

**BEFORE COMMISSIONERS APPOINTED BY TARARUA DISTRICT COUNCIL,
PALMERSTON NORTH CITY COUNCIL, AND MANAWATŪ DISTRICT
COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

Notices of requirement for designations under
section 168 of the Act, in relation to Te Ahu a
Turanga; Manawatū Tararua Highway Project

BY

NEW ZEALAND TRANSPORT AGENCY
Requiring Authority

**MEMORANDUM OF COUNSEL FOR THE NEW ZEALAND
TRANSPORT AGENCY**

8 March 2019

BUDDLEFINDLAY
Barristers and Solicitors
Wellington

Solicitors Acting: **David Randal / Thaddeus Ryan / Frances Wedde**
Email: david.randal@buddlefindlay.com
Tel 64-4-499 4242 Fax 64-4-499 4141 PO Box 2694 DX SP20201 Wellington 6140

MAY IT PLEASE THE HEARING PANEL:

1. This memorandum of counsel is filed on behalf of the New Zealand Transport Agency ("**Transport Agency**").
2. This memorandum accompanies the evidence being filed by counsel, and is intended to serve the three following purposes:
 - (a) to identify and list the witnesses giving evidence on behalf of the Transport Agency;
 - (b) to note and explain that counsel are also filing (or intend to file) briefs of evidence on behalf of Rangitāne o Manawatū, Rangitāne o Tamaki Nui-ā-Rua, Ngāti Kahungunu Ki Tāmaki Nui-a-Rua, and Ngāti Raukawa, and to identify and list the relevant witnesses; and
 - (c) to provide the Hearing Panel with further information requested in its first minute dated 28 January 2019 ("**the Minute**"), regarding the need for an interpreter of te reo Māori at the hearing.

Evidence filed on behalf of the Transport Agency

3. The following briefs of evidence accompany this memorandum, and are to be presented to the Hearing Panel by witnesses appearing on behalf of the Transport Agency. The witnesses are as follows:
 - (a) Sarah Downs of the Transport Agency (Portfolio Manager System Design: Developing Regions);
 - (b) Andrew Whaley (Project Design);
 - (c) Scott Wickman of the Transport Agency (Alternatives);
 - (d) Lonnie Dalzell of the Transport Agency (Project Manager – Engagement);
 - (e) Jonathan Kennett of the Transport Agency (Walking and Cycling);
 - (f) David Dunlop (Transport);
 - (g) Amelia Linzey (Social);
 - (h) Dr Stephen Chiles (Noise and Vibration);
 - (i) Chris Bentley (Cultural and Environmental Design Framework);
 - (j) Boyden Evans (Landscape, Natural Character and Visual);

- (k) Dr Adam Forbes (Terrestrial Ecology: Flora);
- (l) Andrew Blayney (Terrestrial Ecology: Fauna);
- (m) Kieran Miller (Freshwater Ecology);
- (n) Dr Rod Clough (Archaeology);
- (o) Dr David Horne (Effects on Ballantrae Farm);
- (p) Jeff Morton (Effects on Ballantrae Farm); and
- (q) Ainsley McLeod (Planning and Conditions).

Evidence filed on behalf of Rangitāne o Manawatū, Rangitāne o Tamaki Nui-ā-Rua, Ngāti Kahungunu Ki Tāmaki Nui-a-Rua, and Ngāti Raukawa

- 4. The Transport Agency is partnering with iwi in relation to this project.
- 5. In that context, the Transport Agency has discussed with iwi a process whereby counsel would convey to the Hearing Panel, at the same time as the evidence of the Transport Agency's witnesses, written evidence of witnesses provided on behalf of their respective iwi.
- 6. Accordingly, the following briefs of evidence also accompany this memorandum:

On behalf of Rangitāne o Manawatū

- (a) Professor Jonathan Procter;
- (b) Siobhan Lynch-Karaitiana;
- (c) Chris Whaiapu; and

On behalf of Rangitāne o Tamaki Nui-ā-Rua

- (a) Manahi Paewai.

- 7. In addition to the above, counsel understand that briefs of evidence are being prepared on behalf of Ngāti Kahungunu ki Tāmaki Nui-a-Rua and Ngāti Raukawa, of Jessica Kereama, Justin Tamihana, Greg Carlyon, Morry Black, and James Kendrick. Counsel will provide these to the Hearing Panel as soon as possible, and seek any necessary waiver.
- 8. Further, prior to the Ngāti Kahungunu ki Tāmaki Nui-a-Rua and Ngāti Raukawa evidence being presented at the hearing, counsel understand that kaumātua of the iwi and Hayden Turoa intend to address the Hearing Panel.

9. The Transport Agency is very grateful to the iwi and to the witnesses for providing written evidence to assist the Hearing Panel, and acknowledges and respects the various views expressed in the evidence. This evidence is provided on behalf of the iwi (rather than the Transport Agency), but under the umbrella of the Transport Agency's evidentiary case.
10. It is important to emphasise that some of the views expressed by the iwi witnesses in their written evidence do not necessarily reflect the position of the Transport Agency. This includes any suggestion that the Transport Agency should have any role in determining mana whenua status (which the Transport Agency is not qualified to do).
11. Counsel have advised the iwi and the witnesses that this explanation would accompany the filing of their evidence.

Information requested in the Hearing Panel's first minute of 28 January 2019

Intention to use te reo Māori

12. Paragraph 52 of the minute stated:

“Any participant, counsel or witness may speak in te reo Māori or utilise sign language. At least 10 working days' prior notice from the hearing date of an intention to use either te reo Māori or sign language is to be provided to the Hearings Administrator so that the attendance of an interpreter can be arranged.”

13. Counsel confirm that at least one witness presenting evidence on behalf of the Transport Agency's iwi partners intends to use te reo Māori at the hearing, and as such an interpreter will be required when the iwi evidence is presented. Counsel have advised the Hearings Administrator that this is likely to occur on the first day of the hearing, 25 March 2019.

DATED this 8th day of March 2019



David Randal / Thaddeus Ryan / Frances Wedde
Counsel for the New Zealand Transport Agency