

**IN THE MATTER OF**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

An application made to Hawke's Bay Regional Council (HBRC)

(Consent Authority)

**BY**

Tuki Tuki Awa Limited, Buchanan No. 2 Trust, Plantation Road Dairies Limited, Te Awahohonu Forest Trust, I and P Farming Limited, Springhill Dairies Partnership, Papawai Partnership and Purunui Trust

(Collectively, the Applicant)

For the hearing of various applications for resource consents associated with the taking and use of Tranche 2 Groundwater in the Tukituki catchment

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**MEMORANDUM 1 TO PARTICIPANTS**

**Directions re Expert Conferencing**

22 September 2022

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**INTRODUCTION**

- 1 The Regional Council has appointed a hearing committee comprising Commissioners Mr Tony Cussins, Mr Rauru Kirikiri and Dr Brent Cowie (Chair) to hear and decide this application and has delegated to the committee the necessary functions, powers and duties of the Regional Council under section 34A of the Resource Management Act 1991 (the RMA). The purpose of

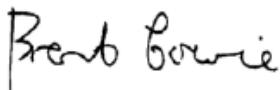
this memorandum is to provide some directions to expert witnesses regarding conferencing about the matters in contention between the applicant's experts and the Council's experts.

- 2 At this stage it is likely the hearing will take place in the week starting 14 November 2022. A provisional schedule is that the Commissioners will undertake a site visit on Monday 14 November. The hearing will commence in Napier on 15 November, with the second day (Wednesday 16) in Central Hawke's Bay, most likely Waipawa. If necessary, the hearing will reconvene in Napier on the 17<sup>th</sup> and 18<sup>th</sup> of November.
- 3 All parties to the hearing will be advised of the exact timetabling and venues as soon as those are finalised.

## **DIRECTIONS**

- 4 The applicant is to provide the following information to [consentshearingadmin@hrbc.govt.nz](mailto:consentshearingadmin@hrbc.govt.nz) **by no later than 1300h on Friday 7 October:**
  - a. How the potentially unallocated volume of ca. 1.5 million cubic metres of water per annum apparently reserved for other mitigation purposes is proposed to be used (see paragraph 177 of the Reporting Officer's s42A report).
  - b. Any new or updated information prepared on behalf of the applicant that is directly relevant to the topics set down for expert conferencing below.
- 5 We suggest that expert conferencing take place on the following topics:
  - a. Groundwater modelling, which we envisage would focus on model calibration methodology and the potential for uncertainty in predicted groundwater levels and stream flows. Particular matters of interest to us are how accurately the models can determine effects, including (but not limited to), cumulative drawdown effects and prediction of stream depletion effects (particularly during low flow periods).
  - b. Effects on the flows, water quality and ecology of surface water bodies potentially affected by the proposal, including how the augmentation regime could operate and how effective it may be.
  - c. Effects on other existing water users potentially affected by the proposal, in particular the magnitude of interference drawdown and cumulative effects on existing wells, including shallow wells.
  - d. Effects on any natural wetlands potentially affected by the proposal.
- 6 We acknowledge it may be possible to combine some of these topic areas, and that there may be other matters that experts consider should be addressed in conferencing.

- 7 We do not want to prescribe when and where this conferencing takes place. That is over to the parties to organise. Expert witnesses for other parties may also take part in relevant parts of the conferencing; we will leave it up to HBRC staff to coordinate any such requests to be included in one or more conferencing topics.
- 8 We anticipate the outcomes of conferencing will be a series of Joint Witness Statements that list topics discussed, and points of agreement and disagreement by the relevant experts.
- 9 The below timelines are based on the hearing taking place in the week commencing Monday 14 November 2022. If this date changes, we will re-set the timelines accordingly in a further minute.
- 10 Any Joint Witness Statements resulting from conferencing are to be completed and provided in PDF format to [consentshearingadmin@hrbc.govt.nz](mailto:consentshearingadmin@hrbc.govt.nz) no later than **1300h on Wednesday 26 October 2022**.
- 11 The applicant's expert evidence must be provided to the above e-mail address at the HBRC **by no later than 1300h on Monday 31 October 2022**, and any expert evidence by or on behalf of submitters must similarly be provided **by no later than 1300h on Monday 7 November 2022**.
- 12 If you have any questions about this minute, please contact Amelia Longley at the HBRC on 027 269 8023, who will confer with the commissioners as necessary.



Signed by Brent Cowie (Chair)  
on behalf of the Hearing Panel