

**In the Environment Court
at Wellington**

ENV-2016-WLG-000058

UNDER The Resource Management Act 1991 (the Act)

IN THE MATTER The direct referral of an application for
resource consents associated with an
extension to the runway by

By **Wellington International Airport Limited**

**Memorandum of Counsel
for the New Zealand Airline Pilots Association**

Dated 23 February 2017

MAY IT PLEASE THE COURT:

1. NZALPA has filed its list of proposed witnesses.
2. The Court has indicated that expert evidence will be dealt with on a topic by topic basis. It has also indicated that the next Judicial Conference will be in early May. Presumably the Court was intending at that time to hear from parties regarding the proposed order of topics witnesses and parties.
3. I respectfully suggest that it would be useful if that matter could be determined earlier once the witness list is finalised. The hearing dates and likely adjournment week are now known and the topics for expert evidence are largely already known and will be finalised by 3 March.
4. This approach would provide greater certainty to witnesses counsel and parties in terms of organising their calendars and in some cases travel arrangements from overseas. (one or two of NZALPA's experts will be travelling from overseas).
5. It would also be useful to know the Court's expectations regarding when it would hear opening submissions from the legally represented parties. There would seem to be some merit in the Court receiving at least an outline of represented parties legal submissions before evidence on the relevant topics is heard.
6. By way of suggestion the following directions might be useful.
 - a) The parties to indicate any witness or counsel availability constraints to WIAL by 3 March
 - b) WIAL to provide a list of topics and a proposed order (which so far as possible accommodates those constraints) by 10 March.
 - c) Any comments on that draft proposal from the other parties by 24 March (a week after WIAL evidence is filed)
 - d) A further timetabling conference if required in early April.
 - e) The Court would issue a Minute confirming the proposal during April.
7. My client's case is narrowly focussed on the desirability of having a full length RESA (runway end safety area) or EMAS (Engineered Material Arresting System) and the environmental and human risks associated with not having either of these.
8. The associated matter to be addressed with WIAL witnesses will be on the basis for its decision to reject both of these options. (Accepting that there is no statutory requirement to demonstrate adequate consideration of alternatives).
9. I anticipate that all of the relevant evidence from WIAL and from NZALPA regarding these matters could be addressed over the course of 2 or less hearing days.
10. I am unavailable during August due to a family commitment in the USA. Accordingly, if the Court is not minded adopt the approach I have suggested above, then I respectfully seek a direction that the NZALPA

opening and evidence and associated WIAL evidence be dealt with during the second or third hearing week in July.

A handwritten signature in black ink, appearing to read 'Philip Milne', with a long horizontal flourish extending to the right.

Philip Milne
Counsel for NZALPA

Date: 23 February 2017