

Notices of Requirement for Designation Wellington International Airport Limited

Being for the following purposes:

- **Main Site Area** - to establish a more efficient and flexible planning framework to enable existing and future airport activities and development within the Airport's existing land holdings primarily over the area of land that is already zoned as Airport Precinct in the District Plan; and
- **East Side Area** - to designate land for airport purposes to the east of the existing Airport.

1 & 28 Stewart Duff Drive, Wellington

Recommendation Report of Independent Hearings Panel

24 August 2021

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SCHEDULE OF APPENDICES

- **APPENDIX 1:** Recommended Conditions for Main Site Area NoR
- **APPENDIX 2:** Recommended Conditions for East Side Area NoR

INTERPRETATION

This report uses the following abbreviations and acronyms.

TERM	MEANS
the Act	Resource Management Act 1991
AEE	The assessment of environmental effects appended to the applications
Airways	Airways Corporation of New Zealand Limited
ANB	Air noise boundary
APU	Auxiliary Power Units
CNMP	Construction Noise Management Plan
Council	Wellington City Council
East Side Area	The land subject to NoR SR462159, comprising existing Airport land and Miramar Golf Club land, as identified in Appendix A to the NoR dated 25/2/20
EIC	Evidence in Chief
ECMP	Earthworks and Construction Management Plan
GWRC	Greater Wellington Regional Council
JWS	Joint (expert) Witness Statement
LVMP	Landscape and Visual Management Plan
Main Site Area	The land subject to NoR SR455891, comprising 110ha of Airport land as identified in Appendix A to the NoR dated 4/12/19
NoR	Notice of Requirement
NMP	Noise Management Plan
NPS-UD	National Policy Statement on Urban Development 2020
OCB	Outer control boundary
Plan	Wellington City District Plan 2000
RMA	Resource Management Act 1991
RPS	Wellington Regional Policy Statement 2013
TMP	Traffic Management Plan
WCC	Wellington City Council
WIAL	Wellington International Airport Limited

Wellington City Council Recommendation report of independent hearings panel SR455891 & SR462159

Proposal Description:

Notices of requirement for the following purposes:

- **Main Site Area** – to establish a more efficient and flexible planning framework to enable existing and future airport activities and development within the Airport’s existing land holdings primarily over the area of land that is already zoned as Airport Precinct in the District Plan; and
- **East Side Area** – to designate land for airport purposes to the east of the existing Airport.

Requiring Authority:

Wellington International Airport Limited

Site Details:

1 & 28 Stewart Duff Drive, Wellington

Zoning:

Airport & Golf Course Precinct, Outer Residential Area

Overlays & map notations:

Designations M5, A2, A3, G2, G3 and 58, Air Noise Boundary, Hazard (Ground Shaking) Area

Date of Hearing:

Wednesday 19 & Thursday 20 May 2021 (closed 13 July 2021)

Independent Hearings Panel:

Commissioners HA Atkins (chair), R O’Callaghan, DJ McMahon

Summary of Recommendations:Main Site Area

Having considered all relevant matters under the RMA, and based on the evidence and submissions presented, we find, with a modification to the NoR for the Main Site Area that removes the Rongotai Ridge Precinct, that:

- the NoR for the Main Site Area will result in positive effects, and any actual and potential adverse environmental effects of the proposed requirement will be sufficiently managed by the proposed conditions such that the effects are acceptable
- the works and designation for the Main Site Area are reasonably necessary to achieve WIAL’s stated objectives; and

- the effects of the NoR for the Main Site Area are aligned with the sustainable management purpose of the RMA.

Accordingly, we recommend that the requirement for the Main Site Area be confirmed with one modification, which is the removal of Rongotai Ridge Precinct, subject to the conditions set out in **Appendix 1**.

East Side Area

Having considered all relevant matters under the RMA, and based on the evidence and submissions presented, we find that:

- the NoR for the East Side Area will result in positive effects, and any actual and potential adverse environmental effects of the proposed requirement will be sufficiently managed by the proposed conditions such that the effects are acceptable
- the works and designation for the East Side Area are reasonably necessary to achieve WIAL's stated objectives; and
- the effects of the NoR for the East Side Area are aligned with the sustainable management purpose of the RMA.

Accordingly, we recommend that the requirement for the East Side Area be confirmed subject to the conditions set out in **Appendix 2**.

1.0 Introduction

Report purpose, requirements & outline

- 1.1 The purpose of this report is to outline our recommendations on the NoRs from WIAL to designate the Main Site Area and East Side Area, respectively comprising the majority of land currently owned or leased by WIAL and part of the Miramar Golf Course.
- 1.2 The proposals are the subject of two separate NoRs. They have been heard concurrently, however, and we have found it be effective and efficient to consider the proposals in a single consolidated report for the sake of economy. There are two separate recommendations each drawing on the relevant parts of this report as the basis for those recommendations.
- 1.3 Section 171 of the RMA provides the roadmap for our consideration of the proposals. Among other matters, it requires that we consider the environmental effects of allowing each requirement, having particular regard to:
- any relevant provisions of the applicable national, regional and local policy statements and plans¹;*
 - whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if we find that it is likely that the work will have a significant effect on the environment or if WIAL does not have sufficient interest in the land for undertaking the work²;*
 - whether the work and designation are reasonably necessary for achieving WIAL's objectives expressed in the NoRs³; and*
 - any other matter be reasonably necessary in order to make a recommendation on the requirements⁴.*
- 1.4 Our consideration in the above respects is "subject to Part 2" of the RMA.
- 1.5 Having carried out our evaluation of the above matters, we may recommend that each requirement be confirmed, modified, withdrawn and/or subject to conditions⁵. We must give reasons for those recommendations⁶.
- 1.6 The remainder of this report is organised as follows:

Section 1: Introduction

Section 1 provides a factual basis for the report, including a brief description of the sites and existing environment, the proposals, submissions received and our role.

Section 2: Account of pre-hearing & hearing sequence

Section 2 provides a brief factual summary of the hearing proceedings, including the lead up to the hearing by the various parties through to the close of the hearing. It summarises the proposals that were before us by the end of the hearing.

¹ s171(1)(a)

² s171(1)(b)

³ s171(1)(c)

⁴ s171(1)(d)

⁵ s171(2)

⁶ s171(3)

Section 3: Outline of statutory considerations and other matters

This part of the report is the first limb of our evaluation and identifies the relevant provisions of the applicable national, regional and local policies and plans that we must have particular regard to under s171(1)(a) when considering each NoR. It also identifies the relevant non-RMA statutory instruments and non-statutory matters that we must have particular regard to under s171(1)(d).

Section 4: Evaluation of environmental effects

Section 4 includes our consideration and evaluation of the adverse and positive effects of the requirement on the environment for each NoR, informed by the relevant provisions of Part 2, and the relevant statutory and non-statutory matters outlined in Section 3.

Section 5: National regional and district policies and plans

This section considers the directions in s171(1)(a) for each NoR as to what are the nature and direction of relevant provisions of any national and regional policy statements and any proposed district and regional plans as a context for considering the effects on the environment of the proposed notices of requirement.

Section 6: Consideration of alternatives

This section considers the directions in s171(1)(b) for each NoR as to whether adequate consideration has been given to alternative sites, routes or methods.

Section 7: Consideration of reasonable necessity

This section considers and evaluates the directions in s171(1)(c) as to whether for each NoR the works are reasonably necessary to meet WIAL's stated objectives.

Section 8: Overall evaluation

This final evaluative section contains our overall evaluation of the two NoRs, subject to the RMA's purpose and principles in Part 2.

Section 9: Recommendation

Finally, we record our recommendation to WIAL for each NoR and summarise our reasons, having regard to the evaluative sections of the report.

Sites and existing environment

- 1.7 The sites for the two NoRs - the Main Site Area and East Side Area - comprise the existing airport site and part of the Miramar Golf Club in the Wellington suburb of Rongotai. We use the same site descriptions as adopted by WIAL in the two NoRs, relating to both the Main Site Area and the East Side Area.
- 1.8 The sites and existing environment are well described in the AEEs⁷ and in Section 4 of the s42A Report prepared by the Council's independent planning consultant, Mr Mark Ashby⁸. We adopt those descriptions and highlight the following salient aspects of the sites and existing environment for contextual purposes:

⁷ See NoR (SR455891), p.6-9 & NoR (SR462159), p.6-8

⁸ Ashby s42A Report, p.7-10

- a. the **Main Site Area** comprises 110ha of land owned by or leased by WIAL and includes the main terminal, airport runway, taxi areas, parking, hangars, freight, cargo and other ancillary airport facilities, the Tirangi Road retail park, and the area including and surrounding the Rongotai Ridge immediately east of the Calabar Road/Miramar Drive/Cobham Drive roundabout;
 - b. the **East Side Area** comprises approximately half of the current 32ha links-style golf course immediately to the east of the Main Site Area – with the Miramar and Strathmore suburban neighbourhoods adjoining the golf course to the north and east (respectively), and the Moa Point wastewater treatment facility to the south. It is now owned by WIAL;
 - c. to the west of the Main Site Area is a combination of residential properties in Kilbirnie and the Business-zoned land at Kilbirnie North and Rongotai; and
 - d. the Main Site Area is bookended by Evans Bay to the north and Lyall Bay to the south.
- 1.9 Both sites are also located in the Air Noise Boundary as shown on Planning Map 35. They are accordingly subject to exposure to high levels of noise from aircraft during airport operational hours.

The proposed designations

WIAL's objectives

- 1.10 WIAL's objectives as requiring authority for the proposed designations are set out in Section 4 of the respective NoRs.
- 1.11 For the **Main Site Area**, the stated objectives are:
- a. *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;*
 - b. *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 use in the foreseeable future by New Zealand's major domestic airlines and international airlines in a sustainable manner; and*
 - c. *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:*
 - i. *providing for facilities and activities which will ensure the safe, effective and efficient operation of the Airport;*
 - ii. *providing for non-Airport activities and developments within the Airport, provided they do not compromise the ongoing and strategic transport role of the Airport;*
 - iii. *allowing the development of additional buildings and activities to ensure the effective and efficient functioning of the Airport; and*
 - d. *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.*⁹

⁹ NoR (SR455891), p.19-20

- 1.12 The objectives for the **East Side Area** are verbatim to the above, except in relation to the first of the aims. In that regard, the first objective for the East Side Area is “to establish a suitable planning regime that properly recognises the regional significance of Wellington International Airport” – this being exclusive of any qualification to do so while ensuring the impact of aircraft noise on the surrounding community is appropriately managed.¹⁰
- 1.13 We return to these stated objectives in Section 6 below with our consideration of the directions in s171(1)(c) of the RMA.

Proposed form of the designation

- 1.14 Both NoRs are for “*Airport Purposes*” but are subject to different volunteered limitations and conditions as to activities enabled or otherwise within that description.
- 1.15 The **Main Site Area** NoR proposes to enable the following:
- a. *aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;*
 - b. *aircraft rescue training facilities and emergency services;*
 - c. *runways, taxiways, aprons, and other aircraft movement areas;*
 - d. *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;*
 - e. *associated administration and office activities;*
 - f. *roads, accessways, stormwater facilities, monitoring activities, site investigation activities, infrastructure and utility activities, and landscaping;*
 - g. *vehicle parking and storage, rental vehicle facilities, vehicle valet activities, and public transport facilities;*
 - h. *signage, artwork or sculptures, billboards and flags;*
 - i. *hotel/visitor accommodation, conference facilities and services;*
 - j. *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;*
 - k. *structures to mitigate against the impact of natural hazards;*
 - l. *all demolition (if required) construction and earthworks activities, including associated structures;*
 - m. *ancillary activities, buildings and structures related to the above; and*
 - n. *servicing, testing and maintenance activities related to the above.*¹¹
- 1.16 While the proposed form of the designation for the **East Side Area** shares many of the same enabled activities as the Main Site Area, the overall range of activities is not as

¹⁰ NoR (SR462159), p.16-17

¹¹ NoR (SR455891), p. 20-21

broad. As described in the NoR, the activities specifically enabled in the East Side Area include:

- a. *aircraft operations and associated activities, including all ground-based infrastructure, plant and machinery necessary to assist aircraft operations;*
- b. *taxiways, aprons and other aircraft movement areas;*
- c. *navigation and safety aids, monitoring stations, lighting and telecommunications facilities;*
- d. *car parking, roads, accessways, pedestrian ways, stormwater and wastewater infrastructure, utility activities and security fencing;*
- e. *all demolition (if required) construction and earthworks activities, including associated structures;*
- f. *landscaping, planting, tracks and trails;*
- g. *ancillary activities, buildings and structures related to the above; and*
- h. *servicing, testing and maintenance activities related to the above.*¹²

1.17 WIAL modified these descriptions in its written reply by adding a note to qualify that any third party owned outdoor signage is outside the purpose of the designations.

1.18 The notified NoR also contained a range of conditions volunteered by WIAL to be imposed on the designation. These evolved through joint witness conferencing and the hearing process, culminating in the final suite of conditions attached to WIAL's written reply. We summarise those final volunteered conditions here for context and refer to them in further detail at intervals below.

Summary of volunteered conditions

1.19 The final conditions for both NoRs were presented as part of the final planning and landscape/urban design JWS and were formally adopted with some edits in WIAL's written reply. We have intentionally spent some time below outlining those as they now form part of, and inform our s171 consideration of, the environmental effects of allowing each NoR.

1.20 For the **Main Site Area** the final volunteered conditions were organised into 18 topic areas as summarised below.

1.21 Conditions 1 and 2 respectively identify the **activities which are, and are not, required to be subject to an outline plan of works** under s176A(1) of the RMA. Those activities identified as requiring an outline plan include:

- a. earthworks in the Rongotai Ridge Precinct and Hillock area that alter the ground level by more than 2.5m, disturb a total area of more than 250m² or are carried out on a slope exceeding 34°;
- b. any building or structure in the Terminal Precinct that exceeds 1,500m² or is within 20m of any external site boundary;
- c. in all other precincts, any building exceeding 12m above existing ground level; and
- d. signs in the Terminal Precinct that exceed limits on height, illumination and positioning.

1.22 Condition 3 stipulates **maximum heights/minimum setbacks** for buildings, including:

¹² NoR (SR462159), p. 17

- a. maximum height of 30m above ground level in the Terminal Precinct and of 18m in all other precincts except where otherwise categorised below;
 - b. buildings or structures used for hangars for Code C (or smaller) aircraft are not to exceed 15m in height;
 - c. in the West Side Precinct, buildings or structures used for Code E (or other wide body) aircraft hangars are not to exceed 20m in height or be located closer than 10m to any site boundary;
 - d. buildings or structures within 8m of the Golf Course Recreation Area are not to exceed 15m in height;
 - e. buildings or structures within 5m of the Golf Course Recreation Area are not to exceed 4m in height;
 - f. buildings within the South Coast Precinct are to be setback at least 10m from the Moa Point Road frontage; and
 - g. lift shafts, plant rooms and other similar features on buildings and structures are exempt from compliance with the height rules above;
- 1.23 Condition 4 manages **outdoor illumination** in accordance with relevant Australian and New Zealand Standards for the control of obtrusive effects of outdoor lighting and the design of pedestrian area lighting.
- 1.24 Under Condition 5, **existing trees are to be retained** unless they affect the safe operation of the Airport.
- 1.25 All activities are to comply with the relevant New Zealand Standard for **radiofrequency fields** under Condition 6.
- 1.26 Condition 7 imposes **vehicle access** restrictions and design requirements.
- 1.27 Conditions 8-10 specify a range of requirements relating to **urban design and landscaping**, including general provisions for all precincts, and specific provisions for the Terminal and Broadway Precincts. We discuss these in detail in our discussion of substantive matters below.
- 1.28 Under Conditions 11-13 various requirements are stipulated for **earthworks in the Rongotai Ridge Precinct and Hillock Area**, including preparation and adherence to an ECMP, specific assessment matters where any outline plan is required, and use of an archaeological accidental discovery protocol.
- 1.29 Condition 14 sets out requirements for **network utilities**, and Condition 15 requires WIAL to **consult with Airways** in relation to any project or work that affects the operation of Airways' navigation and service facilities.
- 1.30 Conditions 16-26 set out a measures for the **management of noise effects**, including:
- a. controls on aircraft operations¹³ to comply with a 24-hour night-weighted sound exposure limit of 65_{dB}A outside the Air Noise Boundary, measured in accordance with the relevant New Zealand standard;
 - b. curfews for domestic aircraft and international departures between midnight and 6am, and for international arrivals between 1am and 6am, with some exceptions;
 - c. respective limits on noise from aircraft engine testing, from ground power units and APUs and from all other land base noise sources within the Area; and

¹³ this excludes noise from aircraft operating in an emergency or as required to meet Civil Defence response needs

- d. requirements to maintain, update and comply with an NMP.
- 1.31 Condition 27 requires WIAL to submit an annual **carparking demand and supply** report to the Council, and to consider actions or strategies to be implemented in response to associated effects arising beyond the designation.
- 1.32 Finally, Condition 28 requires WIAL to investigate and implement actions that contribute to an **ongoing reduction in carbon footprint** and to report to Council on those investigations and actions on an annual basis.
- 1.33 The final volunteered conditions in relation to the **East Side Area** NoR address similar topics in some respects, but also address other matters not considered in the Main Site Area conditions.
- 1.34 Conditions 1-3 set out **requirements for outline plans** in the East Side Area, and for **staging and management plan certification**.
- 1.35 Conditions 4-8 relate to the preparation, implementation and amendment of the **LVMP**.
- 1.36 Conditions 9-24 relate to the management of **earthworks and geotechnical matters**, including requirements:
- a. to engagement of a qualified geoprofessional for reporting, investigations, and monitoring of site works;
 - b. to prepare and comply with an ECMP;
 - c. to commission an archaeological assessment prior to the commencement of works, and to implement any recommendations in the assessment; and
 - d. to provide as-built plans and a Geotechnical Completion Report to the Council at the completion of earthworks.
- 1.37 Under Condition 25, no **building or structure** may exceed 10m in height or be located closer than 5m from any adjoining residential boundary.
- 1.38 Conditions 26-39 relate to the management of noise, and include:
- a. controls on aircraft operations¹⁴ to comply with a 24-hour night-weighted sound exposure limit of 65_{dbA} outside an identified compliance line to the east of the site, measured in accordance with the relevant New Zealand standard;
 - b. respective limits on noise from aircraft engine testing, from ground power units and APUs and from all other land base noise sources within the Area;
 - c. restrictions on aircraft operations during the hours 10pm to 7am;
 - d. requirements to prepare, update and comply with the NMP; and
 - e. requirements for WIAL to offer to install mechanical ventilation to habitable rooms of identified residential dwellings affected by increased noise levels.
- 1.39 Condition 40 manages **outdoor illumination** in accordance with relevant Australian and New Zealand Standards for the control of obtrusive effects of outdoor lighting and the design of pedestrian area lighting.
- 1.40 Condition 41 sets out requirements for **network utilities**, and Condition 42 requires WIAL to **consult with Airways** in relation to any project or work that affects the operation of Airways' navigation and service facilities.

¹⁴ this excludes noise from aircraft operating in an emergency or as required to meet Civil Defence response needs

- 1.41 Condition 43 sets down a 10-year **lapse period** for the proposed designation. We note that there is no lapse period for the Main Site Area.
- 1.42 Condition 44 requires WIAL to investigate and implement actions that contribute to an **ongoing reduction in carbon footprint** and to report to Council on those investigations and actions on an annual basis.
- 1.43 And finally, Condition 45 provides for the **uplifting** of the Main Site Area designation over the part of the airport that overlaps with the East Side Area.
- 1.44 These 'final' versions of the conditions essentially comprise the proposals before us as we commenced our deliberations. Again, we discuss these measures in greater detail at various junctures below.

Submissions

- 1.45 The NoRs were notified in December of 2020. To allow extra time for submitters given the timing of the notification around the holiday period, the closing date for submissions was set at 12 February 2021, being 30 working days from notification.
- 1.46 The closing date was extended for a further two weeks due to an omission of information on the Council website. A total of 327 submissions were received on the proposals. Thirty-eight of those submissions were received after the closing date – however, the Council granted a waiver for those late submissions with the agreement of WIAL. Overall, 315 submissions were opposed to the NoRs, two were in support and 10 were neutral. As noted in Mr Ashby's s42A Report¹⁵, 285 of the opposing submissions used a pro forma template.
- 1.47 Mr Ashby's Report also provided a useful summary of the submissions, which we adopt. Some of the key submission themes included concern about:
- a. climate change effects and aircraft emissions;
 - b. adverse noise effects;
 - c. urban design and landscape effects;
 - d. traffic and transportation effects; and
 - e. effects associated with earthworks and infrastructure.
- 1.48 We return to these issues in Sections 4 - 7 of this report.

Role of the Panel

- 1.49 We were appointed¹⁶ by the Council to conduct the hearing and to make recommendations on the Council's behalf to WIAL pursuant to s171(2) and s171(3) of the RMA. It is WIAL – rather than the Panel or the Council – that ultimately has the decision-making function for these proposals.
- 1.50 It was not our role to introduce evidence about the proposals, but to hear the evidence of others and to make recommendations on the basis of that information.

