

Before the Board of Inquiry  
Waterview Connection Project

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*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 decide notices of requirement and resource consents applications by the NZ Transport Agency in relation to the Waterview Connection Project

Memorandum of Counsel on behalf of the **NZ Transport Agency** to the Board of Inquiry (regarding updated witness order)

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Dated: 28 January 2011

Hearing start date: 7 February 2011

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## MEMORANDUM OF COUNSEL ON BEHALF OF THE NZ TRANSPORT AGENCY

### Introduction

- 1 This memorandum is provided following the second Pre-Hearing Conference which was held on 21 January 2011. During that conference counsel for the NZTA raised a procedural issue in relation to the order of the NZTA's witnesses who will be appearing at the Board of Inquiry hearing.
- 2 The Board's current directions (dated 23 December 2010) provide that:
 

"NZTA's representative and various experts will give evidence in the order with which it appears within their Evidence in Chief (with one exception being the evidence of Dr Rod Clough)".
- 3 Given the uncertainty of when exactly some of those expert witnesses may be required during the course of the six weeks that has been set aside for the hearing, counsel indicated that it may not be possible to call all of the NZTA witnesses in that exact order, particularly given that some have already advised periods of time when they will not be available (e.g. due to overseas work commitment or the witness' own wedding).
- 4 Counsel also advised that there would be two additional rebuttal witnesses (Mr Mike Foster and Mr Rob Mason) who will be called early in the order, and that the two primary planning witnesses (Ms Amelia Lindsay and Mr Owen Burns) who had each lodged two statements of planning evidence in chief, would only be called once on planning matters towards the end of the NZTA's case.
- 5 As a result the Board Chairman requested that the NZTA file a Memorandum containing the new order of NZTA witnesses and circulate it to all parties.

### Updates of witness order

- 6 We now **attach** a Table that shows the currently proposed order of presentation of the NZTA witnesses. The table indicates the Evidence (in chief) (No.) for each witness (as contained on the EPA website) and whether that witness will be providing rebuttal evidence.
- 7 The Table also contains a column containing key days/periods when NZTA witnesses will not be available.<sup>1</sup>

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<sup>1</sup> The Board's 23 December Directions also asked "parties who are unavailable for periods of time throughout the February/March hearing period to advise the EPA by 1 February 2011."

- 8 Counsel notes that various of the NZTA's witnesses also have other hearings or work commitments during the February/March period (not currently listed) which they, the NZTA and counsel will endeavour to juggle as best we can during the Board hearing in order to follow the witness order currently proposed.
- 9 As the hearing progresses, counsel and the NZTA will endeavour to keep the Board and EPA apprised of any witness availability issues as and when they come to our attention, so that the Board and all parties will have as much notice as possible of any changes that may be required.

Dated: 28 January 2011

Counsel for the  
**NZ TRANSPORT AGENCY**



S M Janissen

**WATERVIEW CONNECTION PROJECT:  
NZ TRANSPORT AGENCY – UPDATED WITNESS ORDER  
(as of 28 January 2011)**

<b>EVIDENCE (order on EPA website)</b>	<b>REBUTTAL EVIDENCE</b>	<b>WITNESS NAME</b>	<b>TOPIC</b>	<b>PROPOSED HEARING ORDER</b>	<b>KEY DATES NOT AVAILABLE</b>
1	✓	Tommy Parker (NZTA)	NZTA statutory and strategic objectives, importance of the Project, Project history and process to preferred route	1	
2	✓	Andre Walter (NZTA)	Project description, construction process	2	
None	✓	Mike Foster (Zomac)	Strategic planning	3	6-10 March (overseas)
3	✓	Andrew Murray (Beca)	Transport/traffic	4	
None	✓	Rob Mason (Beca)	Design	5	
4	✓	Mike Copeland (Brown Copeland & Co)	Economics	6	
7	✓	Hugh Leersnyder (Beca)	Construction environmental management	7	11 February, 11 March
8	✓	Graeme Ridley (Ridley Dunphy)	Erosion and sediment control	8	16 February
9	✓	John Gottler (Aurecon)	Temporary and construction traffic	9	
10	✓	Siiri Wilkening (Marshall Day)	Construction noise	10	
11	✓	Peter Millar (Tonkin & Taylor)	Vibration	11	28 February, 4 and 10 March
12	✓	Ann Williams (Beca)	Groundwater	12	
13	✓	Gavin Alexander (Beca)	Ground settlement	13	11 and 14 February
14	✓	Terry Widdowson (Beca)	Land and groundwater contamination	14	
15	No	Jon Hind (Aurecon)	Causeway geometrics and options	15	
16	No	Jeff Hsi (SMEC)	Coastal works	16	
17	✓	Rob Bell (NIWA)	Coastal processes	17	
18	No	Jonathon Moores (NIWA)	Contaminant load modelling	18	21-24 February

<b>EVIDENCE (order on EPA website)</b>	<b>REBUTTAL EVIDENCE</b>	<b>WITNESS NAME</b>	<b>TOPIC</b>	<b>PROPOSED HEARING ORDER</b>	<b>KEY DATES NOT AVAILABLE</b>
19	✓	Sharon De Luca (Boffa Miskell)	Marine ecology	19	26 February – 4 March (wedding)
20	✓	Tim Fisher (Tonkin & Taylor)	Stormwater and streamworks	20	
21	✓	Amelia Linzey (Beca)	Social effects	21	
22	No	Julie Meade Rose (SEL)	Social effects	22	
23	✓	Gavin Fisher (Endpoint)	Air quality	23	
24	✓	Dr David Black (Enviromedix)	Public health	24	Thursdays (clinic day) 17-25 Feb (overseas)
25	✓	Siiri Wilkening (Marshall Day)	Operational noise	25	
26	✓	Geoff Waller (Beca)	Lighting	26	7-8 March
31	✓	Rod Clough (Clough & Associates)	Archaeology	27	
27	✓	David Gibbs (Construkt)	Architectural design	28	
28	✓	Stephen Brown (SBEL)	Visual and landscape	29	4 March (overseas)
29	✓	Lynne Hancock (Beca)	Urban design	30	9-16 February (overseas)
30	✓	David Little (SBEL)	Open space	31	
32	✓	Graham Don (Bioresearches)	Avian ecology	32	
33	✓	Eddie Sides (Boffa Miskell)	Freshwater ecology	33	
34	✓	Dave Slaven (Boffa Miskell)	Terrestrial vegetation	34	
35	✓	Simon Chapman (Boffa Miskell)	Herpetofauna (lizards)	35	
6 and 36	✓	Owen Burn (Green Group)	Planning (resource consents)	36	28 February and 1 March
5 and 37	✓	Amelia Linzey (Beca)	Planning (designations)	37	