

**Before an Independent Hearing Panel and Freshwater Hearing
Panel of Greater Wellington Regional Council**

Under the Resource Management Act 1991

In the matter of Proposed Plan Change 1 to the Wellington Regional Policy Statement

**SUMMARY OF LEGAL SUBMISSIONS ON BEHALF OF WELLINGTON
INTERNATIONAL AIRPORT LIMITED**

Hearing Stream 4

15 September 2023

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- 1.1** This summary of legal submissions is filed on behalf of Wellington International Airport Limited (**WIAL**), a submitter on the Greater Wellington City Council (**GWRC**) Plan Change 1 (**PC1**) for Hearing Stream 4.
- 1.2** WIAL has filed planning evidence from:
- (a) Claire Hunter, Director and Resource Management Consultant, Mitchell Daysh Ltd.
- 1.3** The thrust of Ms Hunter’s evidence is that the proposed Urban Development provisions including the suggested amendments as part of the s42A Report do not sufficiently recognise the importance of qualifying matters including in particular, the safe and efficient operation of Wellington International Airport and other nationally significant infrastructure.
- 1.4** Ms Hunter and WIAL are supportive of the s42A Report’s new Policy UD.5 which recognises the importance of protecting regionally significant infrastructure from potential reverse sensitivity effects when considering resource consent applications and the like. However it is equally important to ensure that the “parent” objective (in this case Objective 22) properly recognises the “what” in the equation where regional form including development capacity does not compromise the ability to operate nationally and regionally significant infrastructure safely and efficiently.
- 1.5** This is especially so when the s42A writer has said that *Objective 22 must clearly set out all outcomes sought for regional form to support implementation of the chapter and contributing provisions.*¹ Urban intensification in terms of the NPS-UD is not provided for in a vacuum and accounting for qualifying matters as part of the urban form to be achieved is just as important. It is particularly so for the Airport where reverse sensitivity is very much a live issue in terms of the current Wellington District Plan Review and IPI process.

1 Para 192 Section 42A Report.

- 1.6** Overall it is considered that these issues have been downplayed by the S42A Report and that the amendments suggested in Ms Hunter evidence would better meet the statutory tests as set out in the S42A report at paragraph 9.
- 1.7** At Hearing Stream 1 (**HS 1**), WIAL raised and filed legal submissions on the issue of the allocation of provisions between the Freshwater Planning Process (**FPP**) and the usual Part 1 Schedule 1 process. Appendix A to WIAL's HS 1 legal submissions identify the provisions at issue for WIAL and the reasons why.
- 1.8** These concerns remain and are further articulated in Ms Hunter's evidence. From a legal perspective it is difficult to comprehend how Objective 22, Policy 55, Policy UD.2, Policy UD.3 and Policy UD.5 (including as proposed to be amended by the Section 42A report), that for the most part seek to give effect to the NPS-UD, can be considered to be directly related to freshwater in terms of the current test under S80A (or indeed its replacement as a result of the NBEA).

DATED at Wellington this 15th day of September 2023



Amanda Dewar / Madeline Ash
Counsel for WIAL