

**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 Greater Wellington Natural  
Resources Plan

---

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

**Hearing Stream 3**

**8 May 2025**

---

---

**Amanda Dewar | Barrister**

P: 021 2429175

Email: [amanda@amandadewar.com](mailto:amanda@amandadewar.com)

PO Box 7

Christchurch 8140

- 1.1** These very brief legal submissions are filed on behalf of Wellington International Airport Limited (**WIAL**), a submitter and further submitter on Plan Change 1 (**PC1**) to the Greater Wellington Natural Resources Plan (**NRP**) - Hearing Stream 3.
- 1.2** WIAL has filed evidence from:
- (a) Jo Lester, Planning Manager, WIAL;
  - (b) Kirsty O’Sullivan, Director and Resource Management Consultant, Mitchell Daysh Ltd.
- 1.3** It is acknowledged that the S42A Report recommendations go some way in meeting the concerns raised in the WIAL submission. WIAL evidence is therefore focused on where disagreement remains and the reasons why there should be further amendments to the provisions to meet its concerns.
- 1.4** It is important to reiterate that because these provisions have had immediate legal effect pursuant to Section 86B of the RMA, WIAL has had first-hand experience of how the proposed provisions have unnecessarily affected the routine operations of the Airport and also how they have the potential to unnecessarily affect its future operations. This is set out in detail in Ms Lester’s evidence.
- 1.5** Ms O’Sullivan’s evidence explains why further amendments are required beyond those recommended by the S42A report and sets out an appropriate permitted activity regime and consenting pathway for RSI, like the Airport, in relation to earthworks.
- 1.6** In my legal submissions for Hearing Stream 2, I set out the importance of ensuring that the PC1 provisions properly provide for RSI given the higher order document provisions including the Council’s RPS. I also reminded the Panel about the East West Link Decision<sup>1</sup> which clearly demonstrates the forensic analysis undertaken by the Supreme Court of every relevant statutory plan provision and how it is so very important that

<sup>1</sup> *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26

provisions do not inadvertently or unnecessarily narrow, even further, “the eye of the needle” that major infrastructure projects are generally subject to.

- 1.7** I also raised a concern, which I consider remains in relation to these provisions, that coastal water has been treated as though it is freshwater which is inconsistent with the NZCPS. One such example is the lack of recognition of a zone of reasonable mixing for discharges into coastal water as recognised by Policy 23 of the NZCPS in Policy WH.P30.
- 1.8** In my submission the Earthworks provisions, even as recommended by the S42A Report do not sufficiently recognise RSI and do not properly account for the relevant provisions of the NZCPS in relation to coastal water.
- 1.9** Accordingly, I consider Ms O’Sullivan’s suggested further amendments will more appropriately give effect to the NZCPS and will better recognise and provide for RSI, including the Airport with its distinct operational and functional requirements.
- 1.10** Finally, I refer to the S42A discussion in relation to the categorisation of provisions to the freshwater planning process. While I agree with the S42A conclusion that WH.R23 (and P.R22) should be “recategorised” into the P1S1 process, I do not consider this is dependent on the Panel accepting the recommended amendments as suggested<sup>2</sup>. Even as publicly notified, WH.R23 did not qualify for the freshwater planning process considering the principles established in the *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Inc*, decision<sup>3</sup> including as it quite clearly includes the CMA in its ambit.

**DATED** this 8<sup>th</sup> day of May 2025



---

**Amanda Dewar**  
Counsel for WIAL

<sup>2</sup> See paragraph 65. Section 42A Report

<sup>3</sup> [2022] NZHC 1777