

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)

NINTH MINUTE OF THE ENVIRONMENT COURT (21 FEBRUARY 2017)

Introduction

[1] This minute is to formally record the Court directions made at the judicial conference held on 9 February 2017 plus deal with some related issues.

[2] Initial appearances were recorded by:

- F Cook QC, A Dewar and I Gordon for Wellington International Airport Limited (WIAL);
- K Anderson and K Krumdieck for the Wellington City and Regional Councils (The Councils);
- 68 other parties appeared at or were represented at the conference, their appearances being recorded in the judicial conference attendance register.

Evidence Timetable

[3] The following timetable was directed at the conference:

- 3 March 2017 – Parties are to advise whether they will present evidence (personally or through witnesses), make submissions or both. Parties intending to present evidence who have not already done so are to give



notice identifying the issues on which they will present evidence and provide a list of witnesses. An appropriate form is available on the Court's website or may be obtained from Registry staff. Parties who fail to meet this requirement will be required to seek leave from the Court should they subsequently wish to present evidence;

- 17 March 2017 – WIAL to file evidence;
- 7 April 2017 – Councils to file evidence;
- 5 May 2017 – Section 274 parties to file evidence;
- 15-22 May 2017 – Expert witness conferencing to be held. Parties proposing to advance expert witness evidence must ensure that their witnesses are available to participate in conferencing at Wellington (or any other agreed venue) during this week. Any variation from this process to be by leave of the Court;
- 9 June 2017 – Rebuttal evidence to be filed.

[4] I directed that one common bundle of photographic evidence is to be provided by expert landscape witnesses. If there is a dispute as to the contents of the bundle this is to be referred to the Court for resolution by an Environment Commissioner. Any variation of this direction is to be by leave of the Court.

[5] After discussion with counsel the following likely hearing dates were identified (to be confirmed by hearing notices in due course):

- Week of 19 June (likely 22 and 23 June) 2017 – opening submissions for WIAL, resolution of any outstanding procedural/process issues and site visit;
- 3 July 2017 – hearing to commence for 6 week period with a possible break of one week (likely to be week of 24 July).

Waivers

[6] I dealt with the application for waiver for late filing of s274 notice by Mr R Nimmo and the Breaker Bay and Moa Point Progressive Association. The waiver for Mr Nimmo was granted. If the Association wishes to pursue its waiver application it is to file a memorandum outlining the basis on which it claims to have an interest in the proceedings greater than that of the public generally by 3 March 2017.



[7] Ms S Haniel had filed an application for waiver for late filing of her 274 notice on 16 December 2016. WIAL opposed the waiver application in its memorandum of 20 December 2016. Ms Haniel did not appear at the judicial conference to speak to her application which was included on the conference agenda. I have now had the opportunity to consider the documents provided by Ms Haniel in support of the waiver application and am not satisfied that they disclose an interest in the proceedings greater than the public generally. Ms Haniel's waiver application is therefore declined and she is not a party to these proceedings.

Other Matters

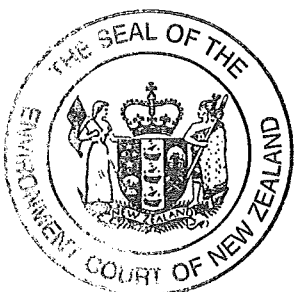
[8] Mr N Kile, appeared at the conference on behalf of Jumpjet Airlines Limited with a query as to protection of commercially sensitive evidence which he proposes to advance at the hearing of this matter. He was directed to file further details as to the nature of the information by 3 March 2017.

[9] The Court will hold a further prehearing conference in these proceedings to deal with any matters of process, resolve a site visit itinerary and consider other issues on which the parties might require directions. The most appropriate time appears to be after the filing of s274 party evidence (5 May) and before expert witness conferencing (week of 15 May). A hearing notice will issue in due course. Any party seeking directions on any matter in the meantime may do so by notice in writing to the Court.

[10] In accordance with s352(h) RMA I direct that service of all memoranda, emails and correspondence to the Court from parties may be effected by being posted (by the Court) on the Court's website. Accordingly parties will need to check this on a regular basis. All minutes, directions and notices from the Court to parties will be sent by email as well as being posted on the website.

[11] Court staff are currently considering the most efficient means of filing and serving evidence and submissions in these proceedings. The current proposal is that:


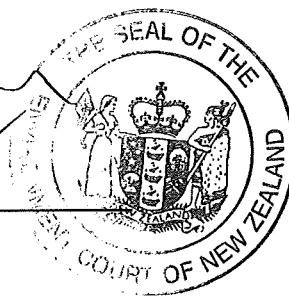
- Every party will be required to file five hard copies of their evidence and/or submissions with the Court;
- In addition to the five hard copies, those filing larger volumes of evidence will be required to provide a further copy of the evidence/submissions by USB stick or uploading to a Box account (please contact the Deputy Registrar, Rachell Staunton to be added to the account);



- In addition to the five hard copies, those filing smaller volumes of evidence will be required to submit copies by email;
- All evidence will be loaded onto the Court's website and will be accessed through the website from the dates on which the evidence is lodged as per the evidence exchange timetable;
- Parties wishing to obtain copies of large scale evidential documents such as plans and photographic exhibits may do so by direct request to the party producing that evidence.

The above is advanced as a proposal by the Court to enable efficient circulation and service of documents. Any party may make other suggestions on this subject by 3 March 2017. Formal directions pursuant to s352 will issue in due course.

[12] WIAL has agreed to fund the appointment of Mr D McMahon (planner) as a process advisor to lay parties up until the commencement of the hearing. The Court has still to determine the details of this, but it is likely that there will be scheduled time periods allocated for process advice sessions. Formal directions will issue in due course.

B P Dwyer
Environment Judge