

**QUEENSTOWN LAKES PROPOSED DISTRICT PLAN – HEARING STREAM No. 2 – RURAL ZONE
– CHAPTER 21**

MEMORANDUM SEEKING EXTENSION OF TIME TO FILE EVIDENCE – HEARING STREAM No. 2

TO: The Hearing Administrator

FROM: Skydive Queenstown Limited (Submitter Number 122)

1. Skydive Queenstown Limited ("Skydive") has sought and been granted hearing time with respect to its submission to the Rural Zone Chapter of the Proposed District Plan.
2. Skydive has advised that it will be presenting expert evidence from Mr J Brown and Mr C Day.
3. Mr Brown's evidence is addressed to the higher order provisions of the Rural Zone, while Mr Day is to provide evidence specific to the rules sought by Skydive – specifically informal airports and the appropriate activity classification.
4. Mr Day (an acoustic expert) has had a long association with Skydive and its activities, including most recently in a resource consent application heard by way of direct referral by the Environment Court.
5. Mr Day has been involved in overseeing the submission process and points of submission by Skydive, specifically with respect to the issue of informal airports.
6. In the lead up to the Rural hearings, Skydive and Totally Tourism Limited ("TTL") have been in negotiations regarding the withdrawal of each parties further submissions to the others original submissions on the topic of informal airports. These negotiations have been successful, to the extent that each party is to withdraw their further submissions, and Skydive is to seek alternative relief by way of a more stringent activity status for informal airports, where flight numbers exceed the permitted maximum. As Counsel would understand it, the memorandum cannot be filed until next week, due to TTL signatories being out of New Zealand.
7. The amended relief has necessitated further work on the part of Mr Day, with respect to evidence addressing a revised rule package. Mr Day has also been unexpectedly asked to address an urgent issue that has arisen with a prior work commitment (Christchurch Airport).
8. In the circumstances, Skydive seeks an extension of time to file Mr Day's evidence until 5pm, Wednesday 27 April 2016.
9. While we acknowledge the advice conveyed in the fourth procedural memorandum with respect to the Commissioner's reluctance to grant extensions, given the earlier availability of the s42A

reports, it is submitted that the circumstances outlined above do present a justifiable case for an extension being granted. This is not a case where Skydive has been tardy or unorganised in its approach to its presentation of its submissions. It has also genuinely tried to narrow the issues with other submitters, which has led to an alternative rules package, and additional/revised evidence to support that.

10. The evidence of Mr Day is central to the submission and rules package that Skydive seeks to advance. The commissioners will be better placed to make their decision with it, than without.
11. The normal test for granting waivers is one of prejudice to other parties. In this case the other parties are the consent authority, the Council staff/experts and other submitters.
12. With respect to the commissioners and council staff, it is submitted that the later lodgement of evidence will not be prejudicial, given that the presentation of Skydive's evidence is to occur in the latter part of the hearing (if the times requested are indeed available).
13. With respect to other submitters, while Counsel appreciates that there have been a number of submissions on the topic of informal airports, and the permitted activity standards, there has only been the one further submission lodged to Skydive's original submission on this topic, and as discussed above, the parties (Skydive and TTL) have reached agreement with respect to its withdrawal.

DATED 21 April

2016



Jayne Elizabeth Macdonald
Counsel for Skydive Queenstown Limited