

BEFORE THE PALMERSTON NORTH CITY COUNCIL, (PNCC) THE MANAWATŪ DISTRICT COUNCIL (MDC) AND THE TARARUA DISTRICT COUNCIL (TDC)

IN THE MATTER OF the Resource Management Act 1991 ('the RMA')

AND

IN THE MATTER OF NOTICES OF REQUIREMENT by the New Zealand Transport Agency ('the Agency') under section 168 of the RMA for the construction, operation, maintenance and improvement of approximately 11.5 km of new State Highway between Ashhurst and Woodville to replace the closed section of state Highway 3 through the Manawatū Gorge and associated works, known as the Te Ahu a Turanga; Manawatū Tararua Highway Project ('the Project')

SECOND MINUTE OF THE HEARINGS PANEL

18 FEBRUARY 2019

INTRODUCTION

- 1 The purpose of this minute is to inform participants of the new commissioner appointments to the Panel of Independent Commissioners (the 'Panel') by the PNCC, MDC and TDC (the 'Territorial Authorities'), issue further directions regarding questions to be posed by the Panel, requests regarding provision of legal submissions, and appointment of representatives and or spokespersons prior to the hearing commencing 25 March 2019.
- 2 Other than as outlined below, this Second Minute does not affect the information or hearing schedule provided in the First Minute issued 28 January 2019.

APPOINTMENT OF NEW PANEL MEMBERS

- 3 Since the First Minute was issued, two new commissioners have been appointed to the Panel to replace David McMahon and Liz Burge. Mr McMahon and Ms Burge are now unable to be a part of the panel.
- 4 They are both unavailable to sit as commissioners on a hearing commencing on 25 March and continuing through April. At the time of their appointment it was understood any hearing was unlikely to commence until early May being a date for which they were available.
- 5 Rob van Voorthuysen and Miria Pomare have now accepted appointment which will be confirmed by formal resolution from the Territorial Authorities on or before 27 February 2019.

PANEL TO ISSUE QUESTIONS

- 6 The Panel will issue written questions via the Hearings Administrator to hearing participants as detailed below.

Questions Process

- 7 The members of the Panel have decided to put in writing prior to the commencement of the hearing any questions they have arising from the application documents, the reporting officers' reports and the applicant's evidence.
- 8 The Panel's expectation is that those questions will be answered both within the reporting officer's reports and within expert evidence which is to be pre circulated in accordance with the Panel's First Minute and at the hearing.
- 9 The answers to the Panel's questions, if included within the body of the evidence and/or report, can be identified by way of footnote or some other identifier. Alternatively the answers to the Panel's questions could be provided in a separate appendices to the evidence or report.
- 10 The Hearings Administrator will circulate all of the Panel's questions by email to the respective parties and place them on the hearing's web page.

- 11 The Panel's purpose in asking questions prior to the hearing is to facilitate an efficient hearing process, to elicit informed answers to our queries and to enable key issues to be fully explored.

Questions for the Agency

- 12 The Panel will issue questions arising from the application documents by Wednesday 27 February 2019. The Panel requests that the Agency's witnesses incorporate the answers to those questions in the manner detailed above within their written evidence which, as outlined in the First Minute, is to be provided by Friday 8 March 2019.

- 13 Any further questions the Panel may have arising from the evidence will be provided to the Agency by Friday 15 March 2019. The Agency is to respond to those questions within 3 working days of receiving the Panel's questions.

- 14 If any other parties experts, the lay submitters or reporting officers wish to respond to those questions and answers from the Agency then they can do so during their presentations at the hearing.

Other Experts

- 15 Where submitters call expert evidence the Panel may issue written questions in the same manner. Those experts are directed to respond to Panel questions in the manner detailed above no later than 2 working days prior to their scheduled appearance at the hearing.

Lay Submitters

- 16 The Panel will not ask written questions of lay submitters prior to their appearance at the hearing. However, the Panel may ask lay submitters questions when they appear at the hearing.

Questions for the Reporting Officers

- 17 Reporting officers are also requested to take note of the Panel questions of other participants and they are welcome to respond to those questions and answers within their reports.

- 18 The Panel will issue written questions to the Territorial Authorities' reporting officers and their experts by Friday 8 March 2019 with responses to be provided in the manner described above and in writing by Thursday 14 March 2019.

- 19 If the Agency and other parties experts and lay submitters wish to respond to those questions and answers from the reporting officers then they can do so during their presentations at the hearing.

Questions at the Hearing

- 20 The Panel may still ask questions of any participant at or during the hearing, even if written questions have already been put to those participants.

REQUEST FOR LEGAL SUBMISSIONS

- 21 The RMA does not provide the Panel with power to require legal submissions from participants to be provided to the Panel prior to the hearing.
- 22 However, we request that the Agency, the Territorial Authorities and any submitter engaging legal counsel to represent them to all provide their written legal submissions three working days prior to their scheduled appearance at the hearing.

IDENTICAL SUBMISSIONS/ GROUP SUBMISSIONS

- 23 Given the significant number of submissions received on the Project, we request any submitters that have provided submissions identical to other submissions, and or group submissions, and who wish to be heard appoint a representative or spokesperson to speak on behalf of the group at the hearing. The purpose of this request is to avoid repetition and delay.
- 24 If such submitters do appoint a representative we require the appointed representative of the group to notify the Hearings Administrator by Wednesday 27 February 2019 (3 working days prior to the indicative date the Panel intend to issue the hearing schedule, as provided at 39 of the Panel's First Minute).
- 25 Please note for the circumstance described above we are requesting appointment of representatives. We do not have the power to require submitters to appoint representatives. So if individual submitters with the same submission points do not wish to combine to present through a spokesperson that is also both appropriate and allowed.

CORRESPONDENCE CONCERNING THIS SECOND MINUTE

- 26 Any correspondence should be directed to Kath Olliver, Hearings Administrator at PCNN. Email: Kath.Olliver@pncc.govt.nz



Paul Rogers

Independent Commissioner – Chair- on Behalf of the Panel

Dated: 18 February 2019