

BEFORE THE NORTHLAND REGIONAL COUNCIL

IN THE MATTER OF the Resource Management Act 1991
AND

IN THE MATTER OF 24 resource consent applications for new Water Permits for the taking and use of groundwater and 2 applications for changes to consent conditions of current Water Permits from the Waihopo, Houhora, Other, Motutangi, Waiparera, Paparore, Waipapakauri, Ahipara, and Sweetwater aquifer management sub-units of the Aupōuri Aquifer, Northland

JOINT WITNESS STATEMENT

Planning Conferencing

20 May 2020

1. This document was drafted by Stephanie Kane, Consultant Planner for Northland Regional Council (**NRC**), based on discussions with planners for the Applicants and the Department of Conservation (**the Department**) during the planning conferencing sessions held on 21 April, 17 May and 18 May 2021 and related email correspondence between these parties.
2. An initial planning conferencing session was held on Wednesday 21 April 2021 and attended by Ms Kane (for NRC), Ms Letica (for the Applicants), and Mr Christie and Mr Familton (for the Department), with the latter two persons attending via audio visual link. The session was facilitated by Alister Hartstone and the scope was agreed as per the direction in Minute #5.
3. Ms Letica provided a clean updated copy of the draft conditions and Groundwater Monitoring and Contingency Plans (**GMCPs**) to NRC and the Department on 13 April 2021.

4. These documents were reviewed by planners for NRC and the Department and annotated copies of the draft conditions and the three separate draft GMCPs were circulated by NRC and the Department to all three parties prior to conferencing. The Department also provided a set of general comments on the conditions and GMCPs.
5. In the time available for the session on 21 April, the parties reviewed the Department's general comments and the annotated copies of the draft Middle Group GMCP. Additional amendments and comments were made on a separate copy of the Middle Group GMCP, and this has been refined and issued to all three parties for review¹.
6. NRC has subsequently carried through the applicable changes and comments from the Middle Group GMCP to the GMCPs for the Northern and South-western groups, and these documents² were circulated to Ms Letica, Mr Christie and Mr Familton on 29 April and 3 May, respectively.
7. It was initially agreed that the planners would reconvene to discuss and agree any additional changes to the two other GMCPs, either during the session (time allowing) or via email correspondence after the session has concluded. Once the GMCPs were agreed, the planners would then reconvene to focus on the draft proposed conditions. The objective would be to agree on a single set of conditions that could be provided to the Commissioners, alongside a separate joint statement outlining areas of disagreement and/or where additional technical input is deemed to be required.
8. Following the initial session and during discussions regarding the programme for the subsequent conferencing session(s), it became clear that, due to availability issues, any conclusion of resolution of matters through conferencing would be subject to a protracted period of time. As a result of this, the Applicants filed a memorandum³ seeking directions from the Commissioners for closure of the hearing and setting an approach and timeframe for such, as below:
 - a. A supplementary s42A report is to be produced by **28 May 2021** addressing the reporting officers' position in light of the process since the hearing was adjourned and attaching recommended GMCPs and consent conditions.

¹ Both a clean copy and a tracked text copy showing the amendments made were provided.

² Tracked text copies showing the amendments were provided.

³ Memorandum of Counsel on behalf of the applicants dated 13 May 2021

- b. Reply submissions from submitters (and any further evidence strictly in reply) by **4 June 2021**.
 - c. Applicants' reply submissions (and any further evidence strictly in reply) by **11 June 2021**.
9. The above approach and timeframes were discussed and agreed with NRC and the Department, and the Department subsequently issued two memoranda⁴ noting the need for planning conferencing to continue contemporaneously to produce a joint witness statement (**JWS**) requiring revised updated consent conditions and GMCPs to be distributed by 20 May 2021. The Commissioners subsequently issued a direction⁵ that the planners' statement be completed no later than 4pm Thursday 20 May 2021.
10. Planning conferencing continued for the purposes of producing a JWS, and two further sessions were held via online meeting on Monday 17 May and Tuesday 18 May 2021. The first of these sessions focused on amendments and annotations made by NRC and the Department to the revised condition set provided by the Ms Letica. Following this session, Ms Kane circulated a clean copy of the conditions with the recent amendments tracked and comments retained, and all previous agreed changes accepted.
11. The second session focused on further comments on the Middle GMCP from the Department's planners, and the previous changes and annotations made to the Northern and South-Western GMCPs. Following this session, Ms Kane circulated a clean copy of the Middle and Northern GMCPs with the recent amendments tracked and comments retained, and all previous agreed changes accepted.
12. Ms Letica and Ms Kane made some further amendments to the South-Western GMCP to correct errors and make changes and annotations consistent with those made to the other two GMCPs, and a copy of this document was circulated and agreed between the parties via email.
13. The refined agreed and annotated conditions and GMCPs are attached to this JWS.
14. The Department's planners circulated a document stating areas of disagreement or concern regarding the proposed conditions and GMCPs and/or the approach taken to

⁴ Memorandum on Counsel for the Director-General of Conservation (Timetabling) dated 14 May 2021 and Memorandum on Counsel for the Director-General of Conservation (Timetabling #2) dated 14 May 2021

⁵ Minute and Direction #7

assessing and managing effects via email. The Applicant provided the same. Both documents are attached to this JWS.

15. Planning conferencing has now concluded with the issue of this JWS and the attached documentation. Residual matters will be addressed by parties in the supplementary s42A report and reply submissions, and the Commissioners will decide whether to reconvene the hearing or close the hearing on papers.

Attached electronically:

- Revised and annotated conditions of consent
- Revised and annotated Middle GMCP
- Revised and annotated Northern GMCP
- Revised and annotated South-western GMCP
- Statement of position on matters from the Department
- Statement of position on matters from the Applicants



S Kane
for Northland Regional Council



M Leticia
for Applicants



T Christie
for the Department of Conservation



H Familton