

Wellington Airport Runway Extension



Opponent Submission Guide



13 July 2016

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Introduction

Who are the Guardians?

Guardians of the Bays is a broad-based citizens' group opposed to the proposal to extend the runway at Wellington Airport. Our members include lawyers, politicians, policymakers, business owners, recreational clubs, marine ecologists, health professionals, architects, pilots and aviation professionals and several economists.

We plan to oppose the extension unconditionally, on all grounds. Other groups can make use of our resources and fight individual issues and points of interest to them with support from the Guardians.

Join us.

Purpose of this Guide

This guide has been developed by the Guardians of the Bays campaign to assist people when submitting against Wellington International Airport Limited's (**WIAL**) application to extend the Wellington Airport Runway by 355 metres into Wellington's South Coast.

The guide is divided into four parts.

Part 1	The application, and the direct referral process that the application will follow
Part 2	Submitters' participation in the process
Part 3	Some suggested points about what you might want to cover in your submission
Part 4	Information evenings, submission drafting workshops, and our contact details

While all care has been taken in developing this guide, this is not a substitute for reviewing all official information on the process, and we encourage you to read widely.

Part 1: The application and direct referral process

The Application

WIAL seeks consents from Wellington City Council (**WCC**) and Greater Wellington Regional Council (**GWRC**) to extend the Wellington Airport runway by 363 metres into the coastal marine area of Wellington's South Coast by way of reclamation.

The types of consents required include:

- Coastal permits
- Discharge permits
- A water permit
- Land use permits

The total proposed construction area of the extension is approximately 13 hectares. Of that total, approximately 11 hectares will require reclamation of the coastal marine area, into the Cook Strait.¹

Who is the applicant?

The applicant is WIAL, which is owned as follows:

- **Infratil**, a private company (66% shareholding)
- **WCC** (33% shareholding)

WIAL has requested that its application for resource consents be directly referred to the Environment Court for determination instead of the relevant consent authorities. Please note that a decision has not been made on this request yet.

What is a direct referral?



The direct referral process is one of a number of streamlined processes available under the RMA for processing resource consent applications.

The process enables an applicant to apply to the council with which its application is first lodged, to have its application referred straight to the Environment Court to be heard, rather than the application first having to go through a council-level hearing.

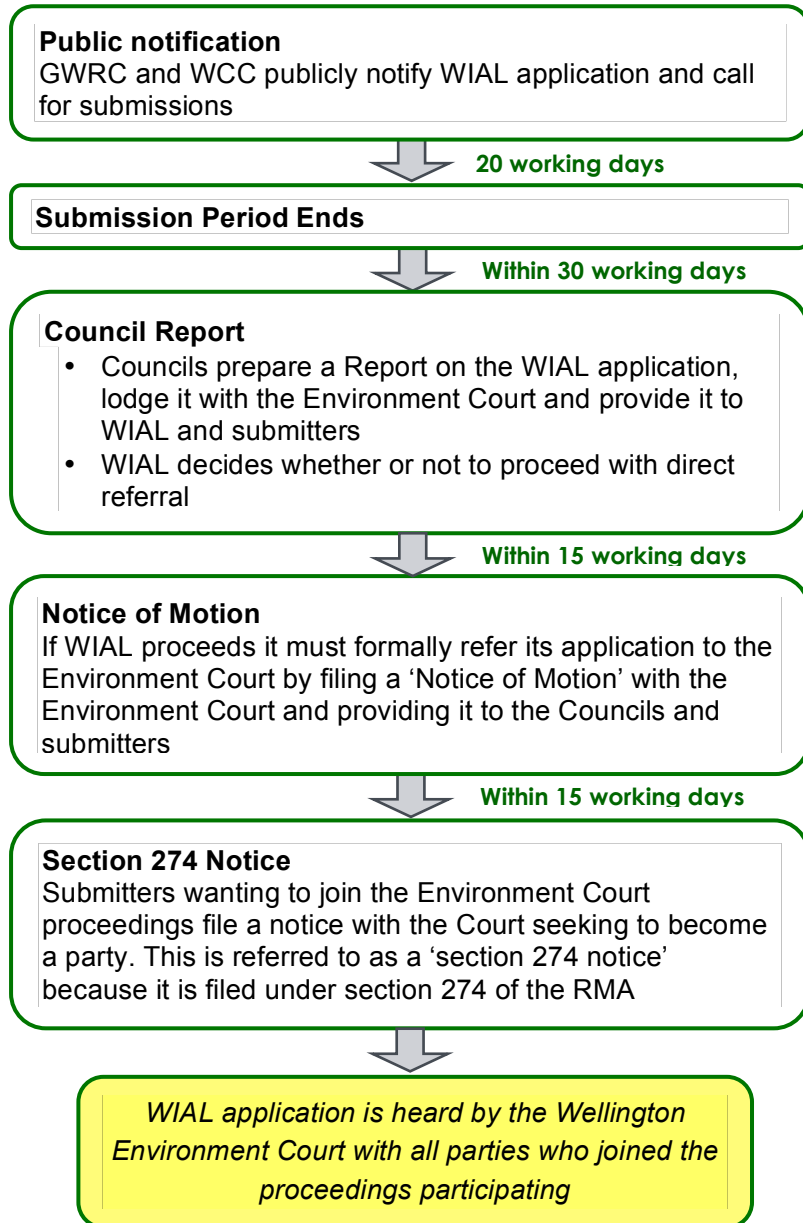
Applicants will usually apply to use this process where an application is for a project that has strong opposition and there is likely to be an appeal to the Environment Court from a council decision anyway. In that context, the direct referral process is intended to save the time and cost to applicants and submitters of going through both a council hearing and then an Environment Court appeal in relation to the application.

