

IN THE ENVIRONMENT COURT
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

Decision [2025] NZEnvC 117

IN THE MATTER	of appeals under cl 14 of Schedule 1 of the Resource Management Act 1991
BETWEEN	WELLINGTON INTERNATIONAL AIRPORT LIMITED
	(ENV-2024-WLG-000023 & 27)
	Appellant
AND	WELLINGTON CITY COUNCIL
	Respondent

Court:	Judge L J Semple sitting alone under s 279 of the Act
Hearing:	On the papers
Last case event:	31 January 2025
Date of Decision:	9 April 2025
Date of Issue:	9 April 2025

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the provisions of Wellington City Council’s Proposed District Plan are amended in the manner set out in **Appendix 1**, which forms part of this order;

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- (2) under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] On 20 May 2024, Wellington International Airport Ltd (WIAL) and Kāinga Ora filed separate appeals against a decision of the Wellington City Council (Council) in respect of the Proposed District Plan (PDP).

[2] On 14 October 2024, Kāinga Ora sought leave to withdraw from its appeal. WIAL was a s 274 party to Kāinga Ora's appeal and sought to advance the subject matter of Kāinga Ora's appeal. On 30 October 2024, the Court substituted WIAL for Kāinga Ora as the appellant.

[3] On 22 November 2024, WIAL, the Council and the s 274 parties attended Court facilitated mediation in relation to WIAL's appeals.

[4] The Court has now considered the supporting joint memorandum of the parties dated 31 January 2025, which proposes to partially resolve the appeals.

Other relevant matters

[5] The following s 274 parties have an interest in the relevant aspects of these appeals and have also signed the consent memorandum setting out the relief sought:

- (a) Board of Airlines Representatives Inc;
- (b) Guardians of the Bays Inc;
- (c) Strathmore Parks Residents Association Inc;
- (d) KiwiRail Holdings Ltd;
- (e) Meridian Energy Ltd;
- (f) Transpower New Zealand Ltd; and

- (g) Z Energy Ltd, BP Oil New Zealand Ltd and Mobil Oil New Zealand Ltd.

Orders

[6] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) representatives of all parties to the proceedings have executed the consent memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.



L J Semple

Environment Judge



APPENDIX 1

The additional text is shown in **red underlined**.

Existing text that is to be deleted is shown in **red strikethrough**.

AIR NOISE OVERLAYS	<p>means an <u>the</u> area defined by planning maps to show land subject to development restrictions due to potential noise effects from Wellington International Airport. The Air Noise Overlay <u>s</u> comprises:</p> <ol style="list-style-type: none"> Inner Air Noise Overlay – being properties lying between the Airport and a modelled 65 dBA <u>Ldn</u> contour, fitted to property boundaries. Outer Air Noise Overlay – being properties lying between the 65 dBA <u>Ldn</u> contour and a modelled 60 dBA <u>Ldn</u> contour, fitted to property boundaries. <p>Note: The Air Noise Overlays <u>is applied</u> <u>apply</u> to all parts of a property, regardless of whether the modelled contour affects less than the entire property.</p>
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REVERSE SENSITIVITY	<p>means the potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the existing activity.</p> <p>‘Development’ and ‘upgrading’ of an existing activity in this definition are limited to where the effects are the same or similar in character, intensity, and scale to those which existed before the development or upgrade.</p> <p><u>Reverse sensitivity means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.</u></p>
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SCA-O1	<p>The social, economic, cultural, and environmental benefits of infrastructure are recognised by enabling its <u>Infrastructure is</u> established <u>ment</u>, operation, maintained <u>enance</u> and upgraded <u>ing</u> in Wellington City so that:</p> <ol style="list-style-type: none"> <u>The social, economic, cultural, and environmental benefits of this infrastructure are recognised;</u> The City is able to function safely, efficiently and effectively; The infrastructure network is resilient in the long term; Infrastructure, including r <u>R</u>enewable electricity generation facilities, contribute to the transition away from dependence on fossil fuels; and Future growth and development is supported and can be sufficiently serviced.
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SCA-O4	New regionally significant infrastructure is provided for in appropriate locations and the social, cultural economic, and environmental benefits of this infrastructure are recognised and provided for.
SCA-O5	<u>The social, cultural, economic and environmental benefits of existing regionally significant infrastructure are recognised and provided for.</u>
SCA-O5 SCA-O6	The adverse effects of infrastructure are managed having regard to the economic, social, environmental and cultural benefits, and the functional and operational needs of infrastructure.
SCA-O6 SCA-O7	Infrastructure is protected from incompatible development and activities that may create reverse sensitivity effects <u>or that would</u> compromise its efficient and safe operation.
SCA-O7 SCA-O8	The benefits of and contribution to the development of the city's infrastructure and built environment from the utilisation of the city's mineral resources from quarrying activities are recognised and provided for.

NOISE-P3	<p>Higher noise areas</p> <p>Allow for higher noise levels to be generated within:</p> <ol style="list-style-type: none"> 1. High Noise Areas; 2. Moderate Noise Areas; 3. General Rural Zone; 4. Hospital Zone; 5. Tertiary Education Zone; 6. Stadium Zone; and 7. Port Zone; <u>and</u> 8. <u>Airport Zone.</u>
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NOISE-P4	<p>Acoustic <u>and mechanical ventilation</u> treatment of <u>new</u> buildings <u>or alterations and additions to existing buildings</u> used for noise sensitive activities and provision of alternative ventilation</p> <p>Require sound insulation and / or mechanical ventilation for <u>new</u> buildings <u>or alterations and additions to existing buildings used for rooms housing</u> new noise sensitive activities within High Noise Areas and Moderate Noise Areas, consistent with the anticipated outcomes for each receiving environment; <u>zone and/or Noise Area.</u></p> <p>The relevant acoustic insulation and ventilation standards are NOISE-S4, NOISE-S5 and NOISE-S6.</p>
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