

BEFORE THE NORTHLAND REGIONAL COUNCIL

under: the Resource Management Act 1991

in the matter of: Resource consent applications by the Te Aupōuri Commercial Development Ltd, Far North Avocados Ltd, P McLaughlin, NE Evans Trust & WJ Evans & J Evans, P & G. Enterprises (PJ & GW Marchant), MP Doody & DM Wedding, A Matthews, SE & LA Blucher, NA Bryan Estate, SG Bryan, CL Bryan, KY Bryan Valadares & D Bryan (Property No 1), MV Evans (Property No 2), MV Evans (Property No 1), Tuscany Valley Avocados Ltd (M Bellette), NA Bryan Estate, SG Bryan, CL Bryan, KY Bryan Valadares & D Bryan (Property No 2), Tiri Avocados Ltd, Valic NZ Ltd, Wataview Orchards (Green Charteris Family Trust), Mate Yelavich & Co Ltd, Robert Paul Campbell Trust, Elbury Holdings Ltd (C/-K J & F G King) for new groundwater takes from the Aupōuri aquifer subzones: Other, Houhora, Motutangi, Waiharara, Paparore, and Sweetwater and applications by Waikopu Avocados Ltd, Henderson Bay Avocados Ltd, Avokaha Ltd (c/- K Paterson & A Nicholson), KSL Ltd (c/- S Shine), Te Rarawa Farming Ltd and Te Make Farms Ltd for increased existing consented takes from the Aupōuri aquifer subzones: Motutangi, Sweetwater and Ahipara.

Joint Memorandum of (Williamson Water & Land Advisory Ltd on behalf of) the Applicants, Northland Regional Council and the Director-General of Conservation

22 December 2020

For the Director-General of Conservation:

Sarah Ongley
Barrister
PO Box 8213
NEW PLYMOUTH
Telephone: 0274 467 917
Email: sarah@ongley.co.nz
www.bankchambers.co.nz

Lisa Sutherland
Solicitor, DOC (Te Papa Atawhai)
c/- PO Box 842
WHANGAREI 0140
Telephone: 0272 750 826
Email: lsutherland@doc.govt.nz

1. The parties named below wish to update the Hearing Commissioners on progress we have made prior to Christmas, and tasks that will occur early in the New Year (noting format, scope and timing are to be confirmed).
2. The Parties have consulted on a jointly agreed schedule of tasks as per paragraph 6 of Minute and Direction #2 (also referred to informally as the Applicant's 'wider task list') and five Joint Witness Statements have been prepared under the guidance of an Independent Facilitator, the services of which were requested by the Department to the Council.
3. Attached as Appendix 1 are final signed copies of:
 - a) Joint Witness Statement (JWS) 27th November 2020, plus attached Table of tasks
 - b) JWS Task 1 - Surface water
 - c) JWS Task 6 - AOI Potential Wetlands, plus forwarded email from Jon Williamson containing Maps
 - d) JWS Tasks 9 (d) & (e) - Request for additional modelling and sampling, plus attached Memo from Jon Williamson
 - e) JWS Task 9 (f) - Threatened Species.
4. The Department of Conservation (the Department) has provided further information regarding additional shallow aquifer monitoring on behalf of the Director-General, that will likely necessitate a technical response from the Council and Applicants in the New Year, with potential further technical conferencing, if required.
5. Further discussions between the Applicant, the Council and the Department on tasks, timeframes and the suitability of an adaptive management regime, as well as draft conditions and Groundwater Monitoring and Contingency Plans, will also occur early in the New Year. This will follow on from outputs of the additional technical work noted above.
6. The parties propose that a further update will be provided during the week beginning 18th January 2021, as further details are determined, and issues worked through.
7. In the meantime, the parties request clarification on Minute and Direction #3 which directs at 5(a) a 'plan to address the wetland issue' is agreed by various experts, and then:

5 (b) *"When that plan is sufficiently developed, planners for those parties are to confer to determine whether, in their opinion, the plan is sufficient for the purpose outlined in paragraph 4 above, or could be with further indicated refinement, and advise the Panel accordingly..."*

8. To complete this direction, the Applicant and Council's preferences are that the Independent Facilitator is retained and that expert conferencing or facilitated mediation is pursued for planning discussions, in line with the Environment Court Practice Note 2014. However, the Director-General does not think that an Independent facilitator is intended or necessary for the planners, and the Departments legal counsel, to confer on the matter. The parties would appreciate the Commissioners' clarification on this.
9. Parties' emails will be monitored up until close of play 22nd December 2020. From 6th January 2021 we advise there is a mix of leave and work by the parties up until 18th January and note responses may be slower during this time
10. The parties wish to take the opportunity to wish the Commissioners a safe and happy holiday period.

Dated this 22nd day of December 2020



M Letica
Planner for the Applicant



S Ongley/L Sutherland
Counsel/Legal advisor
for the Director-General of Conservation



S Kane
Planner for the Northland Regional Council