¹⁵ Ashby s42A Report, p.19

¹⁶ Under delegation dated 24 February 2021

2.0 Hearing sequence

Pre-hearing Procedural Matters

- 2.1 Following our formal engagement, we issued a minute¹⁷ to the parties to set out some preliminary matters in preparation for the hearing. Specifically, the minute:
- a. set out directions for parties to indicate whether they would be calling expert evidence, and whether those experts would be available for conferencing;
 - b. encouraged parties to engage in pre-hearing meetings to narrow any issues in contention where possible;
 - c. described the sequence for expert evidence exchange;
 - d. set out our expectations for hearing presentations; and
 - e. invited parties to suggest any particular sites or localities that we should visit to inform our understanding of the proposal and the local environment.
- 2.2 After receiving responses to Minute 1, we issued Minute 2 to address additional procedural matters¹⁸.
- 2.3 The first matter related to the acoustic experts nominated by the Council, WIAL and Regional Public Health and the attendance of the experts at conferencing. Specifically, WIAL expressed a concern that Regional Public Health sought for both its independent acoustic consultant – Dr Stephen Chiles – and Dr Stephen Palmer in his capacity as Regional Officer of Health - to attend acoustic conferencing. For reasons we expressed in the Minute, we found WIAL's concern to be valid and ruled that only acoustic experts should attend the acoustic conferencing.
- 2.4 In excluding Dr Palmer from conferencing, we noted that he would nevertheless have every opportunity to present to us within his area of expertise at the hearing coupled with the ability to apply that expertise to the results of the acoustic expert conferencing. We took that opportunity to also frame some questions to be considered by the acoustic experts in conferencing. We noted the list of questions was not exclusive, and that the experts could discuss other relevant matters.
- 2.5 The second matter addressed by Minute 2 was to provide a general update to all parties on developments since Minute 1, including:
- a. that agreement had been reached between WIAL and Heritage New Zealand Pouhere Taonga and WIAL and Airways on conditions relating to archaeological and aircraft operational matters respectively;
 - b. clarification that the submission from Generation Zero was missed in the combined submission pdf on the Council website, and that the submission was lodged correctly and would be added to the document accordingly;
 - c. that Waka Kotahi signalled that the substance of their submission had been addressed by proposed conditions relating to the ECMP;
 - d. that Regional Public Health confirmed an amendment to its submission, being to delete material relating to airborne contaminants; and
 - e. that agreement had been reached between WIAL and Powerco on conditions such that Powerco would withdraw its submission.

¹⁷ Minute 1 dated 23 March 2021

¹⁸ Minute 2, dated 3 May 2020

s42A report

- 2.6 Mr Ashby's s42A report was circulated on Wednesday 28 April 2021. It comprised:
- a. background material, descriptions of the site and existing environment;
 - b. a description of the proposals and their respective purposes;
 - c. an overview of relevant statutory considerations;
 - d. assessments of environmental effects and of the proposals' fit with higher order planning documents, Part 2 of the RMA and other relevant matters;
 - e. consideration of the necessity of the proposed works and of alternatives; and
 - f. conclusions and recommendations, including in relation to conditions that should be imposed if the designations are confirmed.
- 2.7 Mr Ashby also attached the following to his report:
- a. copies of further information requests made by the Council and the responses provided by WIAL;
 - b. the notification report for the Main Site Area¹⁹;
 - c. submission summary tables;
 - d. an assessment of noise effects prepared by Mr Borich;
 - e. urban design reports for the respective NoRs, produced by Council's consultant urban designer, Ms Robin Simpson;
 - f. a review of WIAL's transportation assessment prepared by Council's Chief Transport Advisor, Mr Steve Spence; and
 - g. advice and recommendations on servicing matters from Wellington Water.
- 2.8 Having drawn on the information and views expressed in the various appendices and carried out his own assessment, Mr Ashby concluded that:
- a. the Main Site Area NoR:
 - i. is in keeping with Part 2 of the RMA and generally in keeping with the provisions in s171 of the RMA;
 - ii. is generally consistent with higher order planning documents, except in relation to some traffic and transportation effects;
 - iii. will result in an acceptable level of effects, provided appropriate conditions are imposed;
 - b. the East Side Area NoR:
 - i. is in keeping with much of Part 2 of the RMA – however, there remain concerns about amenity effects, principally in relation to noise;
 - ii. will entail noise effects that result in an unacceptable loss of amenity for some nearby residents;
 - iii. is consistent with the RPS aims for regionally significant infrastructure, but is inconsistent with the operative Plan in many respects; and
 - iv. is questionable as to whether the works are reasonably necessary

¹⁹ No notification report was prepared for the East Side Area, as WIAL requested the proposal be notified in conjunction with the Main Site Area NoR.

- c. in the case of both NoRs, climate change remains an overlying matter of concern;²⁰
- 2.9 It was Mr Ashby's view that we should recommend to WIAL that the Main Site requirement be confirmed subject to conditions and that the East Side requirement be withdrawn unless appropriate noise and climate change conditions can be developed.²¹

WIAL's evidence

- 2.10 WIAL circulated its expert evidence on Wednesday 5 May 2021.
- 2.11 This included statements from the following:
- a. Mr Matthew Clarke – Chief Commercial Officer at WIAL;
 - b. Mr John Howarth – General Manager Infrastructure and Development at WIAL;
 - c. Mr Michael Vincent – Airline Development Manager at WIAL;
 - d. Mr John Kyle – Consultant Planner;
 - e. Mr Iain Munro – Aviation Strategy & Planning Consultant;
 - f. Mr Ken Conway – Aviation Consultant on climate change matters;
 - g. Ms Laurel Smith – Acoustic Consultant;
 - h. Dr Frank Boffa – Consultant Advisor on Landscape & Visual effects;
 - i. Mr Andrew Read – Consultant Lighting Engineer;
 - j. Mr Philip Robins – Consultant Geotechnical Engineer; and
 - k. Mr Mark Georgeson – Consultant Transportation Engineer.
- 2.12 WIAL's evidence outlined initial investigations carried out in support of the NoRs, responded to matters raised in the s42A Report and submissions, and proposed various amendments to the volunteered conditions (among other matters).
- 2.13 We discuss the substance of the WIAL's evidence in greater detail in Sections 4, 5, 6 and 7 below.

Expert witness conferencing

- 2.14 Expert witness conferencing was conducted after the circulation of WIAL's evidence. Here we briefly summarise the results of the conferencing by topic area. The substance of the various JWS' is also discussed at relevant junctures in Sections 4, 5, 6 and 7 below.

Acoustic conferencing

- 2.15 The experts who conferred on acoustic matters were Ms Smith for WIAL, Mr Borich for the Council and Dr Chiles for Regional Public Health.
- 2.16 The experts focussed on the five topic areas we set out in Minute 2, and while they were also able to discuss matters relevant to the Main Site Area NoR, time precluded any recording of those discussions being incorporated into the JWS.
- 2.17 To summarise the key points in the JWS:

²⁰ Ashby s42A Report, p.61-62

²¹ Ibid, p.62

- a. the experts agreed that APUs, taxiing aircraft and construction are the predominant noise sources associated with the East Side Area NoR;
- b. while Dr Chiles and Mr Borich agreed that the effects of APUs are understated in Ms Smith's original assessment, Ms Smith did not share that view for the reasons expressed in her EiC;
- c. that said, all three experts agreed that if APUs from the Main Site Area are included in the relevant New Zealand Standard (6802:2008) assessment of future noise from such units, then the 5dB duration adjustment would not apply and Ms Smith's predicted rating levels would exceed the land-based activity noise limit of 55dB L_{Aeq} (15min) at some East Side Area receivers;
- d. Dr Chiles and Mr Borich agreed on the above basis that short-term noise levels from APUs exceed guideline criteria from the NZ Standard and could result in undue disturbance to residents;
- e. the experts all agreed that acoustic treatment of houses affected by the East Side Area NoR is warranted, but they held different reasons for reaching that finding, and, accordingly, different opinions on the appropriate timing of the treatment to be applied;
- f. related to the above, Dr Chiles and Mr Borich agreed that treatment is warranted before the East Side Area becomes operational to reduce the effects from overall aircraft noise and also single event noise – whereas Ms Smith reinforced the view in her EiC that the treatment should be offered when noise levels reach 60 db L_{dn} at given receivers;
- g. the experts were unanimous that the noise environment for sensitive receivers affected by the East Side Area NoR is already compromised and impacted by airport activity – they also agreed that daytime outdoor amenity would be further compromised as a result of the NoR, though the extent to which that occurs would be variable depending on site specific characteristics;
- h. the experts are not aware of any practicable mitigation to address outdoor amenity beyond the operational limits set out in the NoR;
- i. the experts agreed (or agreed in principle) to a range of matters relating to noise conditions for construction; and
- j. the experts agreed that a permanent noise monitor should be installed and administered as part of the NMP.

Traffic conferencing

- 2.18 Expert conferencing on traffic matters was attended by Council's Chief Transportation Mr Spence, and Mr Georgeson for WIAL.
- 2.19 The experts conveyed the following in their JWS:
- a. agreement that that ongoing growth at the Airport is consistent with the objectives and outcomes of Let's Get Wellington Moving, being to consolidate growth at key nodes, linked by mass rapid transit, to support a shift to non-private vehicle travel modes;
 - b. agreement that WIAL has a key role in collaboration with the developers of Let's Get Wellington Moving;

- c. agreement that public transport operated successfully at the Airport via the Airport Flyer service until it ceased operations in November 2020, and that the Airport's transport hub provides necessary infrastructure should a service be resumed;
- d. Mr Spence expressed a desire for greater security of a public through route to be agreed between the Council and WIAL – Mr Georgeson noted this could be achieved via a Council designation, and while Mr Spence agreed that option is available, but he expressed a preference for a negotiated approach;
- e. agreement that WIAL has on-site parking supply that has substantial capacity for growth, but that some people also choose to park in nearby areas at Miramar South rather than at the airport; and
- f. agreement that WIAL's volunteered conditions relating to carparking monitoring and reporting acknowledges WIAL's responsibility in managing carparking and adopting ongoing improvements – though Mr Spence also gave the view that WIAL and the Council should develop a joint working approach to managing external parking effects.

Landscape & urban design conferencing

- 2.20 Conferencing on landscape and urban design matters was attended by Dr Boffa for WIAL and Ms Simpson for the Council.
- 2.21 Dr Boffa and Ms Simpson expressed a high degree of agreement on a range of matters. For example, they agreed that final design of any retaining structure in the East Side Area will be informed by geotechnical advice and that the effects of the structure can be suitably managed.
- 2.22 The experts also agreed that the hillock adjacent to Moa Point is visually relevant for the South Coast Precinct within the Main Site Area. However, they disagreed about the visual and landscape significance of the hillock. Ms Simpson's view is that the hillock is a notable, albeit not outstanding, landscape element in the area and that it has associated value. Dr Boffa's view is that the hillock's value is limited in this context.
- 2.23 Dr Boffa and Ms Simpson also agreed that a Design Guide for the Broadway Gateway would be appropriate and that the required LVMP for the East Side Area NoR is appropriate. Ms Simpson considered that an additional guide should be prepared to address the Terminal and ancillary buildings in the Main Site and East Side Areas, whereas Dr Boffa considered the existing requirements codified in the volunteered conditions would be adequate.

Geotechnical conferencing

- 2.24 Conferencing on geotechnical matters associated with the East Side Area NoR was attended by Mr John Davies for Council and Mr Robins for WIAL.
- 2.25 They agreed on all matters discussed, including that the proposed development for the East Side Area is geotechnically feasible, though significant investigation, design and reporting are yet to occur. They also agreed on a suite of conditions that should be imposed to ensure geotechnical effects are appropriately managed. The experts did not identify any areas of disagreement in the joint witness statement.

Planning conferencing

- 2.26 Mr Kyle and Mr Ashby attended the planning conferencing session. They attached annotated versions of the proposed conditions which incorporated amendments agreed by both experts. There were some matters and conditions that the planners did not reach consensus on, and the experts advised they would address us in detail on those matters at the hearing.
- 2.27 Mr Ashby and Mr Kyle were in agreement about the proposed conditions requiring the investigation, implementation and reporting measures towards de-carbonisation.
- 2.28 On noise matters, the planners noted that WIAL signalled agreement, after the acoustic conferencing, to provide and fund acoustic treatment to all properties identified as affected by the East Side Area NoR. This, they noted, resolved one of the points of disagreement between acoustic experts as to the appropriate timing for treatment to be offered. Mr Kyle and Mr Ashby agreed amendments to the conditions to implement WIAL's offer in this regard. As a consequential amendment, and given the contents of the NMP conditions, they also agreed that a condition recommended by Mr Ashby to require WIAL to take steps towards noise reduction could be amended.
- 2.29 The planners also agreed that:
- a. the Broadway Precinct is significant as the main gateway to the Airport and suburbs beyond and this significance is compounded by being adjacent to WIAL's Kauri Street site, which includes specific urban design conditions related to that prominence.
 - b. a consistent approach to urban design conditions should be applied across the respective areas, and recommended amendments to the conditions to implement that.
- 2.30 The planners were aligned with their respective urban design advisors in that Mr Ashby supported Ms Simpson's design guide approach for the Terminal Precinct, and Mr Kyle supported Dr Boffa's design principle approach.
- 2.31 Similarly, Mr Ashby expressed the view that design guidance should be used to manage any building at the interface with the surrounding area and for large buildings in the Precinct; however, he conveyed that smaller buildings located away from boundaries need not be subject to such scrutiny. Mr Kyle preferred to rely upon the outline plan process to manage the effects of larger buildings, or those in close proximity to site boundaries.
- 2.32 The planners agreed that the obstacle limitation surface designation would have the effect of limiting development in the Rongotai Ridge Precinct; however, Mr Ashby retained a concern that some development could occur within those limits which may have adverse effects in terms of landscape amenity and traffic safety. The planners also expressed different preferences as to the structure of the conditions, and these were subsequently expanded upon at the hearing.

Submitter expert evidence

- 2.33 Two submitters called evidence from expert witnesses.
- 2.34 Regional Public Health called the following two experts:
- a. Dr Stephen Palmer – Medical Officer of Health for Regional Public Health; and
 - b. Dr Stephen Chiles – Acoustic Consultant.

- 2.35 International Climate-Safe Travel Institute called evidence from Mr Roland Sapsford Consultant Economic Advisor.
- 2.36 As with the Council and WIAL experts, we substantively discuss the evidence of these submitters in further detail below.

Site Visits

- 2.37 We undertook a site visit on 18 May 2021. We visited all relevant areas both within the airport site and the surrounding area. This included a visit to Bunker Way which is a private road. We were assured that visiting Bunker Way for the purposes of viewing the airport from that location was acceptable as we were on official business.
- 2.38 We then undertook another site visit after the hearing on 29 July 2021. This visit did not include a visit to airport site but did include visits to those residential areas that would be particularly impacted on by the East Side NOR with the exception of Bunker Way. We did not revisit Bunker Way again due to the complaint made by one the residents that we were, essentially, trespassing. We also visited the area delineated in the Main Site Area NoR as the Rongotai Ridge Precinct.

Hearing Proceedings

- 2.39 The hearing convened at 9:00am on Wednesday 19 May 2021 at a conference room in Rydges Hotel, Wellington International Airport.
- 2.40 After we set out some procedural matters, WIAL opened its case with legal submissions from Ms Amanda Dewar. Ms Dewar then called her expert witnesses whose evidence was pre-circulated as summarised above. WIAL's experts spoke to a brief summary of their evidence and responded to questions arising from us. The summaries were all provided in writing.
- 2.41 We took all the submissions as read and a large number of submitters did not seek to be heard at the hearing. We have recorded below those submitters that were heard from and include a brief summary of the key points
- 2.42 Mr Justin Tighe-Umbers, the Executive Director of the Board of Airline Representatives of New Zealand Inc (BARNZ) presented to us in support of the WIAL's proposal. BARNZ's support was that the NORs:
- a. Replicate a suitable planning regime that recognises the national and regional significance of Wellington Airport;
 - b. Provide for the operation, maintenance, upgrading and growth of airport facilities in a way that provides for the aircraft types currently in use and likely to be in use for the foreseeable future by NZ's domestic and international airlines;
 - c. Ensure that the airport facilities and activities are fit for purpose, can meet forecast demand and provide a quality service to passengers;
 - d. Enable an efficient and flexible approach to developing the airport while also managing the actual or potential effects of future development and the interface with sensitive land use activities.
- 2.43 Mr A D Gibson's (local resident in Lyall Bay) submission related to the Main Site Area, and he supported the proposal subject to various amendments. The main focus of Mr Gibson's submission related to the building height enabled under the conditions for the Main Site Area NoR. He made the following key points:
- a. In his view 20m-high hangars could result in a significant adverse visual effect depending on their location within the area. Mr Gibson supported the

recommendations of Ms Simpson that a lower enabled height of 9m be adopted for buildings along street frontages, with opportunities for more generous heights to be enabled at graduated steps of up to 12m, 15m and 20m with greater setbacks being applied.

- b. He also expressed support for the proposed landscape and visual mitigation conditions and sought amendments to the description and purpose of the designation for the sake of clarity.

2.44 Ms Helen Salisbury has been a resident of Tirangi Road for a decade, and a representative on the Air Noise Management Committee since 2017. She is also a recipient of works to her dwelling as part of the Quieter Homes package provided by WIAL. Ms Salisbury addressed us on a range of issues, primarily relating to noise and built form. She:

- a. sought clarification as to whether the term 'aircraft operations' includes taxiing of aircraft for noise management purposes. If taxiing is excluded, Ms Salisbury's view is that the noise control contours for the airport are likely to underrepresent the actual amount of noise experienced by receivers as a result of airport operations;
- b. expressed the view that the sound exposure level from taxiing within the East Side Area would be significant based on WIAL's acoustic evidence, and she supported Mr Borich's recommendation that limits be imposed on taxiing under power in the East Side Area;
- c. raised concerns about air quality effects of the airport's operations and sought for baseline air quality monitoring to be carried out;
- d. like Mr Gibson, expressed a desire to see lower building heights enabled where in proximity to residential area; and.
- e. voiced concerns about the general traffic woes in the eastern suburbs, which she anticipated to be increased as a result of greater airport use.

2.45 Mr Jeffrey Weir presented to us as a resident of Raukawa Street in Strathmore Park. The main points in his presentation related to community engagement and noise; however, Mr Weir also raised matters he wished to have greater clarification on. For example, he:

- a. questioned whether WIAL had taken into account the efficacy of local pest eradication as a potential contributor to increased likelihood of bird strike.
- b. explained to us why he considers that WIAL has failed to undertake meaningful consultation with affected parties in relation to the proposals. For example, he noted that while WIAL held two drop-in sessions for the public to make inquiries at, WIAL did not directly communicate with affected parties about the timing or substance of the sessions ahead of time.
- c. expressed concern about the adverse effects of noise of people's health. He stressed the importance of the buffer currently provided between the airport and local residents as a noise mitigation tool, and noted the efficacy of the buffer would be eroded by the proposed East Side Area NoR. He drew our attention to relevant policy wording in the operative Plan relating to this very point, and he added:

So the current regulatory noise control framework consists of an Air Noise Boundary set under NZS 6805:1992 and a buffer. It does not consist of an ANB alone. This compound framework clearly recognises that the ANB concept that focuses on

*averages – and that lack of outer Control Boundary that other airports get to boot – is not a satisfactory tool on its own to manage noise impacts on amenity and health.*²²

- 2.46 In Mr Weir's assessment the effect of the East Side Area NoR would be to reduce the current separation distance between aircraft and the closest sensitive receivers from 400m to 230m. Like Ms Salisbury, Mr Weir added that taxiing brings the noise of aircraft closer again. He noted also the anticipation that larger, noisier aircraft will be more prevalent at the airport in the future. In Mr Weir's view, the proposal would result in a significant and prolonged increase in peak noise events.
- 2.47 Mr Benoit Pette addressed us on climate change, noise and economic matters. On the former, he noted that even with improvements in aircraft emission technology, the anticipated increase in aircraft numbers enabled by the proposals would lead to greater land and air emissions. Mr Pette also:
- a. drew our attention to the Te Atakura implementation plan which, among other matters, identifies a high proportion of Wellington residents are demanding of action against climate change, and sets city-wide emission reduction targets over the next 10 years.; and
 - b. added that the proposals would create a significant increase in noise levels for local residents and would have adverse effects on the economic prosperity of Wellington due to increased emissions and other factors.
- 2.48 Mr Chris Watson also addressed us on a range of matters. He gave the view that WIAL's AEEs are incomplete, including in relation to the impacts of COVID-19. Mr Watson questioned whether WIAL's aims of achieving sustainable operations are realistic given its forecast contribution to air pollution. Like Mr Weir, Mr Watson noted the importance of the buffer effect provided by the golf course area, and that loss of the buffer would result in significant adverse noise effects. Mr Watson also expressed concern about increased vehicle traffic associated with more intensive use of the airport. His view was that the proposals should not be confirmed.
- 2.49 The submission from Generation Zero was represented by Mr Arran Whiteford. In his words, Mr Whiteford's presentation was focussed on three main points: the first is climate change, the second is climate change, and the third is climate change. He added that action on climate change means ceasing development of fossil fuel-based infrastructure and the continuous growth in greenhouse gas emissions.
- 2.50 Mr Whiteford also gave the view that WIAL's proposed expansions are based on flawed forecasts and are contrary to the direction that Wellington and its economy are moving in. Mr Whiteford drew our attention to the targets set for carbon neutrality by the Council, GWRC and Central Government, and to the measures taken by actors in the private sector to reduce emissions in response to climate change. This shift in policy stance by public and private sector alike undermines the economic basis for operational expansion at the airport according to Mr Whiteford.
- 2.51 Mr Karl Frost represented the Strathmore Park Residents Assn Inc. The Association's concerns were largely with the East Side Area and the significant reduction in the buffer that the golf course provides to the residents of Strathmore Park. They were concerned that WIAL had not properly engaged with the community and spoke to a number of adverse effects set out in detail in their written submission.
- 2.52 Amanda Thomas, a lecturer in environmental studies at Victoria University of Wellington, spoke to her submission. She stated that the expansion of the airport will have particularly negative effects (specifically noise and air pollution) on the community

²² Weir oral submission (20/5/21), p.4-5

at Strathmore Park, one of the most deprived communities in Wellington. She was critical of what she described as WIAL's very little engagement with the community.

