

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application for resource
consents by Watercare Services
Limited to undertake works
relating to the proposed Huia
Replacement Water Treatment
Plant

THIRD MINUTE OF THE HEARING COMMISSIONERS

1. Pursuant to section 34A of the RMA, Auckland Council ("**Council**") has appointed Independent Hearing Commissioners Philip Brown (as Chairperson), Juliane Chetham, Hugh Leersnyder, and Michael Parsonson to hear and determine an application for resource consents by Watercare Services Limited ("**Watercare**") to undertake works relating to the proposed Huia Replacement Water Treatment Plant.
2. The hearing has commenced and evidence has been heard from the applicant and submitters over eight days comprising 24 February, 26-27 February, 4-6 March, and 11-12 March 2020. The hearing has stood adjourned since 12 March 2020.
3. In our Second Minute dated 13 March 2020, the Commissioners directed that expert caucusing be convened to consider the issue of Kauri Dieback and that testing be undertaken to determine the presence or absence of Kauri Dieback on the site and on surrounding land. The directions required, as an initial step, that the experts were to convene to discuss the methodology, extent and scope of Kauri Dieback testing that is to be undertaken. Watercare was directed to report back on progress by 1 May 2020.

4. Despite the challenges imposed by the Covid-19 pandemic response, the experts were able to undertake expert caucusing in relation to the Kauri Dieback testing methodology and Watercare has provided a written update on progress by the scheduled reporting date.
5. Expert witness caucusing took place on 16 April 2020, independently facilitated by Alan Watson, and the outcome is recorded in a Joint Witness Statement (“**JWS**”) dated 17 April 2020. The JWS sets out an agreed process and timeline for undertaking the testing and obtaining results, with completion of the exercise proposed by 2 June 2020. The Commissioners appreciate the efforts of the experts (and Mr Watson) in reaching agreement on the testing process, particularly given the difficult circumstances during lockdown.
6. Watercare provided its progress report through a memorandum of counsel dated 1 May 2020 (“**Memorandum**”). The Memorandum summarised the expert caucusing process and outcome, noting that there is some potential for delays in the sampling and diagnostic work to extend the timeline beyond 2 June 2020. The Memorandum also included a request for clarification of attendees at the substantive expert caucusing (which will occur once the results of testing and the summary information package are available), together with a request for a further reporting date of 12 June 2020.
7. Accordingly, the Commissioners direct as follows:
 - (a) Attendees at the substantive expert witness conferencing shall comprise all those experts that attended the initial expert caucusing, being Dr Flynn, Dr Waipara, Dr Fea, Mr Craw, and Mr Havell.
 - (b) Mr McGregor and Mr Williams (for Watercare) and Mr Tutt (for Council) shall be present for the purpose of confirming or clarifying (if required) any aspects of the proposal related to the integration of any proposed Kauri Dieback management measures with the construction methodology, erosion and sediment control, stormwater management, and earthworks. It may also be beneficial to have Mr Finlayson’s input into the caucusing to address any implications that the construction methodology may have on site layout and staging. We leave the decision on whether to include Mr Finlayson up to Watercare.
 - (c) Mr Watson (or an alternative independent facilitator) shall be present to chair the caucusing.
 - (d) Watercare shall report back on progress by **Friday 12 June 2020**.

8. Any enquiries regarding these Directions or related matters should be directed to Sam Otter, Senior Hearings Advisor by email at sam.otter@aucklandcouncil.govt.nz

For and on behalf of the Hearing Commissioners



Philip Brown

Chairperson

8 May 2020