

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

UNDER section 274 of the Resource Management Act 1991
("Act")

IN THE MATTER OF a Notice of Motion under section 87G requesting
the granting of resource consents to
**WELLINGTON INTERNATIONAL AIRPORT
LIMITED** for the Wellington International Airport
Extension of Runway: Construction, Operation and
Maintenance

BETWEEN **GUARDIANS OF THE BAYS** and **HUE TE TAKA**

Applicants for strike out / section 274 parties

AND **WELLINGTON INTERNATIONAL AIRPORT
LIMITED**

Respondent to strike out / applicant for consents

**AFFIDAVIT OF MARK SHANKS IN SUPPORT OF
NOTICE OF APPLICATION TO STRIKE OUT**

NOVEMBER 2018

Solicitors acting:



S Grieve
Powderham Chambers
+64 6 769 8080
Private Bag 2031
NEW PLYMOUTH 4342

I, **MARK RAYMOND WALLACE SHANKS**, surfer, and member of the Surfbreak Protection Society Inc (“SPS”), 1/40 Wairere Rd, Belmont, Lower Hutt, affirm:

Introduction

1. I have been surfing for 50 years. I have travelled the world, representing my country and also working extensively in the surf coaching industry. I have been deeply involved with our national representative body, Surfing NZ, and received Administrator of the Year in 1996.
2. In short, I am knowledgeable about all aspects of surfing. I have seen this sport/lifestyle blossom from a counter-culture past time into a movement and a consequent shift in values. Surfers are very concerned about the environment and the health of surf breaks. Everything ends up in the sea.
3. This is why I serve on the committee of the SPS and act as their representative in Wellington. SPS opposes outright the airport extension proposed by WIAL. We have filed opposition and we have attended hearings.

Purpose of this affidavit

4. The purpose of this affidavit is to support the application by Guardians of the Bays Inc asking the Court to strike out WIAL from proceeding with their airport extension proposal, and re-confirm the SPS opposition to the proposal overall.
5. Any further increase in length of the proposed airport extension will result in an even greater adverse effect on swell propagating into Lyall Bay. This is because the entrance/neck of the bay will be become longer, meaning that as swell enters the bay it will have to spread out sideways thus dissipating the swell energy further, providing less use and enjoyment of the existing surf breaks. This has never been properly assessed, and if WIAL wishes to proceed further they should withdraw and prepare a new consent application with a new AAE to account for this.
6. I also below provide my short record from the judicial conference or hearing that was held to determine whether WIAL's last request for an adjournment (of six months) was to be granted.

Representations made by WIAL at the last hearing

7. I attended the last judicial conference / hearing, held on 18 April 2018.
8. The current application for an extension by WIAL goes against what Amanda Dewar, counsel for WIAL, said at that hearing. I took notes that I then provided by email to the wider SPS committee after the hearing. That record states (emphasis added):

I went to the court hearing today. Judge Dwyer was noticeably impatient with WIAL especially about them not wanting to reveal the evidence they are putting to the Director General of Aviation. He was categorical in saying that their evidence is crucial to the environment court and other submitters. He said WCC and GWRC supported the extension of time. ANZ and JumpJet counsels also spoke well and expressed great dissatisfaction at the continued requests for extensions. Some choice quotes - ANZ counsel re

WIAL's complicity in the delays "Nobody can take advantage of things he himself produced", "If WIAL is seeking to assist the court (which they said many times) then why does it not wish to share the information it is presenting to the DG?" **Dewar for WIAL "This is the final time we will ask for an extension of this application"**. Judge Dwyer "It must be a matter of public record. What is WIAL proposing? (to the DG). It must be relevant to the proceedings of this court".

9. The reference to "ANZ ... counsels" was intended to apply to Mr Gardner-Hopkins, who I understand acts for Guardians of the Bays, not Air New Zealand, so that is a minor error in my notes. However, I am confident that the sentence I have emphasized above is accurate, as I recall thinking at the time that is was of some comfort – in that if the extension was granted, it would be the last one that could be sought so we would by this time have certainty as to whether the application was going to proceed, or not.
10. I am therefore very disappointed that another lengthy delay to "mid-March", ie a further four months has been sought by WIAL.

Affirmed at)
 This day of November 2018)
 before me:) Mark Raymond Wallace Shanks

Solicitor of the High Court of New Zealand