

BEFORE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER

of the Proposed Plan Change 78: Intensification ("**PC78**") to the Auckland Unitary Plan Operative in Part ("**AUP**")

**MEMORANDUM OF COUNSEL ON BEHALF OF
AUCKLAND INTERNATIONAL AIRPORT LIMITED**

10 OCTOBER 2024

**Russell
McAugh**

D J Minhinnick | L J E Rapley
P +64 9 367 8295
F +64 9 367 8295
PO Box 8
DX CX10085
Auckland

MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of Auckland International Airport Limited ("**Auckland Airport**") in relation to the upcoming hearing on the Metropolitan Centre Zone provisions and Sylvia Park Precinct. The purpose of this memorandum is to seek clarification on the scope of this hearing in response to the Panel's direction of 30 August 2024 and subsequent memorandum of counsel filed on behalf of Auckland Council on 3 October 2024.

Scope of hearing

2. In the Panel's direction of 30 August 2024, the Panel advised it "will continue to defer hearing submissions relating to qualifying matters that may apply in the Metropolitan Centre Zone until a future date".¹ Given the Panel's direction, Auckland Airport was not intending to provide evidence or appear at this hearing (as Auckland Airport's submission points on the provisions of the Metropolitan Centre Zone allocated to this topic primarily sought to ensure the height and density of built development is appropriately restricted *where a qualifying matter applies*).
3. Auckland Council filed a memorandum of counsel on 3 October 2024 advising that it intends to give evidence at the Metropolitan Centre Zone hearing on some submission points concerning height (which were not originally allocated to this hearing), including one of Auckland Airport's submission points allocated to Hearing Topic 014 regarding height.² Auckland Airport received notice of this from the hearings advisor on 8 October 2024.
4. Auckland Airport is cognisant the Panel has been clear that it does not wish to hear evidence on the substance of qualifying matters as part of this hearing. However, for Auckland Airport to make its case on the Metropolitan Centre Zone provisions (and respond to Auckland Council's evidence), it anticipates that it will need to bring broader evidence and make submissions on qualifying matters like the Aircraft Noise Overlay and Auckland Airport's Obstacle Limitation Surface.
5. Auckland Airport's preference would be to present its evidence in relation to the Airport-related qualifying matters at one time (as part of the future hearing on qualifying matters) as this would be the most efficient and effective way to address the Panel on these matters, rather than providing evidence on specific

¹ Direction from the Independent Hearings Panel dated 30 August 2024 at [10].

² Memorandum of Counsel on behalf Auckland Council dated 3 October 2024 at [4] and Table 1.

points relating to the Metropolitan Centre Zone provisions without the Panel having heard evidence relating to Airport-related qualifying matters more broadly.

Directions sought

6. Accordingly, Auckland Airport respectfully requests confirmation from the Panel that:
- (a) Auckland Airport's case on Airport-related qualifying matters can be presented as part of the future hearing on qualifying matters; and
 - (b) Auckland Airport can address specific matters relating to the Metropolitan Centre Zone (as required) including responding to evidence brought by the Council and / or other submitters as part of this hearing on the Metropolitan Centre Zone provisions, at that later hearing.

DATED 10 October 2024



L J E Rapley / C A Carter
Counsel for Auckland International Airport Limited