

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of the Proposed Waikato District Plan

BETWEEN **NZTE OPERATIONS LIMITED**

Submitter [No. 823]

AND **WAIKATO DISTRICT COUNCIL**

Local Authority

**MEMORANDUM OF COUNSEL ON SCHEDULING OF SUBMITTERS
HEARING 17 – TE KOWHAI AIRPARK ZONE**

Dated: 1 March 2021

Solicitors on Record

GREENWOOD ROCHE
SOLICITOR — *FRANCELLE LUPIS*

PO Box 106006, Auckland 1143
P 09 306 0495 F 04 494 8501 E francelle@greenwoodroche.com

Counsel

Dr R A MAKGILL
BARRISTER

PO Box 77-037, Mt Albert, Auckland 1350
P 09 815 6750 E robert@robertmakgill.com

MAY IT PLEASE THE COMMISSIONERS:

INTRODUCTION

1. Counsel acts for NZTE Operations Limited (**NZTE**) on the Proposed Waikato District Plan (**pWDP**). This memorandum addresses the Hearing Notice for the Te Kowhai Airpark Zone (**Airpark zone**) hearing (**Hearing 17**), seeking:
 - (a) an extension to the allocated time for NZTE's presentation; and
 - (b) an amendment to the order of submitters to afford NZTE a right of reply.
2. NZTE owns the Te Kowhai Aerodrome, being all of the land within the proposed Airpark Zone in the pWDP.
3. NZTE made submissions (number 823) and further submissions on the pWDP. Evidence in chief has been filed in support of NZTE's submission seeking amendments to the zone provisions, and a decision confirming the Airpark Zone.
4. The five expert witnesses, landowner/submitter, and legal counsel will appear in support of NZTE's submission. Those witnesses will prepare a "highlights" package, and Mr Readman (the Landowner) has prepared a PowerPoint presentation to accompany his evidence.

TIME ALLOCATION

5. NZTE has been allocated time within the second session on the first hearing day, and given a time allowance of one hour, 25 minutes (deducting the allowance for the two other submitters in this session).
6. NZTE acknowledges that Hearing Administrator's advice that the Hearing Notice provides a rough estimate of when submitters might be presenting, and the schedule will not be adhered to strictly.
7. To assist with scheduling, counsel estimates that three and a half hours will be required to present evidence, legal submissions for NZTE, and reply to the submitter evidence and legal submissions of other parties. The witnesses will present in the following order, with estimated time allocations noted (excluding question time):

- (a) Dan Readman (Landowner evidence) – 25 minutes for presentation of PowerPoint presentation;
 - (b) Jonathan Broekhuysen (Urban Design) – 15 minutes;
 - (c) Dave Park (Aviation) – 30 minutes;
 - (d) Laurel Smith (Acoustic) – 30 minutes;
 - (e) James Armitage (Infrastructure) – 15 minutes;
 - (f) Dave Serjeant (Planning) – 45 minutes for presentation of summary of EiC (by topic) and discussion of the provisions and rules package;
 - (g) Dr Makgill (Legal Counsel) – 45 minutes for opening, any reply and closing legal submissions.
8. With reference to the Hearing Panel's directions of 21 May 2019, counsel respectfully seeks leave to extend the allocated hearing time for NZTE's submission as set out in paragraph 7 above.

SESSION ALLOCATION AND RIGHT OF REPLY

9. Fourteen submitters have indicated that they wish to be heard in support of their submissions on the Airpark Zone. The Hearing Notice indicates that two days have been set down for Hearing 17, and submitters are allocated to one of four periods on 8 March 2021 (in nine groupings).
10. As the landowner of the land within the Airpark Zone, NZTE respectfully seeks a right of reply to these submitters. To ensure efficient use of the hearing time allocated, counsel requests that NZTE be allocated to the final session for Hearing 17.

DIRECTIONS SOUGHT

11. NZTE respectfully seeks directions for amendments to the Hearing Notice for Hearing 17 to:
- (a) Allocate NZTE three and a half hours to present evidence and legal submissions in support of its submission; and

- (b) Schedule NZTE to present in the final session of Hearing 17, with a right of reply to the fourteen other submitters.

Dated 1st day of March 2021



Dr R A Makgill

Counsel for NZTE Operations Limited