and the Golf Course recreation area. The Airport area is divided into five sub-areas being: Terminal; Rongotai Ridge²; Broadway³; South Coast; and West Side. The designation sought by WIAL adopts the same descriptors for those sub-areas, although it refers to them as "precincts". Other than the Rongotai Ridge and Broadway precincts, the remainder of the Airport is held under titles with the collective address of 52 Moa Point Road / 28 Stewart Duff Drive.

The Airport site exists within a complex current and proposed planning environment. The subject of this notification report is referred to here as the 'Main Site' NOR. Other notices of requirement issued by WIAL, but which are not the subject of this report, are referred to as the 'Kauri Street' and 'East Side' NORs.

The Kauri Street NOR has progressed through a notification and hearings phase although the recommendation of commissioners has not yet been issued. The East Side NOR relates to WIAL's intention to designate an area of the Miramar golf course for eastern expansion. As noted above, Miramar Golf Club has agreed to sell the affected land and a sale and purchase agreement is in place. The Council has issued a further information request in relation to the East Side NOR which is anticipated to be answered in August or September 2020. The East Side NOR will be addressed in a separate notification report.

Land covered by the Main Site, Kauri Street and East Side NORs is shown by Figure 1 below. Adding to the complexity of the site are a number of other designations, two of which are also shown by Figure 1. For the sake of clarity, some other designations which affect the Airport are not shown by Figure 1. In particular, designation G2 which sets the obstacle limitation surface (OLS) is not shown. See Table 3 for an outline of all relevant designations.

The OLS is an important controlling factor in future built development at the Airport. In effect, it sets a 'height control plane' through which built development cannot intrude. The OLS will have ongoing relevance as an ultimate height control at the Airport, regardless of what might otherwise be enabled by the Main Site designation conditions.

The most intense area of built structures associated with the Airport's function as a travel hub are located in the Terminal precinct. However, a further concentration of built development occurs within the West Side precinct, which includes the Tirangi Road Retail Park.

Locations in or near the Broadway 'gateway' area are highly visible to the travelling public. They are therefore also attractive to advertisers (and to the Airport as a source of revenue).

¹ The update draft of proposed conditions is attached at the end of this notification report

² 124 Calabar Road

³ Including 333 – 343 Broadway, 3 – 25 Miro Street, and part of 28 Stewart Duff / 52 Moa Point

There are currently two locations used for large sign boards within Airport land beside Calabar Road.

Up until 2020 when the Covid-19 global pandemic had an unprecedented impact on air travel, Wellington Airport had experienced a trend of significant growth in passenger numbers. On the assumption that these trends will resume at some point, WIAL is taking a proactive approach of seeking designations to facilitate future development.

Over the 10 year planning period for the district plan (i.e, up to about 2030), WIAL forecasts a significant (29%) increase in passenger numbers at the airport, with growth projected to continue beyond that period. Relevant base and projected (pre-Covid) numbers are shown by Table 1 and Table 2.

Table 1 - Forecast growth in airport usage⁴

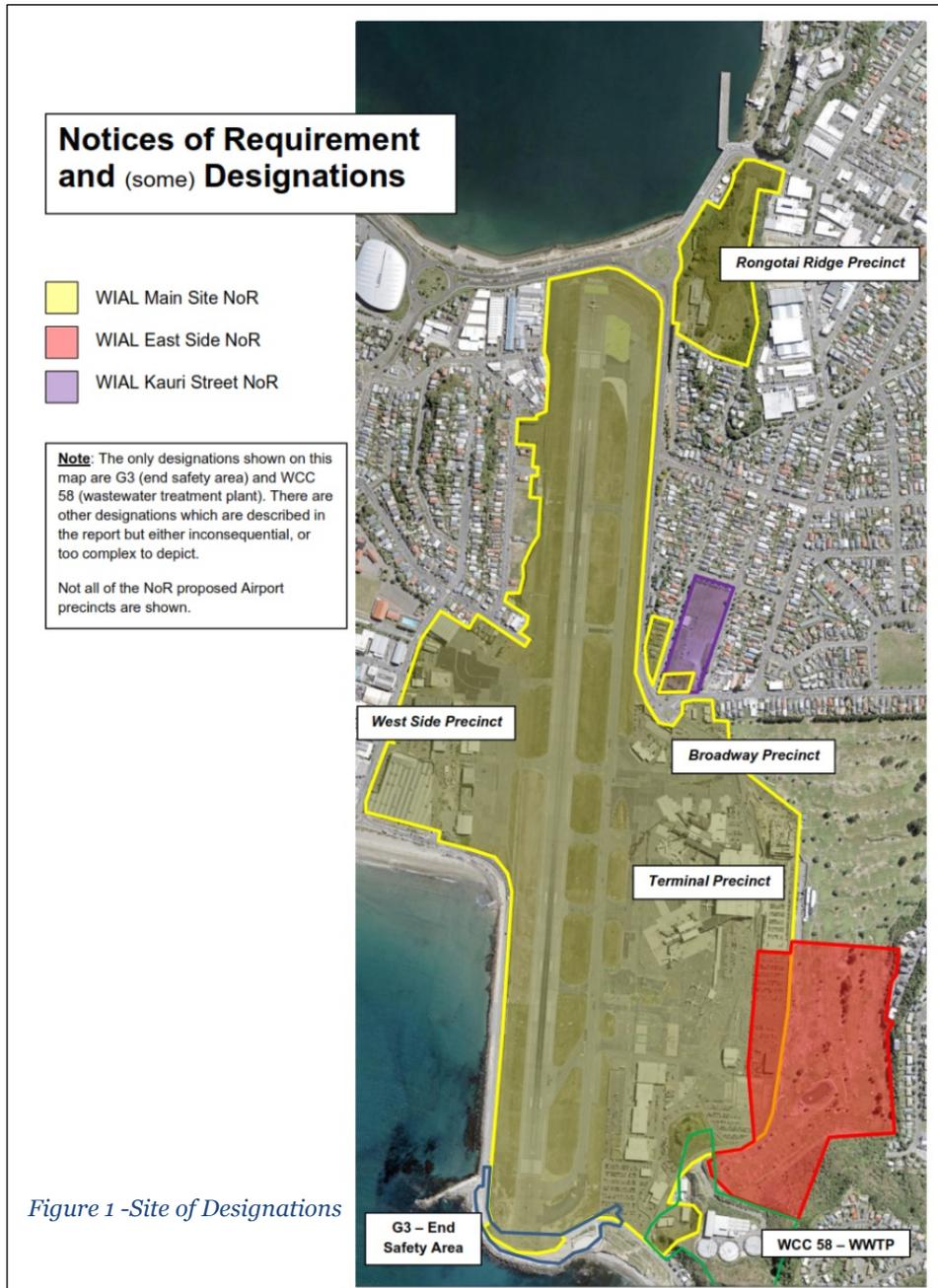
Annual passengers (millions)	Approximate Year	Annual Aircraft Movements	Busy Hour Passengers (Departures + Arrivals)
6.2	2019	85,000	1,400
8.0	2024 – 2029	90,000	1,800
10.0	2031 – 2038	100,000	2,300
12.0	2038 – 2050	105,000	2,700

Table 2 - Percentage changes in forecast growth⁵

	Percentage increase over 2019 base		
	2024 – 2029	2031 – 2038	2038 – 2050
Annual passengers	29%	61%	94%
Annual aircraft movements	6%	18%	24%
Busy hour passengers	29%	64%	93%

⁴ Section 2.3.1, Notice of Requirement for an Airport Purposes Designation, East Side Area, WIAL, 25 February 2020

⁵ Calculated from Table 1



2.2 Surrounding Environment

Outside the proposed Airport designation, surrounding land is occupied by a mix of residential and commercial land. To the east lie the suburbs of Strathmore Heights, Strathmore and Miramar, and to the west lie the suburbs of Kilbirnie and Lyall Bay. The Airport site lies adjacent to Cobham Drive and the Evans Bay coast to the north, and Moa Point Road and Lyall Bay to the south and west.

Noise sensitive developments, such as residences and schools, are subject to district plan noise overlay provisions (the Air Noise Boundary) within which a Noise Management Plan is in operation. Within parts of that area, WIAL has a longstanding programme offering homeowners within the Air Noise Boundary (ANB) a subsidised package of acoustic mitigation treatment. The tailored treatments are designed to reduce aircraft noise in

habitable rooms to a day/night average (L_{dn}) of 45 dB. Homes built before March 2012 are eligible, with either a 100% or a 75% subsidy of the cost depending on the degree of aircraft noise experienced. By mid-2020 the initiative's phased roll out had been offered to 119 properties, with 104 applications having been received and 67 packages of treatment completed. The initiative commenced in 2016 and is programmed for completion in 2023.

