

I hereby give notice that an ordinary meeting of the Planning Committee will be held on:

Date: Tuesday, 10 October 2017
Time: 9.30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Planning Committee

OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson	Cr Chris Darby	
Deputy Chairperson	Cr Denise Lee	
Members	Cr Dr Cathy Casey	Cr Daniel Newman, JP
	Deputy Mayor Bill Cashmore	IMSB Member Liane Ngamane
	Cr Ross Clow	Cr Dick Quax
	Cr Fa'anana Efeso Collins	Cr Greg Sayers
	Cr Linda Cooper, JP	Cr Desley Simpson, JP
	Cr Alf Filipaina	Cr Sharon Stewart, QSM
	Cr Hon Christine Fletcher, QSO	Cr Sir John Walker, KNZM, CBE
	Mayor Hon Phil Goff, CNZM, JP	Cr Wayne Walker
	IMSB Member Hon Tau Henare	Cr John Watson
	Cr Richard Hills	
	Cr Penny Hulse	
	Cr Mike Lee	

(Quorum 11 members)

Kalinda Gopal
Senior Governance Advisor
6 October 2017

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Auckland International Airport Limited: Direct Service Obligation for Notice of Requirement to Alter Designation 1100 and 1102

File No.: CP2017/20693

Purpose

1. To form a council position on the recent application to the Environment Court by Auckland International Airport Limited (AIAL) to waive the requirement to directly serve notice on owners and occupiers of land to which AIAL's Notice of Requirement to alter existing Designation 1102 relates.
2. To delegate to nominated councilors and local board members the council's decision concerning the direct service of notice on adversely affected persons of the Notices of Requirement from Auckland International Airport Limited for Designations 1100 and 1102.

Executive summary

3. On 14 August 2017, AIAL lodged two Notices of Requirement to alter Designations 1100 and 1102 in the Auckland Unitary Plan (Operative in Part) with Auckland Council.
4. The Notice of Requirement relating to Designation 1100 seeks to amend that Designation to facilitate changes to both the length and location of Auckland Airport's second runway, currently provided for in that Designation. AIAL seeks to extend the northern runway from 2,150 metres to 2,983 metres. AIAL also seeks to shift the northern runway 72 metres north of its designated location to increase the separation distance between the northern and southern runways to 2,022 metres.
5. As a result of the proposed changes to Designation 1100, alterations are also required to Designation 1102, which relate to various technical and safety requirements for the Airport's runways, including Runway End Protection Areas (REPA) and Obstacle Limitation Surfaces (OLS). These are necessary to comply with the requirements of the Civil Aviation Authority.
6. AIAL has requested that council publicly notifies both Notices of Requirement under the Resource Management Act 1991 (RMA). Council is obliged to comply with the request.
7. As part of the notification requirements under the RMA, council is required to directly serve notice of the Notices of Requirement on a number of categories of persons, including:
 - (a) adversely "affected persons"; and
 - (b) owners and occupiers of the land to which each Notice of Requirement relates.
8. There are approximately 266,649 owners and occupiers that Council is required to directly serve by post in relation to the Notice of Requirement for Designation 1102 (category 7(b) above). This will cost approximately \$152,000. AIAL is required to bear this cost.
9. Given the significant cost of the direct service (\$152,000), AIAL has filed an application with the Environment Court to waive the requirement for council to directly serve notice on the owners and occupiers of land within Designation 1102 only (not for Designation 1100). The RMA enables an application of this nature to be made to the Environment Court.
10. Prior to the granting of the waiver, the Court will consider whether there is likely to be any "undue prejudice" to anyone if the waiver is granted. The alternative service arrangements proposed by AIAL (which includes provision of notice in the New Zealand Herald, Auckland Airport's website and to the Aircraft Noise Community Consultative Group) will be relevant to the Court's deliberations in this regard. AIAL will need to satisfy the Court that a waiver is appropriate and no persons under paragraph 7(b) will be unduly prejudiced by such a waiver.

11. Council is required to inform the Court of its position in respect of the waiver application (i.e. whether it supports or opposes it). AIAL's waiver request is not considered unreasonable given the substantial costs of direct service, both financial and environmental (i.e. strict compliance with the usual service requirements will generate a substantial quantity of paper). Whether the waiver application is made by the Council or AIAL, the final decision lies with the Court. The Court must be satisfied that a waiver is appropriate and no persons under paragraph 7(b) will be unduly prejudiced by such a waiver. It is recommended that the council adopts a neutral stance towards the waiver application (i.e. neither opposing nor supporting the application) for the reasons stated above.
12. AIAL's waiver application does not seek to waive the separate requirement under the RMA to directly serve adversely "affected persons" by the activity that is the subject of the Notice of Requirement (under paragraph 7(a)). Council staff are in the process of assessing the large amount of material supplied by AIAL to determine whether there are any persons adversely affected by the Notices of Requirement to alter Designations 1100 and 1102
13. The Environment Court is not being called upon to determine this matter. The council will still decide whether a direct service is required on some property owners and occupiers because of the "affected persons" requirement. This matter is of high public interest and it is recommended that nominated councillors and local board members be part of this decision making process.

Recommendation/s

That the Planning Committee:

- a) adopt a neutral position on Auckland International Airport Limited's application to the Environment Court to waive the requirement to directly serve notice on owners and occupiers of land to which the Notice of Requirement to alter Designation 1102 relates.
- b) delegate to nominated councillors and local board members the council's decision concerning the direct service of notice on adversely affected persons of the Notices of Requirement from Auckland International Airport Limited for alterations to Designations 1100 and 1102.

Attachments

There are no attachments for this report.

Signatories

Author	Sukhdeep Singh - Principal Planner
Authorisers	Celia Davison – Acting General Manager Plans and Places Jim Quinn - Chief of Strategy