

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.

**Memorandum of Counsel for the
Director-General of Conservation
(Timetabling)
14 May 2021**

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TIMETABLING and SUBMISSIONS/EVIDENCE 'IN REPLY':

1. While the Director-General of Conservation (DOC) is generally content with the timetable set out in Counsel for the Applicant's Memorandum of yesterday's date, DOC respectfully requests the following matters be clarified in any forthcoming directions:
 - a. As well as "reply" submissions, submitters may also make supplementary submissions on the National Policy Statement (and Environmental Standards) on Freshwater Management and recent Environment Court determinations on the Proposed Regional Plan for Northland (offered in earlier DOC Memoranda and accepted in the Commissioners' Minute #5 paragraph 4).
 - b. Evidence "strictly in reply" (Counsel for the Applicants' words) will include evidence on the Officer's amended (recommended) consent conditions and GMCP's. (The supplementary Officer's Report constitutes additional evidence introduced part way through the hearings process and it is fair that submitters be given an opportunity to put further evidence in response.)

2. As directed, facilitated planning conferencing has commenced with the two DOC planners (Mr Christie and Mr Familton), together with Applicant's planner (Ms Letica) and NRC's planner (Ms Kane),¹ facilitated by Mr Hartstone. A Joint Witness Statement has not been produced. The Applicant's proposed timetable does not build in time for conferencing to conclude. This was raised with the Applicants as a concern.

¹ The Commissioners' Minute #5 stated: "*The respective planning witnesses should now conference on the latest proposed set of draft conditions with a view to providing the Hearing Panel with their best advice on those, should we be minded to grant consent*".

Counsel now understands that planning conferencing is occurring contemporaneously with a view to the planners producing a Joint Witness Statement, even if some matters remain incomplete.

Dated this 14th day of May 2021

A handwritten signature in cursive script, appearing to read 'S Ongley'.

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

