

MT MESSENGER BYPASS

Minute Four: Request from NZTA to Adjourn Hearing and an Amended Timetable

I have considered a request from the New Zealand Transport Agency (NZTA) to adjourn the hearing and proposing an amended timetable dated 15 August 2018. This request is attached to this minute.

I addressed this request at the resumption of the hearing on Thursday 16 August 2018 and gave the opportunity for all parties present to let me know if they were supportive of the request. The request was universally supported by parties present, and after considering some further timetabling requests received from Mr Hovell for Te Runanaga o Ngāti Tama (Ngāti Tama) and Mr Roan for NZTA I make the following timetabling directions:

Friday 28 September 2018

NZTA to file updated conditions and ELMP to the hearing administrator for uploading to the hearing website (showing changes to previous versions as tracked), along with any expert evidence explaining those updates.

Friday 5 October 2018

DOC and Ngāti Tama along with any other submitter to file any expert evidence in response to the updated documentation provided by NZTA.

Ngāti Tama to file any expert evidence in response to the cultural impact evidence provided by Nga Hapu o Poutama on 9 August 2018.

Tuesday 9 October 2018

- (a) Ngāti Tama to present any expert evidence in response to Nga Hapu o Poutama cultural impact evidence;
- (b) NZTA to present updated conditions and any associated expert evidence;
- (c) DOC, Ngāti Tama, and any other submitter who file evidence in response to the updated NZTA conditions to present their evidence;
- (d) NPDC and TRC staff to present their updated reports and any final recommendations;
- (e) Initial right of reply by NZTA.

Wednesday 10 October 2018

Reserve Hearing Day.

Wednesday 17 October 2018

Written closing to be filed by NZTA.

The Hearings Administrator will be in contact to advise the venue for the resumed hearing on 9 and 10 October 2018, which due to other meetings in the Council Chamber may need to be at another venue.



Mr Stephen Daysh
Independent Hearing Commissioner
17 August 2018

**BEFORE THE TARANAKI REGIONAL COUNCIL AND NEW PLYMOUTH
DISTRICT COUNCIL**

MT MESSENGER BYPASS PROJECT

In the matter of the Resource Management Act 1991

and

In the matter of applications for resource consents, and a notice of requirement by the NZ Transport Agency for an alteration to the State Highway 3 designation in the New Plymouth District Plan, to carry out the Mt Messenger Bypass Project

**MEMORANDUM OF COUNSEL FOR THE NZ TRANSPORT AGENCY:
REQUEST FOR HEARING ADJOURNMENT AND AMENDED TIMETABLE**

15 August 2018

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Introduction and request for adjournment

1. This memorandum is filed on behalf of the NZ Transport Agency ("**Transport Agency**"). It follows the presentation to the Commissioner at the hearing of the expert evidence on ecological matters by the Transport Agency, the Director-General of Conservation ("**DOC**"), and Te Runanga o Ngāti Tama ("**Ngāti Tama**"). It also follows productive discussions between Council Officers and Mr Roan last Friday as to conditions, and the filing by DOC earlier this week of its proposed version of the conditions.
2. The Transport Agency intends to reflect on the outstanding matters covered by Council Officers in their discussion with Mr Roan, and in the presentation of evidence to the Commissioner by the witnesses for DOC, and by Mr Shapiro for Ngāti Tama.
3. In order to properly reflect on the outstanding matters raised by the Council Officers, and to update the conditions and Ecology and Landscape Management Plan ("**ELMP**") as necessary, the Transport Agency seeks an adjournment to the hearing. The ability for DOC, Ngāti Tama, and the Councils to consider and respond to the updated documentation is factored into the adjournment period.

Proposed adjournment timetable

4. The Transport Agency requests that the hearing be adjourned until **Monday 8 October** (or the first available dates thereafter).
5. Working on the basis that the Commissioner will be available during the week of Monday 8 October, the Transport Agency proposes the following timetable:
 - (a) Thursday 16 August – hearing day to proceed as scheduled (but with the presentation by both Councils, and the Transport Agency right of reply, to be deferred until later):
 - (i) DOC to present its conditions (scheduled for 9am – 1015am);
 - (ii) Te Korowai Tiaki o te Hauāuru Incorporated to present its case (scheduled for 1030am – 215pm including lunch break);
 - (iii) Te Runanga o Ngāti Tama to respond to evidence tabled by Poutama (scheduled for 215 – 245);
 - (b) Friday 17 August – currently scheduled hearing day no longer required;
 - (c) Friday 28 September – Transport Agency to file updated conditions and ELMP to the hearing administrator for uploading to the hearing website (showing changes to previous versions as tracked), and any expert evidence explaining those updates;

- (d) Friday 5 October – DOC and Ngāti Tama to file any expert evidence in response to updated documentation provided by the Transport Agency on 28 September;
 - (e) Monday 8 October – resumed hearing, to provide for:
 - (i) Any Transport Agency evidence on updated documentation to be presented to the Commissioner;
 - (ii) Any response to the updated documentation from DOC and Ngāti Tama;
 - (iii) Mr Roan to discuss the conditions and management plans with the Commissioner;
 - (iv) Both Councils (planners and relevant consultant experts) to present to the Commissioner;
 - (v) Initial right of reply to the Transport Agency;
 - (f) Tuesday 9 October – reserve hearing day; and
 - (g) Tuesday 16 October – written closing legal submissions to be filed by the Transport Agency.
6. Counsel submit that the adjournment requested is consistent with the sustainable management purpose of the RMA, in that it allows additional time for ecological matters to be considered and addressed.

DATED this 15th day of August 2018



D G Allen / T J Ryan
Counsel for NZ Transport Agency