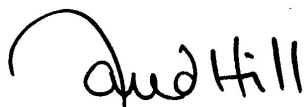


IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER OF 24 applications by the Aupouri Aquifer Water User Group to the Northland Regional Council to take groundwater from the deep shell bed aquifer of the Aupouri Peninsula (REQ.596300).

RESOURCE MANAGEMENT ACT 1991
MINUTE #4
INDEPENDENT HEARINGS COMMISSIONERS

1. On 7 September 2020 Commissioners issued Minute and Direction #2 indicating that they wished further information on a number of matters as follows:
 - (a) Potential wetland risk due to the coming into operative effect of the National Policy Statement on Freshwater Management 2020 on 3 September 2020;
 - (b) Further consultation with Waiora Marae in light of its submission to the hearing;
 - (c) Further refinement of the consent conditions and respective Groundwater Monitoring and Contingency Plans and, in particular:
 - (i) If the “new” consent applications within the Motutangi-Waiharara Water Users Group FMU are to be included without priority being “saved” for existing consent holders, as is proposed, confirmation from those existing consent holders that they accept that proposition and its implications in the event that abstraction reductions are required; and
 - (ii) Mitigation for any adverse effect on existing bore users should the water level or pressure in their existing bore change materially.
2. By Memorandum dated 4 September 2020, Mr Williamson and Ms Letica provided a summary of tasks requested, a proposed methodology for the assessment of potential unmapped wetlands, and a timeline for review.
3. To that Memorandum we added the following:
 - (a) For Task 2, General Head Boundary, the time series of the flux across the boundary should ideally be shown at a selection of high risk points (i.e. closest to major abstractions as well as places where saline intrusion is already occurring) in addition to the Waterfront bore location that is currently proposed;
 - (b) Updated information should be provided on the Valic and Wataview water requirements based on the information in the Stanisich and Fulton submission; and
 - (c) With respect to Policy H.5 of the pRPN, an assessment of each application in terms of their “Hydraulic Connection Category”.

4. At paragraph 6 of Minute and Direction #2 we added:
... we expect the applicant, in consultation with the Department of Conservation and the Northland Regional Council to prepare and submit a jointly agreed schedule of tasks and a timeline for that work for our agreement by no later than Monday, 28 September 2020.
5. By Joint Memorandum dated 29 October 2020 the applicant and DoC seek clarification of the tasks intended by the words “*prepare and submit a jointly agreed schedule of tasks and a timeline for that work*” in the above referenced paragraph 6.
6. Apparently, the applicant considers that direction to apply only to the wetland tasks; DoC considers that it applies to the wider tasks raised in its evidence.
7. We confirm that the intention was the wider task list identified through Minute and Direction #2 and reported on by Mr Williamson in his supplementary evidence dated 28 September 2020.
8. Minute and Direction #2 expanded a task list prepared and submitted by the applicant. Paragraph 6 of that direction clearly directs that the applicant, NRC and DoC were to review and consider the responses to that list and prepare a jointly agreed schedule of tasks and a timeline – noting that work should be identified that could or might be completed subsequently as part of an adaptive management condition. By which, we should add, we do not intend to imply that we would necessarily accept any or all of such a proposition. That may be a matter for further submissions.
9. We also note that In Direction #3 dated 16 September 2020 we provided further clarification specifically regarding the wetland analysis in response to a question from the Applicant’s team. However, that Direction did not change or limit the joint information requirement that is set out in Minute and Direction #2. Indeed, paragraph 5(c) of Direction #3 specifically notes that:
Progress toward that end should be advised as part of the jointly agreed schedule of tasks and timeline required by paragraph 6 of Minute and Direction #2 due 28 September 2020
10. We encourage a speedy completion of those matters if the applicant(s) anticipates a decision this year.
11. Any correspondence relating to this Minute is to be sent through Ms Alissa Sluys, Hearing Administrator, Northland Regional Council, alissas@nrc.govt.nz .



David Hill
Chair, Hearings Panel
9 November 2020