

## 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: Houhora, Motutangi and Waiharara 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: Houhora, Motutangi, Sweetwater and Ahipara.

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### Memorandum on behalf of Director-General of Conservation

31 March 2021

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#### For the Director-General of Conservation:

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## Background

1. In response to paragraph 5 of Minute #5, the Director-General (DOC) is obtaining the relevant statement from Dr Drinan. (That will be provided shortly.)
2. In the meantime, the Department seeks leave for a witness who did not present evidence at the hearing to attend planning conferencing along with Mr Tom Christie (who did present evidence). This witness is Mr Herb Familton.
3. Mr Familton did not present evidence at the hearing but has been working closely with Mr Christie on this case. Mr Familton has extensive planning experience including on detailed consent conditions (the subject of the forthcoming conferencing). Mr Familton's statement of experience and confirmation that he will abide by the Expert Code of Conduct, is filed alongside this Memorandum.
4. Counsel has liaised with the Applicants and the Northland Regional Council regarding Mr Familton's involvement in planning conferencing. These parties have advised that they agree to Mr Familton participating in planning conferencing.

Dated this 31<sup>st</sup> day of March 2021



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

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS ON  
BEHALF OF NORTHLAND REGIONAL COUNCIL (THE COUNCIL)**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

24 individual resource consent applications for groundwater takes from the Aupouri Aquifer for horticultural irrigation.

**APPLICANT**

Resource consent applications by the Te Aupouri 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 Aupouri aquifer subzones: Houhora, Motutangi and Waiharara 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 Aupouri aquifer subzones: Houhora, Motutangi, Sweetwater and Ahipara.

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**STATEMENT OF HERBERT ROSS FAMILTON  
(Planning)**

**31 MARCH 2021**

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**For the Director-General of Conservation:**

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1. My name is Herbert Ross Familton. I have been employed in the position of Resource Management Planner since 21 May 2012 by the Department of Conservation (DOC).
2. In my current role, I am responsible for providing professional Resource Management Act (RMA) planning information, advice, and analysis on resource management issues for plan and consent hearings and appeals on behalf the Director-General of Conservation.
3. I hold a Bachelor of Arts Degree with Honours in Human Geography (1983) and a Masters in Regional and Resource Planning (1985) from the University of Otago. This included two years of hydrology (to stage II).
4. I have attended NZ Planning Institute (NZPI) training courses on being an Effective Witness and on Water Allocation. I have a total thirty-three years' experience in natural resources planning. I became a full member of the NZPI in 1993.
5. I have been involved since 2012 as an expert planning witness for the Director-General in the following water related plans: Hurunui and Waiau River Regional Plan, Bay of Plenty Plan Change 9 (Water Allocation), Otago Regional Water Plan Change 5A (Lindis), Canterbury Land and Water Regional Plan and subsequent ECan plan variation/ changes 2, 3, 4, 5, and 6.
6. I have been involved frequently in consent applications, submissions and hearings for the Director-General involving complex conditions, including associated management plans, over the last decade. The most complex being the Oceania Gold NZ Ltd Coronation, Coronation North, and most recently the Deepdell series of hard rock gold mine applications.
7. I have been asked by the Department to participate in Expert Witness Conferencing in this matter, on draft conditions proposed by the Applicant, should consents be granted. For the purpose of this participation, and in relation to any further evidence I give in these

proceedings, I have been asked to confirm my adherence to the Environment Court Code of Practice.

8. I confirm that I have read the code of conduct for expert witnesses as contained in section 7.1 of the Environment Court's Practice Note 2014, including Appendix 3 Protocol for Expert Witness Conferences, and I agree to abide by it.

A handwritten signature in black ink, appearing to read 'Herb Familton', with a long horizontal flourish extending to the right.

**Herbert Ross Familton**

Date: 31.03.21