WIAL has requested that its application be directly referred to the Environment Court. A decision has not been made on this request yet by GWRC and WCC, but it is likely that the Councils will agree to the request.

Among other reasons, direct referral is likely to be adopted because of WCC's ownership interest in Wellington Airport. It may not be considered prudent that WCC be the decision maker in light of their interest in the outcome.

A diagram setting out the direct referral process, starting with the date of notification of the application, is on page 3. The process is also described in further detail in Part 2 of this guide.

WIAL Direct Referral Process



Part 2: Participating in the Process

Notification of the application and making submissions

WIAL has asked for its application to be subject to “public notification” under the RMA. When an application is publicly notified under the RMA, anyone who considers themselves interested in, or affected by, the application may participate in the consenting process by filing a submission on the application. The date of public notification of the application kicks off the submission process.

Call for submissions

GWRC and WCC publicly notified the application on Friday 1 July 2016 and submissions are open until **4.30 pm on Friday 12 August 2016**.

Submission forms

Submission forms in word and pdf are available on the Councils website: <http://www.gw.govt.nz/wellington-airport-runway-extension/>



Request for independent commissioner in the GWRC fillable submission form

We understand that a number of opponent submitters are concerned about the section in the GWRC submission form that asks us to identify whether we wish to request an Independent Commissioner to hear and decide the application because of the potential cost implications identified. Please note, this question is only relevant where Council hearings are concerned. As you know, WIAL has asked for the hearing to be directly referred to the Environment Court. If that happens, this question becomes irrelevant.

The Councils have not yet released a decision on whether they will refer the application directly to the Environment Court, which is why the question asking whether submitters want an Independent Commissioner remains in the GWRC template submission form. However, submitters will find this out before the submission period closes on 12 August 2016. For this reason, we suggest submitters not concern themselves with this question at this stage and await the decision on direct referral. We consider that it is highly likely that the application will be referred to the Environment Court. We will update our website when the Councils release their decision on direct referral.

Making a submission

Submissions can be made as follows:

Email	notifications@gw.govt.nz
Post	Manager Environmental Regulation Greater Wellington Regional Council PO Box 11646 WELLINGTON

Whichever method you use, if your submission is in electronic form, please consider sending a copy to guardiansofthebays@gmail.com so we can understand, and advocate for, your concerns.

Serving WIAL with your submission

It is a requirement under the RMA that submitters provide a copy of their submission to the applicant as soon as practicable after filing it with the Council.