The Airport is a major generator of land transport traffic movements. Pre-Covid, there were estimated to be around 16,000 to 17,000 daily car trips to and from the Airport using the Cobham Drive route. Of those, there is a near 50-50 split between cars and taxis for people going to and from the Airport. Given that the estimate of a 50-50 split is based on visual observations, the percentage of non-private transport is likely to be greater (i.e., people using Uber or similar services, which are provided by unbranded vehicles). Public transport currently accounts for less than 10% of trips to/from the Airport.

Traffic volumes in the vicinity of the Tirangi Road Retail Park (in the Airport's West Side precinct) are around 7,000 to 8,000 per day, and additional 2,000 per day in nearby Kingsford Smith Street. Altogether, the Airport land and its various activities may therefore generate around 23,000 to 25,000 trips per day.

3. PURPOSE OF THE DESIGNATION AND DESCRIPTION OF THE PROJECT

3.1 Purpose of the Designation

Pursuant to section 168(2) RMA, Wellington International Airport Limited (WIAL) has given notice to Wellington City Council (the Council) of its requirement for a designation for Airport Purposes. The designation is to provide for the following airport operational and ancillary activities:

- Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;
- Aircraft rescue training facilities and emergency services;
- Runways, taxiways, aprons, and other aircraft movement areas;
- Airport terminal, hangars, control towers, rescue and fire facilities, navigation and safety aids, lighting and telecommunication facilities, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances;
- Associated administration and office activities;
- Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, and landscaping;
- Vehicle parking and storage, rental vehicle facilities, vehicle valet activities, and public transport facilities;
- Signage, artwork or sculptures, billboards and flags;
- Hotel/visitor accommodation, conference facilities and services;
- Retail activities, restaurants and other food and beverage facilities including takeaway food facilities and industrial and commercial activities, provided they serve the needs of passengers, crew, ground staff, airport workers and other associated workers and visitors;
- Structures to mitigate against the impact of natural hazards;
- All demolition (if required) construction and earthworks activities, including associated structures;
- Ancillary activities, buildings and structures related to the above; and

- Servicing, testing and maintenance activities related to the above.

3.2 Structure of Conditions

The proposed designation and its associated conditions have a specific ‘structural’ relationship with the district plan provisions. Works under the designation would be able to proceed under the designation, subject to meeting the designation conditions.

Several of the conditions set requirements where failure to comply would mean resource consent would be required or compliance action could occur. These are conditions that relate to aircraft operations noise (conditions 6-10); engine testing (condition 11); GPUs/APUs (condition 12); land based noise (condition 13); noise management plan (conditions 14-17); and a car parking demand and supply report requirement (condition 18).

However, there are other ‘conditions’ under the heading ‘Need for Outline Plan – Criteria’ (conditions 1-5) that are seek to include a pre-approved section 176A(2) waiver provision (conditions 1 & 2), and conditions where certain requirements would need to be met with an outline plan lodged under 176A such as building height limits that would need to be met and information requirements (conditions 3-5).

In relation to building works it appears that the intent of condition 1 is that it would be applied in conjunction with condition 3 such that building works under the designation would be able to proceed, subject to the designation conditions:

- *without the need for an outline plan of works*⁶, if the works are within defined ‘first-level’ thresholds; or
- *with the submission of an outline plan* to Council, if the works are above a first-level threshold (and in some case, also below an upper ‘second-level’ threshold); or
- *with the submission of a resource consent application* if proposed buildings are above a second-level threshold.

As noted under the third bullet above, the district plan would act as a ‘backstop’ to manage building development not covered by the thresholds specified in the designation conditions. For instance, buildings over 30m height in the Terminal precinct would require resource consent under the district plan.

In all other cases, it appears the intent is that non-compliance with condition 1 would simply trigger the circumstance outlined by the second bullet point above. That is, the proposed work / activity could proceed, subject to the submission of an outline plan to Council. This would apply specifically to non-aviation lighting, landscape design, electromagnetic radiation, site access for vehicles, and signage.

3.3 Designation Objectives

The objectives of the designation, as described by WIAL, are:

- To establish a suitable planning regime that properly recognises the regional significance of Wellington International Airport, while also ensuring the impact of aircraft noise on the surrounding community is appropriately managed.
- To operate, maintain, upgrade and extend the facilities at Wellington International Airport to continue to provide for the aircraft types currently in use, and likely to be in

⁶ Which would otherwise be required under section 176A of the RMA

use in the foreseeable future by New Zealand's major domestic airlines and international airlines in a sustainable manner.

- To ensure the Airport facilities and activities continue to meet the forecast passenger and aircraft demand and provide a quality service to its users through:
 - Providing for facilities and activities which will ensure the safe, effective and efficient operation of the Airport;
 - Providing for non-Airport activities and developments within the Airport, provided they do not compromise the ongoing and strategic transport role of the Airport;
 - Allowing the development of additional buildings and activities to ensure the effective and efficient functioning of the Airport.
- To enable an efficient and flexible approach to developing the Airport, while also managing the actual or potential effects of future development particularly at its interface with sensitive land use activities.

It is important to note that the NOR does not cover a 355m extension to the take-off runway available (TORA), which WIAL has previously proposed via a reclamation south of the runway. In 2016, WIAL requested that its application for the relevant resource consents for the reclamation / extension be directly referred to the Environment Court for determination instead of by the Greater Wellington Regional Council and Wellington City Council. However, in early 2019, WIAL withdrew the runway extension application. The company had intended to make an updated resource consent application in early 2020 but this has been delayed by the circumstances surrounding Covid-19, and a Civil Aviation Authority review of some of the restrictions related to runway length and operations.

3.4 Necessity for Designation

Section 171(1)(c) RMA states that, when considering a NOR, the Council must consider whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority.

WIAL considers the designation to be reasonably necessary as a means of recognising the unique planning nature and characteristics of Wellington Airport. The designation is considered a key mechanism in delivering long term operations and growth at the Airport, including meeting the passenger and aircraft demand which was forecast prior to Covid-19.

By comparison with reliance on district plan land use provisions, WIAL considers that the proposed designation conditions (and the use of outline plans in some instances) will provide greater flexibility and more certainty in meeting the company's objectives. Efficiency and flexibility are expected to be enhanced through removing the need for resource consent processes for many land use activities. Some development under a designation may require an outline plan process. However, WIAL considers the outline plan process will take significantly less time than seeking resource consent and incur lower costs.

WIAL therefore considers that a designation provides certainty to both the company and the public about future use of the land. WIAL also considers that the proposed conditions will ensure development meets Part 2 of the RMA while enabling the Airport to evolve and grow in response to technology and passenger demand. It will also ensure ongoing certainty around the management of aircraft noise.

3.5 Consideration of Alternatives

Section 171(1)(b) RMA requires the Council to have particular regard to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work. This consideration must be undertaken if:

- WIAL does not have an interest in the land sufficient for undertaking the work; or
- it is likely that the work will have a significant adverse effect on the environment.

WIAL either owns or has a sufficient interest in the land to which this NOR applies (e.g. via related road stopping processes that are in train). The WIAL NOR documentation does not identify any significant adverse effects on the environment because of the proposed designation.

For those reasons, WIAL contends that the NOR does not require an assessment under section 171(1)(b). I am satisfied that, by comparison with Airport development and associated effects already enabled by district plan provisions and those already established and operating on the site, additional effects enabled by the designation will not be significant when the Airport is considered as a whole. For that reason, I agree a consideration of alternative sites, routes, or methods is not required.

However, as noted elsewhere in this report, there may be some relatively localised effects that are either more than minor, or potentially significant.

4. BACKGROUND

4.1 Requiring Authority

Wellington International Airport Limited is the requiring authority for the proposed designation.

WIAL was approved as a requiring authority under section 167 RMA, via Order 1992 of the Governor General and through notification in the NZ Gazette dated 10 December 1992. The Order provides a general approval to WIAL for “the operation, maintenance, expansion, and development of the airport known as Wellington International Airport”. In my opinion, this provides WIAL with a wide ranging remit as a requiring authority in pursuing its development objectives.

4.2 Other Relevant Designations and Notices of Requirement

The Airport and its operations are already subject to designations issued by WIAL and other requiring authorities. The main designations include associated conditions that control the nature of development and the extent of WIAL’s authority under relevant provisions of the Resource Management Act. Chapter 24 of the district plan contains a table of all designations in Wellington, including related Appendices “F” (airspace designation) and “U” (runway end safety area).

