

Form 7A: Request for application relating to resource consent to be determined by direct referral to the Environment Court

Section 87D, Resource Management Act 1991

To The Greater Wellington Regional Council
PO Box 11646
Wellington 6142

and

The Wellington City Council
PO Box 2199
Wellington 6140

1. Wellington International Airport Limited (**WIAL**) requests that the Application dated 28 April 2016 for resource consents relating to the Wellington Airport Runway Extension (**Project**) be directly referred to the Environment Court for determination instead of the relevant consent authorities. The relevant types of resource consent are as follows:

Wellington City Council (WCC)

Land use consents (Wellington City Council District Plan 2000)

Greater Wellington Regional Council (GWRC)

Coastal permits (Regional Coastal Plan 2000 and Proposed Natural Resources Plan 2015);

Discharge permits (Regional Coastal Plan 2000 and Proposed Natural Resources Plan 2015);

Water permit (Regional Coastal Plan 2000);

Land use consents (Proposed Natural Resources Plan 2015)

2. A copy of the relevant statutory form (Form 9) for the Project is **attached** as **Appendix A** to this request.
3. The general location of the Project is shown on the plans that are **attached** as part of **Appendix A** namely, Site Plan A – locality, Site Plan B – southern detail and Site Plan B – runway extension detail.

4. **The reasons for the request are as follows:**

Background

Legislative

- 4.1 The Resource Management (Simplifying and Streamlining) Amendment Act 2009 (**Amendment Act**) was enacted to improve the quality and certainty of decision making and to reduce delays and costs by simplifying procedures and rationalising the appeal process.
- 4.2 The Amendment Act introduced an alternative method for processing a notified resource consent application, commonly known as a “direct referral”. This enables an applicant to make a request to a consent authority for an application to be decided by the Environment Court at the first instance instead of the consent authority¹.
- 4.3 This particular amendment to the Resource Management Act 1991 (**Act**) is intended to address the duplication of process, substantial costs, and time delays as a result of applications going through the Council hearing process and then being heard again de novo in the Environment Court.

The Project

- 4.4 The last major extension to the runway at Wellington International Airport was for approximately 270m in 1972. Since this date, there have been major developments in aviation and tourism.
- 4.5 WCC has identified the introduction of international long-haul flights into Wellington as a key contributor² to help Wellington thrive, by providing a new point of access for visitors to central New Zealand. Currently only 1% of the world can access Wellington by a direct flight and 35% with one stopover. Therefore, international access to Wellington is predominantly via other airports. Once the Project is operational, 65% of the world would be able to reach Wellington with one stopover or less.
- 4.6 If granted, the resource consents will enable the construction, operation and maintenance of an extension to WIAL’s usable runway mostly by way of an infilled rock dyke reclamation of the Coastal Marine Area (**CMA**) to the south of the existing runway in Lyall Bay.

¹ Section 87D of the Act

² One of the ‘Big 8’ ideas of the Wellington City Council

- 4.7 The total area of the proposed extension construction footprint is approximately 13 hectares which includes road, Airport Precinct and Open Space B zoned land. The total area of the extension within the CMA is approximately 11 hectares.
- 4.8 The extension is designed to achieve a minimum Take-off Runway Available (**TORA**) distance of 2,300 metres and will enable the extended runway to meet the specifications for wider, long-haul aircraft which would make direct flights to and from Wellington via Asia and North America.
- 4.9 Mitigation proposed for the Project includes urban design and landscape treatment in and around the runway extension, the remediation of part of the beach at Moa Point, a submerged wave focusing structure within Lyall Bay and design measures to encourage recolonisation and rehabilitation of aquatic species within the rock dyke.
- 4.10 The existing Moa Point Road tunnel underpass will be extended or an additional underpass will be constructed to the east as part of the Project.
- 4.11 The Project is described in more detail in the Assessment of Environmental Effects that forms part of the Application.

WIAL Application and Request

- 4.12 It is clear the Application will be publicly notified.
- 4.13 WIAL considers that the Application is best dealt with by direct referral to the Environment Court for the following reasons:
 - (a) Likely appeals on the Project;
 - (b) Technical nature of the Project and resource consents required;
 - (c) Streamlined decision-making; and
 - (d) Cost considerations.
- 4.14 Each of these reasons is discussed in more detail below.

