

**Before an Independent Hearing Panel and Freshwater Hearing  
Panel of Greater Wellington Regional Council**

**Under the** Resource Management Act 1991

**In the matter** of Proposed Plan Change 1 to the Wellington Regional Policy  
Statement – Hearing Stream 7 – RSI Definition

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**SUMMARY OF LEGAL SUBMISSIONS ON BEHALF OF WELLINGTON  
INTERNATIONAL AIRPORT LIMITED**

**Hearing Stream 7 – RSI Definition**

**30 January 2024**

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**Amanda Dewar | Barrister**

P: 021 2429175

Email: amanda@amandadewar.com

PO Box 7

Christchurch 8140

- 1.1** These legal submissions are filed on behalf of Wellington International Airport Limited (**WIAL**), a submitter and further submitter on the Greater Wellington City Council (**GWRC**) Plan Change 1 (**PC1**) to the Regional Policy Statement - Hearing Stream 7.
- 1.2** My submissions relate to the definition of Regionally Significant Infrastructure (**RSI**) and specifically how Wellington International Airport is described within that definition.
- 1.3** WIAL has filed evidence from:
- (a) Jo Lester, Planning Manager, WIAL;
  - (b) Claire Hunter, Director and Resource Management Consultant, Mitchell Daysh Ltd.
- 1.4** WIAL’s original submission supported the RSI definition in part and sought that the reference to “Wellington International Airport” be amended to “*include all associated supporting infrastructure for the Airport, such as its navigational infrastructure and the sea wall.*”
- 1.5** The 42A Report has accepted the submission point in part by recommending that the reference to the Airport be amended by adding “*including all supporting navigational infrastructure*”.
- 1.6** The Report rejected adding any reference to the seawall within the definition and did not consider the wider relief sought to include *all associated supporting infrastructure for the Airport*.
- 1.7** I do not agree with the Report’s analysis at paragraphs 91 – 93 where it suggests that the seawall is not consistent with the definition of an airport in terms of the Airport Authorities Act 1966 and that this in turn means the seawall cannot be considered to be infrastructure as defined by the RMA.

**1.8** At the outset I note that the RPS definition refers to “Wellington International Airport” which is not defined in the Plan in common with other RSI listed within the definition. This in my submission is deliberate and necessarily broad as most RSI change over time or all the time (for example pipelines).

**1.9** While it is arguable that the description “Wellington International Airport” includes supporting infrastructure/ ancillary structures required for the operation of the airport, it is perhaps less clear that this extends to such elements that are necessarily located outside the property boundaries of the airport campus. In addition, and as Ms Hunter points out in her evidence, the list of RSI in the definition is inconsistent with some expressly including their ancillary structures and activities while others do not.

**1.10** The RMA definition of “infrastructure” includes a long list of infrastructure networks, systems, structures and facilities including subsection (i) that refers to:

*“an airport as defined in section 2 of the Airport Authorities Act 1966”*

**1.11** The Airport Authorities Act defines “airport” to mean:

*“any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, movement, or servicing of aircraft; and includes any other area declared by the Minister to be part of the airport; and also includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the airport or its administration”*

**1.12** In my submission a seawall is a structure as defined in the RMA as:

*“Means any building, equipment, device, or other facility made by people and which is fixed to land: and includes any raft”*

**1.13** Neither the RPS, RNP or the RMA defines building, however the Building Act 2004 provides that a building:

*“means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels)....”<sup>1</sup>*

- 1.14** Accordingly in my submission, given the size and scale of a seawall structure it is clearly a building and in this case is adjacent to the airport<sup>2</sup>. The southern seawall area in particular is also an *area of land<sup>3</sup> or water used ....partly for the landing, departure, movement, .... of aircraft* given its position at the end of the runway.
- 1.15** Ms Lester’s evidence sets out the clear connection to the Airport’s operations and why the seawall, in particular the southern seawall area, is so important to the operations of the Airport.
- 1.16** In my submission it is a matter of common sense that supporting infrastructure is including in the definition as it is integral to the functioning of the Airport and is not separate to it. Further, it is difficult to understand from an RMA perspective why seawalls and other associated/ ancillary infrastructure/ structures are included for the Port and the Strategic Transport Network but not for Wellington Airport.
- 1.17** Ms Hunter has provided alternative drafting of amendments to the definition in her evidence. It includes express reference to the seawall and navigational aids that are beyond the legal boundaries of the Airport but adjacent in the sense of being close by. In my submission her recommended drafting is within the scope of the WIAL original submission and the general relief sought regarding alternative amendments.
- 1.18** At Hearing Stream 1 (**HS 1**), WIAL raised and filed legal submissions on the issue of the allocation of provisions between the Freshwater Planning Process (**FPP**) and the usual Part 1 Schedule 1 process which included the RSI definition.

<sup>1</sup> Section 8 Building Act 2004

<sup>2</sup> Meaning being near or close - see for example *Bison v Queenstown Lakes District Council* C037/03 at [24]

<sup>3</sup> Section 2 RMA definition of land includes land covered by water and airspace above land

**1.19** These concerns remain and I agree with the conclusion reached in the S42A report at paragraph 59 which recommends that the definition is moved into the RMA Schedule 1 process.

**DATED** this 28<sup>th</sup> day of March 2024

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**Amanda Dewar**  
Counsel for WIAL