The designations are as follows and are also listed in Table 3 below.

4.2.1 Airspace designation

The purpose of the airspace designation (G2) is to help ensure the safe and efficient operation of the Airport. Appendix F of district plan chapter 24 describes the designation, and its extent is depicted by planning maps 36, 37 and 38.

The designation limits the height of objects, such as new buildings below and to the side of aircraft flight paths, by imposing an obstacle limitation surface (OLS). The OLS applies to obstacles both within and outside of the Airport. The airspace designation is an overlay in the

district plan and development that breaches the OLS can only occur with the prior written consent of WIAL.

WIAL is the requiring authority for the designation but it reflects Civil Aviation Authority (CAA) regulations. For that reason, it is a limiting factor in the height and location of built development within the Airport, as well as on land outside.

4.2.2 Land use designations and NOR

WIAL has three other existing or intended smaller designations covering different parts of the Airport and surrounding land. The designations cover separate areas because they were issued at different times for different purposes. In brief summary, the WIAL designations are:

- Designation G3: The southern runway end safety area extension
- WIAL NOR⁷ for Kauri Street (SR417661): Covering an area of land in Miramar, enabling its development and use for flight catering, rental car operations, and freight operations.
- WIAL NOR⁸ for the East Side Area (SR462159): Being an eastward extension onto land currently used as part of the Miramar golf course.

4.2.3 Other designations

There are other non-WIAL designations which affect parts of the Airport, but their geographic extent is not necessarily limited to within the boundaries of the Airport designation sought by WIAL. Those designations are:

- Designation M5: Meteorological purposes
- Designation 58: Moa Point Sewage Treatment Plant
- Designation A2: Control Tower Height Restriction Controls

As is shown by Figure 1 on page 4, the proposed airport designation overlaps the WCC wastewater treatment plant designation in several locations, due to the fact that the existing WCC designation extends over some WIAL owned land⁹. In addition, the East Side Area NOR overlaps the Main Site NOR, as does the Kauri Street NOR. WIAL proposes that these overlaps are resolved as part of the statutory process.

⁷ The notice of requirement hearing has been held, and the panel has released its recommendation, in favour of the designation, to WIAL. The requiring authority (WIAL) must make a decision on the recommendation before the designation is confirmed.

⁸ A notification report has not yet been prepared for this NOR

⁹ Conversely, the WIAL NOR does not extend onto the land owned by WCC for the wastewater treatment plant

Table 3 - Designations with Relevance to the Airport

<i>Designation Number and DP Map¹⁰</i>	<i>Requiring Authority</i>	<i>Purpose</i>	<i>Further Explanation</i>
M5 <u>Map 5</u>	Met Service	Meteorological Purposes, north of the Airways ILS bunker near the southern end of the runway	
A2 <u>Maps 5, 7, 39, 40</u>	Airways Corporation	Control tower height restrictions (for visibility)	“The objective of the restrictions is to limit any building, structure, pole, mast or other object which may obstruct visibility from the control tower of the airport’s approach paths and runway, thereby inhibiting the safe and efficient operation of the Wellington International Airport.”
A3 <u>Map 7</u>	Airways Corporation	Air traffic control tower, 34-36 Tirangi Road	A3 covers the site, and A2 is the associated height restriction designation over other land
G2 <u>Maps 36, 37, 38</u>	WIAL	Airspace in the vicinity of Wellington International Airport. The designation includes the runway strip and flyover area, all take off and approach fans, transitional side and horizontal surfaces, and the instrument circling area	“The objective of the restrictions is to limit the construction of any structure including any building, aerial, antennae or other objects which may inhibit the safe and efficient operation of Wellington International Airport. Refer to Appendix F for details.”
G3 <u>Map 5</u>	WIAL	Runway End Safety Area Extension (RESA) – Southern End. The designation includes the southern end of the runway strip, the airspace above Moa Point Road, and an area of the sea wall to the south of Moa Point Road	“The designation includes both temporary and permanent components. The temporary designation covers the full extent of the RESA development area (including the permanent designation) and includes the surface of Moa Point Road. The temporary designation is intended to last for the duration of testing and construction. The permanent designation covers the RESA as finally built. It is in the form of a strata where it passes over Moa Point Road. The road surface and airspace below the RESA structure over Moa Point Road will remain legal road. Outline plans for the RESA development were submitted with and approved as part of the Notice of

¹⁰ Main district plan maps only

<i>Designation Number and DP Map¹⁰</i>	<i>Requiring Authority</i>	<i>Purpose</i>	<i>Further Explanation</i>
			Requirement. See Appendix U for outline plan details and conditions attached to the designation.”
58 <u>Map 5</u>	WCC	Drainage - Sewage Treatment	Appendix L “To make planning provision for the establishment of a sewage treatment plant, through a designation to treat Wellington sewage to a level sufficient to ensure that it is no longer a source of pollution on the south coast”

4.3 Resource Consents Required

WIAL is undertaking a detailed site investigation (DSI) to determine the nature and extent of any potential contamination across the entirety of its Airport land holdings. Depending on the outcome of this investigation, WIAL intends to seek a global resource consent that addresses any contamination issues for the entire site. WIAL considers this approach to be more robust than the current district plan limitations on earthworks in areas identified in Appendix 5 of district plan chapter 11 (potentially contaminated sites). Consenting processes related to contaminated land are now managed under the 2011 NESCS¹¹. For these reasons, WIAL is not seeking to carry the district plan provisions forward into the designation.

Where proposed activities / structures are not provided for by designation conditions, resource consent will still need to be sought. As an example, within the Terminal precinct, the proposed designation conditions would allow the development of buildings up to 25m in height without the need for any Council process (other than building consent). Between 25m and 30m, the designation conditions would allow the development of a building subject to the outline plan process provided for under section 176A RMA. A building over 30m height would require resource consent. It should also be borne in mind that buildings in the Terminal Precinct (and elsewhere) are subject to the OLS as outlined in section 4.2.1 above which, depending on location, may be the ultimate arbiter of height.

¹¹ National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

5. NOTIFICATION ASSESSMENT (SECTION 169)

Section 169(1) of the RMA states –

- (1) If a territorial authority is given notice of a requirement under section 168, the territorial authority must, within 10 working days, decide whether to notify the notice under—
 - (a) subsection (1A); or
 - (b) sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, which apply with all necessary modifications and as if—
 - (i) a reference to an application or notice were a reference to the notice of requirement; and
 - (ii) a reference to an applicant were a reference to the requiring authority; and
 - (iii) a reference to the Minister or the EPA were a reference to the territorial authority; and
 - (iv) a reference to an activity were a reference to the designation.

Section 169(1A) of the RMA states –

- (1A) Despite section 149ZCB(1), a territorial authority must publicly notify the notice if—
 - (a) it has not already decided whether to give public or limited notification of the notice; and
 - (b) either—
 - (i) the territorial authority requests further information from the requiring authority under section 92(1), but the requiring authority—
 - (A) does not provide the information before the deadline concerned; or
 - (B) refuses to provide the information; or
 - (ii) the territorial authority notifies the requiring authority under section 92(2)(b) that it wants to commission a report, but the requiring authority—
 - (A) does not respond before the deadline concerned; or
 - (B) refuses to agree to the commissioning of the report

5.1 **PUBLIC NOTIFICATION ASSESSMENT (s149ZCB (1) to (4) and 149ZCE**

Public notification of the NOR is at the Council's discretion.

Section 169 RMA specifies that sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, apply with all necessary modifications and as if a reference to an application or notice were a reference to the notice of requirement.

Section 149ZCB(1)-(4) specifies the criteria the Council must consider to determine whether an NOR is to be publicly notified. These criteria are addressed in statutory order below.

5.1.1 **Section 149ZCB (1)**

The Council may, at its discretion, decide whether to publicly notify a NOR. Based on the matters set out below I recommend that the Council exercise its discretion and require notification for the reasons outlined in this report.

5.1.2 **Mandatory public notification – s149ZCB(2)**

The Council must publicly notify a NOR if:

- a) it decides that the designation will have, or is likely to have, adverse effects on the environment that are more than minor;
- b) the requiring authority has requested public notification; or

c) a rule or national environmental standard requires public notification of the NOR.

In this case the requiring authority has not requested public notification and there is no rule or national environmental standard which requires public notification. The Council must therefore determine whether the designation will have effects that are more than minor. This question is addressed in section 5.2 below.