Likely appeals on the Project

- 4.15 The Project involves significant works that will add to a complex existing environment which includes designations, roads, reserves, multiple infrastructure and activities within and near the CMA.
- 4.16 For various reasons, this Project is likely to be contentious, and has already generated significant media and potential submitter interest, both positive and negative. The Board

of Airline Representatives of New Zealand has publicly indicated its opposition and various interest groups have formed and/or spoken out in opposition to the project.

- 4.17 This significant public interest and the nature of airport developments generally raise the real likelihood of appeals and the Project should be directly referred to the Environment Court to be determined in the first instance.

Technical nature of the Project and resource consents required

- 4.18 Due to the nature of the works required for the Project, in particular the reclamation, there will be evidence provided on a number of technical matters. WIAL anticipates that there will be evidence provided by multiple expert witnesses on the same environmental effects.
- 4.19 WIAL considers it is more appropriate for the Environment Court to consider the evidence and arguments regarding these matters for the following reasons:
- (a) The Environment Court has extensive experience with large, complex projects of a highly technical nature;
 - (b) The availability of Environment Court Commissioners who have appropriate expertise in specific areas;
 - (c) The consultation feedback has raised complex evidential issues. The weighting of the various evidential factors is most appropriately provided by the Environment Court
 - (d) The decision-making would benefit from rigorous testing of evidence under oath that is provided for in the Environment Court; and
 - (e) The ability of the Environment Court to direct Environment Court assisted mediation and provide for expert conferencing will likely significantly narrow and focus the contested issues for determination.

Streamlined decision-making

- 4.20 In light of the extensive public interest it would be beneficial for all parties to have a streamlined decision-making process that enables a decision to be made by the Environment Court that is final, subject to any appeals on points of law to the High Court.
- 4.21 Determination of the applications for the Project will provide some finality to all interested parties and a significant reduction of the timeframe in which parties have to

be engaged in the process. Without a direct referral the Project is likely to be subject to the consenting process for a more significant period of time.

- 4.22 Determination by the Environment Court also ensures complete independence which is important given the Wellington City Council is both a consenting authority and a shareholder in WIAL.
- 4.23 The Court Registry is well positioned to be able to handle the large number of submitters that wish to be heard on these applications through its established case management process.

Cost considerations

- 4.24 A proposal of this scale involves significant costs for WIAL both in terms of consenting costs and ultimately the cost of constructing the Project if consented. Part of the consenting costs have also been funded by WCC.
 - 4.25 Given the scale of the costs, and the involvement of ratepayer funds, the need for certainty around this decision-making process is critical. Overall costs for submitters/interested parties (if they would otherwise participate in a two stage process) and WIAL will be reduced by only being required to participate in a one stage hearing process.
5. Granting the request would achieve the outcomes intended by the Amendment Act. Direct referral to the Environment Court would reduce the duplication of process, time delays and significant costs by avoiding a two stage consenting process.
 6. Direct referral is the most appropriate way to consider and decide on the resource consents for the Project.

Wellington International Airport Limited

by its solicitors and authorised
agents **Lane Neave**

Per:



Amanda Dewar / Joshua Leckie

Date: 28 April 2016

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Appendix A – Form 9 (excluding Assessment of Environmental Effects)

Form 9: Application for Resource Consent

Section 88 of the Resource Management Act 1991

To The Greater Wellington Regional Council
PO Box 11646
Wellington 6142

and

The Wellington City Council
PO Box 2199
Wellington 6140

1. Wellington International Airport Limited (WIAL) applies for the following types of resource consent:

- (a) Coastal permits (Regional Coastal Plan 2000 and Proposed Natural Resources Plan 2015);
- (b) Discharge permits (Regional Coastal Plan 2000 and Proposed Natural Resources Plan 2015);
- (c) Water permit (Regional Coastal Plan 2000); and
- (d) Land use consents (Proposed Natural Resources Plan 2015 and Wellington City Council District Plan 2000);

2. The activity to which the Application relates (the proposed activity) is as follows:

- (a) The construction, operation and maintenance of an extension (including associated structures) to WIAL's usable runway mostly by way of an infilled rock dyke reclamation of the Coastal Marine Area (**CMA**) to the south of the existing runway in Lyall Bay generally as shown in the following annexures:
 - (i) **Annexure A:** Site Plan A – locality;
 - (ii) **Annexure B:** Site Plan B – southern detail; and
 - (iii) **Annexure C:** Site Plan C – runway extension detail.
- (b) Activities and transport movements during construction (both within the CMA and on land) during the day and night in a manner that avoids an unacceptable impact on aircraft operations.