Email	amanda.dewar@laneneave.co.nz
Post	Wellington International Airport Limited C/- Lane Neave PO Box 25626 Featherston Street Wellington 6011 Attention: Amanda Dewar / Joshua Leckie

Form of submissions

Submissions must be in the prescribed form and include the following details:

- names of the Councils receiving your submission
- your full name and contact details
- the application to which the submission applies
- a brief description of the type of application applied for, the proposed activity and the location of it
- whether you are a trade competitor of the applicant (WIAL) – presumably you aren't!
- which parts of the application your submission relates to
- your position on the application
- your reasons for making the submission
- what decision you would like to be made
- whether or not you would like to speak at the hearing
- If your submission does not meet these requirements, it should not be rejected. The Councils should contact you to clarify these points. However, it helps to get it right the first time.

Getting more information

GWRC and WCC have created a webpage and uploaded WIAL's original application materials here: <http://www.gw.govt.nz/wellington-airport-runway-extension/>

This is also where GWRC and WCC provide updates about how they are tracking in processing the application and any additional information about the submission process or the application, so we encourage you to check on this webpage regularly. We will also keep you up to date via our mailing list and website.

Referral to the Wellington Environment Court

When the submission period closes, GWRC and WCC will prepare a report on the WIAL application, lodge it with the Wellington Registry of the Environment Court, and provide it to WIAL and to submitters.

The Wellington Registry of the Environment Court is based at:



5th Floor
District Court Building
49 Ballance Street
Wellington

When WIAL receives the Councils' report, it has the option to proceed with the direct referral process, or return to the standard consent application process where the Councils hear the application at first instance. If WIAL decides to proceed with the application, they will file a 'notice of motion' with the Environment Court.

Section 274 Notice

Once WIAL has filed its notice of motion with the Wellington Environment Court, the Environment Court will be responsible for deciding the application. If you wish to be involved in the Environment Court hearing (and we strongly suggest you do, as it increases the chances of a successful challenge), then you will need to file a notice with the Court seeking to become a party. These notices are commonly referred to as "section 274 notices" because they are filed under section 274 of the RMA.

If you do file a section 274 notice then you will become a “section 274 party” and be able to appear in the Environment Court, and also call evidence if you wish.

Form of Section 274 Notice

Section 274 notices must be in the prescribed form and cover the following information:

- the proceedings in which the submitter has an interest
- whether you are a trade competitor to WIAL
- whether the person supports or opposes the proceedings
- the reasons for the opposition
- an address for service of documents.

Guardians of the Bays is encouraging submitters to include similar information in your section 274 notice to that in your original submission to the Councils.

Section 274 notice template

We have also developed a section 274 notice template tailored to the WIAL application, in Microsoft Word for you to edit. For a copy contact guardiansofthebays@gmail.com.

Filing your section 274 notice

You have **15 working days** from the date that WIAL files a notice of motion to file your section 274 notice.

Filing details are not yet available at this early stage in the process. We will update you about how and when to file your section 274 notices when that information becomes available.

At the Environment Court hearing

Why are we asking submitters to say they want to appear at the hearing?



We want the Environment Court to know that opposition to the proposed Wellington Airport Runway Extension is widespread, dedicated and determined, both by individuals and a large variety of interest groups and organisations.

An Environment Court hearing with only a few submitters appearing will be a fast hearing. We believe the Environment Court should consider the proposed Wellington Airport Runway Extension at the length and with the seriousness it deserves.

Do I need a lawyer? What about technical experts?

No you don't need a lawyer. But engaging a resource management professional (ie, a lawyer, a planner or other technical experts) will help you put your best foot forward in relation to the issues that concern you. Guardians of the Bays is looking to engage a resource management lawyer and several experts for that purpose.

If you have limited resources, it may be most beneficial to focus on obtaining technical experts on particular issues of concern to you to support your case.

If you want to speak with someone about getting professionals on board feel free to get in touch with Guardians of the Bays.

Is it scary appearing before the Environment Court?

No! You're not on trial – Wellington Airport's application is. Although the Environment Court is hearing the application, the Court knows that this is the first time that the community has had an opportunity to have their say on the application. The Court is therefore likely to adopt a less formal approach with community groups and individual submitters than it otherwise might with lawyers and other experts.

And you don't have to do it alone. You can bring a support person. Guardians of the Bays will also endeavour to have someone at the hearing at all times.

