

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

SEVENTH MINUTE OF THE HEARING COMMISSIONERS

Preamble

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.

4. Expert witness caucusing took place on 16 April 2020, 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.
5. Regular progress updates on Kauri Dieback sampling and diagnostic work have been provided by way of memoranda of counsel.

Progress Update and Further Directions

6. In its memorandum of 21 October 2020, Watercare has advised that the Kauri Dieback sampling has now been completed and testing of the samples is currently being undertaken. Final results are expected by mid-November 2020.
7. In anticipation of the Kauri Dieback testing results being shortly available, Watercare has requested that the substantive expert caucusing be scheduled for one day in either of the weeks commencing 30 November or 7 December 2020. Watercare is confident that the results of the testing and the substantive information package will be available by that time and can be provided to participants in advance of the caucusing.
8. We had previously queried whether Mr Greg Finlayson should be present at the caucusing to address any implications that the construction methodology may have on site layout and staging. However, Watercare has advised that Mr Finlayson’s presence is not likely to be required but that it will be able to provide further confirmation on this matter once the results of the Kauri Dieback testing are available and the summary information package has been prepared. Watercare has however requested that Mr Lee Hill from Biosense Limited (the sampling and testing contractor) be present at the caucusing to ensure that all the relevant details of the results are fully understood.
9. The Commissioners accept that a date for the expert caucusing should be scheduled now, and further that Mr Hill should be permitted to attend the caucusing as an independent expert to explain the Kauri Dieback testing results.
10. Accordingly, the Commissioners direct as follows:
 - (a) The substantive expert caucusing shall be scheduled for one day in either of the weeks commencing 30 November or 7 December 2020. Arrangements for the caucusing are to be made by Mr Otter, the Council’s Senior Hearings Advisor, in consultation with the parties and participants.
 - (b) In addition to the list of caucusing participants identified in our Third Minute, Mr Lee Hill (from Biosense Limited) shall be invited to attend the caucusing as an independent expert to ensure that the Kauri Dieback testing results are explained and fully understood. Mr Greg Finlayson may attend the caucusing if Watercare is of the opinion that his presence

is necessary in order to address any implications that the construction methodology may have on site layout and staging.

- (c) Mr Alan Watson (or an alternative independent facilitator) shall be present to chair the caucusing.
 - (d) As Watercare has reported on its progress earlier than the 13 November 2020 reporting date set down in our Sixth Minute, no further report is required on that date.
11. Watercare may seek further directions from the Commissioners following completion of the caucusing, with regard to the scheduling of further hearing time or any other matter necessary to advance the processing of its resource consent applications.
 12. 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

27 October 2020