

Before an Independent Hearing Panel of Wellington District Council

Under the Resource Management Act 1991

In the matter of the hearing of submissions and further submissions on the Proposed Wellington City District Plan (**PDP**)

And

In the matter of the Wrap-up Hearing Stream

**MEMORANDUM OF COUNSEL ON BEHALF OF WELLINGTON INTERNATIONAL
AIRPORT LIMITED**

Wrap-up Hearing – Outstanding Matters

3 September 2024

Amanda Dewar | Barrister

P: 021 2429175

Email: amanda@amandadewar.com

PO Box 7

Christchurch 8140

1. The Hearings Panel in its Minute 50 directed that any submitter who considers that its submission has not been heard or would benefit from being considered further by reason of its implications across more than one hearing stream, must advise the Hearing Administrator of the details by 2 September.
2. Counsel apologises for the lateness of this memorandum and seeks a short extension from the Panel.
3. WIAL has reviewed its submission points and considers two matters have not yet been heard.
4. The first point relates to WIAL’s submission seeking amendments to the definition of “upgrading” as follows:

PROVISION	POSITION	REASONS	RELIEF SOUGHT (subject to general relief sought in the covering submission)
<p>UPGRADING</p> <p>as it applies to infrastructure, means the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure, but excludes maintenance, repair and renewal.</p>	<p>Oppose</p>	<p>The definition requires broadening to encapsulate the range of activities that are involved with the upgrade of infrastructure.</p>	<p>Delete the definition and replace with the following: <i>As it applies to infrastructure, means the use and development to bring existing structures or facilities up to current standards or to improve the functional characteristics of structures or facilities, provided that the effects of the activity are the same or similar in character, intensity</i></p>

			<i>and scale as the existing structure and activity.</i>
--	--	--	--

5. WIAL has been unable to locate any reference to this definition being the subject of any hearing and wishes to be heard on the matter.
6. The second point relates to WIAL’s submission (Submission 406.11) seeking so-called “bird strike” provisions for specific land uses in the vicinity of the Airport as follows:

Other land uses near airports

4.109 The Civil Aviation Authority of New Zealand (“CAA”) produces guidance on land use activities at or near aerodromes.¹⁰ The following activities are of particular concern to Airport Operators where located within close proximity to an airport due to their potential bird attracting properties:


- 4.109.1 Refuse dumps and landfills;
- 4.109.2 Sewage Treatment and Disposal (outdoor);
- 4.109.3 Certain agricultural activities (cattle feed lots, pig farming);
- 4.109.4 Fish Processing;
- 4.109.5 Artificial and natural lakes/waterbodies; and
- 4.109.6 Abattoirs and freezing works.

General relief sought

4.110 In order to protect the safety of aircraft and their passengers, WIAL submits that a bespoke framework should be established for the above activities where located within a fixed distance of the Airport to ensure a consenting pathway is available that requires appropriate consideration of potential increase in bird strike risk posed by the aforementioned activities. This could be achieved by a narrowly framed restricted discretionary activity that restricts discretion to the potential effects of aircraft safety, including the potential risk of bird strike.

7. This matter has been discussed with Council staff and was referred to in Ms O’Sullivan’s evidence for Hearing Stream 6 at paragraph 61 a. noting it should be the subject of a later hearing stream. Ms O’Sullivan’s Hearing Stream 9 evidence also referred to this matter at paragraphs 54-56.

8. However, the submission was not allocated to a later hearing stream and WIAL still wishes to be heard on this matter.



Amanda Dewar

Counsel for Wellington International Airport Ltd