

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

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

ENV-2020-WLG-00014

UNDER the Resource Management Act 1991

IN THE MATTER OF the proposed direct referral of an application for resource consents for activities associated with Te Ahu a Turanga: Manawatū Tararua Highway Project

BETWEEN **WAKA KOTAHĪ NZ TRANSPORT AGENCY**
Applicant

AND **MANAWATŪ-WHANGANUI REGIONAL COUNCIL**
Regulatory Authority

**MEMORANDUM OF COUNSEL FOR THE TRANSPORT AGENCY SEEKING
EXTENSION**

3 June 2020

BUDDLEFINDLAY
NEW ZEALAND LAWYERS
Barristers and Solicitors
Wellington

Solicitor Acting: **David Randal / Thaddeus Ryan / Frances Wedde**
Email: david.randal@buddlefindlay.com
Tel 64 4 499 4242 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6140

MAY IT PLEASE THE COURT:

1. Waka Kotahi NZ Transport Agency ("**Transport Agency**") respectfully seeks leave to file one statement of evidence late.
2. The Transport Agency is due to file its evidence-in-chief in support of Te Ahu a Turanga: Manawatū Tararua Highway Project ("**Project**") by 12 June 2020. The Transport Agency is well advanced in evidence preparation and will be able to file the majority of its evidence by that date.
3. However, the witness for one of the Transport Agency's iwi partners in respect of the Project, Ms Siobhan Karaitiana for Rangitāne o Manawatū, is currently on parental leave and will not return to work until early July 2020.
4. The Transport Agency therefore seeks leave to file Ms Karaitiana's evidence-in-chief by **Tuesday 7 July 2020**.
5. This extension will not cause any prejudice to any party to the proceedings, for the following reasons:
 - (a) No submissions have been received challenging the matters in the cultural impact assessment prepared by Rangitāne o Manawatū, which will form the basis of Ms Karaitiana's statement of evidence-in-chief.
 - (b) The regulatory authority, Manawatū-Whanganui Regional Council, has also not included, in its section 87F reports regarding the Project, material from an expert in cultural matters.
 - (c) In any event, the proposed new filing date of 7 July is well before any other party is directed to file evidence (on Friday 31 July). Therefore, all parties will retain the opportunity to consider and (if necessary) respond to matters in Ms Karaitiana's evidence following 7 July.
 - (d) It is not anticipated that the matters in Ms Karaitiana's evidence will be the subject of initial mediation (scheduled to occur on Monday 22 and Tuesday 23 June).
 - (e) It is also not anticipated that the matters in Ms Karaitiana's evidence will be the subject of expert witness conferencing, except perhaps in relation to planning matters. The planning expert witness conferencing is to occur at the end of the period in which expert conferencing is to take place (between Tuesday 7 July and Friday 17 July) and therefore can also accommodate this extension in filing date.

6. Accordingly, the Transport Agency respectfully seeks the Court's leave to file Ms Karaitiana's evidence by **Tuesday 7 July 2020**.

DATED this 3rd day of June 2020



D Randal / T Ryan / F Wedde
Counsel for Waka Kotahi NZ Transport
Agency