

**Before the Environment Court
at Wellington**

In the Matter of sections 87G and 281 of the Resource Management Act
1991

And

In the Matter of the direct referral of the Application for resource consents
associated with an extension to the runway by Wellington
International Airport Limited

(ENV-2016-WLG-00058)

Application on behalf of
**Wellington International Airport
Limited** for a Waiver of Time in which to
File a Reply to a Costs Application

Dated: 5 February 2019

Lane Neave
PO Box 25626
Wellington 6146
Solicitor Acting: Amanda Dewar
Email:
Amanda.dewar@laneneave.co.nz
Phone: 03 379 3720
WEL98526 7290183.1

lane neave.

Application for waiver or directions

To The Registrar
Environment Court
Wellington

1. Wellington International Airport Limited (**WIAL**) applies for a waiver of time under section 281 of the Resource Management Act 1991 (**Act**) in the following proceeding:
 - (a) ENV-2016-WLG-00058.
2. WIAL seeks a waiver of the time period to reply to a costs application by Jumpjet Holdings Ltd/Jumpjet Airlines Ltd (**Jumpjet**) prescribed in paragraph 6.6(f) of the Environment Court Practice Note 2014 (**Practice Note**) and directions that the Reply is accepted for filing and service as at 31 January 2019.

Background

3. On 20 December 2018 the Environment Court issued its Procedural Decision in relation to WIAL's application for a further adjournment and strike out applications by Guardians of the Bays Inc., Hue te Taka Inc. and Jumpjet (**Decision**).
4. Pursuant to the Decision the further adjournment was granted and costs were reserved in favour of Guardians of the Bays Inc., Hue te Taka Inc. and Jumpjet. In the instance costs could not be agreed by the parties those parties entitled to costs were to apply for costs, and WIAL was entitled to reply, pursuant to para 6.6(f) of the Practice Note.
5. On 30 December 2018 Jumpjet filed a costs application (**Costs Application**).
6. On 31 January 2019 counsel for WIAL filed a Memorandum of Counsel for WIAL in reply to the Costs Application (**Reply**).
7. On 1 February 2019 counsel for Jumpjet filed the Memorandum Accompanying Costs Application (**Reply Memorandum**). The Reply Memorandum notified counsel for WIAL of the late filing of the Reply.

Grounds

8. The grounds for WIAL's application are as follows:
- (a) The late filing of the Reply was due to an unintentional error by WIAL's solicitors during the holiday period in calculating the time period prescribed in paragraph 6.6(f) of the Practice Notice.
 - (b) WIAL should not be penalised for an unintentional error by its solicitors.
 - (c) No parties to the proceeding will be unduly prejudiced by the late filing of WIAL's Reply. Specifically:
 - (i) Guardians of the Bays Inc. and Hue te Taka Inc. are in agreement with WIAL as to costs; and
 - (ii) the late filing of WIAL's Reply does not unduly prejudice Jumpjet's claim for costs, being just 4 days late in terms of the time period stipulated by the Practice Note.
 - (d) WIAL's ability to be heard on costs would be unduly prejudiced if the time period prescribed by para 6.6(f) of the Practice Note is not waived.



Amanda Dewar

Solicitor for Wellington International Airport Limited