

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 Hearing Stream 6, Special Purpose Zone and Development Areas

SUBMISSIONS ON BEHALF OF WELLINGTON INTERNATIONAL AIRPORT LIMITED

Hearing Stream 6 – Airport Zone

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1. INTRODUCTION

- 1.1** These submissions are filed on behalf of Wellington International Airport Limited (**WIAL**), a submitter on the Wellington City Council (**WCC**) Proposed District Plan (**PDP**) in relation to Hearing Stream 6 – Special Purpose Zone and Development Areas – Airport zone.
- 1.2** WIAL has filed evidence from:
(a) Jo Lester, Planning Manager, WIAL;
(b) Kirsty O’Sullivan, Associate, Mitchell Daysh Limited.
- 1.3** The Council’s s42A Report and suggested amendments to the Airport zone provisions went a long way in alleviating WIAL’s concerns about the complexity and the potential for confusion of the notified provisions. This was reflected in WIAL’s evidence which focused on the remaining matters of disagreement.
- 1.4** A review of the Council’s rebuttal evidence by WIAL and Ms O’Sullivan has reduced those matters even further and Ms Sullivan will provide an updated tracked version of the Zone provisions that show her suggested amendments as a result of the Council’s rebuttal prior to the hearing next week. In my submission, Ms O’Sullivan amendments will assist in making the provisions more coherent, easier to use and understand.
- 1.5** WIAL also supports Mr Jeffries suggestion for expert witness conferencing to occur in relation to those matters listed at paragraph 33 of Mr Jeffries rebuttal evidence (ie the definition of Airport Purposes, the status of non-airport activities in the East side precinct and amendments to AIRPZ-S3).
- 1.6** I note that Mr Jeffries had some concerns about the scope of Ms O’Sullivan’s amendments to AIRPZ-S3.2. In my submission it is clear there is scope for the amendment sought. WIAL’s original submission sought the deletion of the whole of the Council’s notified AIRPZ S3 and requested a replacement standard which did not include any list like S3.2. Therefore it follows there is scope for the removal of the list now and in my submission expert conferencing is best placed to deal with the structural concerns about the drafting of this standard.
- 1.7** Given the level of agreement I do not propose to provide detailed legal submissions. I have already provided legal submissions as to the statutory tests for district plan reviews as part of Hearing Stream 5 and regarding the caution required for references to the Airport’s designations in the zone provisions as part of Hearing Stream 5 (Noise). I will not repeat those submissions here.
- 1.8** In addition WIAL has provided evidence about the importance of the Airport to the social and economic fabric of the District, Region and Nation in previous hearing streams and that evidence is still relied upon. Ms Lester builds on that evidence providing additional details about the operation of the Airport so that the Panel is more informed about WIAL’s management of the Airport and how the underlying zone is still a very important component to its ongoing operations even though the majority of the Airport campus is now designated.
- 1.9** On this point, it is inevitable that resource consents will be made in reliance of the rules as opposed to the Designations conditions (which in Wellington’s case are quite

prescriptive) and hence the likelihood that, at the very least, technical non-compliances will come into play in the future.

- 1.10** It is therefore imperative that there are appropriate provisions and consenting pathways for those future applications that will involve airport activities, airport related activities and non-airport activities alike.
- 1.11** It is important to understand and keep in mind the intrinsic characteristics of modern airports in New Zealand which have been recognised by the Courts¹ namely that:
- (a) Airport development and planning is a dynamic and long-term exercise²;
 - (b) Airport development changes over time and includes all connected and associated operational, administrative and commercial activities;
 - (c) Flexibility is a key component for planning, co-ordination, development and responding to changing demands for an airport³;
- 1.12** In the context of Wellington International Airport it is also important to remember that the Airport still operates within a very constrained site and there are additional regulatory controls such as Civil Aviation requirements which add another dimension to the Airport's planning and development and hence the need to provide appropriate bespoke provisions that recognise these particular constraints and restrictions.
- 1.13** All major airports in New Zealand have a dual district planning approach via designations and underlying zones and it is important that underlying zones do not undermine the overall intent of a related designation or create confusion in terms of terminology.
- 1.14** For example having a policy that requires consideration of a Design Guide which does not list the Airport zone in the list of zones to which the Guide applies and furthermore does not account for the wider range of activities and buildings associated with an airport zone, is unhelpful to say the least. As Ms O'Sullivan points out in her evidence, the policy in question (AIRPZ P4) already requires consideration of any urban design report prepared for an Airport precinct of which there will be a number due to the conditions of the Designations so the reference to the Council's "Design Guide Centres and Mixed Use" is neither necessary nor appropriate.
- 1.15** One example of the potential to create confusion is the Council's use of the term "Airport Purposes" for definitional purposes within the Airport zone. WIAL has sought (inter alia) that this be amended to "Airport Activities". The Airport's designations are for "Airport Purposes" and it is not helpful to use the same terminology for different planning concepts and will create confusion in the future.
- 1.16** It also makes more sense in circumstances where the related Airport zone definitions refer to "airport related activities" and "non-airport activity" not "purposes". As an aside it also seems to me there should be consistency in terms of whether singular or

¹ While the McElroy suite of cases relate to judicial review under the Public Work Act, the underlying principles are still relevant here.

² McElroy v Auckland International Airport [2009] NZCA 621 para [54]

³ Ibid para [76]

plural is used for each related definition and this can be achieved as a consequential amendment.

- 1.17** Finally, having appropriately worded Objectives and Policies, which reflect the importance of the Airport to the social and economic fabric of the community, the particular and various constraints it faces as well as the amenity of adjacent zones will be key in assessing consent applications in the future. As such the Airport zone provisions with Mr Jeffries' suggested amendments and the further amendments suggested by Ms O'Sullivan represent the most appropriate way to achieve the objectives of the Proposed Plan and Part 2 of the Act.



Amanda Dewar

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