5.1.3 Effects that must be disregarded – s149ZCE(a)

When considering whether the adverse effects of the designation will be, or are likely to be, more than minor the Council must disregard the following effects:

- Trade competition and the effects of trade competition; and
- Any effect on a person who has given written approval in relation to notice of requirement; and
- Effects on persons who are owners and occupiers of the land in, on or over which the NOR relates, or of land adjacent to that land.

In relation to these matters, trade competition is not relevant, and no person has provided written approval.

The land adjacent¹² to the NOR site is listed in the following table. WIAL, as owner of some of the adjacent land, can be deemed to have provided written approval for the purposes of the assessment under s149ZCE(a).

Table 4 - Adjacent Land

<i>Street</i>	<i>Address</i>	<i>Owned by WIAL</i>	<i>Location Relative to NOR Boundaries</i>
Jean Batten Street	1 – 5 9, 13	-	West
Rongotai Road	234, 234A	-	West
Cairns Street	25, 29	-	West
Bridge Street	3 4 – 14A and 14B 15 – 21 23 – 67 73	3 - 15 – 21 25 – 67 73	West
Coutts Street	257 – 267 224 – 232	- -	North and West
Tirangi Road	84 – 94 102 – 142	- -	West
Cochrane Road	2 - 20	2 – 20	West (internal to Tirangi Road Retail park)
George Bolt Road	4 – 14 1 - 11	4 – 14 1 – 11	West (internal to Tirangi Road Retail park)
Moa Point Road	20A 23	- -	West and South East and South

¹² Directly adjoining a proposed designation boundary, or on the opposite side of a separating street

<i>Street</i>	<i>Address</i>	<i>Owned by WIAL</i>	<i>Location Relative to NOR Boundaries</i>
	33	-	
Stewart Duff Drive	127 1 (Miramar Golf Course)	- -	South and East
Broadway	372 – 376A	-	North
Calabar Road	48 – 50 54 (3 Kedah) 56 – 74 88 - 120	48-50 54 64 -	East
Caledonia Street	1 4	- -	East
Wexford Road	76 - 84	-	South
Southampton Road	6	-	East
Portsmouth Road	4, 16	-	East
Miramar Avenue	2	-	North
Ropa Lane	13	-	North
Shelly Bay Road (aka Great Harbour Way)	1	-	North
Cobham Drive	142	-	West

5.1.4 Effects that may be disregarded – s149ZCE(b)

When considering adverse effects of the designation the Council may disregard:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In other words, the Council may consider the ‘permitted baseline’. In line with case law, Council has the discretion to disregard those effects where an activity is not fanciful.

In this case the permitted baseline is defined by permitted activity rules and standards in the district plan’s Airport chapter (chapter 11). Chapter 11 permits a wide range of activities at the Airport, including those summarised below¹³:

- Activities related to the primary function of the Airport area, subject to conditions related to:
 - Noise
 - Screening of activities and storage
 - Dust
 - Vehicle parking
 - Site access for vehicles
 - Lighting
 - Use, Storage or Handling of Hazardous Substances
 - Signage
 - Waste management

¹³ Note that these are in summary form, relate only to the main categories of permitted activity and, to be permitted, must comply with conditions and standards detailed by the district plan

- Landscape design
- Discharge of contaminants
- Electromagnetic radiation
- Signs, subject to conditions related to:
 - Height, size, and location
- Earthworks on Rongotai Ridge, subject to conditions related to:
 - Depth and area of change
 - Slope of affected land
- The construction alteration of or addition to buildings and structures related to the primary function of the Airport, subject to conditions related to:
 - Maximum heights
 - Height control adjoining residential areas
 - Height control adjoining the golf course

Some other activities, notably earthworks, are also permitted or otherwise managed by different chapters of the district plan.

Disregarding permitted activity effects is appropriate in this case as use of the permitted baseline is not inconsistent with the wider context of the District Plan and Part 2 of the Act. More specifically, WIAL is proposing designation conditions which, to a large extent, reflect the baseline created by existing permitted activity rules and standards. However, with regard to building heights, the conditions proposed by WIAL would extend allowable development (accompanied by an outline plan) to the restricted discretionary limit of Rule 11.3.2.

Accordingly, in assessing the proposed designation, I have focussed on effects which are additional and beyond those enabled by the permitted baseline.

5.2 Adverse Effects

In this case, having regard to the permitted baseline and the nature of designation conditions sought by WIAL, I consider that the following effects are relevant to the designation. In making this assessment I have had regard to expert advice provided by persons both within and external to Council.

5.2.1 Aircraft noise

Noise from aircraft, and to a lesser extent from other operations, is a significant environmental effect and is experienced well beyond the boundaries of the Airport. Airport noise can affect residential quality of life, as has been evidenced by residents' surveys. This is an existing effect, but it is enabled and managed by district plan permitted activity conditions.

The district plan manages the effects of aircraft noise through the use of the Air Noise Boundary (ANB) shown by planning Map 35. The NOR does not propose to change that boundary. The ANB is linked to district plan rule 11.1.1.1.1 which requires that on a 90 day rolling average, a sound level of 65 dB L_{dn} is not exceeded outside the ANB. Other significant aspects of the district plan noise conditions include controls over:

- night time flying¹⁴ (conditions 11.1.1.1.5 and 11.1.1.1.6);
- engine testing (condition 11.1.1.1.7); and

¹⁴ The controls are also referred to as a 'curfew'

- ground power and auxiliary units¹⁵ (condition 11.1.1.1.9).

The NOR seeks to include designation conditions that largely ‘roll over’ the existing district plan noise rules and conditions.

There are however some differences between the district plan rules and the proposed designation conditions. The differences include:

- a) The proposed designation conditions do not include restrictions on the operations of military aircraft; and
- b) Proposed conditions 14 and 15 go beyond the permitted baseline by requiring a Noise Management Plan (NMP) to be prepared, demonstrating how the Airport will be managed to comply with the noise conditions set out in Conditions for the designation. There is no similar rule in DP. Instead, the proposed conditions have substantially¹⁶ adopted the NMP provisions outlined in the explanation to Policy 10.2.5.4.

The number of military aircraft movements at the Airport are understood to be small, but this still represents the risk of a minor, unmanaged increase in noise effects.

That aside, the growth of general air traffic, and any associated increase in noise, is something that would occur under the existing district plan provisions. It will not be exacerbated by the Airport operating under the proposed designation. Importantly, the ‘bucket of noise’ enabled by the 90 day rolling average sound level, and the Air Noise Boundary, will both remain unchanged from the district plan provisions. In addition, proposed conditions 14 and 15 are a positive outcome which will lock in the benefits of the Airport / community noise management plan and related processes.

5.2.2 Airport traffic

As noted in section 2.2 above, activities within the Airport land generate around 23,000 to 25,000 vehicle trips per day. The existence of the Airport, the traffic it generates, and the associated effects, are one of the drivers for projects associated with Let’s Get Wellington Moving (LGWM). A regional, multi-modal demand model used by LGWM to forecast demand between Ngauranga and the Airport is the WTSM, an output of which is shown below in Table 5.

¹⁵ An Auxiliary Power Unit or APU allows an aircraft to operate autonomously without reliance on ground support equipment such as a ground power unit. The APU is a small jet engine which is normally located in the tail cone of the aircraft.

¹⁶ A difference is that the proposed conditions do not include the district plan reference to refinement (shrinkage) of the ANB

Table 5 – WTSM Road traffic forecasting to and from Airport

Year	Daily air passengers		Daily car trips		Airport Annual Passengers (millions) ¹⁷	
	Number	Growth over previous period	Number	Growth over previous period	Number	Growth over previous period
2013	14,023		14,800		5.25	
2023	17,523	25%	16,900	14%	6.75	27%
2033	21,523	23%	19,600	16%	8.55	27%
2043	21,523 ¹⁸	0%	19,900	2%	11.00	29%

The impacts of rising volumes of vehicle traffic are an existing effect. Growth in vehicle movements generated by passenger growth would occur at the Airport under the current district plan provisions. The proposed designation may have some additional effect on traffic volumes through facilitating an increase in building bulk to cope with increased passenger numbers.

5.2.3 Airport parking

Information about parking provision at the Airport was provided in WIAL’s Kauri Street NoR¹⁹. It is unknown whether these projections, outlined in Table 6 below, take into account any modal shift that may occur due to LGWM projects, especially the development of a rapid mass transit connection at the Airport.

Table 6 - WIAL existing and projected Airport parking²⁰

Type of Park	Existing Number (2018)	Forecast Need (2047)	Increase (2018 to 2047)	Additional Area (m ²)
Premium	140	340	200	7,600
Terminal	1,825	3,465	1,640	55,760
Remote	800	1,365	565	16,950
Staff	795	2,095	1,300	39,000
Total	3,560	7,265	3,705	119,310

As can be seen from the figures in Table 5 and Table 6, future management will require a focus on the effects of Airport parking demand.