- 2.53 James Fraser, Co-Convenor of Save the Basin Inc, stated that this organisation opposed the NORs particularly on grounds of climate change but also in relation to the impacts and effects the expansion would have on the neighbours and wider community.
- 2.54 Kieran Martin and Cally O'Neil both spoke to their submissions opposing the WIAL NORs for similar reasons as other submitters.
- 2.55 Mr James Baber opposed the NORs particularly on climate change effects reasons. He questioned the expansion at this time in relation to the impacts of Covid-19, traffic and transportation effects and Wellington's housing needs. He was concerned about amenity effects on the neighbouring community.
- 2.56 Ms Yvonne Weeber addressed us in her capacity as Chairperson of the Guardians of the Bay. She highlighted the key aspects of the Guardians' submission in opposition to the NoRs, including that:
- a. adverse amenity and noise effects of the East Side NoR will be significant and cannot be mitigated by the proposed conditions;
 - b. the NoR should be withdrawn on climate change ground alone due to inability to mitigate climate change effects;
 - c. the added flexibility enabled by the Main Site NoR is inappropriate and will be to the detriment of the environment, amenity values, health and welfare of the surrounding community;
 - d. the use of 'design statements' in the NoR conditions is generally supported – however, the further recommendations of Ms Simpson on design matters should be adopted as well, including requirements for a comprehensive urban design guide;
 - e. the use of multiple designations, with various management plans and other conditions makes for a fractured planning regime that is difficult for the public to understand and engage with;
 - f. WIAL has failed to consider the economic impact of likely measures required to reduce greenhouse gas emissions, and the East Side Area NoR threaten the emission reduction targets set the Council and GWRC – rather than increasing the number of flights in the future, the Guardians support a progressive reduction in flights;
 - g. WIAL should better understand, and work within, its limited site area – rather than continually expanding outward;
 - h. building heights of up to 30m in the Terminal Precinct are excessive and will greatly increase the magnitude of visual effects;
 - i. removal of the hillock at Moa Point will create significant adverse visual effects;
 - j. the Rongotai Ridge Precinct should be managed under general District Plan provisions rather than a designation due to its extreme visibility;
 - k. a lighting management plan would be preferable to the proposed conditions on lighting so as to provide greater certainty of what to expect to the community;
 - l. the East Side Area NoR will erode the buffer currently protecting residential activities to the east of the airport – this is a significant adverse effect that cannot be mitigated;

- m. the East Side Area NoR will result in unacceptable levels of noise for residents in Raukawa Street, Bunker Way and Kekerenga Street;
 - n. stormwater from the airport is an issue when it directly discharges into the sea at Lyall Bay, and this adversely affects the recreational use of the Bay for walkers, swimmers and surfers; and
 - o. stronger conditions should be imposed if the requirements are confirmed, and there should be as much similarity as possible between the conditions for the Main Site Area NoR and the East Side Area NoR.
- 2.57 Mr Karunanidhi Muthu has been a resident of Bunker Way for eight years. His presentation related principally to the East Side Area NoR and the effects it would have on his family and neighbours. In Mr Muthu's view the proposal has not met the requirements under s171 of the RMA. He expressed concern about:
- a. the loss of the existing buffer area;
 - b. the resulting higher exposure to noise levels and light pollution for adjoining residents; and
 - c. the financial, emotional, health and environmental effects that flow from that.
- 2.58 Mr Muthu gave the view that WIAL could adopt alternatives to the expansion within its existing land that would retain the buffer to the benefit of the surrounding area.
- 2.59 Mr Timothy Jones told us that he is opposed to both NoRs, that each proposal fails to meet the RMA's purpose and would result in significant adverse effects that cannot be mitigated. Mr Jones supported Mr Ashby's recommendation that the East Side NoR be withdrawn due to the significant noise effects arising and on climate change grounds. On the latter point, Mr Jones amplified the submissions of Ms Dewar that we are empowered under the Zero Carbon Act to take climate change targets and emission reductions into account. He also underscored the evidence of Mr Sapsford and the doubt it casts on WIAL's assessment that the proposals will lead to economic benefits.
- 2.60 Mr Tom Bennion represented the submission from International Climate-Safe Travel Institute. Mr Bennion expressed that climate change is relevant to our consideration of the proposals in at least four respects, being:
- a. whether the proposal is reasonably necessary to meet the stated objectives;
 - b. whether climate change will affect the proposal due to changes in demand and other impacts of climate change;
 - c. whether the proposal is overall sustainable management under RMA s5(2); and
 - d. international commitments and government carbon neutral policy as relevant matters under section 171(d).
- 2.61 Mr Bennion gave the view that we are not able to satisfy ourselves that the NoRs are reasonably necessary to meet their objectives. He pointed to a lack of evidence to account for economic factors that rule against enabling further expansion of airport operations. Like other submitters, Mr Bennion referred to climate change initiatives by central government and the flow-on impacts such initiatives will have on the economic viability of the airport's future operations.
- 2.62 Mr Bennion raised doubt about the proposals' fit with Part 2 of the RMA, noting:

41. An enlarged airport with growing emissions will be a growing disbenefit in economic terms for the local and national economy as resources are diverted to expensive SAF fuels and/or governm[ent] need to purchase offsets to deal with emissions.

42. An enlarged airport will also increase social disparity, as flights become more expensive. This may be most oppressive for poorer communities living near the airport.²³

- 2.63 Mr Bennion also gave the view that we should take account of the Paris Agreement and the Climate Change Response Act 2002 and other related matters under s171(d).
- 2.64 Mr Sapsford was unable to attend the hearing in support of his evidence for the Institute, so we were unable to ask any questions of him.
- 2.65 Councillor Thomas Nash and Scott Gallagher (Metlink) spoke to the submission from GWRC. The focus of the submission was in relation to public transport links to the airport and associated matters, such as carparking. The GWRC requested the following conditions be included in addition to those offered by WIAL:
- a. *That the Airport should allow free and frequent access to its precinct for Metlink*
 - b. *public transport buses so that Metlink can provide a convenient, direct and affordable public transport service.*
 - c. *That the Airport should provide for the expansion of public transport services bringing more people directly to the departures and arrivals areas of the airport,*
 - d. *including space for an improved interchange for express bus services. This interchange should provide room for public transport services to expand in the future.*
 - e. *That a proportion of revenue from car parking and vehicle access to the airport be levied to contribute to improving active and public transport travel options to the airport.*
 - f. *That there be a limit to the number of private car parking spaces within the airport precinct that are available at all times.*
- 2.66 We asked a number of questions of the representatives from GWRC regarding the public transport links to the airport and when these could be expected to resume. We were informed that the GWRC was hopeful that a tender process for a service would be completed this year with a view to the resumption of services in early 2022.
- 2.67 We note that Heritage New Zealand Pouhere Taonga tabled a written statement in support of its submission. This focussed on the wording of conditions for the East Side NoR relating to the timing of future archaeological assessments, and any associated parallel archaeological authority process required. The statement also noted that the condition requiring an accidental discovery protocol could be amended to only relate to parts of the area that are not otherwise subject to a granted archaeological authority.
- 2.68 Following the presentations from submitters, we heard from the Council experts and had the opportunity to question them on a range of matters.
- 2.69 Following the Council presentations, we took the opportunity to summarise matters raised during the hearing that we required further assistance with, and advised that we would issue a minute to formally record those matters.
- 2.70 We then adjourned the hearing, pending the receipt of that additional information.

²³ Bennion presentation notes, p.7

Actions during the adjournment

Minute 3

- 2.71 On 25 May, we issued Minute 3. The minute confirmed our directions at the hearing that additional expert conferencing be conducted on urban design, landscape and planning matters and it set down a timeframe for those discussions. We specified eight particular matters to be addressed in the conferencing, including the thresholds for outline plans, use of design principles versus a design guide, inclusion or not of the Rongotai Ridge Precinct in the Main Site Area NoR, and permissibility of third-party advertising to name a few.
- 2.72 We also set out specific planning matters for Mr Ashby and Mr Kyle to address, including relevant points raised in the presentation of Mr Weir.
- 2.73 We also allowed time for Dr Palmer to file a written supplementary statement relating to his comments on Ms Smith's summary evidence presented at the hearing.
- 2.74 Finally, the minute recorded a date for receipt of WIAL's right of reply.

Dr Palmer's supplementary statement

- 2.75 Dr Palmer duly filed his supplementary statement on 3 June. In this statement, Dr Palmer addressed the substance of six paragraphs from Ms Smith's summary evidence. Again, we speak to the substance of Dr Palmer's views expressed in his EIC and this supplement at junctures below.

Landscape, urban design and planning conferencing

- 2.76 A combined JWS was provided on 11 June to present the results of conferencing on landscape and urban design matters between Ms Simpson and Dr Boffa, and on planning matters and conditions between Mr Kyle and Mr Ashby.
- 2.77 As with the pre-hearing conferencing and the efforts of these experts at the hearing, we were greatly assisted by this additional conferencing, and express our gratitude again in this respect.
- 2.78 Where relevant to our subsequent discussion of substantive matters, we address the content of this final joint witness statement in further detail below.

Hearing closure

- 2.79 On 13 July, we issued Minute 4. The minute confirmed our receipt of the additional joint witness statements, the statement from Dr Palmer and the written reply from WIAL.
- 2.80 We noted also our confirmation that we had sufficient information to make our recommendations such that the hearing could be closed.
- 2.81 We noted that we would be unable to meet the statutory timeframes for delivering our recommendation due to other commitments; however, we confirmed that we would be able to provide the report on or before 23 August, being a doubling of timeframes as provided for under section 37 of the RMA.

Further Site Visits

- 2.82 As noted above we undertook a further site visit after the hearing focussing particularly on Strathmore Park and the area including and surrounding the Rongotai Ridge.

3.0 Statutory considerations and other matters

Overview

- 3.1 Here we identify the relevant provisions of the main RMA statutory instruments that we must have particular regard to under s171(1)(a), followed by the non-statutory matters that we must have particular regard to under s171(1)(d).
- 3.2 We acknowledge Ms Dewar's assistance to us with recommendations as to how we should go about the organisation of our substantive consideration of relevant matters. We are grateful for her considered submissions in that respect.
- 3.3 To be clear, we emphasise that this section of our report simply sets out – as an inventory - the relevant provisions in the statutory and non-statutory instruments that we must have particular regard to. The actual evaluation of the applicability of these provisions and the manner in which they inform our assessment of effects is considered in Section 5 of this report.

National Policy Statement on Urban Development

- 3.4 The only national policy instrument we were advised as being relevant to the proposals is the NPS-UD. Its stated purpose is about recognising the national significance of:
- a. urban environments and enabling such environments to develop and change; and
 - b. providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.²⁴
- 3.5 The relevant aims of the NPS-UD we have considered are:
- a. *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;*²⁵
 - b. *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations;*²⁶
 - c. *Planning decisions relating to urban environments take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi);*²⁷
 - d. *Decisions on urban development that affect urban environments are:*
 - i. *integrated with infrastructure planning and funding decisions;*
 - ii. *strategic over the medium term and long term; and*
 - iii. *responsive, particularly in relation to proposals that would supply significant development capacity;*²⁸ *and*
 - e. *New Zealand's urban environments:*
 - i. *support reductions in greenhouse gas emissions; and*
 - ii. *are resilient to the current and future effects of climate change.*²⁹

²⁴ NPS-UDC, statement of national significance. p.9

²⁵ Objective 1

²⁶ Objective 4

²⁷ Objective 5

²⁸ Objective 6

²⁹ Objective 8

- 3.6 In implementing these objectives, the NPS-UD directs planning decisions to contribute to well-functioning urban environments. Among several other factors, such environments must have or enable a variety of sites that are suitable for different business sectors in terms of location and size. They also must have good accessibility for all transport modes.³⁰
- 3.7 Furthermore, district plans are to enable building heights and density that are commensurate with the greater of either the level of accessibility of existing or planned public and active transport or the relative demand for housing and business activity.³¹ Exceptions may be made³² to this direction where evidence supports such a departure to accommodate certain 'qualifying matters' – such as matters of national importance under s6 RMA, matters required to implement National Policy Statements, or matters required to ensure the safe, efficient operation of nationally significant infrastructure.³³
- 3.8 Planning decisions that affect urban environments are also to have regard to:
- a. potential for significant changes to result for areas where RMA planning documents give effect to the NPS-UD;
 - b. that those changes may detract from amenity values appreciated by some, but improve amenity values appreciated by others;
 - c. that those changes are not, in of themselves, an adverse effect;
 - d. the benefits of urban development that are consistent with a well-functioning urban environment;
 - e. any relevant contribution that will be made to meeting the requirements of the NPS-UD to provide or realise development capacity; and
 - f. the likely current and future effects of climate change.³⁴
- 3.9 Finally, we note the direction that district plans are not to set minimum carparking requirements apart from accessible carparks; and Councils are strongly encouraged to manage effects of carparking supply and demand through management plans.³⁵

Regional Policy Statement for the Wellington Region 2013

- 3.10 The relevant RPS objectives for the proposal are contained in chapters 3.3 and 3.9 of the RPS. These aims are implemented by various policies in RPS chapter 4.
- 3.11 Under RPS Objective 10, the benefits of the Airport as “regionally significant infrastructure” are to be recognised and provided for. Policy 39 provides associated direction on the implementation of Objective 10 when considering any NoR. Of most relevance, the policy directs that we have particular regard to the social, economic, cultural and environmental benefits of the Airport as “regionally significant infrastructure”.
- 3.12 RPS Objective 21 is that communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events. It is implemented by Policy 51, which directs that the risks and consequences of natural hazards on people, communities, property and infrastructure will be minimised. In determining the appropriateness of any NoR, the policy requires that particular regard is given to nine matters. We do not reproduce

³⁰ Policy 1

³¹ Policy 3

³² Per Policy 4

³³ As identified in Subpart 6, NPS-UD

³⁴ Policy 6

³⁵ Policy 11

those in detail, but note they address a range of factors such as the frequency and magnitude of hazard events, associated risk and measures to manage that risk.

- 3.13 Objective 22 aims for a compact, well designed and sustainable regional form that has an integrated, safe and responsive transport network, and makes efficient use of existing infrastructure (among other matters). The objective is implemented by several policies to be taken into account when considering any NoR, including most relevantly:
- a. Policy 54, which directs that particular regard is to be given to achieving the region's urban design principles³⁶ set out in RPS Appendix 2;
 - b. Policy 57, which requires us to give particular regard to several matters in making progress towards the outcomes expressed in the Wellington Regional Land Transport Strategy – of most relevance, these matters require consideration of whether traffic generated by the proposal can be safely and efficiently accommodated in the local transport network including any necessary upgrades, and whether the connectivity and accessibility is achieved to key facilities via a range of transport modes;
 - c. Policy 58, which requires our consideration of whether any NoR is located and sequenced to make efficient use of existing infrastructure and/or coordinate with development of new infrastructure; and
 - d. Policy 67, which sets out a range of non-regulatory measures to assist with the implementation of Objective 22.

Wellington District Plan

- 3.14 The relevant provisions in the Plan are set out in chapters 10 and 24.

Airport & Golf Course Recreation Precinct provisions

- 3.15 Chapter 10 sets out 8 objectives for the Airport & Golf Course Precinct, with all-but-one³⁷ being relevant to these proposals.
- 3.16 Objective 10.2.1 is to promote the safe, effective, and efficient operation of the Airport. In implementing that aim, the Plan provides for activities which will ensure the safe, effective and efficient use of the airport area as a strategic transport node for the city, region and nation.³⁸ The Airport and Golf Course are also to (respectively) be recognised as areas with distinct character and uses³⁹ and energy efficiency and use of renewable energy are to be encouraged, as follows:⁴⁰
- a. *Policy 10.2.1:*
Provide for activities which will ensure the safe, effective and efficient use of the Airport area as a strategic transport node for the city, region and nation.

³⁶ These principles are adapted from the 7 “Cs” set out in the New Zealand Urban Design Protocol, and relate to context, character, choice, connections, creativity, custodianship and collaboration.

³⁷ Objective 10.2.7 and its supporting policies relate to hazardous substances. We find these provisions are not material to our recommendations.

³⁸ Policy 10.2.1.1

³⁹ Policy 10.2.1.2 & Policy 10.2.1.3

⁴⁰ Policy 10.2.1.4

- b. *Policy 10.2.1.2:*
Identify the Airport as an area within the precinct with a distinct character and uses.
- c. *Policy 10.2.1.3:*
Identify the Golf Course and recreation lands as the other area of the Precinct with a distinct character and uses.
- d. *Policy 10.2.1.4*
Encourage energy efficiency and the development and use of renewable energy within the Airport and Golf Course Recreation Precinct

3.17 Objective 10.2.2 and its supporting policies collectively provide for continued use and development of the golf course land for golf course and recreational purposes. The policies and methods state as follows:

- a. *Policy 10.2.2:*
Identify the Golf Course and recreation lands as an area of the Precinct with a distinct character and uses.
- b. *Policy 10.2.2.2:*
Provide for the ongoing use of the Golf Course and recreation activities within the buffer of land to the east of the Airport area.

METHOD

• Rules The golf course area is identified separately within the wider Airport and Golf Course Recreation Precinct in recognition of the golfing and recreation activities occurring within this area, and the distinct open space character of this area. The existing Golf Course provides a buffer between the Residential Areas and the Airport operations. The intention is to retain as much open space as is practical for golf course and recreational use.

The environmental results will be the efficient and effective ongoing operation of the Airport within the Precinct, together with the retention and development of the Golf Course and recreation area

- 3.18 Non-airport activities are provided for within the airport part of the precinct under objective 10.2.3, where the activities:
 - a. *do not compromise the ongoing and strategic transport role of the Airport to the City, Region and Nation;*⁴¹
 - b. *integrate with and respond appropriately to the surrounding environment;*⁴²
 - c. *do not detract from the vitality and viability of the City's Town Centres or the Central Area;*⁴³ and
 - d. *manage potential adverse effects on the environment.*⁴⁴

3.19 Under Objective 10.2.4, the character and amenities of identified areas within the airport area are to be protected from inappropriate non-airport related uses and development. The implementation of this aim includes:

⁴¹ Policy 10.2.3.1

⁴² Policy 10.2.3.2

⁴³ Policy 10.2.3.3

⁴⁴ Policy 10.2.3.4

- a. *allowing a wide range of buildings and activities in the Terminal Precinct to support the effective and efficient function of the Airport;*⁴⁵
 - b. *maintaining the visual and geomorphological importance of Rongotai Ridge*⁴⁶, *while allowing some development in that area where it demonstrates architectural/design excellence and makes a significant contribution to the City's character and image;*⁴⁷
 - c. *strengthening the identity of the Broadway area as an important gateway to the Airport and to the residential suburbs of Strathmore and Seatoun;*⁴⁸
 - d. *allowing non-airport activities in the South Coast area in a manner that enhances the local character;*⁴⁹
 - e. *and encouraging high quality retail and other activities in the West Side Area.*⁵⁰
- 3.20 Objective 10.2.5 is also relevant. Its aim is that the amenities of areas surrounding and within the Precinct are protected from adverse environmental effects. The relevant direction for implementing this objective is that:
- a. *an appropriate level of control is to be exercised over airport and ancillary activities for the avoidance or mitigation of adverse effects;*⁵¹
 - b. *reasonable protection of residential and school uses from airport activities is to be ensured by providing controls on bulk and location, ensuring sufficient space is available for landscape design and screening, and by retaining a buffer of land of a recreational nature to the east of the Airport;*⁵²
 - c. *the interrelationship between building forms and the space around buildings is to be controlled to ensure a high level of visual amenity;*⁵³ *and*
 - d. *the noise environment is to be managed to maintain and where possible enhance community health and welfare.*⁵⁴
- 3.21 The aim of Objective 10.2.6 is to ensure signage is designed and located in a way which will not detract from the character of the locality and will not cause a traffic hazard. The direction under Policy 10.2.6.1 implements the objective by managing the scale and placement of signs in order to maintain and enhance the visual amenity of the host building, site, and locality. Additional direction is provided in relation to signage adjacent to the state highway and the coast, and within Rongotai Ridge.
- 3.22 Finally, Objective 10.2.8 is to avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment. To implement this aim, significant hazards are to be identified and areas subject to those high hazards are not to be occupied or used for vulnerable uses.⁵⁵ In addition, critical lifelines and facilities in the Precinct are not to be at risk of hazards.⁵⁶

⁴⁵ Policy 10.2.4.1

⁴⁶ Policy 10.2.4.2

⁴⁷ Policy 10.2.4.3

⁴⁸ Policy 10.2.4.4

⁴⁹ Policy 10.2.4.5

⁵⁰ Policy 10.2.4.6

⁵¹ Policy 10.2.5.1

⁵² Policy 10.2.5.2

⁵³ Policy 10.2.5.3

⁵⁴ Policy 10.2.5.4

⁵⁵ Policy 10.2.8.1

⁵⁶ Policy 10.2.8.2

Designations provisions

- 3.23 There is a single objective in Chapter 24, which relates to designations. Its aim is that designations will be provided for only where they are necessary to ensure the efficient functioning and operation of public works. It is implemented by 3 policies, which we were told by Ms Dewar in her opening legal submissions, are *ultra vires*. In her initial submission, the policies could be severed by virtue of the doctrine of severance; for the purposes of this proposal, however, Ms Dewar advised that it is sufficient to place little, if any, weight on the policies.⁵⁷
- 3.24 The planning experts⁵⁸ shared Ms Dewar's view on weighting, and we have adopted their collective view accordingly.

