

13 December 2021

Brenda
fyi-request-17263-e4bd7f00@requests.fyi.org.nz

Dear Brenda

Thank you for your email of 19 October 2021 to Kāinga Ora – Homes and Communities, requesting the following information under the Official Information Act 1982 (OIA):

Please send a copy of any discussions, documents and correspondence Kainga Ora has had with or on the topic of Wellington airport (including expansion, noise control and any other effects on people living in the area). This includes any submissions made to authorities or consultations, and correspondence on the topic of Wellington airport.

On 8 November 2021 you responded to an invitation to clarify the timeframe for the information you requested as following:

There's been a bunch more NOR since 2016. Please send all submissions and discussions Kainga ora has had with and about Wellington Airport since that time, regarding their expansion plans, community consultation, and the effects on Kainga ora tenants.

Alternatively, can you confirm if Kainga ora has not had any discussions, not sent any submissions, or otherwise not hold any documents/correspondence about the airport expanding?

On 17 December 2021 Kāinga Ora advised you that the timeframe for responding to your request was extended by up to a further 20 working days in accordance with section 15A(1)(b) of the OIA, 'consultations necessary to make a decision on your request are such that, under the present circumstances, a proper response cannot reasonably be made within the original time limit'.

I have interpreted your clarification of your request as a request for information on negotiations that took place subsequent to 2016, and I provide nineteen documents as an attachment.

Kāinga Ora understands that WIAL first lodged notices of requirement (NOR) for an extension to the Wellington airport runway in 2016 (Applications WGN60274 and SR357873). The applications were for resource consent to enable the airport to extend its runway via a reclamation of coastal marine land.

On 12 August 2016 Kāinga Ora (then Housing New Zealand (HNZ)), lodged a submission as an affected party to the applications, which were subsequently referred to the Environment Court for determination.

In its submission HNZ did not either oppose or support the applications. It sought clarification of and changes to address a number of key points with regard to how the airport noise boundary would be finalised; how this might potentially restrict future use of HNZ land located within the noise contours, and the timeframe for mitigation work to be completed.

In December 2016 HNZ engaged legal firm Ellis Gould to engage with WIAL on its behalf over an alternative masterplan, and to work through a mitigation package as part of the Environment Court process.

As the negotiations were part of the Court process, the information is subject to an obligation of confidence. Therefore, I am declining your request for this information under sections 9(2)(ba) of the OIA, *to protect information that is subject to an obligation of confidence* and 9(2)(h), *to maintain legal professional privilege*.

Instead, I provide a copy of HNZ's 2016 submission to the Wellington City Council and Greater Wellington Regional Council on Notified Resource Consent Application WGN60274 and SR357837. This document, which is dated 12 August 2016, falls outside what I understand to be the timeframe of your revised request. I provide it for context, however, as it sets out HNZ's concerns with the proposed extension, and formed the basis for subsequent negotiations.

The negotiations did not result in an agreement, as in April 2018 WIAL requested an adjournment until October 2018 and in April 2019 withdrew its application, stating that it intended to re-apply the following year.

In the second half of 2019 Kāinga Ora representatives were invited to meet with WIAL to discuss a potential alternative masterplan for the airport, and the impact on Kāinga Ora properties. The staff who attended this meeting no longer work for Kāinga Ora, and a search has not found any documents relating to the meeting or related discussions. Therefore, I am declining your request for this information under section 18(e) of the Act, *'the document alleged to contain the information requested does not exist or cannot be found'*.

I am advised, however, that the masterplan was at this time in draft form only and that WIAL had not issued an NOR, so there was no detailed information provided for Kāinga Ora to scrutinise. I am further advised that Kāinga Ora's interest in the meeting was to ensure that any noise mitigation package offered would extend over all our properties, and that WIAL confirmed it would investigate these issues further, and use them to inform any future NOR.

Kāinga Ora recently became aware that WIAL lodged two further NORs in 2020, to enable it to expand its operations into the neighbouring golf course. These were notified by Wellington City Council in mid-December 2020, with submissions closing in February 2021. The relevant teams within Kāinga Ora did not learn of the NOR prior to the closing date for submissions. As a result, Kāinga Ora has not made a submission on the NORs and has not been a party to the process.

I am advised that on becoming aware of the NOR, Erin Palmer, Senior Development Manager, contacted WIAL by phone, on or around 6 August 2021, to request a discussion of the mitigation proposed as part of the revised masterplan. This resulted in a meeting with WIAL being scheduled for 3 November 2021.

The attached copies of emails between Kāinga Ora staff and WIAL primarily relate to this meeting and to related discussions. For ease of reference, I provide a list of these documents, below, by date and sender. Please note that some contact details have been withheld under section 9(2)(a) of the OIA *to protect the privacy of natural persons*. I am also advised that the action to seek a meeting with WIAL was raised at a meeting of Kāinga Ora staff involved in regional Wellington issues on 7 October 2021.

16 August 2021	Erin Palmer, Senior Development Manager, to multiple recipients
4 October 2021	Janna Campbell, Chief Advisor Strategy, to Paul Clearwater
5 October 2021	Paul Clearwater, Manager Community Engagement and Partnership, to multiple recipients

5 October 2021	Brent Limmer, Manager Investment Planning, to multiple recipients
5 October 2021	Hayley Fitchett, Director National Planning, to multiple recipients
13 October 2021	Kate Green (Stuff) to Kāinga Ora media enquiries
15 October 2021	Fiona Lewis, Senior Communications Advisor, to Kāinga Ora media notification
18 October 2021	Richard Dalby, Manager Commercial Property, WIAL, to multiple recipients
18 October 2021	Erin Palmer to multiple recipients
18 October 2021	Brent Limmer to multiple recipients
18 October 2021	Richard Dalby to multiple recipients
18 October 2021	Sonia Dolan, Senior Development Planner, to multiple recipients
18 October 2021	David Durie, Private Secretary to the Minister of Housing, to Kāinga Ora
19 October 2021	Alicia Long, Senior Advisor, Government Relations, to multiple recipients
19 October 2021	Gurv Singh, Team Leader Development Planning, to Alicia Long
19 October 2021	Paul Clearwater to multiple recipients
19 October 2021	Brent Limmer to Paul Clearwater and others
19 October 2021	Gurv Singh to Brent Limmer, Brendon Liggett

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/> with your personal information removed.

Yours sincerely



Rachel Kelly
Manager Government Relations