

**WAIKATO DISTRICT PLAN REVIEW  
KONING FAMILY TRUST SUBMITTER 685  
EXTENT OF RESIDENTIAL ZONING AT RAGLAN**

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**MEMORANDUM OF COUNSEL FOR KONING FAMILY TRUST AND  
OTHERS SEEKING WAIVER OF TIME FOR LODGEMENT OF EVIDENCE**

Dated: 11 May 2021

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Counsel Acting  
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## **WAIVERS REQUESTED**

1. The submitter respectfully seeks waivers of the time limits for lodging rebuttal evidence by Constantinos Fokianos on 3 Waters matters and Fraser Colegrave on economic matters, and for part of the legal submissions in relation to the extent of Residential zoning at Raglan.
2. The rebuttal evidence was to be lodged by Monday 3 May 2021. The evidence of Mr Fokianos was lodged on Thursday 6 May 2021. The evidence of Mr Colegrave has not yet been lodged as he is not able to prepare it, for the reasons outlined below.

### **Reasons for seeking the waivers**

#### Evidence of C Fokianos

3. Mr Fokianos was unable to complete his evidence in time for lodgement on 3 May as he was absent from work on Friday 30 April 2021 and again on Monday 3 May 2021.
4. Mr Fokianos had a backlog of work commitments during the first few days of his return to work and he was unable to get the rebuttal evidence completed until early on Thursday 6 May.
5. The hearing about the extent of zonings at Raglan will not commence until 1 June 2021. Given that timeframe, the usual requirement for lodgement of the rebuttal evidence 10 working days before the commencement of the hearing will not be infringed if the commencement of the hearing is taken as 1 June 2021. Counsel's understanding is that the universal date of 3 May 2021 for lodgement of all rebuttal evidence reflected the commencement of hearings on the zoning extents for some other locations on or about 17 May 2021.

6. Counsel is not aware of any reason why the late lodgement of Mr Fokianos's evidence on 6 May would prejudice any response to it or prejudice the position of any party or the Commissioners at the hearing commencing 1 June 2021.

#### Evidence of F Colegrave

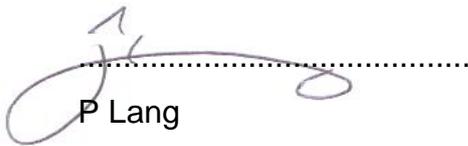
7. Mr Colegrave has been trying to understand the Supplementary Evidence about Residential land supply and demand produced by Waikato District Council's witness Mr M Davey on 28 April 2021. That evidence is crucial to the preparation of Mr Colegrave's rebuttal evidence in relation to economic matters, as it differs substantially from the earlier Council evidence and s42A report on the issue of future demand and supply of Residential land at Raglan.
8. Mr Colegrave believes that his rebuttal evidence needs to be completed as a whole package, with the supply and demand issues being an integral part of many parts of his rebuttal evidence.
9. Requests have been made on behalf of this submitter for further information about the base data and the calculations that were used to produce the figures that are included in Mr Davey's rebuttal evidence of 28 April.
10. A partial response has been received as at 7 May 2021, but further responses have been received today in relation to the request for disclosure of the calculations used to produce those figures.
11. Without knowing how the supply and demand calculations for Raglan were made, rebuttal evidence could not be effectively prepared and lodged.
12. Counsel requests on behalf of the submitter that the time for lodgement of Mr Colegrave's rebuttal evidence is extended to 17 May

2021, which will be 10 working days before commencement of the Raglan zonings hearing.

**Submissions of legal counsel**

13. Counsel seeks a waiver of the time for lodging legal submissions in relation to issues of Residential land supply and demand at Raglan until 19 May 2021, to allow those submissions to reflect the finalised evidence of Mr Colegrave. That will be 8 days prior to commencement of the Raglan zoning hearing.

Dated: 11 May 2021



A handwritten signature in blue ink, appearing to be 'P Lang', is written over a horizontal dotted line. The signature is stylized and extends to the right of the line.

P Lang  
Counsel for the Submitter