- (c) The extension of the existing Moa Point Road underpass or the construction of an additional underpass to the east and associated modifications.
- (d) The total area of the construction footprint of the runway extension is approximately 13 hectares which includes road, Airport Precinct and Open Space B zoned land. The total area of the extension within the CMA is approximately 11 hectares to achieve a Takeoff Runway Available (**TORA**) distance of 2,300 metres.
- (e) Mitigation measures including:
 - (i) Urban design and landscape/amenity improvements in and around the proposed runway extension.
 - (ii) The remediation of the eastern part of the beach at Moa Point in particular where the extension joins the beach.
 - (iii) A submerged wave focusing structure within Lyall Bay approximately 400 metres off-shore to mitigate potential adverse effects on surf quality and designed to enhance surf quality.
 - (iv) Design measures to encourage recolonisation and rehabilitation of aquatic species within the rock dyke.
- (f) A lapse period of 15 years for the resource consents with the following resource consent durations:
 - (i) Land use consents and permits relating to ongoing use and maintenance: unlimited duration (where provided for by section 123 of the Resource Management Act 1991);
 - (ii) Construction related Greater Wellington Regional Council resource consents and permits - 10 years duration; and
 - (iii) All other Greater Wellington Regional Council resource consents - 35 years duration.
- (g) A detailed description of the activities is further described in the Assessment of Environmental Effects (**AEE**) including in particular Table 1-2, Table 1-3 and Table 1-4. The AEE forms part of this Application.

3. The site at which the proposed activity is to occur is as follows:

As shown on Annexures A, B and C.

4. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

Owner	Title Reference	Legal Description
Her Majesty the Queen	CMA	CMA
The Wellington City Council	WN45A/76	Fee Simple, Lot 4 DP 78304
The Wellington City Council	WN45A/75	Fee Simple, Lot 3 DP 78304
The Wellington City Council	WN43B/27	Fee Simple, Lot 6 DP 75384
The Wellington City Council	No title associated	Fee Simple, Lot 7 DP 75384
The Wellington City Council	WN428/268	Fee Simple, Part Lot 2-4 DP 1808 and Part shown as proposed Road on DP 1808 and Lot 5-6 DP 2456 and Part Lot 1, 3-4 DP 2456 and Lot 2 DP 2481 and Part Lot 1 DP 2481
The Wellington City Council	SO 342914	Statutory Action: New Zealand Gazette 2009 p4145 (Road)
The Wellington City Council	SO 342914	Statutory Action: New Zealand Gazette 1990 p144 (Road)

5. The other activities that are part of the proposal to which the application relates are as follows:

Activities classified as permitted in the relevant planning documents that are further described in the Assessment of Environmental Effects (**AEE**) including in particular Table 1-2, Table 1-3 and Table 1-4.

6. The following resource consents are needed for the proposal to which this application relates and have not been applied for. These do not form part of the Assessment of Environmental Effects:

Resource consents associated with obtaining of an alternative marine based bulk fill source that may be obtained by a third party. The need for these consents is not yet known and will not be determined until the precise fill source(s) has been confirmed by WIAL.

It is noted that alterations are required to the existing WIAL Designations:

- (a) G2 contained in the Wellington City Council District Plan 2000 that relates to airspace in the vicinity of the airport; and
- (b) G3 contained in the Wellington City Council District Plan 2000 that relates to the Runway End Safety Area Extension (**RESA**) - Southern End.

7. Attached is an assessment of the proposed activity's effects on the environment that:

- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

8. Attached is an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

9. Attached is an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

- 10. Attached is information that shows the area proposed to be reclaimed, including its location, the position of all new boundaries (if practicable) and the portion of the area (if any) to be set aside as an esplanade reserve or esplanade strip.**

Annexure C shows the location of the area to be reclaimed and the position of the new boundaries as far as practicable at this stage.

