

**BEFORE A BOARD OF INQUIRY
NORTHERN CORRIDOR IMPROVEMENTS PROJECT**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of notices of requirement for designations and resource consent applications by the New Zealand Transport Agency for the Northern Corridor Improvements Project.

MEMORANDUM OF COUNSEL ON BEHALF OF WASTE MANAGEMENT NZ LTD

9 AUGUST 2017

**Russell
McAugh**

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MAY IT PLEASE THE BOARD:

1. We refer to:
 - (a) the joint memorandum of counsel for Waste Management NZ Ltd ("WMNZ") and the New Zealand Transport Agency ("Transport Agency") on 19 July 2017 advising the Board that agreement had been reached between the parties;
 - (b) the second joint memorandum of counsel for WMNZ and the Transport Agency dated 28 July 2017 addressing the Board's queries regarding the treatment of WMNZ's submission and evidence and recording the agreement of the of the parties in relation to conditions;
 - (c) the email from Mr Berry (Counsel Assisting the Board), dated 3 August 2017, detailing the procedural approaches available to the Board in response to the second joint memorandum of counsel for WMNZ and the Transport Agency; and
 - (d) the email from the Environmental Protection Agency on behalf of the Board dated 8 August 2017, requesting us to respond to the procedural approaches available to the Board as set out in the email of Mr Berry.
2. We agree with Mr Berry that the most appropriate approach, from a formal perspective, is to provide the Board redacted versions of WMNZ's written statements of evidence. This will ensure that the evidence required to provide the Board with jurisdiction to impose the conditions relating to reverse sensitivity and construction traffic matters, which have been agreed between WMNZ and the Transport Agency, is clearly identifiable. It will also ensure that the written evidence that both parties seek to withdraw is clearly identifiable to the Board.
3. Accordingly, we **enclose**:
 - (a) tracked-change versions of Mr Kennedy and Ms Brabant's written statements, to clearly identify the parts of their statements that are to be withdrawn and those parts that are to remain in evidence. These are **enclosed** as **Appendix 1**; and
 - (b) clean final versions of these redacted statements. These are **enclosed** as **Appendix 2**.

4. Counsel respectfully requests that:
- (a) WMNZ's amended evidence as **enclosed** with this memorandum, relating to reverse sensitivity and construction traffic matters remains before the Board, and be entered onto the record by consent;
 - (b) in all other respects WMNZ's evidence is withdrawn; and
 - (c) WMNZ be excused from further attending the hearing.

DATED 9 August 2017



A A Arthur-Young / S H Pilkinton
Counsel for Waste Management NZ Ltd