

BOARD OF INQUIRY WATERVIEW CONNECTION PROPOSAL

BOARD OF INQUIRY Waterview Connection Proposal

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of a Board of Inquiry appointed under s149J of the Resource Management Act 1991 to consider applications by New Zealand Transport Authority for resource consents and notices of requirement for the Waterview Connection Proposal.

Board of Inquiry members presiding:

Environment Judge Laurie Newhook

Member Sue Jackson

Member Alan Dormer

Environment Commissioner Ross Dunlop

Member Sandra Hardie

MINUTE AND DIRECTIONS OF THE BOARD

Editing and Changes to Draft Conditions of Consent

1. As noted in a Minute dated 6 April 2011, the Board has been granted a 9 working day Ministerial extension to the timeframe for provision of its final report, allowing for a completion date of 30 June 2011.
2. As indicated on the last day of the hearing, and subject to deliberations about consentability, the Board foreshadowed that it might direct further assistance from the parties' experts on further drafting work on conditions, the outcomes of which could also inform the Board's ability to grant consent.
3. The Board has undertaken further deliberations, and now seeks the foreshadowed further assistance from the parties' experts within the timeframe indicated in the second stage of the intended timetable issued in that earlier Minute, a copy of which is set out below for ease of reference.

Stage	Updated Timetable
Board writes to parties re conditions	6 May 2011
Parties' experts to draft conditions (<u>the further draft to be in the Board's hands by 4pm 13 May</u>)	9 - 13 May 2011

Draft Decision released	26 May 2011
Comments Period (20 working days)	27 May – 24 June 2011
Board Consideration of comments	27 - 29 June 2011
Final Decision	30 June 2011

4. The Parties' experts are to redraft certain of the draft conditions of consent currently in the Red Book dated 25 March 2011, lodged on the final day of the hearing. They are also to undertake other tasks as directed. All directions are contained in the schedule **attached**. The Board will not direct the precise methodology that they are to follow, but recommends they meet together for the purpose, at the earliest possible time next week, possibly after NZTA experts have undertaken a "first cut" of the re-drafting and other tasks.
5. Some of the matters the subject of direction are very significant; others are relatively minor. The Board stresses that the possibility of consent being granted is not to be inferred. However, if the significant matters can be cured to our satisfaction, such that they can inform a possible consent, then consent could be the outcome of the draft Decision that will follow. We have not sought to identify all minor matters needing attention at this time. Further directions could issue, or such items attended to by us if consent is forthcoming.
6. Subject to what we say in 9 below, we will not receive submissions, representations, or evidence disputing any of the outcomes in respect of which we are making directions, or any of the draft conditions of consent that are not the subject of directions for editing of conditions. That is, this is not an opportunity for any party to argue any point, whether through experts, counsel, or otherwise.
7. The time of response, 4.00pm next Friday 13 May, is of the essence.
8. In addition, a thorough check is needed right through the next "book", to ensure consistency amongst the whole set of draft conditions. We suggest this be done by the parties' planners, after other contributions (including any of their own in the substantive sense), are done.
9. Only if any of our directions offer serious inconsistency amongst themselves or with other conditions, or defy understanding, will we receive any queries. If any such query is absolutely necessary, it should obviously be filed and served as early as possible in the week so as to enable the experts' editing and checking work to be finalised, and the new book filed by the required time.
10. The next conditions book is to be lodged in hard copy, both red-lined and clear, and both versions are to be submitted electronically as well, in Word format.
11. The contents of the next book cannot be regarded as set in stone in any sense, just because any experts agree on them. The Board naturally maintains its decision-making role, with the full range of outcomes remaining available in the case.

If you have any questions arising from this Board Direction please do not hesitate to contact the EPA on 0800 H2OVIEW (0800 4268439) or waterview@epa.govt.nz.

For the Board:



**Environment Judge L J Newhook
Chairman - Waterview Connection Proposal Board of Inquiry
6 May 2011**