Other matters under s171(1)(d)

- 3.25 In her opening submissions for WIAL Ms Dewar noted, in relation to other matters under section 171(1)(d) that a number of non-statutory documents, namely New Zealand Standards have been referred to by a number of witnesses including her own witness Mr Ashby. She also noted that the National Planning Standards have some relevance as does the WHO document – Environmental Noise Guidelines for the European Region published in 2018. Ms Dewar also referred to the Wellington International Airport Bylaws Approval Order 1995 which reference to roads within the airport being Airport Roads and as such can be opened or closed at WIAL's discretion.
- 3.26 Based on Ms Dewar's submissions, we have been guided by Mr Ashby in identifying other relevant matters to consider in relation to the NoRs. Those matters include:
- a. the Airport Masterplan 2040
 - b. Te Atakura – First to Zero
 - c. The Regional Transport Plan; and
 - d. The Draft Wellington Regional Growth Framework.
- 3.27 The **Airport Masterplan** underpins the spatial configurations reflected in the two NoRs and comprises part of the evidence base for the airport's growth projections and passenger forecasting. It also sets out WIAL's initiatives for reducing its carbon footprint, which we discuss further in Sections 4 and 8 of this report.
- 3.28 **Te Atakura** was mentioned by several submitters and is the Council's blueprint for making the City a zero carbon Capital by 2050. It targets four key areas in this respect, including the transport sector – which is identified as a major contributor to the city's emissions. We have had regard to Te Atakura in our consideration of relevant climate change and transportation effects in Section 4 of this report.
- 3.29 The **Regional Land Transport Plan** is also relevant to our consideration of traffic and climate change effects. Like Te Atakura it targets reductions in carbon emissions from the transport sector among other relevant considerations.
- 3.30 The **Draft Wellington Regional Growth Framework** is a regional spatial plan developed by local government, central government and iwi partners in the Wellington-Horowhenua region. Its aim is to provide Councils and iwi with an agreed regional direction for growth and investment. It is not a future development strategy prepared under the NPS-UD and it is yet to be finalised. We have considered the document but

⁵⁷ Dewar opening legal submissions (1 July 2020). Para 44-45

⁵⁸ Joint witness statement: Planning (17 March 2020). Para 7

it has not been a material consideration for our effects assessment in Section 4 of this report.

- 3.31 We have also considered relevant climate change legislation, including the Climate Change Response Act and the Emissions Trading Scheme – and this is detailed further in Section 4 of this report.
- 3.32 Ms Dewar addressed the weight to be given to these documents and concluded that NZS6805 is the best guideline available for New Zealand at the current time. Ms Dewar's submission is consistent with the position of those experts who addressed us on these matters and we have adopted this weighting accordingly.⁵⁹

Summary

- 3.33 As required by section 171 of the RMA we will have particular regard to the above statutory and non-statutory provisions in Section 5 of this report after we consider, in the following section, the environmental effects of allowing the NoR.

⁵⁹ Dewar opening legal submission (1 July 2020). Para 91 - 101

4.0 Evaluation of environmental effects

Overview

- 4.1 Having particular regard to the matters we have just identified in Section 3, we now turn the effects on the environment of allowing the requirement.
- 4.2 We have organised our evaluation by topic, considering the following in turn:
- a. noise;
 - b. traffic;
 - c. urban design and visual (including signage and lighting);
 - d. construction activities (including earthworks, geotechnical/ archaeology matters);
 - e. climate change; and
 - f. positive effects.
- 4.3 Our discussion of the effects issues accounts for both the East Side and Main Site Area NoRs. Where particular effects are specific to one of the NoRs and not the other, we have clearly identified that below. Before setting out our consideration of those issues, we discuss the 'existing environment' in the context of our evaluation.

The existing environment

- 4.4 The 'environment' is defined in section 2 of the RMA as including:
- (a) *ecosystems and their constituent parts, including people and communities;*
 - (b) *all natural and physical resources;*
 - (c) *amenity values; and*
 - (d) *the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.*
- 4.5 The existing environment, comprises all of the above factors both, as they occur naturally, and where they have been lawfully established. Our understanding is that the existing environment should also countenance the likely future state of the environment as it may be modified by activities permitted by the Plan. Ms Dewar advised that the Courts have held this is an appropriate interpretation to take when considering NoRs.⁶⁰
- 4.6 This is also intertwined with the concept of the 'permitted baseline', and Ms Dewar's opening submissions addressed this at the hearing. She submitted:

⁶⁰ Dewar opening legal submissions (1 July 2020). Para 102-104

This matter is of some importance as the Main Site NOR largely mimics the permitted activities rules of the current zone which together with the ANB provides a baseline of built form and noise effects from the Airport.

Therefore, if the permitted baseline is applicable then at least as far as the Main Site NOR is concerned, the environmental effects would not exceed the baseline of acceptable environmental effects.

In terms of the ESA NOR, the baseline in terms of noise would not be counted as an adverse effect (or for that matter, effects of permitted development on the Main Site NOR area).⁶¹

- 4.7 Ms Dewar added that the Courts have previously accepted that the obligation to apply the permitted baseline extends to designations.⁶²
- 4.8 We received no interpretations on the matter that conflict with Ms Dewar's submissions, nor any reasons not to apply the permitted baseline for these proposals.
- 4.9 As noted by Ms Dewar, this is particularly relevant for our consideration of the Main Site Area NoR, and our associated recommendation for reasons we discuss shortly.

Noise

Summary of issue

- 4.10 There are existing limits in the operative Plan on the amount of noise that can be generated within the **Main Site Area** which have been established through previous planning processes. We were told by the acoustic expert witness for WIAL that the Airport operations have not exceeded those limits, and that the use of the Main Site Area could intensify beyond current activity levels and remain compliant with the operative limits.
- 4.11 The **East Site Area** proposal is the main cause of change to the existing environment in terms of noise. Accordingly, our consideration of noise effects is largely focussed on the East Side Area NoR. That said, we were advised by the acoustic and planning experts that the cumulative effect of noise from both proposals is also a relevant consideration for us and accordingly we have addressed that also.
- 4.12 We have organised our reporting on this matter to consider the following sub-issues in turn:
- a. the suitability of the East Side Area 'compliance line' versus an outer noise control boundary;
 - b. operational controls on APUs;
 - c. the management of indoor and outdoor amenity effects for nearby residences;
 - d. health effects of noise; and
 - e. the role and composition of the Air Noise Management Committee.
- 4.13 As with all effects topics that follow in in this Section of our report, we also consider, in both the *issue summary* and in the *discussions and findings* section for each topic, the role that any volunteered and imposed conditions might have in terms of avoiding, remedying and mitigating the effects associated with the proposal; which in this particular topic relates to the effects of operational noise.

⁶¹ Dewar opening legal submissions (1 July 2020). Para 80-82

⁶² Dewar opening legal submissions (1 July 2020). Para 84

East Side Area compliance line versus an Outer Control Boundary

- 4.14 This first noise sub-issue essentially relates to the efficacy of proposed management measures relative to others recommended by NZS 6805 and/or utilised by other airports.

Ms Smith's EiC provided a useful overview on the application of NZS 6805 for Wellington Airport, and reasons why alternatives have been adopted by WIAL. She told us:

94. *As discussed above, NZS 6805 recommends establishing two aircraft noise boundaries, the ANB set at 65 dB L_{dn} and the OCB set at 55 dB L_{dn}. These boundaries are used to define noise limits and identify areas unsuitable for noise sensitive activities (NSA). The ANB and OCB define limits of acceptability for NSA and the standard recommends land use controls accordingly.*
95. *In general, the Standard regards aircraft noise effects at 65 dB L_{dn} or greater are not appropriate for residential activity. Inside the ANB, NZS 6805 recommends prohibiting new NSA and that existing NSA should be provided with acoustic insulation.*
96. *NZS 6805 considers between 55 and 65 dB L_{dn} the effects are moderate, and NSA should be avoided if practicable. If permitted, new NSA should be insulated however the standard does not recommend insulation is provided to existing NSA.*
97. *The Standard regards areas outside the OCB are appropriate for NSA and no land use controls or insulation requirements are recommended.*
98. *At Wellington Airport there is an ANB at 65 dB L_{dn} but no OCB at 55 dB L_{dn}. WIAL administers an established acoustic mitigation programme called Quieter Homes that provides acoustic and ventilation treatment to existing houses inside the ANB as recommended in NZS 6805. This program is described more fully in the evidence of Matt Clarke.*
99. *For the ESA fully developed 2050 scenario, I predict future noise levels at ESA receivers to be less than 65 dB L_{dn} (between 60 and 65 dB L_{dn}). These are moderately high levels that are generally undesirable for residential activity but not uncommon for residents in the vicinity of New Zealand airports, ports or roads.*
100. *In the NZS 6805 context, these properties would be considered moderately affected by aircraft noise and land use controls should apply to prevent or mitigate new NSA. However, the standard does not recommend existing NSA are provided with acoustic insulation.*
101. *In the existing Wellington Airport context, the majority of these properties are outside the ANB and are not subject to land use controls. As such the majority of these properties are not eligible for the Quieter Homes programme that provides acoustic mitigation to houses inside the ANB.*
102. *One further point of reference is the current best practice at New Zealand airports which is to provide existing NSA exposed to 60 dB L_{dn} or greater with a ventilation system such that windows can be closed to reduce noise ingress.*
103. *I discuss acoustic mitigation of existing noise sensitive activities in evidence under recommended mitigation measures in response to submissions and the Council's s42A report.*⁶³

⁶³ Smith EiC, para 94-103

- 4.15 In his EiC, Dr Chiles described **the lack of any OCB being used in the operative Plan as an omission**. In his view, that omission means that the operative Plan does not address significant adverse noise effects likely to be occurring throughout a wide area around the airport in the 55 dB Ldn contour.⁶⁴
- 4.16 Dr Chiles also questioned the efficacy of what he described as the ‘inconsistent overlapping’ noise controls for the two NoRs. In his opinion, it is essential for controls to be coherent, transparent and unambiguous in order to be effective.⁶⁵
- 4.17 Dr Chiles’ view in the above respects underscores the concerns raised by submitters about the increased noise exposure arising for residences to the east of the airport⁶⁶, and about the complexity of the proposed controls on the respective NoRs⁶⁷.
- 4.18 Ms Smith agreed with Dr Chiles that the operative Plan is lacking any OCB *land use* controls, but in her view, that does not amount to an omission in *noise* controls as expressed by Dr Chiles. On that point, she added:
- a. the only controls relating to the OCB recommended in NZS 6805 are land use restrictions to discourage or mitigate new activities developing in the OCB;
 - b. there are no obligations on an Airport relating to the OCB set out in NZS 6805;
 - c. the curfew at Wellington Airport is an additional airport noise control that is more stringent than the NZS 6805 recommendations;
 - d. while other airports – such as Auckland, Queenstown and Rotorua – use an OCB, it is an additional measure offered over and above NZS 6805;
 - e. the absence of an OCB and associated land use controls in Wellington was deemed to be appropriate by the Environment Court in 1997.⁶⁸
- 4.19 Notwithstanding her view on the OCB, Ms Smith did consider that the change in airport activity enabled by **the East Side Area NoR necessitates a localised change to the compliance point of the 65 dB Ldn boundary** at this location. Rather than do so by way of amendment to the ANB, Ms Smith’s proposed method to deliver this outcome was by way of the proposed compliance line.⁶⁹
- 4.20 In her view, the appropriate time to review the ANB is at the time of the review of the operative Plan – which Ms Smith noted is ‘upcoming’. In the meantime, she noted that the current controls in the Plan remain suitable for the Main Site Area, and the compliance line for the East Side Area is an effective tool to adopt until such time as the Plan is reviewed.⁷⁰
- 4.21 Ms Smith noted that the compliance line enables and controls taxiing noise in the East Side Area, but that the use of the line would not affect the requirement for other aircraft operations to comply with the ANB in all other areas.⁷¹
- 4.22 Although Mr Borich and Dr Chiles initially expressed concerns in conferencing that the position of the compliance line did not account for noise from APUs;⁷² they ultimately agreed with Ms Smith that the compliance line is an appropriate tool given the above context.

⁶⁴ Chiles EiC, para 27

⁶⁵ Chiles EiC, para 35

⁶⁶ As raised by Mr Weir, Mr Watson, Ms Thomas and Mr Muthu for example

⁶⁷ As discussed by Ms Weeber, for example

⁶⁸ Smith Summary Statement, para 15-16

⁶⁹ Smith EiC, para 118

⁷⁰ Smith Summary Statement, para 20

⁷¹ Smith EiC, para 38

⁷² Acoustic JWS, para 10-17

- 4.23 In response to those concerns, WIAL amended the position of the compliance line and the associated conditions such that APUs are also subject to the limits imposed by the compliance line. Those modifications are incorporated in the final condition set provided by WIAL, and we understand that they address the concerns shared by Mr Borich and Dr Chiles such that the matter is no longer in contention.

Operational controls on APUs

- 4.24 Notwithstanding the resolution of the compliance line issue regarding APUs, we record one additional point on APUs in light of Ms Dewar's submissions in reply, where she noted:

18. *WIAL has volunteered very restrictive APU usage in the ESA so as to reduce adverse effects on ESA Receivers but is unable to commit to extending this restriction across the entire Airport.*
19. *The Planners have suggested some amendments as part of the post hearing conference. Since the hearing WIAL has undertaken further investigation and has recently heard back from an Air New Zealand representative providing another perspective on the timing and need for APU usage.*⁷³

- 4.25 Ms Dewar identified a range of operational reasons why greater flexibility is needed on APU usage than would be enabled by the condition framework agreed by Mr Kyle and Mr Ashby after the hearing, including the need for extended APU use to:

- a. comply with COVID-19 regulations requiring an aircraft's air conditioning unit to run for 60 minutes after an international flight to flush the cabin;
- b. meet international cleaning protocols, which necessitate 45-60 minutes of activity following disembarking;
- c. enable sufficient time for engineering staff to conduct inspections, which may require up to 60 minutes electrical system operation following start up and prior to departure; and
- d. accommodate extended stay periods for aircraft that are diverted to Wellington Airport due to weather conditions at other airports.⁷⁴

- 4.26 It was also noted that while these needs can often be met by plug-in ground power sources, where such facilities are not available, APUs will continue to be required. Ms Dewar added that airlines using the airport have made commitments to reduce unnecessary carbon emissions, entailing a preference for using ground power where available and dis-incentivising APUs.⁷⁵

- 4.27 Accordingly, we note that the final set of conditions attached to Ms Dewar's reply was updated to enable the additional flexibility for APU use within the Main Site Area. We return to this matter in our discussions and findings.

Management of indoor and outdoor amenity effects

- 4.28 Broadly speaking, this was the noise matter that received the greatest attention at the hearing. As summarised in Section 2 of this report, several submitters expressed concern about the increased noise emissions a result of the proposals, and particularly noise associated with the East Side Area NoR.

⁷³ Right of Reply, para 18-19

⁷⁴ Right of Reply, para 20

⁷⁵ Right of Reply, para 21

- 4.29 We heard from the acoustic and health experts who advised that the levels of noise expected will have an impact on local residents' amenity values and on their health. It is the former of these components that we consider here, with health impacts addressed in the sub-section that follows.
- 4.30 As the experts have done, we separately consider the effects on indoor and outdoor amenity separately.
- 4.31 Regarding **indoor amenity effects**, we have already recorded the consensus between Mr Borich, Dr Chiles and Ms Smith that acoustic treatment is warranted to address the increased noise enabled by the East Side Area NoR. We also note that the method of treatment was generally agreed by the acoustic experts as being appropriate in the context of these proposals.
- 4.32 There was some initial disagreement as to the point in time from which the offer for treatment should be made by WIAL to affected landowners - this is captured in the acoustic JWS⁷⁶ and summarised in Section 2 of this report. However, this issue was ultimately resolved at the hearing, with WIAL volunteering to amend the relevant conditions to clarify:
- a. that the treatment would be offered to affected households based on a predicted future level of 60 dB L_{dn} or greater at the time aircraft operations commence in the East Side Area; and
 - b. the specific households that would be offered treatment by way of a schedule attached to the volunteered conditions.
- 4.33 With those changes affected, we understand the matter is no longer in contention between the respective experts and their shared view is that indoor amenity effects from increased noise emissions associated with the proposed NoRs is acceptable subject to the imposition of the proposed conditions.
- 4.34 The experts also reached consensus about the nature and scale of **effect on outdoor amenity** for nearby residences. In response to our question in Minute 2 as to the significance of the potential loss of external amenity at various times of the day for residents potentially affected by the operation of the East Side Area, they said:
- 24. We agree that ESA Receivers' current external noise environment is already compromised and impacted by airport activity. We agree daytime outdoor amenity would be further compromised with the operation of the ESA. The extent of this effect will vary depending on the specific layout and use of each outdoor area. We are not aware of practicable mitigation measures to address outdoor amenity beyond the operational controls set out in the NoR.⁷⁷*
- 4.35 Ms Smith's evidence expanded upon this in greater detail. In summary, she told us:
- a. it is generally accepted that noise environments below 55 dB are suitable for residential activity, including outdoor living areas – above 55 dB residential amenity gradually becomes more compromised;
 - b. NZS 6805 recommends that environments above 65 dB L_{dn} from aircraft noise are not suitable for residential activity, and this threshold is similarly used as a

⁷⁶ See paras 19-22

⁷⁷ Acoustic JWS, para 24

trigger point for prevention or intervention in NZ standards for managing Port noise⁷⁸ and road noise⁷⁹;

- c. those factors led her to the opinion that noise environments above 65 dB L_{dn} are not appropriate for regular residential activity due to the adverse effects on outdoor amenity - between 55 and 65 dB L_{dn}, outdoor amenity for residential activity would be compromised but not unreasonable in her view;
 - d. receivers of East Side Area-generated noise are already impacted by their proximity to Wellington Airport and the growth in airport noise permitted in the operative Plan;
 - e. since the ANB was included in the operative Plan, those receivers were anticipated to have a future compromised outdoor amenity ranging from 61 to 64 dB L_{dn} by virtue of the airport generating maximum noise up to the ANB limits; and
 - f. the increase in noise levels above those *currently* experienced by these properties is predicted to be around 6 - 7 decibels as a result of the ESA. Whilst this is an appreciable increase, the change in the overall outdoor noise exposure compared with the 61 to 64 dB L_{dn} range anticipated in the operative Plan, would be in the order of 2 decibels and therefore would not be considered to be significant.⁸⁰
- 4.36 Synthesising these factors, Ms Smith concluded that outdoor amenity for ESA receivers would be compromised but not materially greater than the degree already anticipated for these properties due to their proximity to the Airport, and not to the extent of being unsuitable for residential activity (i.e. < 65 dB L_{dn}).⁸¹
- 4.37 No other acoustic evidence was presented to refute Ms Smith's appraisal in this respect.

Health effects of noise

- 4.38 As foreshadowed above, we were told by submitters and experts alike that noise from airport operations can have adverse health impacts in addition to the amenity factors discussed above.
- 4.39 This matter was the central focus of the evidence from Dr Palmer for Regional Public Health, which traversed noise annoyance and health, aircraft noise and annoyance, and relevant international guidance on these matters.
- 4.40 On the matter of **noise annoyance and health**, Dr Palmer noted that:
- a. noise annoyance is defined as the long-term feeling of displeasure, nuisance or irritation by a specific sound and may be the causal pathway to cardiovascular disease
 - b. chronic stress or a constant stress experienced over a prolonged period of time – including from noise annoyance – can contribute to long-term problems for heart and blood vessels and can increase the risk for hypertension, ischaemic heart disease, or stroke;
 - c. repeated acute stress and persistent chronic stress may also contribute to inflammation in the circulatory system, particularly in the coronary arteries, and this is one pathway that is thought to tie stress to myocardial infarction; and

⁷⁸ NZS 6808:1999

⁷⁹ NZS 6806:2010

⁸⁰ Smith EIC, para 152-156

⁸¹ Smith EIC, para 157

- d. some individuals have a higher general susceptibility to noise often due to a personality trait, and this is a strong predictor of noise annoyance and it modifies the noise exposure-annoyance relationship.⁸²
- 4.41 Dr Palmer presented us with the results of several international studies considering the relationship of **aircraft noise and annoyance**. Those results illustrate that increased exposure to aircraft noise results in higher incidence of people expressing annoyance about the noise; however, the results also noted that the rate of change in the noise exposure also plays a factor. Dr Palmer assessed the WIAL proposals as falling into the high rate of change category in this latter respect.⁸³
- 4.42 Dr Palmer also drew our attention to **WHO⁸⁴ Environmental Noise Guidelines** for the European Union which were updated in 2018. The guidelines set exposure levels above which there is believed to be an increased risk of adverse health effects – with increased risk being defined as the exposure level associated with the smallest risk or relative risk of the adverse health effect considered to be relevant to each of the priority health outcome measures. The guideline exposure levels are not, according to Dr Palmer, meant to identify effect thresholds.⁸⁵ Dr Palmer also stated that the guidelines are based on robust evidence and should form a basis for updating NZS 6805, which is nearly 30 years old.⁸⁶
- 4.43 Applying the above to the proposed NoRs, and taking account of Statistics NZ population projections for the area, Dr Palmer estimated the number of people annoyed by airport operations would increase from 2,500 at present to just over 4,000 by 2050. In his view, this would result in a major increase in the associated public health burden.⁸⁷
- 4.44 Dr Palmer also noted that the mesh block areas in the vicinity of the East Side Area score highly in the New Zealand deprivation index. He expressed concern that the East Side Area NoR would selectively adversely affect the high risk and vulnerable communities in those areas.⁸⁸
- 4.45 Ms Smith commented on Dr Palmer’s evidence in her hearing summary statement. She noted her agreement with Dr Chiles that – in contrast to the WHO guidelines – the recommended thresholds in NZS 6805 represent a pragmatic approach that balances noise effects with the need for society to function and develop.⁸⁹
- 4.46 Ms Smith added that the annoyance data referenced in the WHO guidelines has not been implemented in environmental noise standards or industry practice in New Zealand and that the implications of avoiding noise sensitive activities below 55 dB L_{dn} would be significant in general and impracticable in urban areas. Ms Smith described the guidelines as ‘aspirational’ and observed that the guideline level of 45 dB L_{den} is lower than the noise limits for the Outer Residential Area in the operative Plan. That level of compliance is not realistically achievable in her view.⁹⁰
- 4.47 Ms Smith noted also that the evidential source material the guidelines have been based upon has come under criticism for being overly conservative by at least one researcher. This, according to Ms Smith, suggests that the merits of implementing the guidelines is

⁸² Palmer EIC, para 12-18

⁸³ Palmer EIC, para 19-34

⁸⁴ World Health Organisation

⁸⁵ Palmer EIC, para 39

⁸⁶ Palmer EIC, para 40

⁸⁷ Palmer EIC, para 46-48

⁸⁸ Palmer EIC, para 51-54

⁸⁹ Smith Summary Statement, para 22

⁹⁰ Smith Summary Statement, para 23

not clear cut – and such a significant change to the approach in NZS 6805 should be for the NZ Standards committee to determine.⁹¹

- 4.48 We note that Dr Chiles signalled his agreement with Ms Smith in this respect at the hearing.

