

BOARD MEMORANDUM 02

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

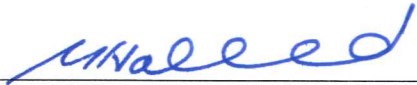
Judge M Harland (Chair)
C Stewart
N Mark-Brown

MEMORANDUM NO.02 OF THE BOARD OF INQUIRY
DATED 20 APRIL 2017

NOTICE OF PRE-HEARING CONFERENCE

1. The Board of Inquiry will hold a pre-hearing conference on **Tuesday 2 May 2017** at the **QBE Stadium, Stadium Drive, Albany, Auckland** starting at **10.30am**.
2. The purpose of the pre-hearing conference is to discuss procedural matters relating to the hearing and to make any directions necessary to ensure that all parties are given a fair opportunity to present focussed evidence and any submissions they wish the Board to consider in making its decision.
3. Information for the pre-hearing conference is included as attachments, and in the Inquiry Procedures.
4. The pre-hearing conference will be recorded but it will not be transcribed.
5. Please RSVP to the EPA at NorthernCorridor@epa.govt.nz or on 0800 722 667 by **4pm** on **27 April 2017**, if you think you will attend. This will give staff an idea of the numbers likely to attend the pre-hearing conference and assist them with their planning.

For the Board:



Judge M Harland

Chairperson

Board of Inquiry for the Northern Corridor Improvements Proposal

Dated: 20 April 2017

Pre-Hearing Conference – 2 May 2017

Topics to be addressed by the Board

1. Opening remarks and introduction of the Board and Parties
2. General Administration
 - a. Inquiry procedures set out the Board's expectations for the process
 - b. Directions of the Board
 - c. Availability of information (use of the website)
 - d. Media recording/filming, and personal recording/filming of the Hearing
 - e. Specialist requirements for submitters
 - f. Requirements for the Friend of Submitter
 - g. Applicant discussions with submitters and potential submitters
3. Evidence
 - a. Provisional evidence
 - b. Expectations for submitter evidence
4. Expert Conferencing
 - a. Purpose of expert conferencing, and expectations for expert conferencing
 - b. Facilitators for expert conferencing
 - c. Board's experts
 - d. Identification of experts for conferencing
 - e. Non-experts at conferencing
 - f. Non-expert conferencing (mediation)
5. Hearing Procedures
 - a. Order of the hearing
 - b. Sitting times and days, including extensions to sitting times
 - c. Confirmation of intentions to speak at the hearing
 - d. Openings and Closings
 - e. Submitter representations – including requirements to provide copies of material for the Board and other Parties
 - f. Cross-examination

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- i. Expectations
 - ii. Seeking leave to cross-examine expert and non-expert witnesses
 - iii. Submitters cross-examining witnesses
 - g. Facilitating requests around attendance times and Submitter Days
 - h. Time limits for speaking
 - i. Providing notice of intention to use Te Reo Maori or New Zealand Sign Language
 - j. Use of technology at the hearing
6. Site Visits
- a. Process for applying for the Board to visit particular sites

Proposed Hearing Procedure

1. Welcoming remarks by the Chairperson
2. Opening statements by the Applicant
3. Opening statements by the Submitters
 - a. Opening statements are optional, and should be in the form of a 15 – 30 minute summary of the submitter's case.
 - b. Parties must advise the EPA prior to the release of the hearing schedule if they intend to provide an opening statement
4. The applicant calls its over witnesses
5. Expert witnesses will be heard by topic, starting with the applicant's witness and thereafter alphabetically by submitter
 - a. Parties intending to have witnesses must confirm their witnesses with the EPA by **2pm Tuesday 16 May 2017**.
 - b. Expert groupings for expert conferencing will be published by the EPA by **Monday 29 May 2017**.
 - c. Planning witnesses will be the last topic.
 - d. Experts are required to attend expert conferencing as directed by the Board. No other Parties are to attend expert conferencing without leave of the Board.
6. The Parties who have called expert evidence will then open their respective cases and call any other non-expert evidence (not already covered in the topics). The EPA will release an indicative hearing order by **Tuesday 27 June 2017**.
 - a. Parties in support will proceed first
 - b. Parties who are neutral will proceed second
 - c. Parties in opposition will follow
 - d. Parties will be grouped where possible
7. The Parties who are not calling evidence but who wish to make representations will then proceed in alphabetical order.
8. The Board will then receive closings from Parties who called evidence and who wish to present a closing (optional), in reverse order.
9. Closing statement by the Applicant

Notes

Submitter Days will set outside of this standard layout.

Daily sitting times

Session 1 09:00 – 10:30

Morning Break

Session 2 10:45 – 12:30

Lunch

Session 3 13:30 – 15:00

Afternoon Break

Session 4 15:15 – 17:00

Unavailability of witnesses

All witnesses are expected to make themselves available for attendance at the Hearing, however, the Board accept that there may be circumstances where witnesses may not be able to appear when they are set down in the schedule. The Board will endeavour, so far as practicable within the timetable, to accommodate such circumstances. Parties are to give as much notice of witness unavailability as possible.