



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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Application ID: DSN17/44711; LUC18/47193

13 June 2018

Dear Sir/Madam

NOTICE OF RESCHEDULED HEARING – MT MESSENGER BYPASS

New Plymouth District Council and the Taranaki Regional Council advise that Mr Stephen Daysh will hear and consider submissions on applications relating to the Mount Messenger Bypass (SH3) between Uruti and Ahititi. A list of applications is appended to this letter.

The hearing of all applications will be coordinated by New Plymouth District Council. The hearing will convene at:

10.30am

**Wednesday 1 August 2018
Civic Centre, New Plymouth**

The hearing has been scheduled for 1-3 August 2018 (applicants evidence) and 8-10 August (submitters evidence and applicants right of reply). The 15-17 August have also been set aside if required. The hearing duration will be determined by the time required to hear from all parties. While every endeavour will be made to meet your availability, your speaking time will be scheduled to ensure that the hearing runs efficiently for the benefit of all parties.

The hearing had previously been scheduled to commence on the 11 June and the applicants briefs of evidence had been circulated. Those briefs are available on the New Plymouth District Council website: <http://www.newplymouthnz.com/Council/Have-Your-Say/Consultations-and-Surveys/Mt-Messenger-Bypass>

Pursuant to section 41B of the Resource Management Act 1991, the Council requires the applicants to provide any supplementary evidence prior to the hearing. Similarly, submitters intending to call expert evidence are required to provide briefs of the evidence prior to the hearing. The timeframes for provision of those briefs are as follows:

Applicants Supplementary Evidence:	Tuesday 17 July 2018
Submitters Expert Evidence:	Tuesday 24 July 2018
Rebuttal Evidence (by the applicant):	Monday 30 July 2018

The briefs must be forwarded electronically to jan.holdt@npdc.govt.nz by the dates listed above. This information will then be put on the New Plymouth District Council website for ease of access by all parties.

Copies of the planner's reports are available on the New Plymouth District Council website via:

<http://www.newplymouthnz.com/Council/Have-Your-Say/Consultations-and-Surveys/Mt-Messenger-Bypass>

Hearing Commissioner's Directions

In accordance with section 41C of the Resource Management Act, the Hearings Commissioner has issued the following directions:

1. Provision of supplementary evidence by the applicant

- 1.1 Evidence previously distributed by the applicant will be taken as read and need not be reproduced.
- 1.2 Requirements of Supplementary briefs of evidence:
 - 1.2.1 Supplementary evidence must be provided as standalone briefs of evidence from the appropriate expert(s).
 - 1.2.2 Each supplementary brief of evidence must outline the matters that have evolved and changed since the original evidence was filed.
 - 1.2.3 Each supplementary brief of evidence must clearly reference parts of the original evidence which the Commissioner should no longer consider.

2. Rebuttal evidence

- 2.1 Any rebuttal evidence is to be succinct and focused on the specific point(s) the witness is responding to. Rebuttal evidence must only address new information in the submitter's evidence that could not have been reasonably foreseen by the requiring authority in preparing its own evidence.

3. All evidence and representations

- 3.1 Up to a maximum of 20 minutes speaking time per speaker is considered reasonable. The speaking time excludes questions. Requests for additional speaking time must be forwarded by email to jan.holdt@npdc.govt.nz by 4.30pm on Friday 20 July 2018. The Hearing Commissioner will make the final determination on requests for additional speaking time. The request must:
 - 3.1.1 Identify the total length of speaking time requested and
 - 3.2.2 Provide reasons why the additional time is required.

4. Expert evidence and legally-represented submitters

- 4.1 Legal submissions for parties represented by Counsel are to be emailed to jan.holdt@npdc.govt.nz by 4pm on the working day prior to the Counsel's appearance. This is to enable efficient consideration and questioning around any legal issues identified. Counsel speaking time will be limited to a maximum of 20 minutes to speak to written submissions (excluding questions).
- 4.2 Expert evidence is not to be read verbatim at the hearing. The Commissioner will read all pre-circulated evidence prior to commencement of the hearing.
- 4.3 Presentation of expert evidence is restricted to a "highlights package", being a summary of key points of the witness's evidence, consisting of a maximum of two double-sided pages. Verbal presentation of the highlights package will be restricted to 15 minutes speaking time (excluding questions).
- 4.4 Each highlights package should, to assist the Hearings Commissioner, identify other expert evidence presented in the hearing which the speaker holds an alternative opinion on. These matters are to include the page number of the statement of evidence in question under the topic heading to aid questioning by the Commissioner.
- 4.5 A hard copy of each highlights packages is to be made available to the hearing manager (or their nominee) at the start of the day on which the evidence is being presented. This is will be circulated to those in attendance at the hearing and posted on the Council's website by the end of that day.

5. Non-expert evidence

- 5.1 Original submissions lodged on the application are not to be read verbatim at the hearing. The Commissioner will read all submissions prior to commencement of the hearing.
- 5.2 10 hard copies of any written information tabled and discussed by non-expert speakers or their representatives (who are not expert witnesses) shall be made available to the Hearing Manager prior to their representation being made by the submitter. The Hearing Manager will be in attendance during the hearing.

Attendance Forms

Thank you to those submitters who had completed and returned the previous attendance form. To ensure we schedule all submitters. It would be appreciated if you could complete and return the attached form regardless of whether you completed the previous form.

Please return completed forms by Friday 20 July 2018. A hearing timetable will be produced based on this information and will be posted on our website. Please advise on the attendance form if you wish to present in Te Reo Maori.

If you have any questions, or special requirements (including accessibility) regarding the hearing please do not hesitate to contact Jan Holdt on (06) 759 6060.

Yours faithfully

Jan Holdt

Jan Holdt
COMMITTEE ADVISER



Applications

New Plymouth District Council:

- DSN17/44711 – alteration to Designation N36 to designate land for the construction and operation of the Mt Messenger Bypass – a new section of State Highway 3, located east of the existing highway corridor, between Uruti and Ahititi, in North Taranaki.
- LUC18/47193 – land use consent to disturb soil under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, associated with constructing the Mt Messenger Bypass.

Taranaki Regional Council:

- Application 17-10429-1.0(A) - To dam, take and use surface water from the Mangapepeke Stream and Mimi River, and to erect and use temporary weirs on the bed of the Mangapepeke Stream and Mimi River associated with constructing the Mt Messenger Bypass, and to divert, take and use groundwater as a consequence of excavations and tunneling associated with constructing and operating the Mt Messenger Bypass
- Application 17-10429-1.0(B) - To divert, disturb, realign and modify sections of the Mangapepeke Stream, Mimi River and their tributaries associated with constructing and operating the Mt Messenger Bypass
- Application 17-10429-1.0(C) - To install, use and remove temporary culverts in the Mangapepeke Stream, Mimi River and their tributaries for the purpose of constructing the Mt Messenger Bypass
- Application 17-10429-1.0(D) - To install and use culverts in the Mangapepeke Stream, Mimi River and their tributaries and to install a bridge over a tributary of the Mimi River associated with constructing and operating the Mt Messenger Bypass
- Application 17-10429-1.0(E) - To discharge to land, water and to air from soil disturbance and earthworks, to undertake vegetation clearance, and to undertake riverbed planting associated with constructing and operating the Mt Messenger Bypass