

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

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

ENV-2023-WLG-000005

Under the **RESOURCE MANAGEMENT ACT 1991**

In the matter of the direct referral of applications for resource consents and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin Project

By **WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY**

Applicant

MEMORANDUM OF COUNSEL FOR THE APPLICANTS

19 May 2023

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

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MAY IT PLEASE THE COURT:

1. This memorandum of counsel is filed on behalf of Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) in respect of the Ōtaki to North of Levin Project (**Ō2NL**).
2. Waka Kotahi filed its notice of motion and supporting affidavit formally commencing the direct referral proceedings on 1 May 2023. The Court acknowledged receipt of those documents in its letter dated 2 May 2023.
3. The section 274 period for interested parties to join proceedings closes on 22 May 2023. The Court has also confirmed, in its 2 May letter, that the pre-hearing conference will take place on 22 June 2023.
4. The purpose of this memorandum is to request that the Court formally appoint Mr David Forrest to assist section 274 parties in the proceedings.
5. Manawatū-Whanganui Regional Council, Greater Wellington Regional Council, Horowhenua District Council and Kāpiti Coast District Council (together, the **Councils**) have been provided with a draft of this memorandum prior to filing. The Councils have agreed to the directions sought by Waka Kotahi in this memorandum.

Mr Forrest's role to date

6. Mr Forrest has been assisting unrepresented parties as a process advisor during the Councils' processes, and that role has continued into assisting submitters who wish to join (or who are considering joining) as section 274 parties.
7. The Court has previously noted it will consider formal appointment of Mr Forrest as a process advisor for unrepresented parties once proceedings have been formally lodged.¹
8. Waka Kotahi and the Councils respectfully consider it would be appropriate for Mr Forrest to continue to support section 274 parties through the Court process.

¹ See [7] of the Court's minute of 23 March 2023.

Direction sought

9. Waka Kotahi respectfully requests that the Court formally appoint Mr David Forrest as process advisor for unrepresented section 274 parties in this hearing process.
10. Mr Forrest's role would be to:
 - (a) provide assistance to interested parties who do not already have professional assistance, on matters of process and procedure;
 - (b) where appropriate, assist interested parties with common interests to combine their submissions and evidence preparation; and
 - (c) provide guidance on the differences between submissions and evidence.
11. As per usual practice, it would not be the role for Mr Forrest to provide advice on the merits and substance of submissions or evidence.

DATED at Wellington this 19th day of May 2023



David Allen / Thaddeus Ryan
Counsel for Waka Kotahi