

**BOARD OF INQUIRY**

**NORTHERN CORRIDOR IMPROVEMENTS 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 resource consents and notices of requirement lodged by the New Zealand Transport Agency in relation to Northern Corridor Improvements in Auckland.

**THE BOARD OF INQUIRY**

Judge M Harland (Chair)  
C Stewart  
N Mark-Brown

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**BOARD MINUTE AND DIRECTION 09: WAIVER OF TIME FOR REPORTS**

**17 JULY 2017**

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1. Under section 42A of the Resource Management Act 1991 (RMA), the Board of Inquiry as a consent authority, may commission reports.
2. The Board of Inquiry has commissioned additional reports from its experts (Mr Jon Styles and Mr Craig McGarr) to provide information on the proposed consent conditions, should the proposal be granted, generally, and specifically on noise and vibration and landfill conditions.
3. Section 42A(3) directs that a copy of the report must be provided to the applicant and every person who made a submission and is wanting to be heard at the hearing at least 15 working days before the hearing, where evidence has been exchanged.
4. To allow for the relevant information from expert conferencing<sup>1</sup> to be considered by these reports, these reports were not able to be completed 15 working days before the start of the hearing. These reports are now expected on Monday 17 July 2017, with further conferencing on noise and vibration conditions scheduled for Tuesday 18 July 2017.
5. It is expected for hearings of this nature, that there will be ongoing work between experts and planners, as appropriate, to further refine or resolve matters of disagreement, resulting in updated information becoming available through the hearing process.

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<sup>1</sup> Noise and Vibration conferencing sessions were held on 27 and 28 June, and 03, 04 and 05 July 2017.

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6. Under section 42A(5) the Board of Inquiry may waive the requirement to serve the report under 42A(3), if it is satisfied there is no material prejudice to any person who should have been provided with that report.
  7. The Board of Inquiry has considered the impact of this delay on the parties in the process, in particular the applicant and those submitters who have engaged noise experts, and landfill experts<sup>2</sup>.
  8. On the basis that producing the reports with the most current information, and clearest understanding of position, is likely to allow for a better assessment of the appropriateness of the proposed conditions, as well as an awareness that parties will have opportunity within the hearing process to cross-examine both of the Board's experts (Mr Styles and Mr McGarr) on any conclusions within the reports, and will have a reasonable time before they are scheduled to speak to consider the reports, the Board does not consider that there is any material prejudice on any person who should have been provided with the reports.
  9. Any party who considers that they may be prejudiced by this decision may raise any concerns with the EPA. The Board may consider if amendments to the hearing timetable are needed to address any concerns.
  10. The waiver of time will not affect the Board's duty under section 21 to avoid unreasonable delay.
  11. Therefore a waiver of time to allow the reports on the proposed conditions to be provided less than 15 working days before the hearing has been granted.

**For the Board:**



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Judge M Harland

Chairperson

**Board of Inquiry for the Northern Corridor Improvements Proposal**

**Dated:** 17 July 2017

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<sup>2</sup> The New Zealand Transport Agency and Auckland Council have both engaged noise experts, and landfill experts.