

BEFORE THE ENVIRONMENT COURT

IN THE MATTER OF the Resource Management Act 1991 (The Act)
of 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**

[**ENV-2016-WLG-000058**]

BETWEEN JUMPJET HOLDINGS LIMITED

AND WELLINGTON INTERNATIONAL AIRPORT
LIMITED

MEMORANDUM ACCOMPANYING APPLICATION TO STRIKE OUT

13th November 2018

MAY IT PLEASE THE COURT:

1. Jumpjet Holdings Limited has made a formal Application to Strike Out the direct referral proceedings made by the Applicant, Wellington International Airport Limited. **(WIAL)**
2. The Court has approved a number of adjournments on application from the Applicant **(WIAL)** concerning consent with reference to the proposed Runway End Safety Areas **(RESA)** at Wellington Airport. The first application was tabled before the Court on the 28 April 2016 with the Direct Referral Application being tabled on the 31st of October 2016. Thus, the case has been before the Court for some 2.5 years. We plead that the Applicant **(WIAL)** has been favoured and further extension would be an abuse of process under Section 279(4)(c).
3. Should the Director of Civil Aviation approve the current, refreshed, consent application for the Proposed **(RESA)** Runway Extension, outside of the **ICAO** (International Civil Aviation Organisation) aerodrome safety standards, extensive legal liability issues will likely be a factor following any aircraft accident on the WIAL Runway.
4. Should the Applicant **(WIAL)** be granted further adjournment for a five-month period supplementary costs to parties will continue to accumulate and the Director of Civil Aviation has indicated that there is a possibility of further extension in the letter dated the 29 October 2018.
5. The Applicant **(WIAL)** is responsible for the Resource Consent Application before the Court and the material presented to the Director. The impact of the current CAA process concerning the RESA, the possibilities of further judicial review proceedings and surrounding uncertainty is of considerable concern to the Plaintiffs. We plead that it is reasonable to state that due process has been served and the application should be abandoned.
6. Jumpjet Holdings Limited would prefer to await the outcome of the Courts direction in relation to the Application to Strike Out, prior to tabling an Affidavit.

DATED: at Wellington 13 November 2018



N J Kile

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