

REPORT 15
1215/52/IM

RUNWAY END SAFETY AREA – SETTING APART LAND AT MOA POINT ROAD FOR ROAD, ROAD STOPPING AND REVOCATION OF ESPLANADE RESERVE

1. Purpose of Report

The purpose of this report is to obtain Council approval for the sale of land to Wellington International Airport Limited (WIAL). This is to provide a runway end safety area at the southern end of the Airport.

Because the areas of Council land affected by this proposal have either legal road or esplanade reserve status, Council's approval is sought to initiate processes to change those status restrictions to allow the sale to proceed.

However, in both processes (road stopping and reserve revocation) the Council is not the final decision maker, so a decision to sell will be conditional on the successful completion of both processes. A delegation is sought to authorise the Chief Executive to negotiate and conclude the terms of sale.

2. Executive Summary

This paper follows on from WIAL's request for a Notice of Requirement, under the Resource Management Act 1991 to designate Council land at the southern tip of the airport runway for 'airport purposes and work for the safe and efficient functioning of the airport', more specifically for the creation of a runway end safety area extension (RESA) which involves creating a tunnel along part of Moa Point Road.

The process involved looks to stop part of Moa Point Road, legalise part of the local purpose reserve into road and revoke part of the reserve land for the creation of the RESA. Once this has been completed then the stopped road and the reserve revocation area will be sold to WIAL.

All costs associated with this process will be met by WIAL including all construction costs of the tunnel, ongoing maintenance and legal and reserve revocation costs.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information*
2. *Recommend that Council, pursuant to sections 114 and 116 of the Public Works Act 1981, agree that the land at Moa Point Road be legalised as road and that part of Moa Point Road be stopped, as shown in Appendix One.*
3. *Recommend that Council approve in principle part of the Local Purpose Reserve (Esplanade) at Moa Point Road be revoked of its reserve status pursuant to section 24 of the Reserves Act 1977, as shown in Appendix One.*
4. *Note that revocation of the Local Purpose Reserve (Esplanade) is conditional on:*
 - a. *Public notification of the intention to revoke the reserve status in accordance with section 24 of the Reserves Act 1977 and no objections being sustained;*
 - b. *The consent of the Minister being obtained in accordance with section 24 of the Reserves Act 1977.*
5. *Recommend that Council agrees that if the reserve status is revoked, and if road stopping is completed as shown in Appendix One, then these areas are to be sold under the Public Works Act 1981 to Wellington International Airport Limited (WIAL) for the purpose of establishing a runway extension safety area.*
6. *Recommend that Council authorises the Chief Executive to negotiate terms of sale and conclude appropriate agreements with WIAL (including a requirement that any part of these areas which become at some future time surplus to WIAL's requirements be offered back to the Council) or a long term lease if revocation does not happen, for whatever reason.*

4. Background

4.1 The Proposal

The Council has designated the land on its District Plan at the request of WIAL. The general nature and description of the requirement is for 'airport purposes and work for the safe and efficient functioning of the airport', more specially for the creation of a runway end safety area extension (RESA) at the southern end of the runway.

The development of the RESA is necessary to meet proposed Civil Aviation Authority (CAA) rules requiring that 90 metre RESA's be provided at all of New Zealand's international airports.

To complete the 90 metre RESA, WIAL is proposing acquiring areas shown as A1, A2, B and D (above road level) on the attached survey plan (Appendix One). This is to enable a tunnel to be constructed enabling continuing flow along Moa Point Road with

the appropriate landing equipment to be located on top of the tunnel structure (so that a clear 90 metres can be achieved).

4.2 Runway End Safety Area (RESA)

RESA provide an extra margin of safety beyond the declared runway distance of an airport. They are required at both ends to cater for either an undershoot or an over-run. Airlines may not take the extra length represented by RESA into their take off weight/safety calculations; the length is simply “there” in the event of an undershoot or over-run.

For this reason, the extra length represented by a RESA will not increase any of the declared distance of the runway at Wellington. Accordingly, the current operational parameters of the airport will remain unaltered, but with an enhanced level of safety. This will not alter the type of aircraft and the destinations they can serve, so it will not be detrimental to the overall noise environment.

4.3 Site Description

The area of land which WIAL are interested in acquiring totals 6,399m². This is made up of 1804m² of road to be stopped, 2139m² of the Esplanade Reserve and 2456m² of road air space approximately (all areas are subject to survey).

The affected areas lie at the southern end of the existing runway of Wellington Airport and includes a section of Moa Point Road, a section of air-space above Moa Point Road and part of the adjoining sea protection embankment on the northern and southern sides of the road formation (Local Purpose Reserve, Esplanade). See Appendix One for a survey plan showing these areas.

The Esplanade Reserve is Council land, (Lot 3 Deposited Plan 78304 Computerised Freehold Register WN45A/75) and is largely occupied by large interlocking blocks of concrete to protect the area from erosion from the sea and these are currently maintained by WIAL.

The area is not currently utilised and would not be easily accessible by the general public due to the close proximity to the airport runway and the swell of sea in adverse weather conditions. The area has no natural character, being completely man made, has minimal vegetation cover, has no ecological value, and does not buffer a conservation site. The land lies directly under the flight path of planes arriving and departing from the airport.

4.4 The Works

The outline plan of works principally comprise of the following:

- bridging over approximately 180 metres of the airspace above the existing Moa Point Road (using part of the existing road reserve and Esplanade Reserve

- areas) together with associated road works to create an underpass with runway safety area above,
- the erection of navigational aids and associated structures on the tunnel above Moa Point Road,
 - the erection of temporary and permanent security fences, and
 - earthworks and site works for construction purposes.

