

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA**

IN THE MATTER of the Resource Management Act 1991

AND of the direct referral of applications for resource consents for activities associated with Te Ahu a Turanga: Manawatū Tararua Highway project

BETWEEN WAKA KOTAHI NZ TRANSPORT AGENCY
(ENV-2020-WLG-000014)
Applicant

AND MANAWATŪ-WHANGANUI REGIONAL COUNCIL
Regulatory Authority

**MINUTE OF THE ENVIRONMENT COURT
(12 AUGUST 2020)**

[1] The Court acknowledges receipt of the memorandum of 12 August 2020 from the Transport Agency (the Agency) regarding the Court's proposed site visit. The Court appreciates the efforts made by the Agency to accommodate its requirements for a time efficient and comprehensive visit.

[2] In general terms the arrangements proposed are acceptable to the Court including the proposal for an accompanying person. In the normal course of events the Court would require the attendance of an "other parties" representative but in light of the agreed position of the parties it assumes that is not required in this instance. If any party has a contrary view they are to advise the Court and the Agency by 3.00pm Friday 14 August.

[3] The potential for these arrangements to be upset by the current Covid situation is obvious. Commissioner Bartlett is Auckland based and there is a real likelihood of her attendance next week being precluded should the current Level 3 status be extended. She



is the Court's ecologist and is particularly interested in undertaking a physical visit of the proposed route. That situation will be kept under review but if her attendance is precluded the arrangements will need to be revisited.

[4] It may be assumed that the Court will need to undertake a site visit before issuing its decision. Ideally that should happen prior to commencement of the hearing, which could potentially be pushed out to the week of 31 August if need be. If that cannot be achieved then the site visit could happen post hearing but substantial delay in completing the visit will have an obvious impact on the timing of the Court's decision.

[5] It would assist the Court if parties who wish to attend the hearing advise to that effect by 3.00pm on Friday 14 August. It was my understanding that no party other than the Agency wishes to present evidence or question witnesses but any party to the proceedings is entitled to attend.

[6] The Agency is to make submissions and provide an overview of the project from one witness. Once the members of the Court have read the briefs which have been filed they will identify which (if any) witnesses they wish to question. Witnesses who have provided briefs and are not required for questioning by the Court are to file affidavits or affirmations confirming the contents of their briefs and need not attend the hearing.

[7] The form of the hearing may be affected by Covid issues. Hopefully all members of the Court will be present in court as per usual practice but there is a realistic possibility that one or more members may participate electronically. In view of the limited extent of the hearing it is possible that a full electronic or remote hearing may take place. The parties will be kept apprised of the situation in that regard.

[8] If any party seeks further directions they may make and serve a request in writing accordingly.



BP Dwyer
Environment Judge

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