The Airport’s multi-storey parking building provides 1,088 spaces out of the total 3,560 spaces onsite. The consents for the Tirangi Road Retail Park (West Side area of the Airport

¹⁷ From WIAL forecasts in 2013. Note that this is somewhat less than the growth recently projected by WIAL and reported in its 2019 masterplan.

¹⁸ The WTSM model assumes that passenger numbers are capped at 2033 levels. It also assumes no airport runway extension, but if the runway were extended, a further small 5% growth in patronage might occur between 2013 and 2043.

¹⁹ Notice of Requirement for Designation Former Miramar South School, WIAL, 31 August 2018

²⁰ From: Table 4, page 11, Notice of Requirement for Designation Former Miramar South School, WIAL, 31 August 2018

land) require approximately 400 carparks²¹ and there is no known significant kerbside parking issue.

Elsewhere however, issues have been reported with people parking in suburban streets as a means of avoiding paid parking at the Airport itself. To counter that problem, the Council introduced a time restricted 24-hour parking zone around the area bounded by Calabar, Broadway, Ellesmere and Caledonia.

The district plan permitted activity standards are very prescriptive with regard to the required level of parking at the Airport. However, I note that the recent NPS-UD²² requires the Council to make changes to the district plan, removing provisions that require a minimum number of car parks for a particular development, except with regard to accessible spaces.

In the NOR assessment of effects, WIAL notes that “car parking is a matter that WIAL considers and manages very carefully and it considers the limits in the District Plan are not reflective or consistent with the management approach that is appropriate for the Airport”. WIAL goes on to say that the Terminal precinct “is already a highly developed part of the Airport and flexibility is required to be able to respond to evolving demand for passenger, airline and aircraft requirements, sometimes at a very fast pace”.

For these reasons, WIAL is not seeking to carry forward the district plan parking standards. Instead, WIAL proposes a designation condition that would require it to report to the Council annually on parking demand, supply, and planned responses within the Airport.

Although the non-inclusion of prescriptive parking standards may be consistent with the direction of the NPS-UD, it is unclear whether the approach proposed by WIAL would lead to better, similar, or worse outcomes than under the current district plan standards. The NPS-UD encourages councils to manage effects associated with the supply and demand of car parking through the development and use of comprehensive parking management plans. The condition proposed by WIAL would not be a comprehensive parking management plan.

5.2.4 Airport visual effects

The NOR seeks to enable new development which may be both higher than at present and, like the current district plan provisions, without any restriction on footprint.

Terminal precinct buildings

The Terminal complex is home to substantial built development. Higher parts of the existing Terminal buildings are visible from a significant distance, being up to 30 metres high in the case of the Airport’s parking building. Depending on future growth in air traffic, it is likely that the scale of development will increase in the future. The Airport’s masterplan for development up to 2040 suggests large scale redevelopment of and addition to the Terminal buildings. Given the scale of the projected passenger and aircraft demand, it seems likely that at least some of the future development will include multi-storey development.

The designation conditions proposed by WIAL would allow development up to 25m high within the Terminal precinct as of right, which is consistent with the district plan permitted activity limits. For buildings 25m and under, there is no design guidance provided by either the district plan or the proposed designation conditions. For buildings above 25m the district plan requires resource consent to be gained, and there are some design criteria the Council may use in its assessment. Under the designation, buildings between 25 and 30 metres high would be allowed, subject to an outline plan and the provision of a Design Statement which

²¹ *Appendix 5, Traffic Assessment*, Section 42A report by Wellington City Council, SR325662, July 2015

²² National Policy Statement on Urban Development, July 2020

addresses criteria intended to encourage good design outcomes. Two core matters to be addressed by the Design Statement are:

- “b) That site levels and building form, colour and texture reduce the apparent height and bulk of large buildings when viewed from adjoining public or residential areas;
- c) Variations in building mass, height and architectural form have been considered in order to provide visual interest, reduce visual massing and promote visual permeability through the higher elements of built form to maintain view lines from adjoining more elevated properties to the east where this is practicable.”

The visual effects of development in the Terminal precinct currently are and will continue to be felt most by viewers on the hills of Strathmore and Miramar to the east. Due to the additional 20% height enabled by the designation conditions (30m versus 25m), future development may increase the overall scale of visual effects by a more than minor degree, when compared to the existing district plan permitted standards. However, the proposed requirement for a Design Statement to address the matters outlined above may help to mitigate the effects.

Other buildings

Outside the Terminal precinct, the current district plan provisions permit buildings such as hangars up to 12m, or 15m for hangars serving aircraft with high tails. In contrast the proposed designation conditions would permit buildings up to 18m but with an allowance for hangars up to 20m high for widebody aircraft²³. WIAL has indicated that there is only one possible location for a 20m high widebody aircraft hangar. That is, next to the existing 17m high hangar on Tirangi Road. The combined outcome of both hangars could potentially be a 100m near-continuous length of tall, blank-walled buildings hard up against or very close to the Tirangi Road boundary. Development enabled by the NOR in this location seems likely to increase the scale of visual effects by a more than minor or significant degree, when compared to the existing district plan permitted standards. The effects would mostly be experienced by motorists using Tirangi Road to access the nearby retail / trade businesses.

Height adjacent to boundaries

District plan permitted activity standards controlling height immediately adjacent to the residential and golf course boundaries would be replaced by similar designation conditions. The height outcomes would be slightly more permissive with regard to development near residential boundaries.

5.2.5 Signs / billboards

The introduction to the proposed designation conditions notes that land within the designation may be used for “activities for the operation of Wellington International Airport” including “signage, artwork or sculptures, billboards and flags”. It is unclear whether the phrase “activities for the operation of” would be read to exclude purely commercial advertising. The introductory statement may therefore provide a basis for signs of any type, in any location, subject to the designation conditions. It is noted that commercial advertising is presently common around the airport.

The district plan limits free standing signs to 9m high within the Terminal area and 4m high elsewhere, with a face area limit of 8m². There are other controls on sign characteristics, such as a 20m² face area limit in the West Side precinct, and restrictions on flashing / moving signs. Many of the district plan’s signs controls are rolled over into the designation

²³ For example, the Airbus A350-800 which is 60m long, 65m wingspan, and 17m tail height

conditions, but only with respect to the Terminal precinct where meeting those conditions would allow the signage to proceed without an outline plan. Within the Terminal area, it appears that signs exceeding those conditions could still proceed, without any limits, subject to the provision of an outline plan. Outside of the Terminal area it appears that signs could proceed without any condition limits, subject to submitting an outline plan to the Council.

Some permissive aspects such signage for directing pedestrian or vehicular traffic, or to provide safety and security information would have little impact.

Some of the more desirable locations for billboards may be beside the runway along Calabar Road. I note that WIAL is the owner of some adjacent land and have had regard to that fact in my assessment. Notwithstanding WIAL's landholdings in that particular location, the lack of limits on advertising signage could, in relation to land elsewhere and depending on location, be considered to have more than minor effects.

5.2.6 Hazardous substances

WIAL note that the hazardous substances conditions in the Airport chapter of the district plan are not 'rolled forward' into the proposed designation conditions. The rationale for that is explained in the NOR as:

"... WIAL do not intend to carry forward the [district plan] provisions relating to hazardous substances within the designation. This is to avoid unnecessary duplication of control, as it is considered that the storage, use, disposal and transportation of hazardous substances is properly and comprehensively managed via other legislation and relevant New Zealand standards. ... amendments to the RMA in 2018 saw the removal of this [hazardous substances] function from local authority plan requirements²⁴".

In providing advice to local authorities on the intent of the 2018 RMA amendments, the Ministry for the Environment stated that:

"In most cases HSNO and Worksafe controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances.

Councils still have a broad function of achieving integrated management, and may use this function to place extra controls on hazardous substance use under the RMA, if existing HSNO or Worksafe controls are not adequate to address the environmental effects of hazardous substances in any particular case²⁵".

In terms of the permitted baseline, the district plan includes detailed controls regarding the storage and use of hazardous substances at the Airport²⁶. These controls rely on a complex 'hazardous facilities screening procedure' (HFSP) to determine when consent is required. However, the HFSP fails to recognise the controls which now exist under other legislation.