All works will be completed at WIAL's cost, including WCC's costs associated with the works. All future maintenance will also be at WIAL's cost.

4.5 Northern RESA

The Northern RESA will be constructed once all testing at the southern RESA has been completed. It is not clear as yet what works will need to take place at the Northern RESA because it relies on how well the Southern RESA performs. Council will work with Transit New Zealand, as the Road Controlling Authority of Cobham Drive, if construction involves repositioning part of the road.

5. Discussion

The areas of land to be set apart as road and road to be stopped are highlighted on the survey plan and on the aerial photograph attached as Appendix Two. The adjoining property owners are Council, (Parks and Gardens and Infrastructure Business Units) and WIAL. All these parties have consented to the proposed road stopping and have been advised of the intention to revoke the reserve status for the purpose of disposing to WIAL for the RESA proposal. Further consultation will take place as part of the Reserves Act 1977 requirements.

5.1 Reserve Act 1977 Process

The reserve revocation process will commence once Council has agreed in principle to the revocation. This process is set out in section 24 of the Reserves Act 1977 and includes public notification and consideration of any submissions.

Council Officers are not expecting to receive any adverse submissions to this proposal to revoke the reserve status due to the area not currently being utilised by the general public. Also the area to be revoked is only a small part of the esplanade reserve and the public will still have access around the coastline if in the future it is required.

The public notification process involves consulting with all affected and interested parties. Once the notice period has lapsed and after submissions have been considered, Council Officers will apply for final Department of Conservation (DoC) approval for the revocation of the reserve status.

5.2 Road Stopping Process

Land which is "road" is a particular kind of public land which is subject to common law public rights and also many statutory restrictions on its management and use. A road does not need to be formed (or even used) for these rights and restrictions to exist. The removal of road status from land is called "stopping". The areas for which stopping is now proposed are unformed, and include land on either side of the carriageway and the airspace above.

There are two separate road stopping processes - first (and most commonly used by Wellington City Council) is under the Local Government Act 1974 (LGA); second under the Public Works Act 1981 (PWA).

The LGA process involves public notification and referral of any objections to the Environment Court whose decision is final. The PWA process does not involve public notification, and the "decision" is made by the Minister through Gazette notice.

Council's legal advice is that because the proposed stopping is to enable a public work by WIAL, and because the relevant areas of road are not formed (and thus not used by the public), the PWA process should be used.

The PWA process is a relatively short one. A survey plan showing both the areas of road to be stopped and legalised will be prepared, at WIAL's cost, and submitted to Land Information New Zealand (LINZ) together with a request to the Minister and a draft Gazette notice and a copy of Council's resolution authorising the stopping and legalisation. If these are acceptable to LINZ the road stopping can be completed by publication of the notice in the Gazette.

However, the road stopping will occur at the same time as the legalisation of the new area of road (which is discussed below) and this, in turn cannot occur until the reserve has been formally revoked because part of the proposed new legalised land is currently contained in the reserve land area.

The road stopping, if successful will have no adverse effects on the existing street network or the environment generally.

5.3 Road Legalisation Process

The road legalisation process is completed under the Public Works Act 1981. This involves producing a survey plan which is submitted to LINZ with a request to the Minister (as discussed above under the Road stopping process) together with a copy of Council's resolution authorising the legalisation and a draft Gazette notice. The legalisation is then completed by publication of a notice in the Gazette and registration.

5.4 Acquisition of Land

Once the road has been stopped and the reserve revoked the areas shown in Appendix One as A1, A2 and B and the air rights above D will be disposed of to WIAL at current

market value. The disposal process is set out under Section 17 of the Public Works Act 1981.

In case the reserve revocation is not completed, for what ever reason, then a long term lease of the reserve area will be offered to WIAL under a current market rental for this area.

The sale of this land to WIAL will be on commercial terms using valuers from both parties and will not run through a competitive process. The Chief Executive Officer of WCC will finalise all negotiation details.

6. Conclusion

It is recommended that the Strategy and Policy Committee approve:

- i. The setting apart of land at Moa Point Road as road
- ii. The road stopping of land at Moa Point Road
- iii. The revocation of the reserve status at Moa Point Road Local Purpose Reserve (Esplanade)
- iv. The sale of the above road stopped and reserve revocation areas (once those processes have been completed) to Wellington International Airport Limited (or a long term lease if revocation does not happen, for whatever reason).

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Supporting Information

1) Fit with Strategic Objectives/Strategic Outcomes

Transport Effectiveness – a well-planned and comprehensive transport network supports a compact and highly liveable city where people move about easily and safely.

Recreation opportunities – Wellington offers a diverse range and an abundance of quality recreation and leisure activities that are easily accessed and affordable.

2) LTCCP/Annual Plan reference and long term financial impact

There is no annual plan reference for this activity.

3) Treaty of Waitangi considerations

Local iwi will be consulted under the Reserves Act 1977 process to revoke the reserve status and will be given an opportunity to make a submission while the public notification period is run.

4) Decision-Making

This decision will impact on whether the airport can continue to land international aeroplanes once the new laws come into effect.

5) Consultation

The Infrastructure and Parks and Gardens Business Units have been consulted regarding this proposal and support all recommendations in this report.

6) Legal Implications

Legal advice has been obtained on matters in this report.

7) Consistency with existing policy

N/A

APPENDIX ONE

SURVEY PLAN

APPENDIX TWO

AERIAL PHOTOGRAPH