

16 March 2020

Mark Ashby
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Dear Mark

RE: WIAL Notice of Requirement – Request for Further Information

Thank you for your letter dated 24 January 2020 requesting that further information is required for the processing of the Notice of Requirement (NOR) made by Wellington International Airport Limited (WIAL). We enclose a response to the relevant matters that have been requested, as well as revised conditions attached as Annexure A. In some instances, we note however that the information sought is not of the nature of information that can be requested under section 92 of the RMA.

As you are aware section 92 provides that the Council can seek further information *relating to the application*, which in this case refers to the Notice of Requirement (See section 169(2) of the RMA). While the Council has a wide discretion to require further information, this discretion is not unfettered, and it does not enable the Council to request whatever information it wishes. Further information must relate to the application at hand and the Courts have interpreted this to mean, information that is required to enable a council to better understand the nature of the proposed activity, the effect(s) on the environment or the ways in which any adverse effects might be mitigated.

A request cannot seek to change an application from what was applied for as this is not a request for information on the application as lodged. For example, the request that WIAL provide a potential condition to maintain “the current levels of legibility” in relation to Stewart Duff Drive and “lack of financial penalty for those persons using the connector route” is not a request for information on the proposal as applied for, nor is it a request for further information to better understand the nature of the proposal.

For the reasons above, in the limited circumstances where WIAL is not providing the requested information, it is not considered that this is a refusal in terms of section 92A(1)(c) (again see section 169(2)).

We trust that this response is helpful and should you wish to discuss any aspect of this further, please do not hesitate to contact the undersigned.

Yours sincerely,



Claire Hunter
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Enc

cc John Kyle Mitchell Daysh Limited
Mike Brown and Jo Lester WIAL