

**BEFORE THE INDEPENDENT COMMISSIONER**

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**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of a Notice of Requirement from the Palmerston North City Council for a designation of a new road connection between Abby Road and Johnstone Drive, Palmerston North

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**MEMORANDUM OF COUNSEL FOR THE REQUIRING AUTHORITY**

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Dated: 24 August 2020



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## MEMORANDUM OF COUNSEL FOR THE REQUIRING AUTHORITY

### MAY IT PLEASE THE COMMISSIONER:

- [1] The Council as Requiring Authority has received updated reports from its experts, and has decided to lodge a new Notice of Requirement (**new NOR**). The new NOR will be the same in purpose and location, but with alteration to the proposed road alignment that go beyond the boundaries of the Notice of Requirement that is currently before the Commissioner (**current NOR**). The opportunity will also be used to correct the references to the land in the current NOR, which the submitter Aokautere Land Holdings Ltd (**ALHL**) makes note of in its submission.
- [2] It is expected that lodgement of the new NOR will occur this week. The decision to lodge a new application is not a concession to ALHL's submission. The Council considers the current NOR could potentially be modified by the Commissioner at a hearing to accommodate the altered alignment and to address the property identification issues. The approach, however, reflects a pragmatic approach to avoid unnecessary legalistic debate at a hearing, recognising the relatively early procedural stage of the current NOR.
- [3] The Council does not withdraw the current NOR. It will give notice of its withdrawal once a decision is made as to notification of the new application. It is important to the Council that the interim legal effect of the current NOR is maintained to preserve the purpose of the designation.
- [4] The Council will seek to have the new NOR publicly notified.
- [5] It is recognised that submitters and the Commissioner have been waiting for the Council to determine its approach for some time. The Council understands that the Commissioner and parties deserve clarification from the Council as to the way forward for the new NOR, towards a hearing. With that in mind, the Council's planning advisor has prepared the following schedule to provide some indication of possible procedural steps, as below:

Milestone	Date
Lodge Notice of Requirement	Mon 31 <sup>st</sup> August
Notification Decision	Mon 14 <sup>th</sup> September

(within 20 working days of lodgement)	
Notice to be served (One week from notification decision)	Mon 21 <sup>st</sup> September
Submissions received (within 20 working days of notification)	Mon 19 <sup>th</sup> October
Complete preparation of evidence and circulate (4-6 weeks from receiving submissions)	16 <sup>th</sup> – 30 <sup>th</sup> November
Hearing starts (15 working days from circulation of evidence)	7 <sup>th</sup> November – 21 <sup>st</sup> December

**DATED** 24 August 2020



**Nicholas Jessen**

Counsel for Palmerston North City Council