

BEFORE THE HEARING PANEL

UNDER	The Resource Management Act 1991
IN THE MATTER OF	A Notice of Requirement to construct and operate a new intermodal rail and freight hub on land between Palmerston North and Bunnythorpe
AND	A hearing by Palmerston North City Council pursuant to s 100A
REQUIRING AUTHORITY	KiwiRail Holdings Ltd
HEARING DATE	9 August 2021

**MEMORANDUM OF COUNSEL ASSISTING THE REPORTING OFFICERS RELATING TO
HEARING PREPARATIONS**

Dated: 2 August 2021



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MAY IT PLEASE THE HEARINGS PANEL

[1] This Memorandum is filed on behalf of the reporting officers and provides the Hearing Panel with:

- (a) The information requested by the Panel in its first minute dated 11 May 2021 – the relevant documents are included with this Memorandum’s filing email; and
- (b) An update about how the reporting officers are preparing for the hearing.

The document containing planning provisions and ‘other matters’

[2] The Panel’s first minute of 11 May 2021 invited the parties calling planning evidence to collate a bundle of the planning instruments agreed by the parties as relevant to this hearing.

[3] Ms Copplestone (Council s 42A reporting officer) has compiled this document in consultation with Ms Bell (for KiwiRail), which is filed with this Memorandum.

[4] The document is paginated and includes a hyperlinked table of contents.

[5] The document also includes hyperlinks to documents and material referred to in the Parties’ evidence which are not planning instruments. Although described in the table of contents as ‘other matters’, the hyperlinked documents are not necessarily accepted by all parties as being ‘other matters’ in the sense described by s 171(1)(d).

Reporting officers’ conditions

[6] For reasons explained by Ms Copplestone in her s 42A report, the reporting officers did not give specific wording recommendations for conditions on the NOR, instead saying that they would draft a set of conditions and circulate these before the hearing.¹

¹ Section 42A Report of Anita Copplestone, at para 928.

- [7] Preparation of these draft conditions is well underway, and it is expected that they will be ready for circulation by 6 August 2021, at the latest.
- [8] The reporting officers' intention is to present their conditions in a document alongside the set of conditions proposed by KiwiRail at Appendix 1 of Ms Bell's planning evidence dated 9 July 2021, with mark-ups to identify changes recommended by Ms Copplestone.

Officers' presentations at the hearing

- [9] The reporting officers wish to be as helpful as possible to the Hearing Panel, and efficient in relation to how they present their views at the hearing.
- [10] In response to an enquiry from KiwiRail about evidence summaries, the Panel asked its witnesses on the more contentious topics to *"give full summaries and address where there are uncertainties, differences with other matching experts and why they have reached their conclusions"*.
- [11] For the Reporting Officers, counsel has suggested to the reporting officers team to speak to key issues in their s 42A reports, utilising their executive summaries as a base, providing 'updates' on any opinions having considered the evidence filed by other parties including KiwiRail, and as to any submitter issues that might arise at the hearing.
- [12] The Reporting Officers are open to further guidance from the Hearing Panel about the means of delivering their presentations at the hearing so as to assist the Panel.

Ordering of witnesses

- [13] The reporting officers have been advised that any time not filled by KiwiRail in the first week of the hearing could be utilised by reporting officers. There may be some reporting officers who could be appropriately present to the Panel at this time, but this will be influenced by scheduling/availability.
- [14] The reporting officers are preparing to 'take it as it comes' in terms of scheduling, with some juggling to be expected. With that said, if some

officers are required to present in advance of submitters, it may be appropriate for those witnesses to be provided with an opportunity to be recalled with the balance of the reporting officers to address any matters raised by submitters.

A handwritten signature in blue ink, appearing to read "Nicholas Jessen", written over a horizontal line.

Nicholas Jessen

Counsel assisting Reporting Officers