



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

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When replying please quote document no: 7706066 Application ID: DSN17/44711;
LUC18/47193

3 May 2018

NOTICE TO APPLICANT AND SUBMITTERS WHO INDICATED A WISH TO BE HEARD

NOTICE OF HEARING

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

New Plymouth District Council and the Taranaki Regional Council advise that Mr Stephen Daysh will hear and consider submissions on the above applications. The hearing of all applications will be coordinated by New Plymouth District Council. The hearing will convene at:

10.30am
Monday 11 June 2018
Civic Centre, New Plymouth

The hearing has been scheduled for 11 – 22 June 2018. 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.

Pursuant to section 41B of the Resource Management Act 1991, the Council requires the applicants briefs of all evidence to be pre-circulated. Similarly, submitters intending to call expert evidence are required to provide briefs of the evidence prior to the hearing. The timeframes for provision of these briefs are as follows:

Applicants Evidence: Friday 25 May 2018
Submitters Expert Evidence: Friday 1 June 2018

The briefs must be forwarded electronically to julie.straka@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 will be available on the New Plymouth District Council website by 18 May 2018 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. All evidence and representations

1.1 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 requested by email to julie.straka@npdc.govt.nz by 4.30pm on Tuesday 5 June 2018. The Hearing Commissioner will make the final determination on requests for additional speaking time. The request must:

1.1.1 Identify the total length of speaking time requested and

1.2.2 Provide reasons why the additional time is required.

2. Expert evidence and legally-represented submitters

- 2.1 Legal submissions for parties represented by Counsel are to be emailed to julie.straka@npdc.govt.nz by 4pm on the working day prior to the counsel's appearance 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).
- 2.2 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.
- 2.3 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).
- 2.4 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.
- 2.5 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.

3. Non-expert evidence

- 3.1 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.
- 3.2 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.

Please complete the attached attendance form and return by Wednesday 5 June 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 Julie Straka on (06) 759 5688.

Yours faithfully



Julie Straka
GOVERNANCE LEAD

Conflict of Interest Statement:

The Hearing Commissioner, Mr Stephen Daysh, advises that he understands that his brother Mr Lindsay Daysh undertook some preliminary work for NZTA on the project. Both Stephen and Lindsay practice as planners but in their own separate firms and have no professional relationship or involvement together. The Hearing Commissioner has not discussed the work his brother undertook with him, nor prior to his appointment assessed any associated documents.

This disclosure is provided on the basis that the Hearing Commissioner considers he does not have any conflict of interest in relation to the matters he will be hearing in this case. If any party has any reason to disagree with this position then they are invited to lodge a document with the Council including reasons to julie.straka@npdc.govt.nz by 4.30pm on 11 May 2018.



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ATTENDANCE FORM

JOINT HEARING

MOUNT MESSENGER BYPASS (SH3) BETWEEN URUTI AND AHITITI

Monday 11 June 2018

The hearing of submissions regarding the above will convene in the New Plymouth District Council Civic Centre, 84 Liardet Street, New Plymouth, on **Monday 11 June 2018**.

Please complete and return this form via email to confirm the time required to speak in support of your application or submission **BY 4:30PM Tuesday 5 June 2018**.

Applicant/Submitter:

Contact Person:

Contact Daytime:

Phone:

Email:

Time required to present:

Minutes (mandatory)

Maximum 20 minutes unless prior approval has been given.

Person(s) presenting: (If different from above)

Do you wish to present in Te Reo Maori:

Yes /No

Attention: Julie Straka



(06) 759 5688

Email:

julie.straka@npdc.govt.nz