

**In the Environment Court  
at Wellington  
I Mua I te Kōti Taiao  
Te Whanganui-a-Tara Rohe**

**ENV-**

**Under**

the Resource Management Act  
1991 (Act)

**In the Matter**

of an appeal under Clause 14(1),  
Schedule 1 of the Act

**Between**

**Wellington International Airport  
Limited**

Appellant

**And**

**Wellington City Council**

Respondent

# **Notice of Appeal (Hearing Streams 6 – 12) by Wellington International Airport Ltd on a decision on the Proposed District Plan**

Dated: 18 August 2025

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**Amanda Dewar**

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**To:** The Registrar  
Environment Court  
Wellington

## **Notice of Appeal**

1. Wellington International Airport Limited (**WIAL**) appeals against parts of the decisions on Hearing Streams 6 - 12 (**HS 6-12**) of the Wellington City Council (**Respondent**) on the Proposed District Plan (**Proposed Plan or PDP**).
2. WIAL made a submission and further submissions on the Proposed Plan.
3. WIAL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. WIAL received notice of the Respondent's decisions in relation to HS 6-12 on 7 July 2025 (**Decisions**).
5. The parts of the Decisions that WIAL is appealing is:
  - (a) See attached **Annexure A** (1<sup>st</sup> Column) for the parts of the HS 6-12 Decisions WIAL is appealing (**Appealed Decisions**).

## **Reasons for the Appeal**

### *Background*

6. Wellington International Airport Limited is the owner and operator of the Wellington International Airport (**Wellington Airport or the Airport**).
7. Wellington Airport is an important existing strategic asset to Wellington City and surrounding regions. It provides an important national and international transport link for the local, regional and international community and has a major influence on the regional economy. The Airport is a fundamental part of the social and economic wellbeing of the community.
8. Wellington Airport is one of the busiest airports in New Zealand, operating a mixture of scheduled domestic and international flights, corporate jets, and general aviation. It is a gateway for millions of residents, visitors and business travellers every year, connecting the capital city to all parts of New

Zealand, Australia, the Pacific and onwards, to the rest of the world. The Airport is also a generator of economic growth, providing significant direct business and employment opportunities within the Airport area as well as indirect economic benefits provided to the city and the wider Wellington region.

9. The Airport has been experiencing significant growth in the use of its facilities and infrastructure over recent years and is now operating near pre-COVID levels. This growth is predicted to continue reaching around 12 million passengers per annum over an approximately 20-year planning horizon.
10. The Airport operates on a constrained 130ha site in the suburb of Rongotai, within 8 kilometres of the centre of Wellington City. The Airport is bounded by Lyall Bay to the west and south and Evans Bay to the north of the runway. The Airport and its operations are directly affected by many of the Proposed Plan provisions.
11. Through this appeal WIAL wishes to ensure that the Proposed Plan appropriately recognises and provides for the Airport and its operations as regionally significant infrastructure and is appropriately protected from reverse sensitivity effects.

#### *Specific Reasons*

12. See **attached Annexure A** (2<sup>nd</sup> Column) that sets out the specific reasons for the appeal.

#### *General Reasons*

13. The general reasons for WIAL's appeal are that the Appealed Decisions fail to appropriately or adequately recognise and provide for the Airport and its surrounds, including in respect of the matters described in Annexure A, in that the Appealed Decisions:
  - (a) do not sufficiently recognise or provide for the ongoing operation or development of Wellington Airport identified as Regionally Significant Infrastructure in the PDP;
  - (b) impose undue constraints on the legitimate and necessary activities of the Airport particular those required to be undertaken in the coastal environment;

- (c) do not adequately recognise the locational, functional and operational requirements of the Airport;
- (d) fail to achieve the functions of the Respondent under section 31 of the Act in respect of the integrated management of the effects of the use and development of land and physical resources;
- (e) fail to meet the requirements of section 32;
- (f) fail to meet the relevant higher order statutory documents in particular the NZCPS and the RPS; and,
- (g) fail to promote sustainable management of resources and will not achieve the purpose of the Act.

### **Relief Sought**

#### *Specific Relief*

- 14. WIAL seeks the relief as set out in the 3<sup>rd</sup> Column of the **attached Annexure A**.
- 15. Subject to the general relief set out in paragraph 16 below:

#### *General Relief*

- 16. That the Proposed Plan be amended in a similar or such other way as may be appropriate to:
  - (a) address the matters raised in this Appeal;
  - (b) any other similar, consequential, alternative, or other relief as is necessary to address the issues raised in this Appeal or otherwise raised in WIAL's submission and further submissions.