Role and composition of the Air Noise Management Committee

- 4.49 This matter relates primarily to a comment from Mr Frost for the Strathmore Park Residents Association that the composition of the Air Noise Management Committee should be amended to enable better representation from residents affected by the East Side Area NoR. This was echoed by other submitters.

- 1.51 As noted above Mr Frost was noting the concern of the Association over the lack of engagement by WIAL and the Council in relation to the proposals. Of particular note in their written submission the Association stated:

We believe that WIAL needs to genuinely engage with our community. They need to acknowledge and respond appropriately to our concerns as raised previously and in this submission. Rather than downplay these effects as “not uncommon for residents living near an airport”, they need to show that they do appreciate the impact on our residents and therefore they are willing to work with much more stringent conditions than those included in the NOR. The phrase “needing to be a good neighbour” has been used in the past – we would like to see WIAL show real commitment to that ideal.⁹²

Discussion and findings on all noise issues/effects

- 4.50 Our starting point on the matter of noise is to acknowledge that this is an issue of great importance to several submitters we heard from and to also note that it is a relatively complex matter to gain a clear understanding of. Despite that complexity, several submitters made compelling presentations to us which demonstrated a firm grasp of the issues and both assisted and led us to test specific points with the acoustic and health experts appearing at the hearing.

- 4.51 Having heard from all parties, and considered all of the evidence and relevant statutory and non-statutory matters we have reached the view that:

- a. the noise effects of the Main Site Area NoR will be similar in nature, scale and extent to the existing environment and no more than minor;
- b. for the East Side Area NoR:
 - i. adverse effects⁹³ on indoor amenity will be sufficiently managed by the proposed conditions such that they are no more than minor;
 - ii. adverse effects⁹⁴ on outdoor amenity will be more than minor, but not significant; and
- c. the individual and cumulative effects of the proposals on peoples' health, safety and well-being will be consistent with the guidance in NZS 6805 – which remains the applicable standard for managing such effects associated with airport activity – and will not be significant.

⁹¹ Smith Summary Statement, para 24-25

⁹² Submission 274 final paragraph

⁹³ including cumulative effects

⁹⁴ again, including cumulative effects

- 4.52 In reaching the above conclusions, we firstly note our alignment with Mr Kyle and Mr Ashby that the proposed condition framework for the NoRs provide for effective management. That framework includes:
- a. the setting of appropriate noise limits for activities in the East Side and Main Site Areas;
 - b. implementation and review of the Noise Management Plan for both NoRs, which is underpinned by an objective for minimisation and, where possible, continued reduction in airport operational noise;
 - c. acoustic treatment mitigation for residences affected by the East Side NoR.
- 4.53 These measures all coincide with other initiatives taken by WIAL, including the wider application the “Quieter Homes” programme, and measures imposed by previous planning processes, including the Airport curfew.
- 4.54 We adopt also the shared evidence of the acoustic experts that the **proposed acoustic treatment** is an appropriate response to the East Side Area NoR, and note this mitigation will be offered to affected parties in step with the associated increase in noise from activities authorised by the NoR.
- 4.55 The treatment of affected homes will ensure noise emissions from the expanded airport operations are mitigated to a level that is suitable for **indoor** residential activities, consistent with the recommendations of NZS 6805.
- 4.56 We also adopt the shared evidence of the acoustic experts that the level of **noise received outdoors** by properties affected by the East Side NoR is already in the “compromised” range. The existing environment is characterised by the express expectation that the level of noise received by those properties will continue to increase as WIAL’s operations approach the limit imposed by the ANB; and as noted by Ms Smith, the *additional* noise received by these properties over that permitted limit as a result of the two NoRs is only in the order of 1-2 decibels overall.
- 4.57 We accept Ms Smith’s assessment that even with both increases being realised (i.e. under the permitted baseline we discussed at the inception of this section of the report, and also as a result implementation of the NoRs), the level of noise received outdoors for affected parties will remain in the compromised range and will not extend to the level considered by NZS 6805 to be unsuitable for residential activity.
- 4.58 We also accept the shared view of Ms Smith and Dr Chiles that NZS 6805 remains the appropriate assessment tool for our consideration of **health effects** of noise associated with the NoRs. As we discussed in Section 3 of this report concerning the identification and weighing of non-statutory documents, this is a document that, based on the submissions of Ms Dewar, we afforded particular weight to in our considerations. Accordingly, while we are grateful for Dr Palmer’s efforts in assisting our understanding of the links between airport noise and health effects, we adopt Ms Smith’s view that any departure from the guidance in NZS 6805 to address new evidence, technology or practice is best addressed by the NZ Standards committee in the first instance, equipped with all relevant information.
- 4.59 In the absence of such intervention, we are required to apply the guidance in the existing standard. In doing so, we acknowledge that there will be a proportion of the local population that is annoyed by the existing noise at the airport and by the increase in noise anticipated by these proposals; however, based on the evidence before us, we do not consider that resulting health impacts would be significant.
- 4.60 On the matter of the **Air Noise Management Committee**, we are aligned with Ms Dewar’s submissions that the conditions for the Main Site NoR will apply additional

statutory force to the Committee's continued role. Ms Sainsbury's presentation has given us confidence that the Committee is working well in practice at present, and the NoRs will only reinforce the Committee's role in our view.

- 4.61 We also note for the record that we adopt the shared view of the acoustic experts that the use of the **compliance line for the East Side Area** is an appropriate method to adopt for that proposal until such time as the ANB is revisited as part of the operative Plan review. We highlight that the final position of the compliance line accounts for the noise from APUs, which resolves key concerns originally expressed by Mr Borich and Dr Chiles.
- 4.62 On the matter of **APUs** we are satisfied that the condition amendments proposed by Ms Dewar in her submissions in reply (and summarised above) are appropriate. The reasons for providing additional flexibility for APU usage are valid in our view; but even with that added flexibility, the efficacy of the condition framework will not be reduced in any way. For example, the noise limits for each NoR will still need to be met irrespective of the increased APU flexibility.
- 4.63 In this respect, we share Ms Dewar's appraisal that the conditions for the Main Site Area NoR are stronger in a statutory sense than the status quo. As she noted:

47. It is now apparent as a result of a number of amendments to conditions through conferencing and further consideration during (and after) the hearing process that the conditions for the Main Site NOR no longer just largely replicate the District Plan provisions. They are now far more comprehensive and comprise a more sophisticated approach to managing the effects of activities within the Main Site NOR land than the current District Plan provisions.

48. Further as Mr Kyle stated at the hearing in answer to a question by the Panel, the difficulty with the current District Plan provisions relates to ultimate enforceability and actually who is responsible for compliance with them. The NOR makes this very clear which in my submission is a strong indicator of need for the NOR in these particular circumstances as it will assist WIAL in meeting its Objective...⁹⁵

- 4.64 Based on the submissions and evidence before us, we are satisfied that the revisions to the conditions as a result of the hearing process are entirely appropriate and will ensure effective management of the noise effects anticipated by both proposals – with one exception.
- 4.65 Namely, we consider that condition 25 for the Main Site Area should be refined to clearly indicate that non-electric APU phase outs is desirable over time as part of the suite of improvements to be considered in the NMP for the purposes of remedying and mitigating airport noise effects. We consider this amendment is appropriate given:
- the rationale for greater flexibility in extended APU usage cited by Ms Dewar relates in many respects to procedures necessary to respond to the current COVID-19 pandemic – which (we hope) can be dispensed with in the longer term;
 - the signal from Ms Dewar that WIAL and airlines already prefer to use electric APUs where they are available;
 - the contribution APUs make to the overall emission of noise from the Airport; and
 - the aspirational aim of the NMP to continually improve the Airport's operations in terms of noise management.

⁹⁵ Right of Reply, para 47-48

4.66 The specific drafting we recommend is as follows (**highlighted** text is as per the right of reply, **bold** text is our edits):

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

...

- 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. **APU usage, including and a reduction in non-electrical APU usage over time where practicable**

With this refinement adopted, we consider the overall condition framework is fit-for-purpose and comprehensive.

Traffic

Summary of issue

4.67 As summarised in Section 2 of our report above, the traffic experts were generally aligned that the effects of the two NoRs on the transport network could be sufficiently managed by conditions.

4.68 There were two minor areas where Mr Spence and Mr Georgeson were not fully aligned, and there were additional traffic matters raised by submitters; and these are collectively the focus of this part of our report. The matters we discuss in turn here include:

- a. concerns about increased congestion;
- b. public transport facilities;
- c. parking; and
- d. continuation of public access along the East Side Area.

Congestion concerns

4.69 We heard from several submitters that the proposals would increase traffic congestion in the vicinity of the airport and on major routes connecting the airport to the wider city.

4.70 Generation Zero noted in their submission:

While WAIL [sic] has stated Let's Get Wellington Moving (LGWM) will provide public and mass transit routes to the airport we do not think it is appropriate to assume that this is a guaranteed solution. Decisions on LGWM are yet to be made and we think that there is a significant risk that mass transit routes to the airport will be delayed or not occur at all given the objections to mass transit in the community.⁹⁶

4.71 This view was echoed by other submitters including Save the Basin Campaign Inc who stated:

Save The Basin opposes assumptions made in the application that the Let's Get Welly Moving Programme will "progress planned roading enhancements and anticipated roading upgrades" to "suitably cater for anticipated growth of the airport" Platitudes about Public Transport, Walking and Cycling belie a current WIAL business model that encourages car transport and revenue from car parking

⁹⁶ Submission 101

which, according to former Mayor Justin Lester, is the airport's main source of income. Mass transit is discouraged or priced out by WIAL. We reject the premise that more and more asphalt for more roading or aircraft parking will deliver anything but more aircraft noise, traffic congestion, disruption from construction and earthworks that will diminish the quality of life for residents of Wellington while ignoring the Climate Emergency. Our contention is we have already reached Peak Car in Wellington and oppose the business model offered up by WIAL of unrestrained growth and its destructive environmental impact. We submit that each of the negative effects raised above are significant, that they have not been and cannot be mitigated by conditions, and that WIAL has failed to properly consider alternatives.⁹⁷

- 4.72 Mr Spence addressed increased traffic levels associated with the proposals in his appendix to the s42A Report. In the main, Mr Spence was satisfied that any network effects could be managed through proposed conditions, which he ultimately agreed with Mr Georgeson.
- 4.73 Mr Spence and Mr Georgeson also agreed that it will be important for WIAL to continue to work with those responsible for Let's Get Wellington Moving to manage traffic network safety and efficiency. While this is undoubtedly an important strategic aim, it goes beyond the scope of matters we are able to affect any meaningful progress on.
- 4.74 Beyond the programme of future works to be incorporated into Let's Get Wellington Moving, neither Mr Spence nor Mr Georgeson raised any specific measures that need to be adopted at this stage to manage potential traffic congestion effects associated with the proposals.

Public transport

- 4.75 As noted above, several submitters including Greater Wellington Regional Council, Generation Zero and Safe the Basin Campaign Inc, sought for the proposals to place greater emphasis on public transport use and accessibility.
- 4.76 As summarised in Section 2 above, Mr Spence and Mr Georgeson agreed that increased public transport accessibility is part of the wider Let's Get Wellington Moving considerations, including possible future opportunities for mass rapid transit. Until such details of the nature of such facilities are known, Mr Spence and Mr Georgeson agreed that public transport accessibility should be focussed on bus services which previously operated successfully at the airport until the Airport Flyer service ceased in November 2020. They also agreed that the Airport already has a sufficient public transport hub to accommodate the return of a bus service if and when that occurs.

Parking

- 4.77 Several submitters advised us that there are long-standing issues for the communities surrounding the airport, whereby airport commuters opt to park on suburban streets and walk the remaining distance to the airport rather than pay for parking within the Airport precinct.
- 4.78 In his appendix to the s42A Report⁹⁸, Mr Spence outlined various matters of clarification the Council sought of WIAL in its s92 RMA requests for further information relating to carparking matters. Mr Spence considered that the response from WIAL on each of those points was logical and comprehensive.

⁹⁷ Submission 255

⁹⁸ At paras 3.2-3.13

- 4.79 While Mr Spence did not contest WIAL's view that it has no ability to control passenger's parking behaviour, he said it is undeniable that the Airport places a significant parking pressure on the nearby suburbs – and that this may increase with increased airport activity in the future. He advised us that, in response to the current pressures, Council introduced a 24-hour time limit on local streets in Miramar to provide some relief to residents and businesses. Mr Spence recommended a condition that WIAL work collaboratively with the Council to develop a joint approach for managing these effects over time.
- 4.80 Mr Georgeson⁹⁹ expressed a preference for the approach codified in proposed condition 27 of the Main Site Area NoR. This requires WIAL to submit a report to the Council on an annual basis describing the current parking supply and demand, along with any planned changes or improvements to improve provisioning for parking within the Airport. Those improvements are to consider – among other matters – actions or strategies WIAL could implement to reduce airport related car parking effects beyond the designated site.

Access along the East Side Area

- 4.81 This was the final matter which Mr Spence and Mr Georgeson held different opinions on.
- 4.82 Mr Spence accepted that the existing road access through the airport connecting Miramar and Moa Point is owned by the Airport, and is not public. He added, however, that public concern (including matters raised by submitters) over the potential for future reductions in public access can be expected to continue. Mr Spence gave the view also that changes in recent years, as major physical alterations have been made to the Airport, have seen the "legibility" of the Airport roads to accommodate local public through traffic reduced. In his view this included the need for local traffic to pass through the control barriers and take a ticket with a time allowance for these vehicles to pass through the Airport precinct. Mr Spence recommended that a condition be imposed requiring WIAL to work with Council with a view of achieving greater security of access.
- 4.83 Mr Georgeson expressed the view that the Council could designate land to achieve long term access if it is a matter of such importance to the public. He did not support Mr Spence's proposed condition for that reason.

Discussion and findings on all traffic issues/effects

- 4.84 For the reasons we express here, we consider the traffic effects of both NoRs will be no more than minor, including with the imposition of appropriate conditions.
- 4.85 On the matter of conditions, we have no reason not to accept the shared view of Mr Spence and Mr Georgeson that the **annual carparking reporting** condition for the Main Site Area is appropriate. We are aligned with Mr Georgeson that this will provide a suitable evidence base to inform future planning and decision-making about changes in parking provision and travel demand that should be adopted. As it will be refreshed and provided to the Council on an annual basis, the report will afford the opportunity for Council and WIAL to collaborate on relevant matters as desired by Mr Spence and we think that is sufficient without the need to impose any additional requirements on WIAL.
- 4.86 Also on the matter of conditions, we note that any **network effects arising from temporary construction activities** in the East Side Area are required to be addressed in the ECMP as required by the proposed conditions. We understand this to be an

⁹⁹ Georgeson Summary Statement, para 14

accepted method to manage any network effects associated with such activities, and we note Mr Spence's agreement in that regard.

- 4.87 We are not convinced that Mr Spence's recommendation regarding **access between Miramar and Moa Point through the airport precinct** needs to be adopted. As noted by Mr Georgeson, the Council has the ability to designate the land if desired, and there is sufficient ability for the Council and WIAL to reach agreement on other access arrangements outside of the current NoR process without need to impose any conditions.
- 4.88 We also accept the shared evidence of Mr Spence and Mr Georgeson that there are **no other network safety or efficiency issues** arising from the proposals that dictate the need for any further conditions or limits for either NoR. Wider upgrades to the network and to the Airport site – including for example to accommodate mass rapid transit – are best left to future processes as agreed by Mr Spence and Mr Georgeson.

Urban Design & visual effects

Summary of issue

- 4.89 Submitters and the Council's experts raised several points that relate to urban design and visual effects aspects of the proposals.
- 4.90 We have grouped these as follows for the purposes of this report topic:
- a. Visual effects in relation to the use of the new East Side Area for airport purposes;
 - b. Visual effects of future retaining structure in East Side Area;
 - c. Significance of the hillock in the southern end of the Main Site Area, and related controls;
 - d. Design principles versus design guides;
 - e. Outline plan thresholds;
 - f. Council certification versus comments in condition framework;
 - g. Lighting;
 - h. Signage;
 - i. Alternative controls for buildings and structures; and
 - j. Rongotai Ridge Precinct.
- 4.91 Each of these matters is detailed in turn below.

Visual effects in relation to the use of the new East Side Area

- 4.92 A number of submitters, particularly those from Bunker Way and from locations in Strathmore Park with a clear view over the airport expressed strong concerns regarding the adverse visual effects that will be experienced once the East Side Area is used for airport purposes (i.e. the parking of planes). This is related to the function of the golf course as a buffer between the airport and the residences as we note elsewhere in this report.
- 4.93 On this matter, Dr Boffa, in his summary statement stated:

As noted in my visual effects assessment, there are properties on the lower section of Bunker Way and a property on Raukawa Street from where the changes to their foreground/middle ground views are likely to be considered significant.¹⁰⁰

...

...I acknowledge there may be a loss in visual amenity from some of these properties [Bunker Way].¹⁰¹

... Overall, I consider that adverse landscape and/or visual effects of the NOR outcomes can be adequately and sensitivity mitigated.¹⁰²

- 4.94 During the hearing, and as part of her verbal summary, Ms Simpson for the Council agreed with Dr Boffa about the nature of the change in character of the environment as a result of the proposed future use of the new East Side Area. She also distinguished between the alteration to the character of the area and the resultant the visual effects,. She agreed with Dr Boffa regarding the ability to mitigate them to an acceptable level.
- 4.95 Essentially, Dr Boffa and Ms Simpson both acknowledged that the change in the land use (particularly the foreground and middle ground activities) will constitute a potential significant change in land use and a change in visual character from recreation to commercial/urban. However they did not suggest that such a change in character constitutes a significant adverse effect. We set out our findings on this matter at the end of this section of our report.

Visual effects of future retaining structure

- 4.96 In her report attached to the s42A Report¹⁰³, Ms Simpson originally assessed the future retaining structure proposed for the East Side Area as having moderate to high visual effects depending on where the structure is viewed from. She recommended that further mitigation would be required to integrate the structure into the landscape and reduce that magnitude of effect.
- 4.97 This matter was the subject of subsequent conferencing between Ms Simpson and Dr Boffa. The outcome of that discussion was that both experts agreed that the design of the structure will need to be informed by geotechnical investigations, and that the effects of the structure can be suitably mitigated through proposed conditions¹⁰⁴.
- 4.98 No other party addressed us on this matter at the hearing, and we understand it to no longer be in contention.

Hillock

- 4.99 Unlike the previous matter, Ms Simpson and Dr Boffa did not reach full consensus about the hillock in the southern end of the Main Site Area. That said, the extent of their disagreement was principally in relation to the local landscape significance of the hillock. Ms Simpson considered the feature to be 'notable' albeit not 'outstanding' and visually relevant to the South Coast Precinct. Dr Boffa assessed the hillock to have limited value in its context. Ms Simpson also initially considered that a cultural effects assessment should be carried out if the hillock is to be removed.¹⁰⁵

¹⁰⁰ Boffa summary statement at para 5

¹⁰¹ Boffa summary statement at para 6

¹⁰² Boffa summary statement at para 9

¹⁰³ See pp 18-20

¹⁰⁴ See Landscape and Visual JWS, page 3

¹⁰⁵ See Landscape and Visual JWS, page 3

- 4.100 While there was ultimately no resolution to these matters, Ms Simpson, Dr Boffa and Messrs Kyle and Ashby agreed a condition framework for the management of visual effects associated with future use and development of the hillock. The agreed approach requires an ECMP for earthworks that exceed defined limits, and the consideration of amenity effects in an Outline Plan process.¹⁰⁶
- 4.101 We note also that Ms Weeber addressed us on the matter of the hillock, and expressed the view that its removal would amount to a significant adverse effect.

Design principles versus design guides

- 4.102 Ms Weeber also expressed support for the recommendation in Ms Simpson's appendix to the s42A Report that a Design Guide be prepared to manage development in both the Main Site and East Side Areas. Ms Simpson reinforced that recommendation in the original JWS she and Dr Boffa prepared, while Dr Boffa considered that WIAL's proposed approach – combining an LVMP for the East Side Area, design principles / statement for the Main Site Area, and a design guide for the Broadway Gateway – to be appropriate.¹⁰⁷
- 4.103 The matter was then subject to questions from us at the hearing, and subsequent conferencing between Ms Simpson, Dr Boffa, Mr Kyle and Mr Ashby. This latter conferencing resulted in the following points of agreement:
- a. adopting a structure plan-type approach for future airport development would be too prescriptive, and lacking in the flexibility required for the Airport to operate responsively over time;
 - b. that said, there is cause for a more prescriptive approach for the Broadway Area Precinct, which is appropriately managed by an integrated design management plan;
 - c. the overall drafting of the design principles in condition 8 of the Main Site Area is supported, including reference that has been added to a vision statement which will anchor the design principles in a manner similar to a design guide;
 - d. Main Site Area condition 4 and its design statement approach will provide the impetus for achieving good built outcomes, especially along external boundaries;
 - e. associated amendments have been made to Main Site Area conditions to better define building parameters in the West Side and South Coast precincts.¹⁰⁸
- 4.104 We understand this aspect of the design topic to no longer be in contention as a result.