If you find out later that you aren't available or decide you can't face the Environment Court you can always pull out, or get someone else to appear on your behalf. As long as you make sure that that person is familiar with your presentation, there's no disadvantage in doing this.

Appearing before the Environment Court can open up other options, such as taking part in the mediation process or cross-examining Wellington Airport experts. If you'd like to know more about these options, please get in touch with Guardians of the Bays.

Part 3: Points to raise in your submission / section 274 notice

It's important that the Environment Court hears your concerns about the application from your perspective. To assist you to draft your submission and section 274 notice we have set out some key points to get you started.

Overstated cost-benefit predictions

Wellingtonians are yet to see an independent, rigorous and robust business case to ensure the promised benefits stand up to scrutiny and that the considerable investment is warranted.

Cost

- At \$350 million, the claimed cost of the proposed runway equates to just under \$1 million for every metre.
- The Government has made it clear that it is unlikely to financially support the runway extension, leaving ratepayers throughout the region to carry most of the burden for years to come.
- Wellington ratepayers want a cast-iron assurance that our rates bills won't rise due to the cost of the proposed runway, and that we will not have to pay any shortfall.
- A runway extension will inevitably mean less money for the councils throughout the region to re-invest in local projects that are beneficial to all residents in our city.
- The costs of the extension will affect us all. Under Wellington Airport's existing pricing practices, they are entitled to pass on the costs of the runway extension to all airline airport users, regardless of whether those airlines are users of the direct long-haul services that are the reason for the extension. This means the costs of travel will increase for all passengers, not just those passengers using the direct long-haul flights.

Viability

- Wellingtonians want a firm commitment from airlines that they will fly a regular and daily long-haul route to the city before the runway extension is built.
- Even so, experience in at least 5 NZ airports shows that even if airlines agree in principle to fly to Wellington ahead of the extension being built, there are no guarantees that they will follow through.²
- Representatives of 20 international airlines flying into NZ, and Air New Zealand, do not support the runway extension due to the lack of viability.³
- Airline pilots have publicly stated their concerns about the safety of landing larger planes at Wellington Airport and are currently challenging WIAL's application in the High Court due to these safety concerns. At present, WIAL's application to extend the runway only provides for a 90 metre runway end safety area (RESA). The airline pilots contend that, if the runway is to be extended, WIAL should provide for a 240 metre RESA to ensure that it is safe to land larger planes.⁴

Economic growth

- All Wellingtonians want the city to succeed, but we remain unconvinced that the proposed runway extension is the silver bullet, nor is it our economic lifeline.
- We need to focus on building awareness of what a great city Wellington is to do business in and visit before we even consider building a runway extension.
- Ensuring that Wellington has regular and timely connections to key Australasian hubs will deliver better choices and lower costs for Wellingtonians.
- Wellington should invest in improving its existing, vulnerable and ageing infrastructure before committing to think-big projects.

Demand Forecasts

- The case for extending the runway is founded on a number of assumptions with a questionable basis, such as, international tourists will prefer arriving in Wellington and executing a figure-of-eight to cover the main tourist destinations, rather than simply arriving at one end of the country and traveling to the other before leaving.⁵

Construction Effects

WIAL has applied for a construction consent term of 10 years. That's a long time to be causing significant disruptions to residents throughout all of Wellington.

Traffic effects during construction

- WIAL's proposed method of transporting the fill material to the Airport site for construction of the Runway Extension is via truck and barge.
- According to their reports, there will be a maximum of 30 trucks per hour transporting fill to the site during the daytime and 5 to 30 trucks per hour during the night. That's 1 truck every two minutes.⁶
- Proposed "haulage" (transport) times are 9.30am – 2.30pm and 10pm – 6am. This is likely to be disruptive to sleep for residents along the route.⁷
- The outbound daytime transport route from the Airport construction site is Moa Point Rd → Lyall Parade → Onepu Rd → Evans Bay Parade → SH1. This is a revised route from that proposed during public consultation. The previous report noted that Onepu Road and Evans Bay Road "would not be suitable to support the transportation of fill materials to the runway site and using them would create substantial adverse traffic and road safety effects that would be very difficult to mitigate."⁸
- The trucks will go through the Mt Victoria and Terrace tunnels and around the Basin Reserve, increasing congestion.