### **Attached Documents**

- 17. The following documents are **attached** to this notice:
  - (a) Table of Appealed Provisions/ Matters, Specific Reasons for Appeal and Relief Sought (**Annexure A**);
  - (b) a copy of WIAL's submission (**Annexure B**);

- (c) a copy of WIAL's further submissions (**Annexure C**);
- (d) a list of the names and addresses of the persons to be served with a copy of this notice of appeal (**Annexure D**).

Dated this 18<sup>th</sup> day of August 2025



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**Amanda Dewar**

Counsel for Wellington International Airport Ltd

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**Advice to Recipients of Copy of Notice of Appeal**

**How to become a Party to Proceedings**

You may be a party to the appeal if you made a submission or further submission on the matter of this appeal.

To become a party to the appeal, you must –

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with

the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

#### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch

APPENDIX A		
PROVISION/ MATTER BEING APPEALED <sup>1</sup>	SPECIFIC REASONS FOR APPEAL <sup>2</sup>	RELIEF SOUGHT <sup>3</sup>
<p>INF-P6 Consideration of the adverse effects of infrastructure</p> <p>When considering the adverse effects of infrastructure on the environment recognise that there may be situations where all adverse effects, including construction effects, cannot be avoided, and as such must be remedied or mitigated through having regard to the following:</p> <ol style="list-style-type: none"> <li>1. The extent to which adverse effects can be avoided, remedied or mitigated may be constrained by the functional or operational need of the infrastructure;</li> <li>2. The time, duration, or frequency of adverse effects;</li> <li>3. The necessity of the infrastructure including: <ol style="list-style-type: none"> <li>a. The need to quickly repair and restore disrupted services; and</li> <li>b. The impact of not operating, repairing, maintaining, upgrading, removing or developing infrastructure;</li> </ol> </li> <li>4. Existing infrastructure including: <ol style="list-style-type: none"> <li>a. The complexity and connectedness of networks and services; and</li> <li>b. The potential for co-location and shared use of infrastructure corridors;</li> </ol> </li> <li>5. Anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes;</li> <li>6. The benefits derived from the infrastructure at a local, regional and national scale; and</li> <li>7. The extent to which the infrastructure is integrated with, and necessary to support, planned urban development.</li> </ol>	<p>The policy suggests that all adverse effects have to be avoided regardless of their significance and otherwise remedied or mitigated. However, this is not always possible or practicable in the context of infrastructure and is also not reflected in the rules, which permit a large number of infrastructure activities.</p>	<p>Amend the chapeau of Policy INF P6 to read as follows or similar:</p> <p><i>When considering the adverse effects of infrastructure on the environment recognise that there may be situations where all adverse effects, including construction effects, cannot be avoided, remedied or mitigated having regard to the following:</i></p> <p>1...</p>
<p>INF-P7 <u>Incompatible subdivision, use and development</u> <del>Reverse sensitivity</del></p> <p><del>Avoid or where appropriate, manage activities that may compromise the efficient operation, maintenance, repair, replacement, upgrading, renewal or development of regionally significant infrastructure.</del></p> <p>Manage the establishment or alteration of sensitive activities near existing lawfully established infrastructure, including by:</p> <p><del>1. Requiring subdivision of sites containing the National Grid to:</del></p> <ol style="list-style-type: none"> <li><del>a. Retain the ability for the network utility operator to access, operate, maintain, repair and upgrade National Grid; and</del></li> <li><del>b. Ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and National Grid operating conditions;</del></li> </ol> <ol style="list-style-type: none"> <li>1. Managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, <del>the</del> gas transmission <del>pipelines network</del>;</li> <li>2. Requiring subdivision of sites containing a gas transmission <del>pipeline network</del> to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission <del>pipelines network</del>; and</li> <li>3. Managing the activities of others through <del>methods such as</del> set-backs and design controls where it is necessary to achieve appropriate protection of infrastructure.</li> </ol>	<p>The policy as amended does not reflect Objective INF O3 and the two-part chapeau is internally inconsistent making the Policy unclear.</p>	<p>Amend the chapeau of Policy INF P7 to apply only to gas transmission and insert a new policy applying to all other infrastructure to read as follows or similar:</p> <p><i>Avoid where practicable or otherwise remedy or mitigate adverse effects on infrastructure from subdivision, use and development, including reverse sensitivity effects, which may compromise the operation and capacity of existing, consented and planned infrastructure.</i></p> <p>Or, in the alternative</p> <p>Amend INF P7 to read as follows or similar:</p>

