

chief executive's report to the Board

August 2019

Topic	Update
Out of scope	
Mt Messenger	<p>The Environment Court Hearing for the Mt Messenger Bypass RMA appeals finished on 23 July 2019. Our closing legal submissions have been filed with the Court. The Court's decision is anticipated for September 2019.</p> <p>We are likely to receive an 'interim decision' from the Court. The granting of a Designation and Consent will be dependent on Ngāti Tama's acceptance and formal approval of our offer. The Court holds that Ngāti Tama have a veto right as we have agreed not to pursue compulsory acquisition of their land. The Court's decision would become final when the agreement is signed with Ngāti Tama.</p> <p>Ngāti Tama's signing of the mitigation and property agreements can only follow the appointment of new Trustees to the Trust. New Trustees may be in place by October 2019. However, if the existing Trustees are not re-elected, or if new Trustees join the Rūnanga, time may be required to brief them and seek agreement with past undertakings between ourselves and former Trustees. There is a risk that this may be protracted if the new Trustees have a significantly different view (to that of the existing Trustees) of the Project and its benefits to Ngāti Tama. 9(2)(g)(i)</p>

Topic	Update
	<p>The Ngāti Tama agreement also has a flow-on affect regarding a key landowner for the Project - Mr and Mrs Pascoe. We have not been able to conclude a voluntary property acquisition agreement. The Court considers it unreasonable to keep the Pascoes in a state of limbo by making a final decision and imposing a designation upon them. This has the potential to involve more delays as we are also unable to pursue the compulsory acquisition pathway. The Minister for Land Information previously declined to sign off the s23 compulsory acquisition notice on the Pascoes on the basis that the Ngāti Tama agreement has not been finalised and the Resource Management Act appeals have not been resolved. Suspension of the Project works is currently under consideration by the Transport Agency, until such time as the issues noted above are resolved. This will be reviewed with the Project Alliance Board in August 2019, to optimise the economic efficiency of the process should this path be taken.</p>

Out of scope