

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991 (the Act) of a potential Notice of Motion under Section 87G requesting the granting of resource consents to TE AHU A TURANGA; MANAWATŪ TARARUA HIGHWAY PROJECT

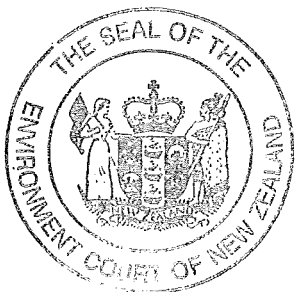
**MINUTE OF THE ENVIRONMENT COURT
(24 MARCH 2020)**

[1] I acknowledge receipt by the Court of the joint memorandum dated 5 March 2020 from NZ Transport Agency (the Agency) and Manawatu Whanganui Regional Council (the Council) regarding imminent applications for various resource consents relating to a proposed new state highway to replace the closed Manawatu Gorge section of SH3 and advising that the Agency will seek to have applications for what are described as the Main Works Consents (the applications) come directly to the Court pursuant to the provisions of s87D etc RMA.

[2] I also acknowledge receipt of the memorandum from the Agency dated 11 March 2020 advising that the applications have now been lodged with the Council.

[3] I advise that I am aware of the importance attaching to a replacement road for the various reasons set out in the joint memorandum. I advise that in light of the current health emergency, the Court is establishing a priority system for dealing with matters that come before it. It is reasonable to expect that these potential applications might fall into the priority list. That will still require the Court to have regard to its statutory obligations and issues of fairness to all parties in managing the applications.

[4] Insofar as the timetable suggested by the joint memorandum is concerned I note the view of the Agency and the Council that the period for persons to give notice of intention to participate in the Court process pursuant to s87G(2)(a) should be 15



working days. That view appears to be founded on an assumption that the Court will substantially truncate subsequent procedures, an assumption with which I do not necessarily concur in light of my present knowledge.

[5] I observe that the suggestion that a prehearing conference takes place only two days after close of the s274 notice period with a mediation the following day(s) and expert witness conferencing to follow shortly thereafter, potentially puts interested parties at something of a disadvantage in a situation where they will not have seen the evidence to be advanced by the Agency in support of the applications. I accept that it may be the case that the Agency's evidence will simply be confirmatory of the various reports which (I assume) will form part of its application package. I suggest that the Agency has regard to these comments when submitting the application for anticipatory orders which it has foreshadowed.

[6] I refer to the various measures identified in para 30 of the joint memorandum and observe:

- 30(a) - noted;
- 30(b) - noted;
- 30(c) - noted. In preparing the application counsel should have regard to the comments in para [5] (above);
- 30(d) - noted and agreed subject to advice from Registry staff as to practicality;
- 30(e) - noted and agreed subject to advice from Registry staff as to practicality;
- 30(f) - noted.

[7] Finally I note the request for the Court to give an indicative decision date. I consider it is premature to make any comment in that regard at this time in the absence of any knowledge on the Court's part as to the number of parties involved, the issues involved and the extent of evidence required to deal with those issues. I refer to the comments made in para 3 above and reiterate that I am aware of the importance of the replacement road.



B P Dwyer
Environment Judge