I understand that at the Airport, the jet fuel tanks are all underground, and therefore below the lower tier MHF²⁷ threshold. I also understand that the nature of jet fuel is such that there will be no risks beyond the boundary of the site. Given these matters, and the legislative framework created by the 2018 RMA amendments, I consider there will be no additional

²⁴ Page 30, Notice of Requirement

²⁵ Resource Legislation Amendments 2017 – Fact Sheet 2, Revised functions for Resource Management Act 1991 decision-makers

²⁶ These controls pre-date the 2018 amendments to the RMA

²⁷ Major Hazardous Facility, under The Health and Safety at Work Regulations 2016

effects related to hazardous substances created by non-inclusion of a hazardous substances condition in the designation.

5.2.7 Dust management

The district plan includes rules related to the management of dust from earthworks at the Airport. The proposed designation conditions include no similar condition and there is no reference back to reliance on the rules of the district plan's Earthworks chapter. This is a relatively minor issue as the creation of dust (or a dust nuisance) would not arise on a regular basis, and the proposed designation conditions do not specifically enable the creation of dust.

The environmental effects are potentially manageable through section 17(1)(b) RMA which requires that:

- “(1) Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with ...
- (b) a national environmental standard, a rule, a resource consent, or a designation.”

The duty to avoid nuisance is enforceable by the Council under section 17(3).

5.2.8 Adverse effects conclusion

Overall, I consider that the effects of the proposal on the environment are more than minor. In some specific locations, the effects may be significant.

In summary, effects which may be experienced beyond the permitted baseline established by existing district plan rules includes:

- Noise impacts arising from the removal of current restrictions on military aircraft movements. It is unclear what the level of effect might be.
- Parking at the Airport would no longer be subject to detailed standards. The annual reporting proposed by WIAL may be an efficient way to manage the issue, but this approach remains untested, is of uncertain effect, and questions remain about whether this would be consistent with the requirements and guidance of the NPS-UD. Adverse effects arising from this approach may be felt throughout the surrounding community if it results in 'overflow' parking on public streets.
- The additional 20% height of buildings in the Terminal precinct (30m versus 25m) may increase the overall scale of visual effects by a more than minor degree. This effect would be especially evident to hillside residents east of the Airport.
- Development of a 20m high hangar for widebody aircraft fronting Tirangi Road may have a localised but significant impact.
- An apparent lack of limits on advertising signage outside of the Terminal precinct could, depending on location and size, have more than minor or significant effects.
- Management of dust nuisance from earthworks.

5.2.9 Public notification at Council's discretion

Under s149ZCB(1), public notification is at the Council's discretion. My recommendation is that the NOR be publicly notified, for the reasons set out generally in section 5 of this report, and specifically in sections 5.2.8, 5.2.14, and 5.2.15.

5.2.10 Public notification at the requiring authority's request

Under s149ZCB(2)(b) a NOR requires public notification if the Requiring Authority requests public notification. In this instance the Requiring Authority has not requested public notification.

5.2.11 Public notification under a rule of a National Environmental Standard

Under s149ZCB(2)(c) a NOR requires public notification if a rule or national environmental standard requires public notification of the NOR. In this instance there are no rules or national environmental standard that require public notification.

5.2.12 Circumstances where public notification is precluded

Section 149ZCB(3)(a) states that despite subsection (1) and 2(a) the Council must not publicly notify the NOR if a rule in a national environmental standard precludes public notification of the NOR and the Requiring Authority has not requested public notification of the NOR. The NOR is not precluded from public notification as the activities are not subject to a rule or national environmental standard which precludes public notification.

5.2.13 Limited notification

Section 149ZCC states that if the Council decides not to publicly notify the NOR it must decide if there is any affected person or customary rights group. In this case, my recommendation is that the NOR should be publicly notified and section 149ZCC therefore does not apply.

5.2.14 Public notification in special circumstances

Despite the notification criteria in s149ZCB(1) to (3) the Council may publicly notify a NOR if it decides that special circumstances exist that warrant public notification.

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance it is possible to conclude that many of Airport's effects will continue to fall within the levels set by permitted activity standards under the district plan and would therefore be no more than minor.

WIAL's projections for growth at the Airport indicate that the nature and intensity of some effects is likely to change significantly over the longer term. These include:

1. Continuing growth in the number of flights and passenger numbers.
2. Related impacts arising from aircraft noise and land transport accessing the Airport.
3. A greater level of built development to service the needs of passengers and air traffic.

These effects by themselves are not reasons for notification, as they would also occur under the existing district plan provisions.

However, there are individual aspects of the activities enabled by the proposed designation conditions which, on a localised basis, could have a more than minor or significant effect by comparison with outcomes expected under the district plan provisions. Considered individually, these increases in effect might not warrant notification.

5.2.15 Public notification conclusion

However, having regard to the Airport as a whole, expected development over time, and cumulative locally significant impacts, I consider that the public interest would be served by notification.

I have considered whether limited notification would be a practical course of action. My conclusion is that it would not, due to:

- The size of the designation and the various communities affected by the Airport's presence;
- The complexity of the proposed designation conditions, and some uncertainties about their effectiveness in managing adverse impacts; and
- The importance of the Airport as a regional asset and the associated interest of all sectors of the community in the way future development is managed.

6. NOTIFICATION DECISION

For the reasons detailed in this report the Notice of Requirement for Airport Purposes on the site at 28 Stewart Duff Drive / 52 Moa Point Road; 124 Calabar Road; 333 – 343 Broadway; and 3 – 25 Miro Street must be processed on a **notified** basis.

I also recommend that the public interest would be served by notifying and hearing this Notice of Requirement in conjunction with the NOR for the East Side area, if a similar conclusion is reached to notify that NOR.

Report prepared by: Mark Ashby



Mark Ashby
Consultant Planner

We have read the above recommendation report and all documentation (etc) submitted with the notice and agree with the recommendation. Accordingly the Notice of Requirement shall be processed on a **Notified** basis.



Bill Stevens
Delegated Officer

8 September 2020



Halley Wiseman
Delegated Officer

8 September 2020

Table of Legal Descriptions

<i>Land in NOR</i>	<i>Legal Description</i>	<i>Title Reference</i>
Main Airport Areas (including RESA Areas and Bridge Street)	Pt Lot 1 DP 78304 and Pt Sec 1 SO 37422 Sec 2 – 3 SO 37422 Sec 3 SO 38205 Sec 1, 5 SO 342914	518352
250 Coutts Street	Lot 1 DP 7159 and Lot 1 DP 33243	WN10B/942
252 Coutts Street	Lot 2 DP 7159	WN355/113
254 Coutts Street	Lot 3 DP 7159	WN358/16
2 Miro Street	Lot 5 DP 2385	WN295/38
3 Miro Street	Pt Lot 3 DP 2385	WN287/226
3 Miro Street	Pt Lot 4 DP 2385	WN305/266
7 Miro Street	Pt Lot 6 DP 78304	WN45A/78
9 Miro Street	Pt Lot 5 DP 78304	WN45A/77
11 Miro Street	Pt Lot 19 DP 5210	WN896/19
13 Miro Street	Part Lot 20 DP 5210 Lot 4 DP 20924	WN863/60
15 Miro Street	Part Lot 21 DP 5210	WN300/140
17 Miro Street	Part Lot 22 DP 5210	WN298/224
19 Miro Street	Part Lot 23 DP 5210	WN298/135
333 Broadway ²⁸	Lot 5 DP 2385	Wn295/38
335 Broadway	Lot 6 DP 2385	WN42B/707
337 Broadway	Lot 7 DP 2385	WN42B/708
341 Broadway	Lot 8 DP 2385	WN42B/710
343 Broadway	Lot 9 DP 2385	WN42B/709
77 Wexford Road	Sec 1 SO 3187	WN36D/925
28 Stewart Duff Drive	Lot 2 DP 78304 and Lot 7 DP 5054	WN45A/74 and WN327/110
350 Broadway	Lot 4 DP 5054	WN317/104
362 Broadway	Lot 5 DP 5054	WN374/298
364 Broadway	Lot 1 and Lot 2-3, 6 DP 5054	WN47D/260
368 Broadway	Lot 8 DP 5054	WN357/296
370 Broadway	Lot 9 DP 5054	WN356/267
Wellington City Council land	Road Reserve	116794 Licence to occupy

²⁸ NB: this property missing from table of property in NOR document, but is included as one of the appended titles

WELLINGTON INTERNATIONAL AIRPORT LTD

AIRPORT PURPOSES DESIGNATION

Designation

The designation shall cover the area shown in **Attachment 1** ("the Designated Area").

