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 notices of requirement and applications for resource consent made by the New Zealand Transport Agency in relation to the East West Link roading proposal in Auckland.

THE BOARD OF INQUIRY
Dr John Priestley (Chair)
Alan Bickers (Deputy Chair)
Michael Parsonson
Sheena Tepania

DATE 24 April 2017

MINUTES OF BOARD MEETING TWO: 11 APRIL 2017

Background
1. The second meeting of the Board was held on Tuesday 11 April 2017, commencing 10am at the Ellerslie Event Centre, Auckland.

2. Present were: Dr John Priestley (Chair), Alan Bickers (Deputy Chair), Michael Parsonson (member), Sheena Tepania (member).

3. EPA staff in attendance were: Glen Cooper (Project Leader) and Jennie Smeaton (Senior Advisor).

Introduction
4. Welcome by the Chair.

5. The Board discussed updates to the conflict of interest register and agreed to update their disclosure of interests statements where appropriate, which will be available on the EPA website.

6. The EPA provided the Board with an update on the proposal cost estimate and costs incurred to date.
Hearing Costs, Options and Implications

7. The Board noted this paper and acknowledged that the hearing is the most expensive part of the inquiry and due consideration will be given to cost implications when making procedural decisions.

8. However, the Board’s responsibilities include running a process which was fair and following natural justice principles. This dimension plus unforeseen procedural and hearing issues made it impossible to predict the hearing time which might be consumed.

EPA Lodgement Report

9. The Board noted the EPA Lodgement Report, which is effectively a handover report from the EPA following pre-lodgement and lodgement.

10. The Board instructed the EPA to advise whether a further information request under section 92 of the Resource Management Act 1991 (RMA) is recommended, after the applicant’s evidence is filed by the Transport Agency.

Key Issues Report

11. The Board noted the Key Issues Report prepared by the local authority with jurisdiction, Auckland Council. This report was commissioned by the EPA in accordance with section 149G of the RMA.

12. The Board noted as critical the ‘Gateway Test’ discussed in the report, the relationship of the proposal with the existing designations, policy frameworks and reclamation issues.

13. The Board agreed to issue a minute and direction seeking an update from the Transport Agency on the mapping errors, geospatial dataset issues, and implications, as raised in the Key Issues Report.

14. The Board noted the Memoranda of Counsel from the Transport Agency received in response to Board Minute and Direction No.1 informing the Board of progress on discussions with iwi groups.

Support for the Board and inquiry process

15. The Board noted the paper that outlined the types of reports and services the Board can request, or direct, to assist with the inquiry and their decision making.

16. The Board instructed the EPA through its usual procurement processes, to engage, on behalf of the Board:

   a. Legal counsel, to be available as required to provide advice on legal matters arising.

   b. A planning consultant, to provide specific planning advice as requested (at this stage the Board do not see the need for a planning report i.e. evaluating the proposal against sections 104 and 171 of the RMA, although the Board reserve the right to commission a planning report at a later date).

   c. Facilitator(s), to assist with expert witness conferencing (set down for 15 May to 5 June 2017).
At this stage the Board does not intend to commission a technical or subject matter peer reviewer.

Notification and Submission Process

The Board noted the paper on the EPA’s notification and submission process, and the Analysis of Submissions (AOS) report prepared by the EPA. The AOS report is available on the EPA website.

The Board instructed the EPA to make the Friend of Submitter available during the pre-hearing stage.

The Board agreed to issue a minute and direction to direct the Friend of Submitter to proactively help those submitters who have indicated they are open to grouping together to present a joint case, do so.

Site visit

The Board noted the paper outlining arrangements for the Board’s first site visit to the proposal area.

The site visit took place after the Board meeting between 1pm and 4pm by vehicle and on foot, generally covering the proposal area in and around Ōtāhuhu, Mt Wellington, Penrose, and Onehunga.

In attendance were two Transport Agency staff who acted as a driver/guide, and an EPA staff member to ensure transparency and appropriate separation between the Transport Agency and the Board.

Other matters arising

Timing for Pre-Hearing Conference

The Board agreed to change the date for the Pre-Hearing Conference – Conferencing and Pre-Hearing Meeting (Expert Conferencing) procedural matters, previously scheduled for 11 May 2017.

The new date for this Pre-Hearing Conference is Monday 15 May 2017, at the Ellerslie Events Centre, Auckland. This will allow the EPA additional time to process the Submitter’s Evidence due at 2pm on 10 May 2017, and ensure that parties have access to the evidence before the conference to enable a more focused discussion on setting the procedures, topics and the schedule for expert conferencing.

The Inquiry Procedures (Board Memorandum No.1) will be updated with the new date for the conference in due course and made available on the EPA’s website at www.epa.govt.nz/eastwest
Closure and next meeting

27. Meeting closed at 12pm.

28. Next meeting: Monday 15 May in Auckland (the same day as the first Pre-Hearing Conference).

For the Board:

Dr John Priestley CNZM, QC
Chairperson