

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 TĒ TAKA**
Applicants for strike out / section 274 parties

AND **WELLINGTON INTERNATIONAL AIRPORT
LIMITED**
Respondent to strike out / applicant for consents

**AFFIDAVIT OF SEA ROTMANN IN SUPPORT OF
NOTICE OF APPLICATION TO STRIKE OUT**

15 NOVEMBER 2018



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I, **DR SEA ROTMANN**, Environmental Scientist and business owner, 43 Moa Point Road, 6022 Wellington, affirm:

Introduction and experience / position

1. I am a Moa Point resident, having lived here since 2004. I bought my house at 43 Moa Point Rd in 2005 and have run my own research consulting business SEA – Sustainable Energy Advice Ltd out of these premises since 2011. I am also the Co-Chair of both, the Guardians of the Bays and the Hue tē Taka Society. The latter looks after the interests of Moa Point residents in relation to the proposed airport runway extension.
2. The purpose of this affidavit is to provide evidence to the Court about the continued impact – financial, emotional and physical - that the drawn-out Environment Court process by WIAL is taking on me, my business, my partner and other Moa Point residents.

Background

3. Moa Point residents first heard about this extension being a possibility a couple of years after the previous runway was extended, and the overpass was built over Moa Point Road (in 2005-6). We received copies of the draft “2030 Master Plan” by WIAL in early 2009 and put in our submissions against the proposed additional extension. The Master Plan initially mooted the extension to go North, into Evans Bay.
4. In July 2013, some of us Moa Point residents joined a meeting where then Mayor Celia Wade-Brown and WIAL representatives espoused their idea for a Northern extension. We declared our support for the newly-created “Guardians of Evans Bay” and to help fight this proposal. By late 2013, it became clear that a Northern expansion would be too expensive (due to soft shingle substrate to a depth of almost 40m in Evans Bay), and the proposal shifted towards the South again.

WIAL runway extension proposal to the South into Moa Point and the impacts it would have on us residents

5. A 300m (later updated to 355m despite providing no increase to the cost!) extension into Lyall Bay outside the Moa Point residences would mean a catastrophic, and likely, existential impact on our lifestyle and lives. Even WIAL’s experts have said that the impact on Moa Point residents would be “severe”, and that WIAL would have to move us into “hotels” for the duration of the construction – how this would be logistically possible, and what the financial and personal costs would be (seeing many of us have pets, gardens and have lived here for an average of 17+ years), has never been explained to us.
6. The airport has offered to buy up all of our properties since 2015, and has purchased about ¼ of Moa Point Road, to date. Experiences of some residents who applied for building consents (with the airport as “affected party”) have indicated that it wants to reduce the number of residents who could oppose its plan, and the Council seems willing to drag out consent



proceedings so they become too onerous for residents to continue (this specific couple in this example I am using ended up selling their section to the airport in the end).

7. We received a \$10,000 Solatium in 2015 from WIAL for the grief, stress and impact we have endured over the past almost 14 years. While that amount might initially sound like a lot, in the context of the time involved, and therefore the length of our suffering, the effect on our house prices, the amount is very paltry. I note that WIAL has a history of trying to provide token incentives. At the time of the initial runway extension, for example, we received a “goody basket” in thanks for dealing with over a year of night-time noise and disruption to our main road! In terms of the more recent Solatium, WIAL dragged negotiations over this sum (which we argued was insufficient) out for almost a year and then seem to have leaked it to the press so we would be attacked by airport supporters as “greedy hypocrites”.
8. We continue to be unduly impacted by:
 - (a) airport noise,
 - (b) late-night flights after curfew,
 - (c) resurfacing of the tarmac which caused another several months of all-night works,
 - (d) insufficient maintenance of the southern end of the runway, which leads to rubble regularly eroding into our bay,
 - (e) insufficient maintenance of the breakwater, which led to a vehicle being washed off into Lyall Bay, narrowly avoiding loss of life,
 - (f) impact on the Corner surf break,
 - (g) the loss of our through-road in Steward Duff Drive, where we now need to pull tickets to get to Miramar on the straightest route,
 - (h) attacks in the media on us by Infratil and Airport staff (and once, even now-Mayor Justin Lester), and
 - (i) refusal to fulfil their obligations to insulate us from airport noise – something decided in 2012, which we will not be party to until 2021.
9. Directly related to the proposed extension, we have endured:
 - (a) emotional hardship due to the ongoing existential threat hanging over our heads (for almost 10 years now),
 - (b) financial hardship due to the inability to invest in or extend our properties for fear the airport will force us to sell,
 - (c) physical hardship in terms of the health impacts both the continued bullying by the airport, noise and stress has on our

