

**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 3

14 August 2023

Amanda Dewar | Barrister

P: 021 2429175
Email: amanda@amandadewar.com
PO Box 7
Christchurch 8140

**SIMPSON
GRIERSON**

Mike Wakefield / Madeline Ash
T: +64-4-499 4599
mike.wakefield@simpsongrierson.com
elizabeth.neilson@simpsongrierson.com
PO Box 2402 Wellington

1. Summary

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 3.

1.2 WIAL has filed evidence from:

- (a) Jenna Raeburn, General Manager Corporate Affairs, WIAL; and
- (b) Claire Hunter, Director and Resource Management Consultant, Mitchell Daysh Ltd.

1.3 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 reason(s) why.

1.4 WIAL's evidence speaks to its overriding concerns that:

- (a) the proposed climate change PC1 provisions lack proper reference to and acknowledgment of the importance of the national climate change policy framework;
- (b) these provisions do not appropriately recognise the role of significant infrastructure;
- (c) these provisions do not account for how Wellington Airport or the aviation sector fit into the national framework and make that distinction clear; and
- (d) overall, the PC1 provisions may inadvertently inhibit the Airport from undertaking and achieving climate resilience and adaptation into the future.

1.5 From a legal perspective in terms of Section 61 (2)(d) and (e) there seems to have been little attention paid to the relevant provisions of the National Adaptation Plan or the National Emissions Reduction Plan, including in particular as they relate to airports.

1.6 The provisions recommended by Ms Hunter meet these overriding and important concerns. Further in terms of Section 32AA and 32, her recommended provisions are the most appropriate way to achieve:

- (a) the purpose of the Act, taking into account the special circumstances of the airport and the aviation sector; and
- (b) the relevant objectives of the RPS, in respect of the recommended policies and rules.

DATED at Wellington this 14th day of August 2023

Amanda Dewar / Madeline Ash
Counsel for WIAL