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:

Judge Laurie Newhook
Member Alan Dormer
Member Ross Dunlop
Member Sandra Hardie
Member Sue Jackson

MINUTE TO THE PARTIES CONCERNING SOME ASPECTS OF CONDITIONS OF CONSENT

24 MAY 2011

[1] The parties will notice on receiving and reading the Draft Decision and Report, that certain directions are foreshadowed on 4 topics towards the end of it. It is in paragraphs [1389], [1391], [1392], and [1394] that parties will find mention of these matters.

[2] We now record some more detail about them.

Conditions Attaching to the 60 Consents

[3] In paragraph [1389] we recorded that it would not be an efficient use of the parties' time during the 20 working day period, or ours subsequently, to endeavour to transpose relevant conditions of consent to attach to each and every one of the 60 consents. Instead we indicated that we would direct (and we now do so) that there be a column in Schedule B of the Conditions of Consent, listing by number (eg. "PI.6") which conditions attach to each of the

consents there listed. There is in fact a column there for that very purpose; it simply remains blank as of now. (It will be seen from the draft decision and relevant draft conditions of consent that NZTA will be required subsequently to compile detailed transposed conditions attaching to each consent, to the satisfaction of Auckland Council).

[4] This is likely to require input from the various groups of expert witnesses. A fully agreed position should be capable of being reached. We direct that the outcome be lodged with the EPA for transmission to the Board no later than **8 June 2011**.

Accuracy of Schedule A to the Conditions of Consent

[5] The Board directs that NZTA and other interested parties (in particular the relevant experts engaged by those parties) to re-check the contents of Schedule A (13 May 2011 version as amended by the Board in its draft decision) for accuracy and completeness. NZTA in particular is to apply rigour, using suitably qualified and experienced personnel. It is critical to the integrity of the Final Decision that the Schedule be accurate.

[6] The Board has used its best endeavours to identify and correct what it considers to be errors that it has found in the schedule even after the purple-lined version was lodged on 13 May. Where NZTA and parties agree with the changes, it is to make them in a revised version of Schedule A and provide same to the Board in the next 2 weeks. Should NZTA and parties not agree with a change identified by the Board they should say so with reasons and insert what they consider to be the correct information. Further errors may yet be identified by parties and/or the experts. Every effort is to be made to attain complete accuracy with this whole exercise.

[7] The Board further directs that any plans contained within part F of the application as lodged that refer to the withdrawn NOR 6, or have otherwise been replaced or withdrawn since they were lodged, are to be considered redundant and removed from Schedule A.

[8] Corrections to Schedule A identified by the Board as being necessary are as follows:

Row Number (in 13 May '11 clean copy version)	What Board considers correct reference to be.	Comment

Row Number (in 13 May '11 clean copy version)	What Board considers correct reference to be.	Comment
1 (line 2)	Rev B	
9 (line 1)	Remove "-3" from the plan number, to match the plan number in the documentation, ie 20.1.11-D-N-917-210, 220, 221, 230, 231 and 251.	
9 (line 4)	The Board has been unable to identify the drawings cited in the project documentation and directs the NZTA to advise whether they exist, and if they do, whether they remain relevant. If relevant, NZTA is to provide copies of the plans to the Board and the parties and amend Schedule A to include references to the drawings' revision numbers and their location. If the drawings do not exist or are no longer relevant, NZTA is to remove all reference to them from Schedule A.	
9 (line 11)	Plan Number 004A to be removed and the Location of 004B amended to refer to Exhibit 8.	
9 (line 12)	Row can be removed.	
10 (line 1)	Row to be deleted	
10 (line 3)	Amend to read Annexure E of Supplementary Evidence 3 - Amelia Linzey	
17 (line 2)	NZTA to remove "-L" within the plan number , to match the plan number in the documentation, ie 20.1.11-3-D - 810-201 to 209.	
17 (line 6)	Presently reads Plan Number 20.1.11-3-D-L-810-218 - 224 Rev C Annex B of rebuttal Evidence – Lynne Hancock The Board notes that sheet 222 Rev D was taken in as Exhibit 3 and directs line 6 be amended to read Plan Number 20.1.11-3-D-L-810-218 –221 & 223-224 Rev C Annexure B of rebuttal Evidence – Lynne Hancock. And that a new line 6(a) be added to read Plan Number 20.1.11-3-D-L-810-218 –222 Rev D, being Exhibit 3.	
17 (line 9)	Amend Plan Number 20.1.11-3-D-L-810-229 Rev C[9] to read Rev A. Irrelevant footnote can be deleted.	
21 (line 1)	Amend sheet references to read 140-142 and 144.	

Row Number (in 13 May '11 clean copy version)	What Board considers correct reference to be.	Comment
23 (line 9)	Sheet 210 should read 201.	
24 (line 2)	Sheet 220 should read 200.	
24 (line 5)	Sheet 301 should read Rev A and Sheets 302 – 303 should read Rev B.	
27 (line 1)	Should read Rev 2.	
30 (line 1)	Should read Rev A.	
31 (line 1)	Exhibit number to read 4 not 5.	
33 (line 1)	Board cannot locate an Option 1 drawing in the ACC submission but there are Option 2 drawings.	NZTA to check documentation, including with council if necessary and address as appropriate.
34 (line 1)	Reference should be to Rev A not 401.	
36 (line 1)	Board cannot locate a Rev reference. Relevant document is contained in Annexure C and not B	
41 (new line 1)	Add reference to "Urban Landscape and Design Framework – Section C" under Plan Set Title	

[9] In paragraph [1392] of the Draft Decision and Report we raised a further matter concerning Schedule A. We noted a suggestion in paragraph [7] of Ms Janissen's 13 May Memorandum about Construction Yard 7, that Row 6 Schedule A should perhaps record the drawings that she had submitted as Schedule B to that Memorandum. We agree with that suggestion. We direct that this outcome be included in the work described above, and accordingly lodged with the EPA for transmission to the Board, by **8 June 2011**.

Condition References

[10] The Board has identified the following matters in the conditions which it finds require correction.

Condition Number	What Board considers correct reference to be.	Comment

DC.1A(g)	Rows 36 and 37	
RC.3(c)	Add Row 34	
CEMP.6	In introductory paragraph the words after colon to be sub-paragraph (a) with consequential changes.	
OS.5	Advice Note Row reference to read 28	
G.10	Change all drawing references to read 20.1.11-3-D-N-910 set.	13 May version reads 20.1.11-3-D-C-910

[11] As with the previous task, the Board directs that these outcomes be lodged with the EPA for transmission to the Board by **8 June 2011**.

Dispute Resolution Provision

[12] In paragraph [1394] of our Draft Decision and Report, we noted that one of our Directions issued 7 May had not been carried out. We had commented that CEMP.14 did not appear to go far enough concerning dispute resolution over implementation, monitoring, approvals, and enforcement of conditions. We recorded that there should probably be some new and general dispute resolution clauses in the DC and RC sections. Draft conditions on this topic are once again to be lodged with the EPA for transmission to the Board for its consideration by **8 June 2011.**

Dated at Auckland this 24th day of March 2011

For the Board:

Environment Judge L J Newhook
Chairman - Waterview Connection Proposal Board of Inquiry