

**BEFORE A BOARD OF INQUIRY
NORTHERN CORRIDOR IMPROVEMENTS PROJECT**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of notices of requirement for designations and resource consent applications by the New Zealand Transport Agency for the Northern Corridor Improvements Project.

**JOINT MEMORANDUM OF COUNSEL ON BEHALF OF WASTE MANAGEMENT
NZ LTD AND THE NEW ZEALAND TRANSPORT AGENCY**

18 JULY 2017

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McAugh**

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MAY IT PLEASE THE BOARD:

1. Waste Management NZ Ltd ("**WMNZ**") operates the Rosedale Refuse Transfer Station located at 117 and 123 Rosedale Road ("**RTS Site**").
2. WMNZ filed a submission in opposition to the notices of requirement and resource consent applications by the New Zealand Transport Agency ("**Transport Agency**") for the Northern Corridor Improvements Project ("**NCI Project**"). As notified, WMNZ considered the NCI Project would have adverse effects on the ongoing operation of the RTS Site.
3. WMNZ filed two statements of primary evidence in support of its submission:
 - (a) corporate evidence from Mr Ian Kennedy, General Manager of WMNZ's Operation and Technical Services division; and
 - (b) expert planning evidence from Ms Andrea Brabant of Tonkin + Taylor.
4. The parties have continued to engage in constructive discussions regarding mitigation of the NCI Project's adverse effects on the RTS Site. Counsel are pleased to advise the Board that those discussions have now concluded and full agreement has been reached in relation to managing the adverse effects of the NCI Project on the RTS Site. The agreement will be formally signed and executed by both parties as soon as possible, depending on the availability of persons with delegated authority to sign on each party's behalf.
5. In general terms, the mitigation agreement between the parties:
 - (a) requires temporary (during construction) and permanent replacement land to be provided to WMNZ for the storage of waste bins, compactors and other ancillary equipment and for the parking of WMNZ's trucks. This temporary and permanent replacement land will be provided because the NCI Project requires the land at 123 Rosedale Road, which WMNZ currently uses for these purposes;
 - (b) provides agreed mitigation for the reverse sensitivity and construction traffic effects of the NCI Project on the Rosedale RTS;
 - (c) acknowledges that WMNZ's preference is for the construction of a bridge structure north of Rosedale Road (including over the 123 Rosedale Road Land) and that the Transport Agency will use all reasonable endeavours to continue to investigate the viability of the

proposed bridge structure. The parties' intention is that the Transport Agency will lease the land under any bridge structure to WMNZ for a permanent replacement equipment storage and truck parking area; and

- (d) requires the Transport Agency to proceed with a bridge structure north of Rosedale Road where it determines this is a viable option. Where the Transport Agency decides a bridge structure is not viable, the agreement requires an alternative option for permanent replacement land for equipment storage and truck parking to be provided on the terms set out in the Agreement.

6. In light of the parties' mitigation agreement, the parties respectfully request that the evidence of Mr Kennedy and Ms Brabant be withdrawn and that WMNZ be excused from attending the hearing.

DATED 18 July 2017



A A Arthur-Young / S H Pilkinton
Counsel for Waste Management NZ Ltd



C M Sheard
Counsel for NZ Transport Agency