

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')

SIXTH MINUTE OF THE HEARINGS PANEL

19 MARCH 2019

BACKGROUND

1 The purpose of this Minute is to issue the Panel's response to the Memorandum of Counsel for the Agency dated 14 March 2019 (the **Agency's Memorandum**), to issue a response to the Memorandum of Counsel for the Director-General of Conservation dated 15 March 2019 (the **DOC Memorandum**), to issue a response to a request dated 14 March 2019 by KiwiRail to table evidence with the Panel and to provide the itinerary for the site visit to be undertaken on 20 March 2019 (the **site visit**).

THE AGENCY'S MEMORANDUM

2 The Agency's Memorandum was accompanied by further evidence filed by the Agency on behalf of the Agency's iwi partners, Ngāti Kahungunu ki Tāmaki Nui-a-Rua and Ngāti Raukawa (the **Iwi's Evidence**).

3 The Panel's First Minute dated 28 January 2019 (the **First Minute**) at paragraph 42 required the Agency to provide its written briefs of evidence by 8 March 2019. The Agency did not file the Iwi's Evidence by this time.

4 In the Agency's Memorandum, the Agency requests with reasons that the Panel waive this timeframe in respect of this evidence under section 37(1)(b) of the RMA

THE PANEL'S RESPONSE

5 The Panel accepts the Agency's request to waiver the timeframe for the Iwi's Evidence under section 37(1)(b) RMA.

6 In making this decision, the Panel has taken into account the matters provided in section 37A(1) RMA.

7 In regards to section 37A(1)(a) RMA, the Panel accepts the Agency's reason at 7(c) of the Agency's Memorandum that no submitter has raised specific issues relevant to the position of Ngāti Kahungunu ki Tāmaki Nui-a-Rua or Ngāti Raukawa. The Panel also accepts the Territorial Authorities' reporting officers will have ample time to consider this evidence prior and during the hearing.

8 Turning to section 37A(1)(b) RMA, the Panel agrees with the Agency that taking time to prepare the Iwi's Evidence will better allow the Panel to comply with its obligations under Part 2.

9 Finally in regards to section 37A(1)(c) RMA, the Panel also accepts that both the Panel, the Territorial Authorities' reporting officers and other submitters to the hearing will have ample time to consider the Iwi's Evidence.

THE DOC MEMORANDUM

10 In the DOC Memorandum, DOC has raised concerns relating to process and in particular whether or not regional resource consents should have been sought concurrently with the NOR.

- 11 The Panel considers it is unlikely to be able to determine that matter prior to hearing all of the evidence and submissions from all participants. The Panel is assuming this matter will be fully addressed by the Agency with in Legal Counsel's opening submissions.
- 12 DOC when it presents its case at the hearing can elaborate on its memorandum and also respond if it wishes to the Agency's evidence and submission on the matter.

KIWIRAIL REQUEST FOR EVIDENCE TO BE TABLED

- 13 The Panel accepts the request by KiwiRail to table its evidence.
- 14 However KiwiRail is responsible to keep track of the hearing process so as to monitor what is happening therein. If issues arise for KiwiRail it will need to raise them with the Panel. For example, conditions relevant to KiwiRail may be amended throughout the hearing.
- 15 Further KiwiRail should not assume the Panel will ask KiwiRail for further comment beyond the tabled evidence.

SITE VISIT ITINERARY

- 16 The Panel includes in this minute the site visit itinerary. The below itinerary does not include all of the sites which were requested to be visited. This is due to the logistics of visiting all of the sites in one day.
- 17 The Panel will endeavour to visit the sites not included in the itinerary during the course of the hearing. The Panel will provide updates on any site visits as they occur throughout the hearing.
- 18 The below site visit itinerary identifies the sites by the chainage as identified in Volume 4 of the Agency's Notice of Requirement.

#	Chainage	Feature	Time	Details
1	3600	Indication of proposed new car park layout for the Gorge walking track	10:00 – 10:15	Meet at current / existing car park entrance to the Manawatū Gorge Scenic Reserve.
2	2900	Proximity of dwelling (submitter 366 Rogers and Wendland) on corner of SH57 and SH 3 to the proposed roundabout	10:20 – 10:25	Drive to corner of SH3 & SH57 and park behind of gabion baskets (site visit attendees to stand so as to keep gabion baskets and parked transport vehicle between them and live traffic).
3	3900 to 4400	Walk through of the alignment and the vegetation and streams 7A to 7C therein	11:00 – 11:45	Drive into Stewart Bolton property using accesses created for geotech investigations to access 'Old Growth Forest & Swamp Maire'. Assume 30 minute drive from SH3/57 to site, allow 45 minutes to access areas of interest.
4	5600 to 5900	View the western QEII vegetation and stream 7A	12:05 – 12:20	Remain in S Bolton property and drive to base of hill below QEII and walk to western boundary of western QEII. Assume 10 minute drive plus 10 minute walk.
5	6100 to 6400	View the eastern QEII vegetation and streams 6A to 6C	12:50 – 1:00	30 minute drive to Meridian, enter via Moar entrance, and view western and eastern QEII areas from turbine TAP02. Walk to edges of QEII (it will be very difficult to see the actual streams).
6	9900	View the old dump site	1:30 – 2:00	Enter property at Cook Rd and exit at Morgan Road. Lunch. Assume 30 minute drive through Meridian to Old Dump Site.
7	10000 to 10800	Indication of the Ballantrae Hill Country Research Station fertiliser trial plots that will be directly	2:10 – 2:30	Park at dump site and enter Research Station from Morgan Road. Assume 15 minute walk through property and overview of Research facility.

#	Chainage	Feature	Time	Details
		impacted by cut or fill		
8	13000	View streams 2A and 2B at the crossing points	2:50 – 3:30	Assume 20 minute drive and enter A Bolton Farm at Hope Road. Walk to 2A (this is the main bridge on eastern side). Walk to 2B. Identify Ramage property (submitter 170)
9	13900	Proximity of dwellings on Troup Road (submitters 103 Shoebridge and 105 Cooke), Franklin Road (submitter 239 Cudby), Woodlands Road and SH3 to the new roundabout	3:40 – 4:00	Drive to submitter properties Shoebridge and Cooke Drive to 4 Franklin Road (Cudby)
	General	Indication on the ground of proposed spoil sites along the designation in terms of changes to the existing topography that will result		As we go
		Complete site visit and return to Palmerston North via Saddle Road	4:00	

CORRESPONDENCE CONCERNING THIS SIXTH MINUTE

19 Any correspondence should be directed to Kath Olliver, Hearings Administrator at PNCC. Email: Kath.Olliver@pncc.govt.nz



Paul Rogers

Independent Commissioner – Chair- on Behalf of the Panel

Dated: 19 March 2019