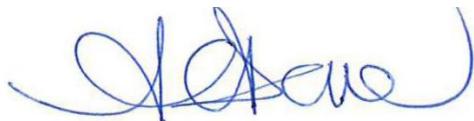
- 11. It is not considered any further information is required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations under that Act.**

Wellington International Airport Limited

by its solicitors and authorised

agents **Lane Neave**

Per:



Amanda Dewar / Joshua Leckie

Date: 28 April 2016

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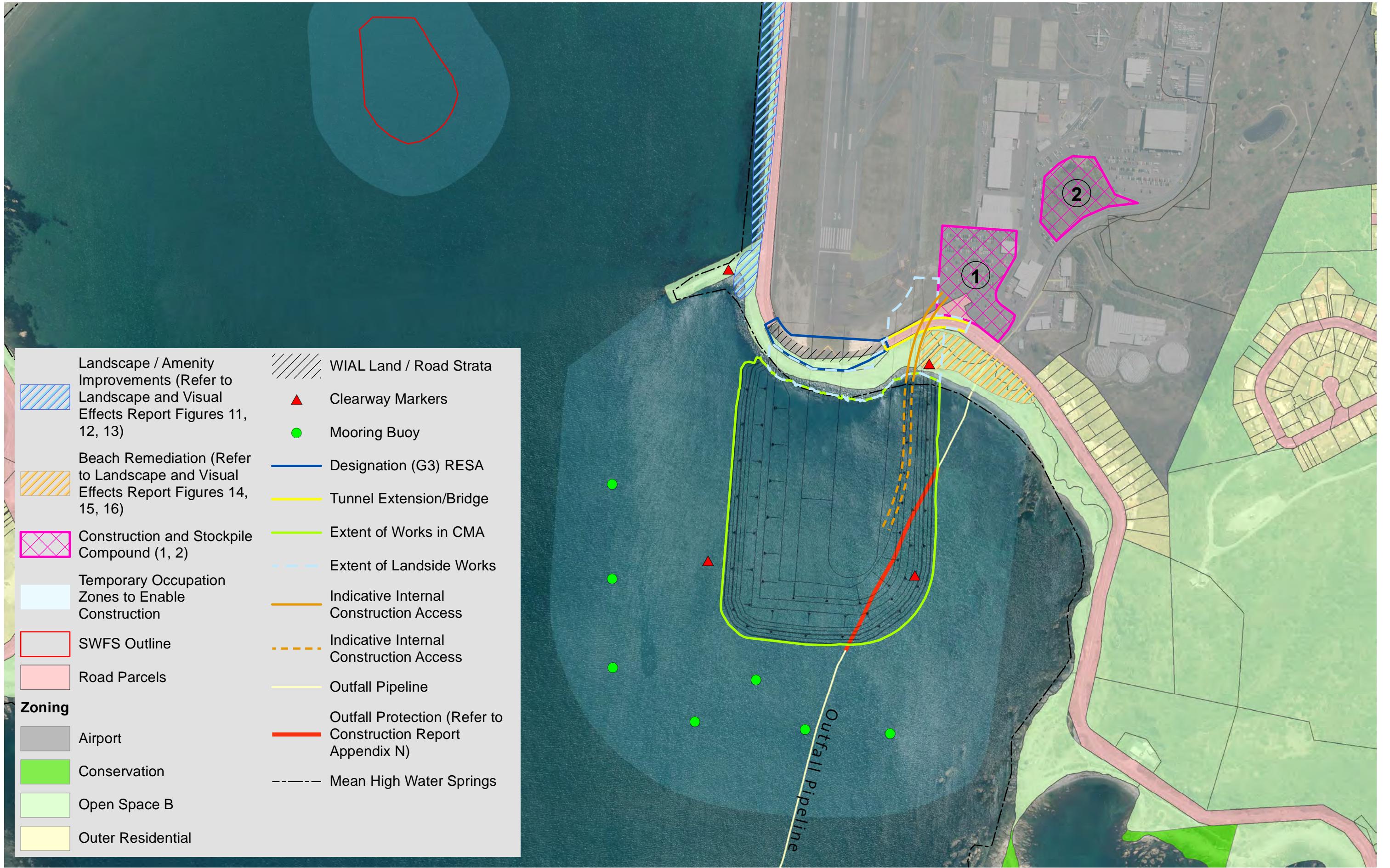
Contact person: Amanda Dewar / Joshua Leckie