<sup>1</sup> Decisions Version of the PDP as adopted by WCC on 12 June 2025

<sup>2</sup> In addition to general reasons

<sup>3</sup> Subject to general relief and without limiting the scope of relief sought in WIAL's original submission and further submissions

		<p><b>INF P7 P7A Incompatible subdivision, use and development - Regionally significant infrastructure</b></p> <p><i>Avoid or where appropriate, manage activity that may compromise the efficient operation, maintenance, repair, replacement, upgrading, renewal or development of regionally significant infrastructure.</i></p> <p>And,</p> <p>Add a new Policy as follows or similar:</p> <p><b>INF-P7A Incompatible subdivision, use and development – Infrastructure excluding regionally significant infrastructure</b></p> <p><i>Manage the establishment or alteration of sensitive activities near existing lawfully established infrastructure through methods such as setbacks and design controls.</i></p>
<p><b>INF-CE-P25</b> <b>INF-CE-P12</b></p> <p>New infrastructure within the coastal environment:</p> <ul style="list-style-type: none"> <li>• Within high coastal natural character areas; or within coastal and riparian margins. Only allow for new infrastructure within high coastal natural character areas and within coastal margins and riparian margins in the coastal environment, where:             <ol style="list-style-type: none"> <li>1. <i>In SCHED 12 areas, the activity is of a scale that maintains or restores the identified values described in SCHED 12 or the natural character;</i></li> <li>2. <i>In other areas not identified in SCHED 12, the activity is of a scale that maintains or restores where appropriate the natural character</i></li> <li>3. Any significant adverse effects <i>on high coastal natural character areas or coastal and riparian margins</i> are avoided and any other adverse effects <i>on high coastal natural character areas or coastal and riparian margins</i> are avoided, remedied or mitigated; and</li> <li>4. There is a functional <i>or operational</i> need for the activity to be undertaken within these areas.</li> </ol> </li> </ul>	<p>There is a disconnect between the heading of the Policy and its chapeau.</p> <p>The Council’s decision was wrong to delete “or operational” from subclause 4. of the Policy. Its deletion is not required to be consistent with the NZCPS and infrastructure may have operational reasons to appropriately locate within the coastal environment.</p>	<p>Amend the chapeau of Policy INF CE P12 to read as follows:</p> <p><i>Only allow for new infrastructure within high coastal natural character areas or within coastal margins and riparian margins in the coastal environment, where:...</i></p> <p>And,</p> <p>Amend subclause 4. of the Policy to read as follows:</p> <p><i>There is a functional or operational need for the activity to be undertaken within these areas.</i></p>



<del>INF-CE-R29</del> <del>INF-CE-R3</del>	Operation, maintenance and repair of existing infrastructure within the coastal environment: <ul style="list-style-type: none"><li>• Within coastal or riparian margins.</li></ul>	The standard is also no longer necessary given the amendments to the rules in relation to upgrades as a result of decisions and the associated definition of “maintenance” which impose constraints on the nature and scale of any such maintenance.	Delete the standard, INF-CE-S1.
Residential Zones, Commercial and Mixed Use Zones, Industrial Zones, Special Purpose Zones and the mapped Moa Point Road Seawall Area that is Natural Open Space Zone	1. Activity status: Permitted  Where: <ul style="list-style-type: none"><li>a. For maintenance or repair of existing hard engineering hazard mitigation structures (seawalls) located in the mapped Moa Point Road Seawall Area compliance with the following standard is achieved:<ul style="list-style-type: none"><li>i. INF-CE-S1</li></ul></li></ul>		
Rural Zones, Open Space and Recreation Zones (excluding the mapped Moa Point Road Seawall)	2. Activity status: Permitted  Where: <ul style="list-style-type: none"><li>a. Compliance is achieved with INF-S3.</li></ul>		
Area that is Natural Open Space Zone)			
Rural Zones, Open Space and Recreation Zones (excluding the mapped Moa Point Road Seawall Area that is Natural Open Space Zone)	3. Activity status: Restricted Discretionary  Where: <ul style="list-style-type: none"><li>a. Compliance with <del>INF-CE-R29.2</del> <del>INF-CE-R3.2</del> cannot be achieved.</li></ul> Matters of discretion are: <ul style="list-style-type: none"><li>1. The matters in <del>INF-CE-P16</del> <del>INF-CE-P3</del> and CE-P6; and</li><li>2. The matters in PA-P1 and PA-P2.</li></ul>		