Outline Plan thresholds

- 4.105 The last of the agreed points summarised above in relation to the joint landscape and planning relates to the issue of outline plan thresholds, as the building parameters for the West Side and South Coast precincts act as triggers for outline plan processes and associated design considerations.
- 4.106 This, and other outline plan thresholds, were matters we tested with the witnesses at the hearing, and subsequently sought to be addressed in the joint landscape and planning conferencing. In addition to the West Side / South Coast building parameters, the planning and landscape experts agreed that the outline plan thresholds are suitable, with two exceptions.

¹⁰⁶ See Landscape / Urban Design and Planning JWS, para 18

¹⁰⁷ See Landscape and Visual JWS, page 3-4

¹⁰⁸ See Landscape / Urban Design and Planning JWS, para 12-13

- 4.107 Those exceptions relate to the thresholds for signage in both NoRs and the thresholds for earthworks and buildings in the Rongotai Ridge Precinct within the Main Site Area, which we address in turn below – but we record our understanding here that the balance of this matter of thresholds for outline plans was not in contention between the experts at the close of the hearing.

Council certification versus comments

- 4.108 This was a matter that we tested with the witnesses at the hearing to satisfy ourselves that any design-related conditions would be fit for purpose, and enforceable.
- 4.109 In their landscape and planning JWS, Ms Simpson, Dr Boffa, Mr Kyle and Mr Ashby expressed their consensus that the proposed conditions adopt an appropriate approach between situations where Council comment should be sought and for other situations where certification is required. Broadly speaking, the experts agreed that the process for considering documents that will inform and guide the outline plan process, is best suited to a “comments” approach (i.e. on draft plans or design documents), except where technical specification and assessment is required in which case certifications more appropriate – as is the case with geotechnical reporting in the East Side Area, or the development of a lighting plan if one is required or the process for adopting the LVMP.¹⁰⁹
- 4.110 The experts also helpfully proposed amendments to the conditions to set out effective certification processes for any circumstances where certification is required in the future. Those conditions include timeframes for Council responses, review processes for management plans or other information requirements, and other relevant matters to support a clear, enforceable condition framework.

Lighting

- 4.111 WIAL’s lighting experts, Mr Read, was not engaged to consider the impact of lighting associated with the Main Site NoR as the NoR largely adopts standards/thresholds for lighting in according with the permitted activity limits of the operative Plan. As described by Mr Read, the lighting associated with the Main Site NoR is not anticipated to give rise to adverse lighting effects that are different to those currently permitted.¹¹⁰
- 4.112 In contrast, Mr Read told us that the lighting impacts of the East Side NoR would result in a notable change to the existing environment, with the perception of those effects depending upon a given viewpoint and viewer.¹¹¹
- 4.113 That said, Mr Read advised us that the operative Plan limits on light spill to residential zoned sites would easily be complied with given the separation distance between the illuminated activities in the East Side Area and nearby residences.¹¹²
- 4.114 Mr Read added that the operative Plan does not manage glare or sky glow effects associated with outdoor lighting. He told us that these effects are addressed within the applicable Australia/New Zealand Standard (AS/NZS 4282:2019), and that the lighting within the East Side Area is anticipated to comply with the associated glare limitations – apart from the possible exception of taxiing aircraft lighting. Mr Read noted that such lighting is not covered by the standard anyway, and that the lighting would not be used during the period 10pm-7am due to airport curfew.¹¹³

¹⁰⁹ See Landscape / Urban Design and Planning JWS, para 14-16

¹¹⁰ Read Summary Statement, para 4-5

¹¹¹ Read Summary Statement, para 6-7

¹¹² Read Summary Statement, para 8

¹¹³ Read Summary Statement, para 9-10

- 4.115 Mr Read told us that some sky glow effects may arise where light is reflected off the ground and other surfaces, but that such effects would be minimised by use of flat-glass luminaire orientation, and acceptable in his view.¹¹⁴
- 4.116 The Council's lighting expert Mr Nayan Swaminarayan provided comments to Mr Ashby for the purposes of the s42A Report, but did not attend the hearing. Mr Swaminarayan's feedback supported the use of AS/NZS 4282 as a basis for assessment, noting that the operative Plan standards are not up-to-date. He also expressed a preference that Council be able to assess detailed lighting designs to confirm compliance.¹¹⁵
- 4.117 In response to questions arising from us at the hearing, the landscape and planning experts addressed lighting in conferencing and recommended that a post installation test be carried out after new lighting is installed in the Main Site Area and East Side Area to confirm compliance with AS/NZS 4282. The results of any future tests are to be reported to Council.
- 4.118 With those changes made to the proposed NoR conditions, we understand this matter to no longer be in contention.

Signage

- 4.119 Ms Simpson gave the view that large, moving commercial signage associated with the NoRs could result in negative effects on amenity; and she recommended specific limitations on signage in her appendix to the s42A Report.¹¹⁶
- 4.120 As foreshadowed above, there was also some discussion amongst the planning and landscape experts about the outline plan limits for signage in the condition. On this point, the experts recommended in their combined JWS that the conditions make it clear that signage enabled under the Main Site Area and East Side Area NoRs is limited to airport purposes only, and that third party / commercial signage would not be covered by the proposed designations.
- 4.121 Ms Dewar addressed the recommendation of the experts in her submissions in reply. She told us that a condition is not needed as proposed by the experts given that third party outdoor commercial signage is not covered by the Designation as a matter of law. Her recommendation was that the conditions recommended by the experts be replaced with advice notes.¹¹⁷

Alternative controls for buildings and structures

- 4.122 As summarised in Section 2 of our report, we heard concerns from several submitters – including Mr Gibson, Ms Sainsbury and Ms Weeber - that the proposed limits on buildings could lead to adverse outcomes – primarily within the Main Site Area. For Mr Gibson and Ms Sainsbury, the focus was on large buildings in the West Side Area being constructed close to the street edge and/or adjacent residential properties. Ms Weeber's expressed concern was about the 30m height limit for buildings in the terminal precinct.
- 4.123 These above submitters sought lower building heights across the Main Site Area, with Mr Gibson proposing a graduated limit that would allow for taller buildings where located further away from road boundaries or boundaries with adjacent residential uses.

¹¹⁴ Read Summary Statement, para 11

¹¹⁵ S42A Report, p. 40

¹¹⁶ See pages 23-24

¹¹⁷ Right of Reply, para 7-9

- 4.124 While we did not receive any analysis of Mr Gibson or any other submitter's alternative controls on buildings and structures from either of the planning or landscape/urban design experts for the Council and WIAL, we reiterate their consensus that the proposed conditions relating to the scale and design of buildings – including outline plan thresholds and associated design considerations – will manage future development to an appropriate degree.

Rongotai Ridge Precinct

- 4.125 The final sub-issue we address here relates to the Rongotai Ridge Precinct. We heard from Ms Weeber and Ms Simpson that it would be more appropriate to manage the future use and development in the Rongotai Ridge Precinct through application of the operative Plan provisions rather than via designation. This is owing to the public visibility of the ridge and it being a component of a larger gateway and landscape element.

- 4.126 As foreshadowed above, this was also one of the outline plan threshold matters that the planning and landscape experts did not reach consensus on in conferencing – and in particular whether there should be an upper outline plan limit on earthworks and built development within the Rongotai Ridge Precinct. The respective positions in this respect were:

- a. Mr Kyle considered there is no need for an upper limit, as:
 - i. relatively minor earthworks will trigger an outline plan, with Council then being enabled to comment on the associated design outcomes via the condition framework; and
 - ii. new built development will be extremely limited by the Obstacle Limitation Surface (which imposes significant restrictions on building height) as well.
- b. Mr Ashby and Ms Simpson considered that there is value in setting upper limits to landform change and building bulk and location in this precinct.¹¹⁸

- 4.127 As final context for our discussion of this and other issues that follows, we note the operative Plan approach for managing earthworks and built development in the Rongotai Ridge Precinct is as follows:

- a. the maximum permitted building height is 12m for buildings and structures related to the Airport's primary purpose¹¹⁹, with consent required as a restricted discretionary activity where compliance is not achieved – this compares with a 12m outline plan threshold and no upper limit under the Main Site NoR; and
- b. earthworks are permitted where the ground level is not altered by more than 2.5m, the total disturbed area does not exceed 250m² and worked slopes do not exceed 45°, with consent required as a restricted discretionary activity where compliance is not achieved – the outline plan thresholds are the same as the permitted limits apart from the slope angle trigger, which is more conservatively set at 34°, but in all respects there are no upper limits for earthworks in the NoR.

- 4.128 While the relative earthworks and building metrics are largely the same between the NoR and the operative Plan, the operative Plan regime applies a greater level of regulatory stringency, including the ability for the Council to impose conditions or decline a proposal that exceeds permitted limits where appropriate.

¹¹⁸ See Landscape / Urban Design and Planning JWS, para 11

¹¹⁹ We have purposefully omitted building controls on non-airport related building rules as these would continue to apply wither the NoRs are confirmed or not.

Discussion and findings on all urban design & visual effects/issues

- 4.129 For the reasons we set out here, we consider that urban design and landscape effects of the two NoRs can be sufficiently managed by the proposed conditions such that the effects range from no more than minor to more than minor but none reach the threshold of significant. We have some concerns with regards to the effects within the Rongotai Ridge Precinct.
- 4.130 We return to the Rongotai Ridge Precinct issue shortly to land the nature and categorisation of potential effects for that precinct, but firstly we step through our findings on each of the preceding issues summarised above – starting with the **visual effects in relation to the use of the new East Side Area**. Essentially both Ms Simpson and Dr Boffa, acknowledged that the change in the visual character of views (particularly the mid ground views) will be significant. We concur with this; it is clear to us that the replacement of a green contoured midground view with a concreted groundcover with parked planes does constitute a significant alteration in land use character. We note however that the expert position was this change in character does not necessarily translate to a significant adverse visual effect. The view will be different; but that does not equate to it being classified as obtrusive.
- 4.131 We also draw on our finding in Section 5 relating to Mr Ashby and Mr Kyle’s reminder to us that:
- a. 19.39ha – or 60% of the area formed by the golf course - will remain.
 - b. WIAL has set aside 3.5ha of the 12.9 ha area it has acquired for the purpose of retaining a buffer
- 4.132 We also note that in total approximately 71% of the existing green space will remain if the East Side Area NoR is confirmed and this will include a 9 hole golf course.
- 4.133 On the above basis, we find that the remaining landscape buffer shown in the East Side Area conditions will serve important functions; will not only retain a degree of noise separation between the airport and residences but in the context of this discussion, will from a visual perspective, provide sufficient space for recreational activities which will help ameliorate the effects of the change in land use character on the east side associated with the aircraft taxiing and parking area.
- 4.134 Based on the joint position of the experts, we find that the adverse visual effect of the proposed land use change are more than minor but not significant.
- 4.135 In terms of the **East Side Area retaining structure**, we note the consensus reached by Ms Simpson and Dr Boffa on this matter, and adopt their finding that the visual effects of the structure can be managed by the proposed conditions, including:
- a. information requirements in the LVMP for the retaining structure to comprise a mixture of durable natural and constructed elements that enable the height of the structure to be as low as possible;
 - b. the future production of a landscape plan to soften visual impact, which is to include consultative input from neighbouring residents; and
 - c. façade treatment for any part of the structure over 1.5m in height to reduce visual prominence and add visual interest.
- 4.136 Turning to the **Hillock** area in the southern part of the Main Site Area, we firstly note our alignment with Dr Boffa’s assessment that the landform’s local significance is low for the reasons he expressed. In light of that finding, and given the consensus of the planning and landscape experts, we consider that any adverse visual effects from the

- future use and development of the hillock can be suitably managed by the final condition framework.
- 4.137 In particular, we note that the outline plan limits for earthworks will apply to the area, and where any future outline plan is required, it must be informed by an assessment of:
- a. whether earthworks will alter the existing topography and the corresponding effect that has on amenity and cultural values;
 - b. stability and erosion potential; and
 - c. whether landscape treatment is necessary, and where it is, whether it is in scale with the proposed development.
- 4.138 This approach in the conditions is commensurate with the landscape significance of the hillock in our view.
- 4.139 On the matter of **design guides versus design principles**, we adopt the consensus position of the planning and landscape experts that the final condition set is appropriate and will enable good design outcomes to be achieved. Accordingly, we have not recommended any further design guide be prepared for the airport as a whole.
- 4.140 We also accept the consensus position of the planning and landscape experts that the **outline plan thresholds are appropriately set**, and that the corresponding assessment-based conditions will further assist with the mitigation of adverse visual effects and achievement of good design outcomes. The exception to this, as we explain shortly, is for the Rongotai Ridge Precinct.
- 4.141 On the matter of **Council certification versus comments** on various reports, information requirements and plans codified in the conditions, we accept the uncontested view of the experts that the balance in the proposed conditions is appropriate for the reasons they expressed. We agree that certification is appropriate for matters that require technical consideration, with commentary being suitable for the balance of relevant matters in the conditions.
- 4.142 We adopt the evidence and reasons of Mr Read that the proposed conditions will manage **lighting effects** such that they are no more than minor. We also support the additional condition recommended by the planning and landscape experts in conferencing that WIAL provide a report to Council following new lighting installations so there is a feedback loop confirming compliance with the relevant AS/NZ standard.
- 4.143 We accept Ms Dewar's submissions that third party outdoor commercial **signage** would not come under the scope of the designation for airport purposes – and accordingly, there is no need to impose a condition limiting such signage in the NoRs. Third party outdoor signage will continue to be managed under the zone provisions of the operative Plan. An advice note will be added to that effect.
- 4.144 In all other signage respects, there is no evidence before us to suggest that the associated effects will be more than minor.
- 4.145 We have ultimately not accepted the **requests of submitters to reduce building heights and/or to impose more nuanced restrictions** on building heights where located close to residences and local roads. We note that the conditions for the Main Site Area include appropriate height and setback controls, including limits of 4m heights where within 5m of a residential boundary, and minimum setbacks from specific road boundaries.
- 4.146 We also accept the consensus view of the planning and landscape experts that the overall suite of conditions, including the outline plan thresholds, height and setback

limits, and design-based conditions will suitably manage adverse visual effects of new building activity in the Main Site Area and enable good design outcomes to be achieved.

- 4.147 Our position on the **Rongotai Ridge** Precinct issue is ultimately aligned with Ms Simpson and Ms Weeber that the operative Plan provisions should prevail. Unlike the southern Hillock area, there was no dispute at the hearing that Rongotai Ridge has greater landscape prominence and significance – and by extension the sensitivity of the Rongotai Ridge Precinct to change is higher.
- 4.148 In the absence of any upper limits on earthworks and building activities in this area, we consider that future effects of development under the NoR could be unacceptable as intimated by Ms Simpson and Mr Ashby.
- 4.149 As we discuss in subsequent report sections below, the operative Plan policy framework underscores this assessment. These factors, combined with a lack of a compelling needs case for this part of the airport (see Section 7 of this report) has ultimately led us to recommend modification to the Main Site Area NoR by removing the Rongotai Ridge Precinct.

Construction activities

Summary of issue

- 4.150 This topic relates to the physical effects of construction. Because they have been considered earlier in this section of the report, we do not reconsider any noise, built form, traffic or visual effects associated with construction here, but instead focus on earthworks management, geotechnical and archaeological matters.
- 4.151 As noted above, Mr Davies and Mr Robins were in fully agreement that erosion and stability effects of earthworks are manageable and that the proposed conditions are appropriate. Their shared view was not contested by any party at the hearing.
- 4.152 There was also consensus among the parties that any potential effects of earthworks on archaeological values can be managed by the proposed conditions, including requirements for archaeological assessments and implementation of recommendations arising.

Discussion and findings

- 4.153 Given the wholesale agreement by all parties on this matter, we are compelled to keep this discussion brief. There is no evidence before us to support a finding that the physical effects of construction activities will be inappropriate.
- 4.154 We are satisfied that the proposed condition framework is robust and will provide for effective management such that any adverse effects in relation to both NoRs will be no more than minor. In particular, we note the conditions that:
- a. for the Main Site Area, include:
 - i. requirements to conduct an archaeological assessment before certain works commence;
 - ii. limits on earthworks height/depth, area of disturbance and slope angle over which an outline plan is required;
 - iii. associated requirements to prepare an ECMP for earthworks requiring an outline plan, including stability controls, erosion and sediment controls, stormwater management and implementation of recommendations from the archaeological assessment to be conducted before works commence;

- b. for the East Side Area, include;
 - i. requirements to conduct an archaeological assessment before certain works commence;
 - ii. requirements to commission a geotechnical assessment report prior to any works commencing, including a review of all available geotechnical information compiled to date, summary of assessed ground conditions, assessment of hazards and risks, analysis of design concept and recommendations to mitigate adverse effects;
 - iii. appointment of a suitably qualified geotechnical professional to carry out reporting, design work and monitoring of works;
 - iv. requirement to prepare an ECMP with similar information to be provide as with the Main Site Area works described above in addition to programming, details of earthworks volumes, vibration management measures, dust control measures, and consultative procedures with nearby parties during works including a complaints procedure; and
 - v. requirements to produce as-built drawings, and a geotechnical completion certificate for all finished works.

4.155 We note again our adoption of the consensus view of the planning and landscape experts that the Council certification requirements for the ECMPs, and geotechnical reporting are appropriate for technical matters of that nature and will assist with the successful management of associated construction activity effects.

Climate change

Summary of issue

- 4.156 Along with noise, this was the most contested issue raised at the hearing.
- 4.157 We have summarised the substance of the presentations on climate change effects we received from Mr Pette, Mr Whiteford, Mr Fraser, Mr Baber, Ms Weeber, Mr Jones, Mr Bennion and Mr Sapsford in Section 2 of this report and highlight again here the key points they collectively raised as including:
- a. a decision on the NoRs should be deferred to 2022, by which time changes to the RMA will be affected such that greenhouse gas emission effects can be fully considered;
 - b. the proposals – and particularly the East Side Area – enable the growth of the airport, which entails increased land and air-based emissions of greenhouse gasses;
 - c. intensification of airport activity is contrary to initiatives of central and local government in Wellington to reduce emissions over the medium to long term;
 - d. the proposed NoRs are based on flawed forecasts that have failed to take account of initiatives by the public and private sector alike to reduce greenhouse emissions; and
- 4.158 We have organised these issues to consider the following in turn:
- a. legislative framework for assessment;
 - b. evidential basis in support of WIAL's 'needs case' and proposed de-carbonisation.

- 4.159 The latter of these two topics speaks to the reasonable necessity of the work, which we consider in greater detail further in Section 6 of this report.

Legislative framework

- 4.160 In his s42A Report, Mr Ashby echoed the sentiments expressed by submitters that airport growth as a result of the proposed designations would contribute to the causes of climate change should a 'business as usual' scenario for use of CO₂ emitting jet fuels continue.

- 4.161 This was not a point in contention – however, the extent to which it is a relevant matter for us is not so straight forward. As we were told by Mr Ashby and Ms Dewar, the legislative settings that frame our consideration of this matter under the RMA are complex. We accordingly take some time here to summarise what we heard in this respect.

- 4.162 Ms Dewar opened her submissions on the matter by referring us to *West Coast Ent Inc v Buller Coal*, a case before the Supreme Court in 2014, noting:

59. *I note at the outset that the Supreme Court has held that it is not open to territorial authorities (and regional councils) to regulate activities by reference to the effect of climate change of discharges of greenhouse gases which result indirectly from such activities; climate change arguments may only be advanced in relation to rules and consents involving direct discharges.*

60. *This finding from the Supreme Court should guide the Panel's consideration of any climate change issues, in particular, how the RMA distinguishes between matters to be dealt with at a national, regional and district level.*¹²⁰

- 4.163 Ms Dewar quoted from the Court's decision in the context of s7(i) of the RMA, which requires all persons exercising functions and powers under the Act to have particular regard to the effects of climate change. In Ms Dewar's submission, the Court rejected an argument that the discharge into the atmosphere of greenhouse gases was required to be considered by the relevant consent authority where it stated that s7(i) is "a direction to plan for the anticipated effects of climate change, not a direction to seek to limit climate change."¹²¹

- 4.164 Ms Dewar cited also the decision of the Board of Inquiry for the Northern Corridor Improvements proposal, which similarly said "...the law is clear that we are unable to consider the causes of climate change only the potential effects arising from it..."¹²²

- 4.165 Ms Dewar told us that the Supreme Court concluded it is very reasonable to assume that climate change arguments could only be advanced in relation to rules and consents involving direct discharges, and that those same arguments could not be made in relation to rules and consents relating to activities which indirectly result in or facilitate the discharge of greenhouse gases.¹²³

- 4.166 The Court also confirmed, as noted by Ms Dewar, that management of contaminant discharges to air is not within the Council's functions as defined by s31 of the RMA. We note that Mr Ashby echoed this in his 42A Report.¹²⁴

¹²⁰ Dewar opening legal submissions (1 July 2020). Para 59-60

¹²¹ Dewar opening legal submissions (1 July 2020). Para 62-64

¹²² Dewar opening legal submissions (1 July 2020). Para 65

¹²³ Dewar opening legal submissions (1 July 2020). Para 66

¹²⁴ At p.26

- 4.167 Ms Dewar submitted that the Court’s approach is reinforced by the RMA Amendment Act 2020, which includes three amendments relating to climate change mitigation that come into effect at the end of this year – these include:
- a. removal of barriers to *regional Councils* considering greenhouse gas emissions on climate change when making air discharge rules and assessing applications for air discharge permits;
 - b. requiring local authorities to “have regard to” emission reduction plans and national adaptation plans published under the Climate Change Response Act 2002 when preparing RPSs, regional and district plans; and
 - c. enabling Boards of Inquiry and the Environment Court to consider the effects of greenhouse gas emissions on climate change when a matter is called in as a proposal of national significance.¹²⁵
- 4.168 Ms Dewar added that in making these amendments, Government has not indicated that there will be any requirement to “have regard to” emission reduction plans and national adaptation plans when considering any NoR.¹²⁶ No such plans have been prepared to date in any case.
- 4.169 Ms Dewar told us that the Climate Change Reduction Act enables us to take the 2050 ‘net zero’ target into account ‘if we think fit’; however, she submitted that this direction is aimed at high level policy setting by public bodies rather than at the localised scale relevant here. In her submission, such an approach is consistent with the analysis she set out (as summarised above) as to the hierarchy within the RMA as to where climate change is best suited to be considered and the statutory documents that the RMA amendment Act target.¹²⁷
- 4.170 Ms Dewar concluded her submissions on this matter as follows:
75. *Obviously, climate change is a serious issue that must be addressed. However, the Government has clearly indicated how it intends to do so and has clearly set out the legislative tools and mechanisms which it intends to use to ensure New Zealand meets its target of ‘net zero’ greenhouse gas emissions by 2050. Taking climate change into account in the sense suggested by Mr Ashby and submitters for a designation hearing has not been identified as one of those mechanisms to date.*
 76. *If/when, legal obligations relating to greenhouse gas emissions are imposed on WIAL as an airport operator, WIAL is already well advanced and ready to respond. These initiatives have been set out in WIAL’s evidence.*
 77. *All of these witnesses are aware that climate change is a significant global issue, that maintaining the status quo is not an option, and that the aviation industry as a whole has an important role to play in the global transition to a low carbon future. However, in my submission the means of achieving these goals is not through a designations hearing.*
 78. *In light of all of the above, in my submission section 7(i) does not enable consideration of the causes of climate change and that extends to section 171 (1)(d) because to consider it under that subsection would be in conflict with Part 2.*
 79. *However importantly WIAL has volunteered a climate change condition that commits WIAL to report investigate, implement, and report actions that*

¹²⁵ Dewar opening legal submissions (1 July 2020). Para 69

¹²⁶ Dewar opening legal submissions (1 July 2020). Para 71

¹²⁷ Dewar opening legal submissions (1 July 2020). Para 73-74

*contribute to an ongoing reduction of its carbon footprint because it considers it is the right thing to do in this current environment.*¹²⁸

- 4.171 Mr Ashby's appraisal of the legislative framework was as wide-reaching as Ms Dewar's – albeit that he held slightly different views in relation to the extent which we should take account of climate change effects. That said, Mr Ashby was generally aligned with Ms Dewar's submissions to the extent that he said:

The question of aviation emissions (both domestic and international) exists within a complex local and international environment of legislation and industry initiatives. A designation process for an Airport is not the place for fully resolving the issues, especially as the Airport operator itself is not the emitter.

