



Special Board Meeting Minutes	
<b>Date &amp; time</b>	3 September 2015, 12.00 – 12.30pm
<b>Location</b>	Chews Lane, Wellington and by teleconference
<b>Board membership</b>	Chris Moller (Chair), Dame Patsy Reddy, Jerry Rickman, Gill Cox, Tony Lanigan, Nick Rogers and Mark Oldfield
<b>Apologies</b>	Adrienne Young-Cooper
<b>NZTA staff in attendance</b>	Jenny Chetwynd (Acting Chief Executive, Board Secretary and Group Manager, Strategy, Performance and Communications), Dave Brash (Group Manager, Planning and Investment), Tommy Parker (Group Manager, Highways and Network Operations), Raewyn Bleakley (Regional Director, Central Region), Dave Whiteridge (Chief Legal Counsel), Cameron Law (Managing Counsel, Planning and Network Operations) and Selwyn Blackmore (Principal Project Manager, Wellington RoNS Development)

## **1. Introduction and governance matters**

### **1.1 Apologies and welcome**

All Board members were in attendance; except for Adrienne Young-Cooper whose apology was noted.

### **1.2 Confirmation and overview of the agenda**

The agenda items were accepted as circulated.

### **1.3 Declarations of interest**

No additional conflicts of interest were tabled.

## **2. Significant planning, investment and operational matters**

### **2.1 Basin Bridge High Court Decision**

**Board paper 15/09/0950**

Jenny Chetwynd summarised the Board of Inquiry's decision and the reasons why the Transport Agency had appealed to the High Court. She outlined the key aspects of the High Court decision, noting the many useful findings of law, and then focussed upon the areas of uncertainty that remained following the decision. She then outlined the key reasons for the recommendation that the Transport Agency should not seek leave to appeal.

The Chair outlined why and how he had requested independent legal advice from Chapman Tripp and Buddle Findlay to assist the Board with its deliberations and noted that the Deputy Chair and Adrienne Young-Cooper had been involved in the review process in respect of the legal advice received.

The Deputy Chair then outlined her involvement in the legal review process. She noted some of the key points discussed by the legal advisers and noted why she supported the recommendation. At this point the Chair advised that Adrienne Young-Cooper had advised him prior to the meeting that she too supported the recommendation not to seek leave to appeal.

Members discussed various aspects of the paper and received assurance about the robustness of the legal review process that had been undertaken and how management proposed to respond to the areas of uncertainty that remain from the High Court decision.

Members sought and received assurance on how management were capturing and using the lessons from the project. Members asked management to provide the Board with a review on what might have been done differently or better, including by the various external consultants and advisers.

The Chair expressed his thanks to the Deputy Chair Dame Patsy Reddy, and Adrienne Young-Cooper for their assistance to staff and Board members during the legal review process.

<i>Resolution 1</i>	<i>The NZ Transport Agency Board:</i> <i>a) <b>Noted</b> the reasons for the taking this appeal were to clarify the processes for assessments of notices of requirements for designations nationally that arose in the context of the Board of Inquiry’s decision on the Basin Reserve Bridge</i>
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	<p><i>proposal.</i></p> <p>b) <b>Noted</b> the High Court dismissed the NZ Transport Agency’s Basin Bridge appeal on Friday 21 August 2015</p> <p>c) <b>Agreed</b> that an appeal to the Supreme Court on the High Court’s decision is not required, as the decision provides useful clarification on a number of points of law, and does not present significant precedent concerns for future projects</p> <p>d) <b>Agreed</b> to the approach to communicating the NZ Transport Agency’s response to the High Court’s decision and our next steps to our stakeholders and the public.</p>
<p><i>Requested action 1</i></p>	<p><i>To provide the NZ Transport Agency Board with a review on what might have been done differently or better, including by the various external consultants and advisers.</i></p>

### 3. Other updates and general business

3.1 There were no other updates or general business.

Minutes approved by the Chair	_____
Date	____/____/____