

## **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 application for resource consent 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 TE RUNANGA O NGATI TAMA ON  
CONDITIONS**

**8 OCTOBER 2018**

## **INTRODUCTION**

1. This memorandum addresses particular conditions on behalf of Te Runanga o Ngati Tama Trust ("**Runanga**").

### **Kaitiaki Forum**

2. The Runanga continues to support the condition setting out the requirement for the Kaitiaki Forum. No other groups have sought express inclusion in the condition.
3. During the August hearing, the commissioner asked whether the case of *Tuwharetoa Maori Trust Board v Waikato Regional Council* [2018] NZEnvC 093 ("**TMTB**") should be distinguished. As noted, it is considered the reasoning of *TMTB* remains relevant.

### **Condition 30**

4. New condition 30 discusses the pest management area (PMA) and the monitoring regime for bat maternity roosts.
5. In the event that scenarios 2-4 are the outcome of the monitoring programme, the Runanga seeks provision for the requiring authority to consult with the Runanga (or experts appointed by the Runanga) on the level and location of pest control in the Parininihi area.

### **Other mitigation measures**

6. As has been noted, the Runanga continues to discuss other mitigation measures direct with NZTA and these discussions are ongoing. The Runanga therefore reserves its rights in respect to other measures to mitigate cultural effects.

8 October 2018

Tama Hovell