Subject to the conditions set out below, land within the Designated Area may be used for activities for the operation of Wellington International Airport ("the Airport") including but not limited to:

- Aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;
- Aircraft rescue training facilities and emergency services;
- Runways, taxiways, aprons, and other aircraft movement areas;
- Airport terminal, hangars, control towers, rescue and fire facilities, navigation and safety aids, lighting and telecommunication facilities, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances;
- Associated administration and office activities;
- Roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, and landscaping;
- Vehicle parking and storage, rental vehicle facilities, vehicle valet activities, and public transport facilities;
- Signage, artwork or sculptures, billboards and flags;
- Hotel/visitor accommodation, conference facilities and services;
- Retail activities, service retail, restaurants and other food and beverage facilities including takeaway food facilities and commercial activities, provided they are located within the Terminal Precinct;
- Industrial and commercial activities provided they are associated with aircraft operations or serve the needs of passengers, crew, ground staff, airport workers, and other associated workers and visitors;
- Structures to mitigate against the impact of natural hazards;
- All demolition (if required) construction and earthworks activities, including associated structures;
- Ancillary activities, buildings and structures related to the above; and
- Servicing, testing and maintenance activities related to the above.
- Airport Precinct Development Areas ("Precincts") are shown in **Attachment 2**.

Conditions

Glossary:

Aircraft Operations

Means the engine runup, taxiing, take-off or landing at the Airport of an aircraft, and “operate” has a corresponding meaning.

Need for Outline Plan - Criteria

- 1. An outline plan in accordance with section 176A(2) of the Resource Management Act 1991 (“**RMA**”) need not be submitted for any works within a Precinct or at a location if, where relevant, the following criteria are met:

Airport Precinct / Location and Criteria for Exclusion of Outline Plan

Condition Sub-Reference	Precinct / Location	Activity / Criteria
A	Rongotai Ridge Precinct	Any earthworks shall achieve the following: <ul style="list-style-type: none"> i. The existing ground level shall not be altered by more than 2.5 metres measured vertically; and ii. The total area of ground surface disturbance shall be less than 250m²; and iii. The earthworks shall not be undertaken on slopes of more than 45°.
B	Terminal Precinct	Buildings or structures shall not exceed height limits (above existing ground level) of 25 m except that: <ul style="list-style-type: none"> i. Buildings or structures located within 8m of the Golf Course Recreation Area shall not exceed a height limit of 12m.
C	All Precincts with the exception of the Terminal Precinct	Buildings or structures shall not exceed a height limit of 12m above existing ground level; except that:

Condition Sub-Reference	Precinct / Location	Activity / Criteria
		<ul style="list-style-type: none"> i. Buildings or structures used for hangars shall not exceed a height limit of 15m; and ii. Buildings or structures within 5m of any adjoining Residential zone shall not exceed a height limit of 3m.
D	All Precincts	<p>Lighting – Non-Aviation Activities</p> <ul style="list-style-type: none"> i. Any development or activity which includes pedestrian routes and/or car parks available for public use during the hours of darkness shall be lit at a minimum of 10 lux measured in accordance with AS/NZS 1158.3.1:2005 and any subsequent amendments; and ii. The direct or indirect illumination of outdoor areas associated with any other non-aviation activity shall not exceed 8 lux at the windows of residential buildings in any adjoining Residential zone.
E	All Precincts	<p>Landscape Design</p> <ul style="list-style-type: none"> i. Existing trees within the Designated Area are to be retained except where they affect the safe operation of the Airport, and provided that; ii. Any pōhutukawa trees adjacent to Tirangi Road required to be removed shall be resited as close as is practicable to the boundary of Tirangi Road
F	All Precincts	<p>Electromagnetic Radiation</p> <ul style="list-style-type: none"> i. Any activity shall be conducted to comply with the New Zealand NZS 6609:1990 (Radio Frequency Radiation) and any subsequent amendments.

Condition Sub-Reference	Precinct / Location	Activity / Criteria
G	<p>Sites identified on Attachment 3</p> <p>(Sites on the east side of the runway fronting Broadway, Miro Street and Calabar Road.</p> <p>Sites on the west side of the runway).</p>	<p>Restricted Site Access for Vehicles</p> <p>i. No vehicle shall be permitted to a site across any Restricted road frontage identified on Attachment 3.</p> <p>Site Access for Vehicles</p> <p>i. Site access for vehicles shall be provided and maintained in accordance with the standards set out in Appendix 3 of the Wellington City District Plan Airport and Golf Course Recreation Precinct Chapter 11; and</p> <p>ii. There shall be a maximum of one site access to any site, except that sites with more than one frontage may have one access across each frontage; and</p> <p>iii. The width of any site access shall not exceed 6 metres; and</p> <p>iv. Where site access can be provided from a service lane or right of way registered in favour of the site or other private road or private right of way, no site access shall be from a street; and</p> <p>v. No site access shall be sited closer to a street intersection than the following:</p> <ul style="list-style-type: none"> - Arterial and principal streets: 20m - Collector streets: 15m - Other streets: 10m; and <p>vii. Any site access shall be designed to permit a free flow of traffic so that vehicles do not have to queue on the street.</p>
H	Terminal Precinct	<p>Signage</p> <p>i. Any sign located on a building:</p>

Condition Sub-Reference	Precinct / Location	Activity / Criteria
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- a. That is affixed to the underneath of a verandah shall provide at least 2.5 metres clearance directly above the footpath or ground level; and
- b. Shall be displayed only on plain wall surfaces; and
- c. Shall not obscure windows or architectural features; and
- d. Shall not project above the parapet level, or the highest part of that part of the building/structure to which it is attached (including above verandah). This part of the condition does not apply to temporary signs; and
- e. Any sign located on a building in excess of 12 metres in height above ground shall bear only the name and/or logo of the building owner or occupier, or the building on which the sign is located; and
- f. Any sign located on a building in excess of 12 metres in height above ground level shall not flash; and
- ii. Any illuminated sign (excluding signs below verandah level) within 50 metres and visible from any Residential zone shall not flash; and
- iii. Any free-standing sign or sign located on a structure shall not exceed a maximum height of 9 metres (above ground level).

2. Notwithstanding Condition 1, in accordance with section 176A(2) of the RMA an outline plan need not be submitted for works and activities associated with the following:

- a) Any activity relating to or supporting Airport Operations within the Airside Precinct; or

- b) Signage within any precinct where it is related to the purpose of directing pedestrian or vehicular traffic, or to provide safety and security information; or
 - c) Lighting poles and navigational instruments; or
 - d) Building or structure maintenance or repair; or
 - e) Upgrade or maintenance of existing formed roads and public accessways; or
 - f) Pavement maintenance or repair; or
 - g) Landscape maintenance or repair; or
 - h) Earthworks, other than those which do not comply with the conditions in Table 1 in the Rongotai Ridge Precinct; or
 - i) Placement / maintenance of street furniture or art / sculptures; or
 - j) Maintenance or repair of lighting, signage and other existing fixtures or structures.
3. Where an outline plan is required under Section 176A of the RMA as a result of non-compliance with any relevant criteria of Condition 1, the outline plan shall include, in addition to the matters required under section 176A(3) of the RMA, a Design Statement. The purpose of this Statement shall be to demonstrate how the following outcomes will be achieved:
- a) A maximum building/structure height of 30 metres (above existing ground level) in the Terminal Precinct, and 18 metres (above existing ground level) in other Precincts, except that:
 - i. In the West Side Precinct, buildings or structures used for Code E (or other wide body aircraft) hangars shall not exceed a height of 20m.
 - ii. Buildings or structures located within 8m of the Golf Course Recreation Area shall not exceed a height limit of 15m.
 - iii. Buildings or structures within 5m of any adjoining Residential zone shall not exceed a height limit of 4m.
 - iv. For the purpose of this condition, lift shafts, plant rooms, stairwells, water tanks, air conditioning units, ventilation ducts, chimneys, lighting poles and similar features on buildings or structures shall be excluded from this calculation of maximum height.
 - b) That site levels and building form, colour and texture reduce the apparent height and bulk of large buildings when viewed from adjoining public or residential areas;
 - c) Variations in building mass, height and architectural form have been considered in order to provide visual interest, reduce visual massing and promote visual permeability through the higher elements of built form to maintain view lines from adjoining more elevated properties to the east where this is practicable;

- d) Incorporation of landscaping treatment where appropriate in order to assist in providing visual softening of large buildings and the screening of parking, loading and storage areas;
 - e) That any signage proposed will be integrated with the building form and surrounding architectural and landscape design; and
 - f) That low glare, high cut off exterior lighting is used, and integrated with the building form and surrounding architectural and landscape design.
4. Within the Rongotai Ridge Precinct, where an outline plan is required under Section 176A of the RMA, the outline plan specific to this area shall include, in addition to the matters required under section 176A(3) of the RMA, a report or reports covering the following matters:
- a) Whether any earthworks will alter the existing topography of the site and the impacts on the area's amenity values and cultural values;
 - b) The extent to which earthworks affect the stability and erosion potential of the site and surrounding sites; and,
 - c) Whether any landscape treatment is necessary, and if so, whether it is in scale with the proposed development.
- 5) Prior to any work or activity which requires an outline plan under Section 176A of the RMA, the Requiring Authority shall prepare or update a Network Utilities Management Plan. The purpose of the Plan shall be to inform the relevant network utility providers that enabling work, design, and construction of any development or construction activity, takes account of (and includes measures to address) the safety, integrity, protection (or where necessary) relocation of exiting network utilities.