Standards			
<b>INF-CE-S1</b>	<b>Hard engineering hazard mitigation structures (seawalls) located within the Moa Point Road Seawall Area</b>		
All Zones	<p>1. Repair and maintenance of hard engineering hazard mitigation structures (seawalls) located within the Moa Point Road Seawall Area;</p> <p>a. Any works shall add no more than 1m in vertical projection to the structure, as it existed on the date on [insert date plan is made operative].</p>	<p>Assessment criteria where the standard is infringed:</p> <p>1. The extent to which the additional height is necessary for the hard engineering hazard mitigation structure (seawall) to protect the adjacent regionally significant infrastructure.</p>	
<b>INF-NH-P61</b> <b>INF-NH-P1</b>	<p><b>Infrastructure and structures in Natural Hazard and Coastal Hazard Overlays</b></p> <p>Only allow for new infrastructure, and any associated structures in the Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure or associated structures:</p> <ol style="list-style-type: none"> <li>Do not increase the risk from the natural hazard to people, or other property <del>or infrastructure</del>;</li> <li>Incorporate design measures to reduce the potential for damage to the infrastructure following a natural hazard or coastal hazard event <del>to the extent reasonably practicable</del>; and</li> <li>When located in an overland flowpath, stream corridor, or high coastal <del>hazard area</del> <b>hazard area</b>, have a functional need or operational need that means the infrastructure's location cannot be avoided and there are no reasonable alternatives.</li> </ol>	Subclause 1 of the Policy is inconsistent with other parts of the Plan as it relates to the issue of risk in the context of natural hazards.	<p>Amend Subclause 1 of Policy INF NH P1 to read as follows or similar:</p> <p>1. <i>Minimise the risk from the natural hazard to people or other property.</i></p>
<b>INF-NH-R60</b> <b>INF-NH-R3</b>	<p><b>New above ground infrastructure in Natural Hazard Overlays and Coastal Hazard Overlays</b></p> <p>All zones</p> <p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The infrastructure is located within:</p> <ol style="list-style-type: none"> <li>The ponding area of the flood hazard extent;</li> <li>The low and medium hazard areas of the Coastal Hazard Overlays;</li> <li>The <del>Shepherds</del><b>Sheppards</b> Gully Fault Overlay, Ohariu Fault Overlay or the Terawhiti Fault Overlay;</li> <li>The Liquefaction Overlay; or</li> <li>High hazard area of the Coastal Hazard Overlay within the City Centre Zone.</li> </ol> <p>All Zones</p> <p>2. Activity status: <b>Restricted Discretionary</b></p> <p>Where:</p> <p>a. The infrastructure is located within the:</p> <ol style="list-style-type: none"> <li>Overland flowpath area of the flood hazard extent;</li> <li>The Wellington Fault Overlay;</li> <li>Stream corridor of the flood hazard extent; or</li> <li>High hazard area of the Coastal Hazard Overlay outside of the City Centre Zone.</li> </ol> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> <li>The matters set out in <del>INF-NH-61</del> <b>INF-NH-P1</b>.</li> </ol>	<p>The Rule should also include to be consistent with INF-NH-R1 and ensure that such activities do not fall to be considered as innominate activities.</p> <p>Subclause 1. of the Rule should apply to the mapped Moa Point Seawall Area located within the Natural Open Space Zone given its importance of existing infrastructure located in this area.</p>	<p>Amend the heading of Rule INF NH R3 to read as follows:</p> <p><i>New above ground infrastructure, and maintenance or upgrading of existing above ground infrastructure in Natural Hazard and Coastal Hazard Overlays</i></p> <p>And,</p> <p>Amend INF NH R3 to read as follows or similar:</p> <ul style="list-style-type: none"> <li>Subclause 1.a.v.</li> </ul> <p><i>High hazard area of the Coastal Hazard Overlay within the City Centre Zone and within the mapped Moa Point Seawall Area located within the Natural Open Space Zone</i></p> <p>And</p> <ul style="list-style-type: none"> <li>Subclause 2.a.iv.</li> </ul>

		<p><i>High hazard area of the Coastal Hazard Overlay outside of the City Centre Zone <u>or outside</u> of the mapped Moa Point Seawall Area located within the Natural Open Space Zone</i></p> <p>Or, otherwise Delete the rule.</p>
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