*Having regard to the scheme of the RMA and the Zero Carbon Act, I have concluded that there is no need to delay a decision on the NORs (if that was possible) until after 1 January 2022 – as has been requested by some submitters. The RMA is not relevant in the sense assumed by the submitters, and there are no current obligations under the Zero Carbon Act which relate to the aviation sector.*¹²⁹

- 4.172 Mr Bennion presented us with an alternative perspective on this issue. He said that climate change is relevant to our consideration in at least four respects – the most applicable of those to this discussion being whether climate change will affect the proposal due to changes in demand and other impacts of climate change, and whether the proposal is overall sustainable management under Part 2 of the RMA.¹³⁰
- 4.173 Mr Bennion referred us to the Board of Inquiry into the Peka Peka to North Otaki Expressway proposal, who considered whether climate change might lead to reduction in demand for the expressway. In that case, a witness gave the view in questioning that there could be potential effects from temperature change which could affect the number of vehicles using the road – this was relevant for the modelling underpinning the design and effects assessments for the proposal. As submitted by Mr Bennion, the Board in that case concluded that the modelling was sufficient in the absence of any substantive evidence based on alternative assumptions that lead to a different outcome. He added that this is in contrast with the evidence before us on this proposal.¹³¹
- 4.174 Mr Bennion also submitted that section 7(i) of the RMA includes the economic effects of climate change on the proposal.¹³²
- 4.175 Ms Dewar expressed her disagreement with Mr Bennion's assertions in WIAL's right of reply, adding that Mr Bennion and Mr Sapsford's presentations are of limited relevance for us.¹³³
- 4.176 Ms Dewar noted that the Board of Inquiry on the Peka Peka proposal accepted the transportation modelling in question which did not include potential effects from climate change – the only climate change effects taken into account by the Board related to matters such as flooding in Ms Dewar's appraisal. Ms Dewar noted also the omission by Mr Bennion of any consideration of the Supreme Court and Board of Inquiry decisions referred to in her opening submissions.¹³⁴

¹²⁸ Dewar opening legal submissions (1 July 2020). Para 75-79

¹²⁹ At p. 28

¹³⁰ Bennion presentation notes, para 3

¹³¹ Bennion presentation notes, para 35-37

¹³² Bennion presentation notes, para 35

¹³³ Right of Reply, para 92-93

¹³⁴ Right of Reply, para 101-102

The needs case and proposed de-carbonisation

- 4.177 In addition to the matters summarised immediately above, we discuss further matters in contention on climate change matters as relevant to positive effects and the reasonable necessity of the proposal subsequently.
- 4.178 For the current purposes, we simply record here for context that submitters contended that the imposition of factors codified in climate change response legislation, the emissions trading scheme and other statutory directions will ultimately reduce the demand for airport growth contrary to WIAL's forecasts.
- 4.179 Irrespective of the contention on these points, we note that the condition framework for both NoRs includes de-carbonisation considerations. As summarised above, this requires WIAL to investigate and implement actions that contribute toward an ongoing carbon footprint reduction, and that such initiatives are reported to the Council on an annual basis.
- 4.180 Mr Conway clarified that WIAL has already committed to emissions reductions to align with other national level initiatives, including reducing Scope 1 and 2 carbon emissions by 30% to 2030. To date, Mr Conway told us that WIAL has reduced emissions by 22% since making that commitment.¹³⁵
- 4.181 More broadly, Mr Conway also expressed the view that the aviation industry is committed to addressing climate change and has made tremendous progress over recent decades to decouple growth from emissions and reduce operational footprints. That said, Mr Conway said there remains much to be done to drive the necessary global transition to a low carbon future. Maintaining the status quo is not an option in his view, and through the implementation of measures by WIAL and the wider sector to de-carbonise operations and systems, Mr Conway expressed confidence that aviation is well-placed to manage growth with less carbon in the future.¹³⁶
- 4.182 Mr Ashby signalled his agreement with Mr Conway's evidence in several respects, including Mr Conway's view that there is a need for collective and collaborative effort to decouple growth from emissions. Mr Ashby also responded to questions we asked of Mr Conway that spoke to the rigour of the de-carbonisation conditions – and in Mr Ashby's view, the conditions as finalised in WIAL's reply is broadly appropriate.¹³⁷
- 4.183 In support of that position, Mr Ashby told us:

Some submitters were critical of any efforts by WIAL to work towards decarbonising its operations. A typical criticism was that WIAL's carbon footprint is very small by comparison to that of the aircraft it serves – and decarbonising the airport operations is therefore simply 'window dressing.' I consider that to be an overly negative viewpoint. Decarbonisation nationally and globally will be the outcome of countless different actions, both big and small, by countless persons and organisations. Climate change action is a collective effort. In my opinion, WIAL's moves towards decarbonising its own operations, and laying the groundwork for others to do the same, can actually play a critical leadership role in the context of Wellington (and NZ). A relevant condition is therefore an appropriate vehicle to bring structure, assurance and visibility to WIAL's apparent intentions.¹³⁸

- 4.184 Again, we note a condition has been included in both NoRs to this end.

¹³⁵ Conway EIC, para 90-93

¹³⁶ Conway EIC, para 96

¹³⁷ Ashby hearing notes (21 May), p.4

¹³⁸ Ashby hearing notes (21 May), p.4

Discussion and findings on climate change issues/effects

- 4.185 Having carefully considered all of the evidence and submissions on climate change effects, we are ultimately aligned with Ms Dewar for the reasons she gave.
- 4.186 We share her interpretation that neither the RMA in its current form, nor as to be altered later this year as a result of the most recent Amendment Act, anticipates that climate change effects/greenhouse gas emissions associated with proposed growth of the airport will be a relevant matter for us in the manner contended by submitters.
- 4.187 We also accept Ms Dewar's submissions that the Climate Change Response Act does not close the door for us to take into account the 2050 net zero target or an emissions budget or reduction plan. We have not, however, received compelling arguments that convince us it is 'fit' for us to do so for these NoRs; and we note that the phrasing of the climate change legislation is enabling, rather, than requiring of such consideration.
- 4.188 We are more aligned with Ms Dewar's opinion that the exercise of the discretion to take account of the above climate change factors is more appropriately reserved for high level policy decisions by public entities. We expect that if the Government intended for this discretion to be more widely applied under the RMA for proposals such as these NoRs, it would have accounted for that in the changes it promulgated through the Amendment Act.
- 4.189 We have reached this position informed also by the unanimous view of all relevant parties we heard from that climate change is a pressing matter to be addressed by a broad range of mechanisms and parties. To the extent that WIAL has committed to an ongoing de-carbonisation plan, that must be recognised. We share Mr Ashby's view that a response to the climate crisis will require steps both large and small to be taken by many. Based on the evidence before us, we find the measures codified in the proposed conditions to be appropriate in the circumstances of these NoRs.
- 4.190 We acknowledge the evidence also that service providers at the airport have signed up to their own emission reduction plans. We expect there will be ongoing improvement in the airline sector given the current legislative settings and targets.
- 4.191 Overall, we find there are no climate change factors to weigh against a decision for either of the proposals to be confirmed, or to support a finding that any direct adverse climate change effects which are able to be considered are significant.

Positive effects

Summary of issue

- 4.192 A range of benefits arising from the NoRs have been identified by WIAL, and Mr Ashby has recommended that these be taken into account in the same way that adverse effects are.
- 4.193 No party contested Mr Ashby's view that we should take account of positive effects; however, as foreshadowed above, the anticipated benefits of the proposal were contested by submitters. We summarise the various views on this matter as a whole here before setting out our findings on the matter.
- 4.194 Firstly, we note the assessment of positive effects and economic effects in section 5.1 and 5.2 of the East Side Area NoR, which stated (in summary):
- a. significant pressure is being placed on existing airport facilities by the current growth in passenger movements, and the expansion enabled by the NoRs is the most efficient and effective way to relieve that pressure;

- b. the NoRs also enable WIAL to work towards the provision of an ICAO compliance taxiway separation distance when compared to the current situation – this would enhance safety outcomes and future proof the concurrent taxiway and runway operations which maximises the efficient operation of the airport’s runway and better enables the accommodation of future growth;
 - c. the economic benefits accruing from the proposals are described as significant;
 - d. modern and effective airports are identified as essential to a region’s economy, enabling a link to the world for people and trade and providing an important hub for business investment and economic development;
 - e. such airports also enable people to travel and visit family and friends;
 - f. New Zealand’s geography is such that air travel is the most efficient passenger transport mode between most domestic destinations and all international destinations;
 - g. airports also have strategic significance, including inter-modal facilities for the arrival and departure of international and domestic passengers and cargo, improved communication links with other communities within the country and overseas, the provision of medical flight services and hubs for civil and national defence activities;
 - h. Wellington Airport generates or contributes to the creation of 10,984 full time equivalent jobs, with 343 of those directly employed by WIAL – and by 2040, those figures are expected to grow to 22,826 and 526 respectively;
 - i. a well-functioning airport enables Wellington and New Zealand to capitalise on global economic growth and tourism;
 - j. the airport plays an important role in the regional tourism market, which generates around \$7M / day and some \$2.6B annually; and
 - k. the airport currently generates an economic output of \$2.3B annually, also contributing \$1.1B of GDP – economic projections predict that by around 2040 those figures are expected to grow to \$4.3B and \$2.1B respectively.
- 4.195 These figures, we were told, need be considered in the context of the impact of the COVID-19 pandemic. To that end, Mr Clarke noted that the airport has unsurprisingly been affected by the pandemic, and that the likely return to annual passenger growth is forecast for 2-5 years away depending on vaccine rollouts. Notwithstanding the pandemic’s impact, he noted that Wellington Airport is well placed to recover quickly particularly given its larger focus on domestic travel.¹³⁹
- 4.196 On that front, Mr Clarke advised that the recovery is already evidence in the month on month increase in passenger figures. He said:

71. The domestic travel recovery is already evident from recent operating statistics. In April 2020, the peak of the COVID-19 crisis, 6,500 passengers used Wellington Airport. In the month of May 2020 that number grew to 49,000, 130,000 flew in June and the Domestic passenger volumes recorded

¹³⁹ Clark EIC, para 67-70

*in March 2021 were 350,500. This represents 70% of the pre-Covid volumes even with an Auckland travel restriction affecting 11 days that month.*¹⁴⁰

- 4.197 Mr Vincent's evidence also spoke to the impact of Covid-19. He cited international statistics that identified a 75.6% reduction in international travel demand and a 48.8% decrease in domestic demand, with an associated global impact of US\$370B.¹⁴¹
- 4.198 Mr Vincent added that the impact on the sector has not been evenly distributed globally. He advised that countries such as New Zealand have recovered quickly, with some exceeding pre-COVID-19 levels. Other countries which rely heavily on the opening of international borders have suffered greater losses.¹⁴²
- 4.199 Consistent with Mr Clarke's evidence, Mr Vincent cited current forecast data which expects a return to pre-Covid domestic and international travel at Wellington Airport within the next 3-4 years. He added that the fundamental drivers for air travel growth will continue although the market will not recover to the its pre-COVID trajectory, representing a 3-4 year lag.¹⁴³
- 4.200 Mr Vincent noted also that the current airport masterplan developed in 2018 did not account for any impacts of climate change. On consideration of factors such as the Climate Change Commission's recent draft report, emerging travel behaviour trends, government policies to encourage modal transfer and future commitments by the airline industry to adopt new technology, Mr Vincent anticipates that climate change considerations will not materially impact the growth forecasts. He reiterated that those forecasts expect growth from 6.2M passengers in 2019 to 8M in the period out to 2033, 10M out to 2042 and 12M beyond out to 2054.¹⁴⁴
- 4.201 Mr Sapsford's own analysis is that there is a risk that the benefits of the projects have been overstated by WIAL. In his view, WIAL should have considered the impact of global and domestic policies to reduce greenhouse gas emissions, including the likely expectations on the aviation industry from a global equity perspective. He also expressed that consideration should be given to the direct impacts of climate change on aviation, and on the demand for aviation services. In the absence of such consideration, Mr Sapsford's view is that there is insufficient information before us to make a judgement on the reliability of the proposals' economic benefits.¹⁴⁵

Discussion and findings on positive effects/benefits

- 4.202 There is no evidence before us to contest that the Airport is regionally significant infrastructure, with associated social, economic and cultural benefits. Such uncontested benefits, include, the efficient movement of people for work, leisure and to connect with friends and family. Those benefits are inherently difficult to quantify *precisely*, but we find no difficulty is categorising them as significant for a great number of people.
- 4.203 We also accept that the airport is a critical hub for the movement of goods around New Zealand and globally and an important resource for the domestic and international tourism industry. It was also not in contention that airport operations contribute to a large number of jobs, and this is forecast to increase over the medium to long-term.

¹⁴⁰ Clark EIC, para 71

¹⁴¹ Vincent EIC, para 24

¹⁴² Vincent EIC, para 25

¹⁴³ Vincent Supplementary Statement, para 4

¹⁴⁴ Vincent Supplementary Statement, para 5

¹⁴⁵ Sapsford EIC, para 18-19

- 4.204 We accordingly accept that these benefits are currently realised by the operation of the airport, and would be enhanced by future expansion of those operations realised by the implementation of the NoRs.
- 4.205 These points aside, we acknowledge that the extent to which forecast economic benefits associated with the operational growth enabled by the NoRs would be realised was a matter of unresolved debate. As far as that goes, we find Mr Sapsford and Mr Bennion's interrogation of the economic benefits to be conceptually sound – in particular that there is no detailed modelling before us to fully understand the likely economic impact of COVID-19 on the aviation sector over the long term, or indeed of current and future public and private sector responses to the climate crisis.
- 4.206 While submitters are entitled to be critical of WIAL for not conducting such an assessment, they were no less helpful to us insofar as they provided no modelling themselves to support their contentions that the forecast benefits would not be realised, or by what extent if that proves to be the case.
- 4.207 This isn't a criticism of any of the parties we heard from, but it does speak to the uncertainty underpinning such projections – and that there is uncertainty about the impacts of climate change on the aviation sector was not in dispute.
- 4.208 We ultimately are compelled by the evidence of WIAL's experts that there are likely to be significant economic benefits accruing over time through implementation of the NoRs. This may well be muted to some degree (or at least delayed) by the current or future pandemics – or indeed by legislative, behavioural or other changes arising in response to climate change. There is insufficient information before us, however, to reach a finding that such impacts are likely to erode the economic benefits of the proposals to a level where they could not be classified as significant.

5.0 Relevant provisions of national, regional and district policies and plans

Context and overview

- 5.1 Here, we record the consideration we have given to the relevant 'policy' matters we identified at section 3 of this report in reaching our view on environmental effects in Section 4.
- 5.2 As with our effects assessment we have focussed the greatest amount of attention on two matters of particular relevance and/or in contention at the hearing.
- 5.3 Before we turn to those two matters, we note our satisfaction that the proposal is well-aligned, or at least neutral, in relation to the following relevant direction:
- a. the NPS-UD aim that New Zealand has well-functioning urban environments that enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety now and into the future;
 - b. the NPS-UD aim that New Zealand's urban environments, including their amenity values, develop and change over time in response to diverse and changing needs;
 - c. that New Zealand's urban environments support reductions in greenhouse gas emissions and are resilient to the natural hazards and the current and future effects of climate change, per the NPS-UD and the RPS;
 - d. the benefits of the airport as regionally significant infrastructure are recognised and provided for as directed by the RPS;
 - e. the RPS aim for a compact, well-designed and sustainable regional form that has an integrated, safe and responsive transport network and makes efficient use of existing infrastructure;
 - f. the aim in the operative Plan to promote the safe, effective and efficient operation of the airport;
 - g. the operative Plan direction to allow a wide range of buildings and activities in the Terminal Precinct to support the effective and efficient function of the airport;
 - h. the operative Plan direction to provide an appropriate level of control on airport and ancillary activities to avoid or mitigate adverse effects, including controls on building bulk and location, landscaping and screening; and
 - i. the operative Plan aim to ensure signage is designed and located in a safe and sympathetic way.
- 5.4 There was no substantive dispute on these policy directions between the two planning experts (Mr Ashby and Mr Kyle) appearing and presenting before us. Accordingly, in considering the nature of environmental effects associated with both the Main Site Area and the East Side Area, and having "*having particular regard to any relevant provisions of the applicable national, regional and local policy statements and plans*", we find that the conclusions in Section 4 of this report on the nature of environmental effects ranging from less than minor to more than minor, but not significant, is borne out and mandated by the following policy direction:
- a. National and regional direction to promote significant transportation infrastructure development (such as the airport) to be responsive to changing needs and to promote social, economic and cultural wellbeing; and

- b. District plan direction to provide an appropriate level of control on airport and ancillary activities to avoid or mitigate adverse environment effects.
- 5.5 On that basis we reaffirm our findings from Section 4 that the environment effects of the NoRs for the Main Site Area and East Side Area are generally acceptable. The potential exception to these findings is in relation to that part of the Main Site Area designation associated with the Rongotai Ridge Precinct, and the aspect of the East Side Area designation that impinges on the buffer effect of the golf course.
- 5.6 To inform our assessment of these two aspects we now have *particular regard* to Policies 10.2.4.2 and 10.2.4.3 in relation to the Rongotai Ridge Precinct, and Policy 10.2.5.2 relating to the role and function of the golf course.

Rongotai Ridge Precinct

- 5.7 The direction under the policies relating to this matter is fulsome and clear; accordingly the reproduction of it below provides a direct narrative as to the nature of that direction:

10.2.4.2 To maintain the visual and geomorphological importance of Rongotai Ridge.

10.2.4.3 To allow some development which results in modification of Rongotai Ridge provided it:

- *demonstrates architectural and urban design excellence; and*
- *makes a significant contribution to the image and character of the locality and to Wellington City.*

...

Rongotai Ridge is open space land located south of the cutting with Maupuia ridge and the entrance to Miramar. This remnant coastal ridgeline is aligned in a north/south direction and is bounded by Miramar Avenue, Cobham Drive, Calabar Road and Wexford Road, and land zoned as Business 2 Area to the East. This area is identified in Appendix 4. It is approximately four hectares in size, and has remained largely undeveloped with only a carpark and a building used as a workshop. It is part of a coastal ridgeline that used to extend to Lyall Bay, before the present airport runway was constructed.

The ridgeline is a prominent landform in this locality and it provides an important visual reference point when approaching the city, waterfront, eastern suburbs and the airport by air or by road. Given its elevation and location, it has high amenity values in terms of views, sun and aspect. It also provides an excellent close range view of planes landing and taking off.

The use of this land is however constrained by high aircraft noise levels and building height limitations imposed by Wellington airport's Obstacle Limitation Surface (OLS). The land is also physically disconnected from other areas and has poor pedestrian and vehicular access. To the east of the land is Business 2 Area zoned land which is used for a range of heavy industrial activities. These industries, and in particular the airport jet fuel storage site, are likely to constrain the nature and form of development on Rongotai Ridge.

Policy 10.2.4.2 ensures that the form of the ridgeline remains intact when undertaking development of a general nature. Some earthworks to provide low scale development may be appropriate provided the form and visual characteristics of this coastal ridgeline remains largely intact.

Policy 10.2.4.3 recognises the unique nature of the site given its size and location within the City, and potential for future development, notwithstanding the

constraints applying to this land. Council will only consider development involving significant modification of the ridgeline where:

- it can be shown that it is unique and will make a significant contribution to the character and image of the City, and*
- it demonstrates architectural and urban design excellence.*

All developments involving earthworks in excess of 250m² or altering the ground level by more than 2.5 metres will be assessed as a discretionary (restricted) activity.