Aircraft Operations Noise

- 6) The Requiring Authority shall ensure that all aircraft operations are managed so that the rolling day average 24 hour night-weighted sound exposure does not exceed a Day/night Level (Ldn) of 65dBA outside the Air Noise Boundary shown on District Plan Map 35.
- 7) Aircraft noise shall be measured in accordance with NZS6805:1992 and calculated as a 90 day rolling average. All terminology shall have the meaning that may be used or defined in the context of NZS:6805.
- 8) The following aircraft operations shall be excluded from the calculation of the rolling 90 day average described in Conditions 6 and 7:
 - a) Aircraft landing in an emergency;
 - b) The operation of emergency flights required to rescue persons from life-threatening situations or to transport patients, human vital organs or medical personnel in an emergency;
 - c) The operation of unscheduled flights required to meet the needs of a national civil defence emergency declared under the Civil Defence Act 2002;

- d) Military aircraft operations.
- 9) The Requiring Authority shall ensure that:
- a) All domestic aircraft operations shall not occur during the hours from midnight (12am) to 6am; and
 - b) All international aircraft operations shall not occur during the hours:
 - i. Midnight to 6am for departures.
 - ii. 1am to 6am for arrivals.

For the purposes of this condition, "operations" means the start of the take-off roll or touch down on landing.

- 10) The following are exceptions to Condition 9:

- a) Disrupted flights where aircraft operations are permitted for an additional 30 minutes;
- b) In statutory holiday periods where operations are permitted for an additional 60 minutes;

For the purposes of this condition, statutory holiday period means:

- i. *The period from 25 December to 2 January, inclusive. Where 25 December falls on either a Sunday or Monday, the period includes the entire of the previous weekend. Where 1 January falls on a weekend, the period includes the two subsequent working days. Where 2 January falls on a Friday, the period includes the following weekend.*
 - ii. *The Saturday, Sunday and Monday of Wellington Anniversary weekend, Queens Birthday Weekend and Labour Weekend.*
 - iii. *Good Friday to Easter Monday inclusive.*
 - iv. *Waitangi Day.*
 - v. *ANZAC Day.*
 - vi. *Where Waitangi Day or ANZAC Day falls (or is recognised) on a Friday or a Monday, the adjacent weekend is included in the statutory holiday period.*
 - vii. *The hours from midnight to 6am immediately following the expiry of each statutory holiday period defined in (i) to (vi).*
- c) Aircraft using the Airport as a planned alternative to landing at a scheduled airport, but which shall not take-off unless otherwise permitted under Condition 9;
 - d) Aircraft landing in an emergency;
 - e) The operation of emergency flights required to rescue persons from life threatening situations or to transport patients, human vital organs, or medical personnel in a medical emergency;

- f) The operation of unscheduled flights required to meet the needs of any state of emergency declared under the Civil Defence Emergency Management Act 2002 or any international civil defence emergency;
- g) Aircraft carrying heads of state and/or senior dignitaries acting in their official capacity or other military aircraft operations;
- h) No more than 4 aircraft movements per night with noise levels not exceeding 65 dB LAFmax (1 sec) at or beyond the Air Noise Boundary.

For the purposes of this condition, night means between midnight and 6am [and consistent with Condition 9].

Engine Testing

11. The Requiring Authority shall ensure that aircraft propulsion engines may be run within the Designated Area for the purpose of engine testing as follows:
- a) Undertaken during the hours of 6am to 8pm only;
 - b) To carry out essential unscheduled maintenance between 8pm and 11pm only;
 - c) To operate an aircraft within flying hours but provided the engine run is no longer than required for normal procedures, which for the purpose of this condition, shall provide solely for short duration engine runs by way of flight preparation while the aircraft is positioned on the apron;
 - d) No person shall start or run any aircraft propulsion engine for the purposes of engine testing on the locations shown on the map attached as **Attachment 4**;
 - e) Restrictions on engine testing from 11pm to 6am do not apply if engine testing can be carried out in compliance with all of the following:
 - i. measured noise levels do not exceed 60 dB LAEQ (15 min) at or within the boundary of any residential zone;
 - ii. measured noise levels do not exceed 75 dB LAFmax at or within the boundary of any residential zone;
 - iii. noise levels shall be measured in accordance with NZS6801: 2008 Acoustics – Measurement of Environmental Sound;
 - iv. the total number of engine test events relating to aircraft using the Airport as an alternate landing site shall not exceed 18 in any consecutive 12 month period;
 - v. the total duration of engine test events relating to aircraft using the Airport as an alternate landing site in terms of Condition 10 c) shall be no more than 20 minutes.

Ground Power and Auxiliary Power Units (GPUs/APUs)

12. The Requiring Authority shall ensure that the operation of ground power units (**GPUs**) and auxiliary power units (**APUs**) when measured at any adjoining Residential zone shall not exceed the following limits:

- a) Monday to Saturday 7am to 10pm 55 dB L_{AEQ} (15 MIN)
- b) At all other times 45 dB L_{AEQ} (15 MIN)
- c) All days 10pm to 7am 75 dB L_{AFmax}

Exception that these limits shall not apply to APUs for:

- i. Aircraft under tow;
- ii. The first 90 minutes after an aircraft has stopped on the gate;
- iii. 60 minutes prior to scheduled departure;
- iv. The use of APUs to provide for engine testing pursuant to Condition 11.

Land Based Noise

13. The Requiring Authority shall ensure that noise emission levels from any activity within the Designated Area, other than aircraft operations, engine testing and the operation of APUs when measured at any adjoining Residential zone, shall not exceed the following limits:

- a) Monday to Saturday 7am to 10pm 55 dB L_{AEQ} (15 MIN)
- b) At all other times 45 dB L_{AEQ} (15 MIN)
- c) All days 10pm to 7am 75 dB L_{AFmax}

Noise Management Plan

14. Without in any way limiting its obligations to fully comply with the conditions attaching to this designation, the Requiring Authority shall update its Noise Management Plan ("**NMP**") which describes in detail how it proposes to manage the Airport in order to comply with the relevant noise conditions.

15. The Noise Management Plan shall include, as a minimum:

- a) A statement of noise management objectives and policies for the Airport;
- b) Details of methods and processes for remedying and mitigating adverse effects of Airport noise including but not limited to:
 - i. improvements to Airport layout to reduce ground noise;
 - ii. improvements to Airport equipment (including provision of engine test shielding such as an acoustic enclosure for propeller driven aircraft) to reduce ground noise;
 - iii. aircraft operating procedures in the air and on the ground procedures to minimise noise where this is practicably achievable;

- c) The procedures for the convening, ongoing maintenance and operation of the Airport Noise Management Committee ("**ANMC**") as set out in Condition 17;
 - d) The mechanisms to give effect to a noise monitoring programme to assess compliance with Conditions 6 – 13;
 - e) The procedures for reporting to the ANMC any Aircraft Operations and engine testing activities which contravene a condition of this designation;
 - f) Fulfilment of the LUMINs programme (as required);
 - g) The dispute resolution procedures to resolve any disputes between Wellington International Airport Limited ("**WIAL**") and ANMC about the contents and implementation of the NMP;
 - h) The procedures for reviewing and amending the NMP.
16. The relevant version of the Noise Management Plan shall be made available to the public on WIAL's web site.
17. The Requiring Authority shall at its cost be responsible for the ongoing membership and function of the ANMC identified in Condition 15 c). The purpose, membership and functions of the ANMC shall be set out within the Terms of Reference included in the NMP.

Car Parking

18. On an annual basis, the Requiring Authority shall submit to the Wellington City Council a report describing the current status of Airport car parking demand and supply. The report shall include a description of traffic management and car parking within the Airport environs, and an overview of any planned changes or improvements in order to improve the efficiency and effectiveness of the provisioning for car parking within the Airport.