lives. Several of the Hue tē Taka members are in their late 70s and 80s and these stresses have taken a very serious toll on them, and their relationships. We have lost several people from the neighbourhood who loved it with all their heart, but who could not endure the continued (financial) threat to their lifestyles.

10. On a personal note, I have spent almost 1,000 hours fighting this extension pro bono, which led to a significant loss of income for my business of at least \$150,000. I just ended up having to spend \$4,000 on double-glazing my bedroom and kitchen as the airport noise became too much, and I simply could not wait until 2021 (if ever) before WIAL would fulfil its promised mitigation.
11. There is also a significant emotional and physical toll the continued stress and harassment (e.g. in the Media and in social media comments by airport supporters) has taken on me and my relationships. I cannot look at what can simply be described as the “best sunset view in town” without fearing it will all be taken away from me soon. I have also not been able to build my dream house on the back of my section, due to the continued threat of this extension hanging over my head. I have written a blog on “What it means to be a Moa Pointer” (Rotmann, 2015) and would like to include this as part of this affidavit, by way of this link: <http://guardiansofthebays.org.nz/opinion-dr-sea-rotmann-what-it-means-to-be-a-moa-pointer/>. One sentence that bears quoting here:

It is important to note that not going through the fast-tracked board of inquiry process is an admission that they know they would fail. Going through the more protracted Environment Court hearings has nothing to do with a ‘more open and transparent process’ and everything with buying themselves time and bleeding the opponents dry due to the high costs associated with fighting a project like this through the Court. It also means many more years of this existential threat hanging over our heads, which is stressful in many ways – emotionally, financially and physically.
12. It seems I have predicted, more than 3 years ago, exactly what would come to bear: WIAL – despite knowing it still had the NZALPA court case (which it finally lost in the Supreme Court) over safety concerns outstanding, still pushed for an Environment Court date, in 2016. It forced all of us – residents, business owners, ratepayers, community, recreational and environmental groups – into protracted, very costly and extremely stressful court proceedings, which have led to exactly nowhere.
13. The environmental and recreational data WIAL collected and which was ratepayer co-funded to the tune of millions, will be 5 years old by the time another Court date will actually be chosen. This – already highly insufficient data, which I read all 5000+ pages of – will have to be contested as out of date, and re-collected, further dragging out the process.
14. It also seems unlikely that the Civil Aviation Director will decide to ignore the very clear Supreme Court decision and only listen to WIAL’s arguments for why the minimum Runway Extension Safety Area they lost in court over, will somehow be OK now. In other words, is WIAL just dragging out the inevitable, but putting us all under continuing stress and anxiety in the meantime?

And finally, my understanding was that WIAL's lawyers clearly stated in the last stay of proceedings in the course of discussions about the continued hold-ups, that that would be the last time WIAL would ask for an extension of the court proceedings.

Conclusion

- 15. In conclusion, in my view – as someone who has been closely involved in the long process to date - WIAL simply cannot be trusted to not be frivolous in its continued requests for extension for a process that is extremely stressful and causes financial hardship to many of its most affected opponents. It borders on harassment, which is how we Moa Point residents feel about WIAL's continued attempts to simply buy us out and get rid of our heritage suburb, which we love with all of our hearts.
- 16. I respectfully ask the Court to stop WIAL from being allowed to continue this harassment of Moa Point residents and the wider community that has been fighting this white elephant for so many years now. Enough is enough – someone needs to stop this madness, if the Infratil Board and Wellington City Council, as co-owners are not willing to do so.

Sworn/affirmed at Wellington)
 This 16th day of November 2018)
 before me:)



Dr Sea Rotmann

Deputy Registrar
Wellington District Court



Solicitor of the High Court of New Zealand