Effects on the environment and people

Wellington's prized South Coast will be damaged by the proposed Runway Extension. Here's how ...

Surfing Effects

- The Runway Extension will adversely affect the regionally significant, and highly popular, surf break at Lyall Bay.
- The famous "Airports Rights" surf break will be lost.⁹
- There will be a reduction in the number of surfable days.¹⁰
- The proposed 'wave focusing device' is untested and unlikely to work.¹¹

Recreation

- The recreational report lacks robust assessment – it was based on an online survey of 2,700 Wellington residents:
 - only 13% were residents of Lyall Bay or nearby suburbs.¹⁰
 - water sport participants only made up a small proportion of respondents to the survey.¹¹

Marine life

- Lyall Bay is one of the cleanest pieces of water around Wellington. The Taputeranga Marine Reserve is less than 1km from the Runway Extension.
- The Taputeranga Marine Reserve prohibits all fishing and diving within the reserve area. As a result, nearby Moa Point has become an important site for recreational diving and fishing. Moa Point also harbours giant kelp forests and is a nesting site for little blue penguins and regional stronghold for nationally endangered and regionally critical reef heron. Whales, dolphins and seals regularly pass through. Recreational and diving activities, and local flora and marine life, will be affected by the proposed runway extension.
- WIAL hopes to use marine-derived sediment for the infill, potentially from the proposed CentrePort Harbour dredging operation. There have been reports of parts of this sediment being contaminated and no consent for dredging has been granted.

Climate Change

- WIAL appears to have failed to properly consider the combined effects of sea level rise and storm surges on the proposal, and has not adequately taken into account the effects on the runway extension of the possible extent of sea level rise, including the effects on access to Wellington Airport.

Alternative Airport Sites

- The Airport's investigation into alternative sites for the airport is a 1992 Study – now 24 years old. It appears that there have been no further investigations of sites for Wellington Airport other than those investigated in 1992 in the last 24 years.¹²

Part 4: Workshops / Contact Us

Submission / section 274 notice drafting workshops

We will be organising submission and section 274 drafting workshops for anyone who wants a hand to pull together their submission, so keep a look out for the dates on: <http://www.guardiansofthebays.org.nz>

Still have questions? Get in touch



guardiansofthebays@gmail.com



www.facebook.com/GuardiansoftheBays



<http://www.guardiansofthebays.org.nz>



[@BaysGuardians](https://twitter.com/BaysGuardians)

Join our mailing list



<http://guardiansofthebays.org.nz/subscribe/>

Make a contribution



Online: www.givealittle.co.nz/cause/savethebays

Cheque: Guardians of the Bays, c/- R Randerson, 13 Matai Rd, Hataitai, Wellington 6021

Direct transfer to our Kiwibank account: Guardians of the Bays Inc, 38-9017-0217717-00

References

- 1 Application, Form 7A, paragraph 4.7.
- 2 http://www.nzherald.co.nz/hawkes-bay-today/opinion/news/article.cfm?c_id=1503459&objectid=11299544
- 3 See all of the BARNZ submissions on the Wellington Airport Runway Extension at: <http://www.barnz.org.nz/Latest+News/Submissions.html>
- 4 <http://www.stuff.co.nz/business/industries/74058130/Pilots-challenge-safety-zones-for-Wellington-Airports-proposed-runway-extension>
- 5 <https://secure.zeald.com/site/barnz/NZIER%20peer%20review%20of%20Wellington%20runway%20extension%20March%2031%202015%20FV.pdf>
- 6 Application, Technical Report 9 – Transportation.
- 7 Application, Technical Report 9 – Transportation.
- 8 Public Consultation Documents, Draft Transportation Assessment Report (November 2015), page 16.
- 9 Application, Technical Report 12 – Effects on Recreation.
- 10 Application, Technical Report 6, Assessment of Effects on Recreation.
- 11 eCoast Marine Consulting, DHI – Wellington Airport Runway Extension; Preliminary Shoreline Impact Assessment for Submerged Wave Focussing Structure – A Technical Review
- 12 Application, Technical Report 12 – Alternatives Airport Sites Investigation.