

**IN THE ENVIRONMENT COURT
AT WELLINGTON**

ENV-2016-WLG-000058

UNDER THE

Resource Management Act 1991 ("**Act**")

IN THE MATTER OF

of the Resource Management Act 1991 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

**MEMORANDUM OF COUNSEL FOR GUARDIANS OF THE BAYS INC
IN RESPECT OF WELLINGTON INTERNATIONAL AIRPORT LTD'S FAILURE
TO REPORT TO THE COURT AND PARTIES**

8 October 2018

Counsel instructed:

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MAY IT PLEASE THE COURT:

1. In its 19th minute of 20 April 2018, the Court determined to grant the deferment of WIAL's direct referred proceedings, as requested by WIAL, until **31 October 2018**. This followed the hearing of submissions on the issue, including, at the request of the Court, submissions on s279(4)(c) of the RMA.
2. The conditions of the deferment included a requirement for WIAL to file monthly reports, commencing 29 June 2018, the implication being that the reports would be filed at or around each month-end (and also reflecting the discussion before the Court at its judicial conference on 18 April 2018).
3. No report has been filed (or at least posted on the Court's website) for the end of the month for September, although a very short report was filed on 21 September.
4. GOTB is concerned at the current level of reporting, particularly when the date of the adjournment ending is now rapidly approaching (it is now only just over three weeks away). GOTB apprehends that its fears, expressed at the judicial conference, of WIAL asking for yet more time and therefore dragging the proceeding out yet again will come to pass.
5. WIAL has also been particularly economical with the detail of its reporting to date; such that it is entirely unclear what prospect there is of GOTB and other submitters having to urgently mobilise themselves to proceed with the hearing of WIAL's application; or if WIAL's application might be withdrawn (as a logical consequence of the ongoing delays in obtain CAA's approval – which should have been secured prior to WIAL continuing to proceed with its direct referred consent application).
6. GOTB is hopeful that there will soon be a full report from WIAL to assist submitters and the Court understand how WIAL considers its application should proceed once the adjournment ends on 31 October 2018.

DATED 8 October 2018



J D K Gardner-Hopkins
Counsel for the Appellant