In addition to the matters under Policy 10.2.4.3 above, Council will be guided by the following matters when assessing applications for resource consent:

(1) Development will maintain the general form and visual characteristics of Rongotai Ridge (except as referred to in Policy 10.2.4.3 above)

(2) Development must comply with Wellington airport's Obstacle Limitation Surface

(3) The land shall be developed in a manner which:

- generally avoids large scale earthworks and cut faces (except as referred to in Policy 10.2.4.3 above);*
- uses soft landscaping (plantings) and other measures to integrate development into the landscape;*
- provides for enhanced pedestrian, cycling and vehicular connections to the existing roading and public transport network and with adjacent residential areas;*
- is of a high quality and avoids large, 'box' like buildings and structures which are out of character with the general form and scale of development in neighbouring areas;*
- provides views within and through the site;*
- provides for, and connects to, community and recreation facilities and services; and*
- is well serviced and connected to public infrastructural services*

5.8 Significantly, we note that the direction above singles out Rongotai Ridge (as a landscape feature) in contrast to the general approach for the balance of the Airport precinct. The evidence before us, and Ms Simpson's evidence in particular, supports the continued recognition of the Ridge's visual prominence and sensitivity to change.

5.9 As noted in the explanation to the policies, the default expectation of the Plan is that large scale earthworks will be avoided and that any built development will be of a 'high quality'. In our view, WIAL has not sufficiently justified in evidence that:

- a. these expectations will be met through the more enabling pathway that would be provided by the Main Site NoR,
- b. there is a good justification to allow such a departure from the operative Plan expectations.

- 5.10 In Section 7 of this report we further elaborate on the absence of a compelling case from WIAL justifying the inclusion of the Rongotai Ridge Precinct in the Main Site Area designation when we consider the statutory test under section 171 (1)(c); namely whether *the works and designation are reasonably necessary* for achieving WIAL's objectives expressed in the NoRs.
- 5.11 Overall, we consider the direction in the above policies weighs against the confirmation of the Rongotai Ridge Precinct as part of the Main Site Area NoR.

Role and function of the golf course

- 5.12 A key component under **Policy 10.2.5.2** of the District Plan is the retention of a buffer of land of a recreational nature (in this case a golf course) to the east of the airport to ensure a reasonable protection of both residential and school uses from airport activities. Having initially read the NoRs, the s42A Report and the evidence from WIAL, we found them to be lacking in an assessment of this policy and its application as a lens for considering the environmental effects of the proposed designations, particularly the East Side Area designation.
- 5.13 Mr Weir's assessment in his presentation was far more considered and prompted us to test the matter further with Mr Kyle and Mr Ashby. Mr Weir noted that an expectation of NZS6805 is that local authorities may opt to apply additional control mechanisms over and above the ANB if it determines a higher level of protection is required. He added that the buffer provided by the golf course has been such a mechanism, both in practical terms and as engrained in the operative Plan.
- 5.14 Mr Weir emphasised the introductory text in section 10.1 of the operative Plan that notes the intent that the recreational land to the east of the airport (the *Golf Course Precinct* component of the *Airport and Golf Precinct*) will not be used for airport activity. He further noted that this direction is then supported by the enabling nature of Policy 10.2.2.2 to provide for ongoing recreational use of the buffer, and by the direction in Policy 10.2.5.2 to retain the buffer itself to ensure protection for residential and school uses beyond.
- 5.15 To this end, Mr Weir rightly pointed out that the operative Plan approach comprises a combination of the ANB and a buffer.
- 5.16 Both Mr Kyle and Mr Ashby both responded to Mr Weir's presentation, and to associated questions from us at the hearing.
- 5.17 Mr Kyle, in reliance of Dr Boffa, provided his opinion that there will still be quite a bit of land dedicated to a buffer and noted over half the land would still be used for a 9 hole golf course. He noted that the buffer function can be achieved even though it will be spatially a much smaller area.
- 5.18 Mr Ashby provided a more fulsome response as follows:
- a. He agreed with Mr Weir that the development of the East Side Area stands in opposition to the policy framework in Chapter 10 of the operative Plan. He added that the use of the buffer has been employed by the Council for 20 years, and that it was not amended or removed by Plan Change 57, which otherwise addressed a comprehensive range of issues in the Airport precinct.¹⁴⁶
 - b. In considering the magnitude of the NoRs tension with the policy framework, he gave the view that it is relevant to question whether the buffer provides 'reasonable protection' at present, and if so whether that will continue after the East Side Area is developed. Mr Ashby said that these are ultimately questions for the acoustic

¹⁴⁶ Ashby Hearing Notes, p.1

experts to assist the Panel with but he nevertheless noted that the level of protection from noise would be less than at present by virtue of aircraft coming closer to affected residences.¹⁴⁷

- c. He also noted that there is little difference in screening afforded by the status quo and the proposed NoR, but that the existing buffer is far superior to the proposed NoR for the East Side Area in terms of landscape design and associated amenity. He acknowledged that there would remain opportunities for recreational use of the land as outlined in the evidence of Dr Boffa.¹⁴⁸

5.19 Mr Ashby concluded on this issue by telling us that a privilege of being a requiring authority is that it can seek to designate land in a manner that is not consistent with the underlying zoning or associated policy framework. According to Mr Ashby it is not unusual that there would be such clashes; however, it remains a matter to be considered and weighed along the other relevant matters – alternatives, necessity, positive effects and so on.¹⁴⁹

5.20 Mr Ashby's sentiment noted above was amplified in the post-hearing JWS provided by him and Mr Kyle. In summary, the planning experts told us:

- a. there is nothing in s171(1) of the RMA that requires objectives, policies and methods in a Plan to remain meaningfully intact – instead these matters are relevant only insofar as they inform a consideration of the effects on the environment of allowing the requirement;
- b. in their experience, most designations are at odds with the provisions of the zoning that they replace (underlying zoning) and the provisions of Part VIII of the Act are available to requiring authorities to enable a project or work because, more often than not, they are not anticipated prior to the Plan being developed;
- c. related to this, designations often provide for activities that are not anticipated by the underlying zoning in the Plan, but which are reasonably necessary and often in the public interest;
- d. applying a careful reading of the relevant objectives and policies in the round, the provisions do not direct that the golf course buffer must remain intact to properly address the effects of the Airport, so long as there are methods to achieve appropriate avoidance or mitigation of adverse effects arising from the operation of the Airport;
- e. the revised conditions attached to the JWS – particularly as they relate to the management of noise and visual effects – will be effective at providing sufficient mitigation, though Mr Ashby retained his residual concerns about outdoor amenity effects; and
- f. the remaining landscape buffer shown in the East Side Area conditions will serve important functions, retaining a degree of separation between the airport and residences and providing sufficient space for recreational activities.¹⁵⁰

5.21 In her closing submissions, Ms Dewar supported Mr Ashby and Mr Kyle's reasoning in the above respects, and reminded us also that 19.39ha – or 60% of the buffer area formed by the golf course – will remain as a result of the NoR. In addition, WIAL has set aside 3.5ha of the 12.9 ha area it has acquired for the purpose of retaining a

¹⁴⁷ Ashby Hearing Notes, p.2

¹⁴⁸ Ashby Hearing Notes, p.2

¹⁴⁹ Ashby Hearing Notes, p.2

¹⁵⁰ See Landscape / Urban Design and Planning JWS, para 22-44

substantial buffer. In total approximately 71% of the buffer would therefore remain if the East Side Area NoR is confirmed.¹⁵¹

- 5.22 Having set out the above analysis of the respective parties who addressed us on this matter, we record that we are ultimately generally aligned with the planning witnesses for the reasons they expressed in the second JWS and summarised above.
- 5.23 We have found above that the degree of tension between the Main Site Area NoR and the operative Plan provisions weighs against confirming the Rongotai Ridge Precinct in the Main Site Area NoR – and as we discuss shortly (in Section 7) that speaks more to the need or necessity of the designation than it does to adverse effects and policy consistency.
- 5.24 We have not reached the same view in relation to the buffer mechanism codified in the operative policy framework. This also speaks to effects and to need, which we have discussed in other parts of this report. Our overall finding on the policy direction, however, is that the East Side Area NoR will be partially in tension with the relevant provisions – but not to such agree that weighs against the proposal being confirmed.
- 5.25 Like the planners, we have applied a careful reading of all the relevant provisions as a whole in reaching this finding. In doing so we are satisfied that the role of the buffer will maintain its separation and recreation function to a sufficient (albeit reduced) extent, and that this will be bolstered by other bespoke conditions in the NoRs to mitigate noise and visual amenity effects on the surrounding environment.

Findings

- 5.26 Overall and for the reasons we have expressed above, we find that no statutory provisions weigh against the confirmation of either NoR with the exception of the operative Plan direction for the Rongotai Ridge Precinct.

¹⁵¹ Right of Reply, para 55

6.0 Consideration of alternatives

- 6.1 An assessment of alternatives is only invoked under s171 of the RMA where the requiring authority does not have sufficient interest in the land or where the adverse effects of allowing the proposal would be significant.
- 6.2 WIAL confirmed that it has sufficient interest in the land, and there was no contention by any party on that, as a matter of fact.
- 6.3 We have found, as summarised above in Section 4, that neither NoR will result in adverse effects that are significant.
- 6.4 Accordingly, there is no compulsion to carry out an alternatives assessment here.
- 6.5 That said, we are compelled to provide some brief comments on the matter for completeness.
- a. Firstly, we adopt Ms Dewar's position that the consideration of section 171(1)(b) of the act – where triggered – concerns the adequacy of the process, not the decisions of the requiring authority to discard or advance particular sites, routes or methods. It is not for us as the 'decision-maker' to determine whether the site, route or method is the most suitable or best of the available alternatives – but rather to ensure the requiring authority (WIAL) has carefully considered the possibilities, taking into account relevant matters and coming to a reasoned decision.¹⁵²
 - b. Secondly, we also note Ms Dewar's submission that the reference to alternative 'methods' in this subsection does not enable consideration of whether plan change or resource consent process is to be favoured over the designation process – rather, a method refers in this context to the nature of the public work.¹⁵³
 - c. Thirdly, we note that WIAL initially carried out an alternatives assessment for the East Side Area as, at the time the NoR was prepared, WIAL had not secured sufficient interest in the land. We have therefore benefitted from that previous assessment, and confirm our view that the assessment is robust and fit-for-purpose.
 - d. Finally, we found Mr Munro's evidence on the matter to be comprehensive and agree with his conclusions and reasons that the proposed options for the Main Site and East Side NoRs represent an optimal configuration to meet the forecast demand for the airport. His assessment demonstrates that genuine consideration has been given by WIAL to alternative sites, routes and methods and that those alternatives have been discounted for good reason.
- 6.6 In light of our findings above, about the nature and extent of adverse effects, and given WIAL has sufficient interest in the land, we feel no need to take the matter of alternatives any further.

¹⁵² Dewar opening legal submissions (1 July 2020). Para 109-110

¹⁵³ Dewar opening legal submissions (1 July 2020). Para 111

7.0 Consideration of reasonable necessity

- 7.1 For the reasons we set out below, we consider that WIAL has demonstrated that the works are reasonably necessary for achieving the objectives of the respective NoRs – with the exception of the Rongotai Ridge Precinct.

Context and evidence

- 7.2 We have recorded the objectives for each NoR in section 1 and will not repeat them here – other than to emphasise that the objectives are enabling of ongoing use of the airport and of growth and development of the airport to meet passenger and aircraft demands over time. We note also that the objectives seek a flexible regime to achieve that end, whilst also ensuring effects of development on interfaces with sensitive land uses are appropriately managed.
- 7.3 As noted by Mr Ashby, the merits of WIAL's stated objectives for both proposed NoRs are a matter for WIAL only and are not to be judged by us.¹⁵⁴
- 7.4 Related to this, Ms Dewar told us that the statutory consideration here is in terms of achieving the objectives – it does not involve what may be reasonable in a broader or popular sense, or in terms of any other persons' goals or theories.
- 7.5 Ms Dewar also assisted us in how we may satisfy ourselves that the works and designations are reasonably necessary, with reference to relevant authorities, as follows:
- a. there is a nexus between the works proposed and the achievement of the requiring authority's objectives for which the designation is sought;
 - b. the spatial extent of land required is justified in relation to those works; and
 - c. the designated land is able to be used for the purpose of achieving the requiring authority's objectives for which the designation is sought.
- 7.6 In the above respects, Ms Dewar submitted:
- 117. In my submission each NOR can properly be said to be reasonably necessary for WIAL to achieve its objectives, even in the context of the fallout from COVID-19 and in light of the challenges ahead as a result of climate change (to the extent that this is relevant as discussed above).*
- 118. The Courts have recognised that airport development planning is a dynamic and long term exercise. The fallout as a result of COVID-19 is unfortunately an extreme example of how dynamic this can be and the WIAL evidence sets how this will delay growth but does not obviate the need to expand the airport to the east over time.*
- 119. In my submission the evidence clearly shows that Wellington airport operates on a particularly constrained site and it simply needs more space in order to operate efficiently and flexibly and to provide for sustainable growth. Iain Munro in particular details the complex factors that have had to be considered in planning the ESA area.¹⁵⁵*
- 7.7 Mr Bennion's presentation spoke to the wording of the objectives themselves and to the evidence supporting WIAL's conclusions that the works and designations are reasonably necessary to meet the objectives.

¹⁵⁴ s42A Report, p.54

¹⁵⁵ Dewar opening legal submissions (1 July 2020). Para 117-119

- 7.8 In the former context, Mr Bennion focus on this statutory test was largely confined to questioning the use of the phrase *'in a sustainable manner'* in reference to WIAL's aim for the future operation, maintenance, upgrading and extension of the airport's facilities.
- 7.9 Mr Bennion also pointed to the lack of economic modelling to take into account the implications of climate change on the future operations of the airport, including the need to accommodate larger aircraft, more aircraft, and/or less polluting aircraft. He expressed that climate change would affect forecast passenger demand in at least three ways, including:
- a. high carbon charges that will make air travel less affordable; and/or
 - b. emissions reductions requirements that will limit air travel; and/or
 - c. fossil fuel powered air travel losing its 'social licence'.¹⁵⁶
- 7.10 Mr Bennion did not quantify what impact these factors would have on demand, but instead focussed on circumstantial indicators that such factors are likely. For example, he noted that the NZ Government has committed to a target of carbon-neutrality in all of its operations by 2025, including schools and universities. He added that offsets will need to be purchased by Government agencies for any remaining emissions after 2025. Mr Bennion suggested that those agencies will need to look to reduce emissions in all procurement decisions, including with third party vendors; and any offsets purchased after 2025 will be a cost of carbon to NZ taxpayers. This, in Mr Bennion's opinion, will change the cost/benefit equation of the Capital City airport to the regional and national economy.¹⁵⁷
- 7.11 Ms Dewar's response to Mr Bennion's presentation was to suggest that Mr Bennion is seeking a greater level of detail in the objectives than is necessary or appropriate and that he is attempting to put his own 'gloss' on the objectives. Ms Dewar reminded us in that respect that it is settled law that the statutory consideration here is in terms of the achievement of the objectives, not the merits of them.¹⁵⁸

Discussion and findings

- 7.12 We ultimately accept the starting point of Mr Ashby and Ms Dewar that the objectives of the proposals are for WIAL to establish – and our role is to consider whether the proposed works and designations are reasonably necessary to achieve those aims.
- 7.13 With the exception of the Rongotai Ridge Precinct, which we return to shortly, we have not been presented with any compelling evidence to reach a finding that the proposed NoRs are not reasonably necessary to achieve the objectives. In particular:
- a. we have accepted the evidence of Mr Clarke, Mr Conway and Mr Munro as to the forecast demand, including with the anticipated lag in response to the COVID-19 pandemic;
 - b. we have agreed with Mr Munro that meeting that forecast demand will be best achieved through the proposed configuration enabled by the Main Site and East Side Area NoRs;
 - c. we have found that the aircraft noise on the surrounding community from the Main Site Area will be appropriately managed by the imposition of the corresponding condition framework; and

¹⁵⁶ Bennion presentation notes, para 17

¹⁵⁷ Bennion presentation notes, para 21-25

¹⁵⁸ Right of Reply, para 99

- d. we have adopted the consensus position of the planning and landscape experts that the proposed limits on future development within both areas are sufficiently flexible while also managing effects at sensitive interfaces.
- 7.14 In the above respects, we find there is a clear nexus between the proposed works and the achievement of the objectives, and WIAL is clearly able to use the land for its intended purpose.
- 7.15 That said, we consider that WIAL has not sufficiently justified in evidence the 'needs case' for the full spatial extent of the land required to meet the objectives – principally in relation to the Rongotai Ridge Precinct within the Main Site Area.
- 7.16 As noted in section 4.4.1 of the NoR for the Main Site Area:
- The Ridge part of the Precinct has existing commercial buildings and is not currently used for Airport purposes. The area is predominantly open space and any further development of it is mostly constrained by the OLS designation which precludes most potential development opportunity. The southern boundary is located adjacent to existing residential uses.*
- 7.17 Unlike other precincts of the Main Site Area, the NoR makes no other statement about the intent of use for the Rongotai Ridge Precinct for future airport purposes.
- 7.18 In his evidence, Mr Howarth told us that the Ridge is integral to the ongoing safety and efficiency of airport operations. He advised that existing navigational aids will be phased out and replaced by a ground-based augmentation system. That system will augment the GPS system used in airspace navigation by providing corrections to aircraft in the vicinity to improve accuracy and reliability of aircraft GPS.¹⁵⁹
- 7.19 Mr Howarth told us that the new system will require a significantly sized area, close to the runway and with direct lines of site of the runway ends. He added that the system cannot be accommodated in the areas currently used for the landing systems and that the Rongotai Ridge Precinct has been identified as the only airport owned site suitable to accommodate the technology.¹⁶⁰
- 7.20 Mr Howarth, like Mr Kyle and Mr Ashby, noted that the Ridge itself is highly constrained by the obstacle limitation surface designation, and that future development of the Ridge would need to be closely controlled to ensure ongoing regulatory compliance and aircraft operational efficiency.¹⁶¹
- 7.21 We gather from Mr Howarth's evidence that the potential future use of the Ridge he has referred to relates to the Main Site Area NoR objectives relating to flexibility and of *providing for facilities and activities which will ensure the safe, effective and efficient operation of the Airport*. While the designation may enable those aims to be met on the Ridge, we were not provided any detail about the nature and scale of the equipment required for the future navigational system, or indeed compelling reasons why the works and designation are reasonably necessary to achieve the associated aims identified above.
- 7.22 As foreshadowed above, this lack of compelling evidence, combined with the lack of any upper limit on earthworks and built form under the proposed conditions, and having particular regard to the operative policies relating to Rongotai Ridge, has led us to recommend modifying the Main Site Area NoR to remove the Rongotai Ridge Precinct from that proposed designation as set out in Section 9 of this report.

¹⁵⁹ Howarth EIC, para 60

¹⁶⁰ Howarth EIC, para 60

¹⁶¹ Howarth EIC, para 61

8.0 Overall Evaluation

- 8.1 In the preceding report sections, we have identified the main RMA statutory instruments and other matters that we must have particular regard to under s171(1)(a) to (d). Taking those matters into account, along with the proposed conditions and the existing environment, we have considered and evaluated the positive and adverse effects of allowing the proposed requirements.
- 8.2 In doing so, we have found that the adverse effects will be no more than minor in all respects, except in relation to the following, which will be more than minor but not significant:
- a. effects on outdoor amenity for nearby residential activities from increased airport activity enabled by the East Side Area NoR; and
 - b. potential visual amenity effects on the landscape features within the Rongotai Ridge Precinct arising from future earthworks and development.
- 8.3 Subject to Part 2, after considering the above matters, we are satisfied that the effects of the proposals, including as recommended to be modified by us, are also aligned with the RMA's sustainable management purpose, as:
- a. the requirements will:
 - i. assist with the ongoing effective operation of the airport, which is a significant physical resource that contributes meaningfully to the social, economic and cultural wellbeing of people and communities in Wellington and beyond; while
 - ii. avoiding or mitigating adverse environmental effects to an acceptable degree;¹⁶²
 - b. the only matter of national significance under s6 of the RMA that the proposals interacts with is s6(f). Effects on historic heritage (in this case any potential archaeological heritage, will be protected from inappropriate subdivision, use and development given the proposed conditions (particularly the requirements for an archaeological assessment and an ADP) as discussed in Section 4 above;
 - c. particular regard has been given to the effects of climate change and the maintenance and enhancement of local amenity values and the quality of the environment, including through the volunteered conditions which we have found to be appropriate except in the case of the Rongotai Ridge Precinct;¹⁶³
 - d. particular regard has also been given to the finite characteristics of the airport as a physical resource with finite land availability, and to the airport's efficient use and development to meet the needs of current and future generations¹⁶⁴; and
 - e. there are no apparent issues with respect to the various aspects of Part 2 regarding tangata whenua – including sections 6(e), 7(a), 7(aa) and 8.
- 8.4 Overall, we find there are no aspects of Part 2 that weigh against a decision to confirm the NoRs.

¹⁶² Per s5 RMA

¹⁶³ Per s7(c), 7(f) & 7(i) RMA

¹⁶⁴ Per s7(b) & 7(g) RMA

9.0 Recommendations

Recommendations of Hearing Panel to WIAL

- 9.1 For the reasons set out above, and acting under delegated authority on behalf of the Wellington City Council, we recommend to Wellington International Airport Limited that:
- a. the requirement for the East Side Area be **confirmed**; and
 - b. the requirement for the Main Site Area be:
 - i. **modified** by removing the Rongotai Ridge Precinct from the spatial extent of the proposed designation; and
 - ii. **otherwise confirmed**; and
 - c. each requirement is subject to the conditions set out in **Appendix 1**.

DATED AT AUCKLAND THIS 24 DAY OF AUGUST 2021



HA Atkins
Independent Commissioner (Chair)

For and on behalf of:
Commissioner DJ McMahon
Commissioner R O'Callaghan