

**BEFORE THE INDEPENDENT COMMISSIONERS
AT PALMERSTON NORTH**

UNDER

*The Resource Management Act 1991
("Act")*

AND

IN THE MATTER

*of an application by KiviRail Holdings
Limited ("KiviRail") under section 168 of
the Act for a Notice of Requirements for
the Palmerston North Regional Freight
Hub*

**PROCEDURAL MINUTE NO. 1 OF HEARING PANEL
DATED 11 MAY 2021**

To: Notice of Requirement Process Participants

Dear Participant, welcome! Please find below our first Minute to help the process you have joined so that it runs smoothly.

E nga mana, e nga reo, e nga kaitono - tena koutou. Nga mihi nui ki a koutou. Anei te whakataua a te Komiti, hei arahi i a koutou katoa.

Introduction

[1] The Panel received a memorandum from the legal representatives of KiwiRail and Palmerston North City Council (the Council) dated 7 May 2021. Like all other material that the Panel receives, that memorandum is on the Council's website pncc.govt.nz/kiwirailhearing. That location is dedicated to providing the materials for the process concerning the Notice of Requirement application by KiwiRail Holdings for the proposed new intermodal rail and freight hub between Palmerston North and Bunnythorpe (the Application).

[2] The Panel is grateful for the initiative taken by KiwiRail and the Council to address a 'flight path' for the resolution of the Application. The Panel notes that the Application is extensive, and its dimensions and potential impacts will require a lot of consideration. In addition, submitters need as much time as possible to consider and reflect on the information from the Council and KiwiRail on the Application.

Timetable

[3] The Panel makes the following directions based on RMA Part 3 and volunteered by KiwiRail and the Council:

- (a) The Council to file its Section 42A reports by 5 pm on 18 June 2021;
- (b) KiwiRail to file all evidence with the Council by 5 pm on 9 July 2021;
- (c) Any submitters that wish to call expert witnesses are to file any expert evidence by 5.00 pm on 23 July 2021, and all other

submitters who want to prepare evidence are strongly encouraged to file any written evidence at the same time;

- (d) KiwiRail to file any rebuttal evidence (if any) by 5 pm on 4 August 2021;
- (e) Legal submissions on behalf of KiwiRail to be filed by 5.00 pm on 6 August 2021;
- (f) Legal submissions on behalf of the Council to be filed at the hearing;

Site visit

[4] Given the scale of the Application, the Panel must carry out a thorough site visit before the hearing. The Panel will make arrangements with the Council's administrator about the logistics of that site visit. To carry out the site visit in a way that helps the Panel understand the issues, the Panel requests that the Council and KiwiRail prepare an A3 plan for each of the Panel members showing the main features of the Notice of Requirement and an itinerary designed to help the Panel understand the Notice of Requirement. Also, the A3 plan can show the location of submitters properties also identified by the submitter number.

[5] A site visit is an orientation exercise. It is not an evidence gathering exercise.

[6] If submitters have particular matters that the Panel should view on that site visit, the Panel asks that they make these matters known to Kath Olliver, the Project Support Officer at the Council by 31 May 2021.

Administrator's details

[7] Ms Olliver is the Panel Administrator and assists with the administrative requirements of the process and the Panel's needs. Please contact Ms Olliver if you have queries. Do not contact the Panel members. Ms. Olliver's details are at the end of this Minute.

Other matters

[8] It would be helpful for those parties calling planning evidence to collate into a paginated and bookmarked planning bundle (with a table of contents and hyperlinked) containing the agreed parts of the planning instruments relevant to our assessment in the order in which they sit in the hierarchy of instruments.

[9] In an application of this magnitude, it is also helpful to have expert witnesses referencing a standard set of plans. Therefore, it would be beneficial to have a shared Plan Bundle that is a single resource that experts reference in their evidence. A specific discipline might also organise parts of that Plan Bundle. For example, acousticians using visual, spatial model results or other information could include these as a subpart of that Plan Bundle. The Panel asks KiwiRail and the Council to consider compiling such a resource.

[10] Voluntary conferencing by matching experts leading to joint positions or a record of differences is also very helpful.

[11] At this stage, we do not make any further directions about the hearing and whether or not the evidence is taken as read. We need to understand the scope and breadth of the information we are likely to receive. It may not be the case that the entire technical evidence is taken as read, especially where it is on contentious matters. We will review the situation as we move along.

[12] We may, closer to the hearing, identify some key areas where we have questions to assist witnesses in preparation for the hearing.

[13] The Panel encourages good electronic housekeeping for large materials by experts and well-resourced participants. That can include hyper-linking to resources for cross-referencing and, in the case of PDF's a hyperlinked Table of Contents where the material is extensive. We ask that technical reports from the Council under s42 are not merged into an Agenda but kept separate so the Panel can organise them based on topic. In the case of legal submissions referencing legal sources, the Panel is content for legal authorities to be presented electronically only.

[14] If any person wishes to address us in Te Reo, please let us know as we will need to obtain translation services. Any other cultural preferences should be addressed to Ms Olliver.

Hearing date and time

[15] The hearing under the Resource Management Act is set down for two weeks in Palmerston North, commencing 9 August 2021. Details will be sent out in due course.

[16] To assist with the logistics of this hearing, given the nature and scale of the hearing, the plan is to pre-schedule appearance times for submitters as far as possible. More detail on this will follow closer to the hearing and you should consult with Ms Olliver about your hearing requirements.

Kia Ora

Na



J W Maassen
Chair of the Panel

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