

after they have had the opportunity of reading Mr Cooper's evidence carefully and hearing from him, so as to address any issues arising out of that evidence. (That is most likely to occur in the last week of hearings.)

Recording of Evidence Issue

6. Ms Steven also sought that evidence on the air noise contour issue be recorded because of her clients' anxiety that any appeal which might flow from our decision will be limited to points of law only if the Resource Management (Simplifying and Streamlining) Amendment Bill presently before a Select Committee of the House is passed in its present form. Her concern arises because of the provisions of cl 160 of the Bill which proposes to insert a new s.290AA in the Act to that effect meaning there is a serious risk the present de novo hearing in the Environment Court, which obviates a need for recording of evidence at the first stage, will disappear .
7. Ms Perpick drew attention to the fact that cl 163, though, appeared to provide for a saving of process in respect of plan changes that had progressed beyond notification meaning that the same wording in cl 14 of the First Schedule about limiting the appeal to points of law would not apply to these proceedings. As she made plain there appears to be a level of ambiguity on this initial draft Bill between those two provisions which the Select Committee process will hopefully clarify.
8. We have also taken into account that the provisions of the new proposed s.280A contained in the Bill would also enable the Environment Court to expand the grounds of any appeal to include the merits in some rather broad circumstances.
9. At this stage we have decided we will not be recording evidence for the following reasons:
 - The Bill is in its first initial draft stage with Select Committee hearings under way in Christchurch next week
 - A number of parties to this proceeding are appearing before the Select Committee and this issue of ambiguity over proceedings such as this falling within the transitional period will be raised by one or more of them with the Select Committee
 - We are of the view that at the moment we should apply the law as it stands, which specifically requires a hearings without unnecessary formality at first stage proceedings, and where any appeals involve de novo hearings of evidence
 - The evidence is written and on record with expert witnesses expected at the oral presentation to only highlight the main points of their evidence, so only oral answers to questions are left unrecorded
 - We have the ability at any time through the hearings to re-address the issue in terms of specific evidence if need be

R.D. Crosby
Chairman of Commissioners