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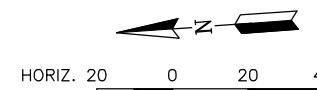
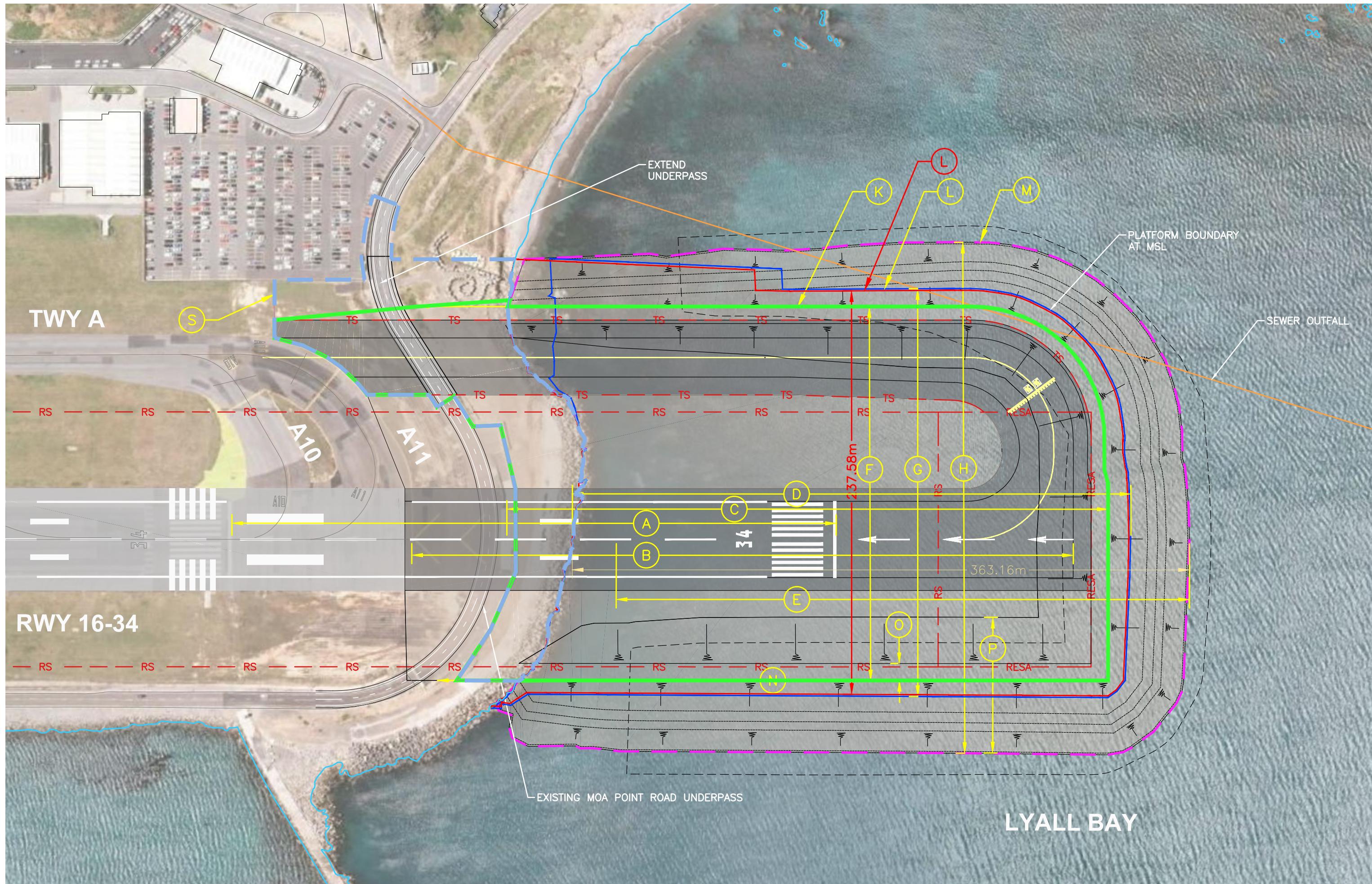
Annexure A: Site Plan A – locality



Annexure B: Site Plan B – Southern Detail



Annexure C: Site Plan C - Runway Extension Detail



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**RUNWAY EXTENSION & SAFETY AREA IMPROVEMENTS
SOUTH RUNWAY EXTENSION - PLAN VIEW**

WELLINGTON INTERNATIONAL AIRPORT
WELLINGTON, NEW ZEALAND