

From: S9(2)(a)
To: "gkerrison@doc.govt.nz"
Subject: Nominations for potential board of inquiry members for the Hawke's Bay Regional Council and Hawke's Bay Regional Investment Company proposed Tukituki Catchment Proposal
Date: Wednesday, 3 April 2013 9:14:11 a.m.

Dear Guy

Nominations for potential board of inquiry members for the Hawke's Bay Regional Council and Hawke's Bay Regional Investment Company proposed Tukituki Catchment Proposal

The Hawke's Bay Regional Council (HBRC) has indicated its intent to request a call in for their proposed Tukituki Plan Change. The proposed plan change will include aspects designed to manage land and water throughout the Tukituki catchment.

In parallel, the HBRC owned Hawke's Bay Regional Investment Company (HBRIC) has indicated an intention to lodge with the Environmental Protection Authority, resource consent and NOR applications for the Ruataniwha Water Storage Project. The Project includes an 80m high dam and 6km long reservoir on the Makaroro River which will store water to release a consistent minimum flow into the river downstream; a water abstraction intake on the Waipawa River, located about 22km downstream of the dam, which will then distribute water via 21km of headrace canals for irrigation on the Ruataniwha Plains. The applicants have indicated that they intend to call in the plan change and lodge the applications with the EPA in May 2013.

If the Minister for the Environment considers the proposal is nationally significant and directs it to a board of inquiry for a decision, the EPA provides the Minister with recommendations for a potential board. Within the context of the governments objective; *'Increasing Diversity of Board Membership'* (CO (02) 16), this email asks you for suggestions of appropriate board members who will contribute toward our achieving balanced representation within an RMA context.

In considering and identifying potential board members, you may wish to consider members who have experience in water management/hydrology, tikanga Māori, the RMA, and those who may have been accredited through the Ministry for the Environment's *'Making Good Decisions Programme'*.

We do not know the exact time commitment for potential board members at this stage. We anticipate public notification in late May / early June 2013 with a decision required nine months following public notification (March/April 2014).

I would appreciate your providing any suggestions for suitable candidates by Monday 8 April, including contact details and curriculum vitae if possible. I'm unsure if you are the most appropriate person to answer this request, so I would appreciate it if you could pass this email on to the correct person.

Thank you for your assistance. If you have any questions please feel free to contact me on this email address or 04 S9(2)(a)

Regards,

S9(2)(a)

S9(2)(a)

Advisor

APPLICATIONS AND ASSESSMENT GROUP

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From: S9(2)(a)
To: Shaun Lewis
Cc: S9(2)(a)
Subject: RE: Urgent: briefing note from EPA to Minister Adams and Minister Smith
Date: Thursday, 2 May 2013 4:04:52 p.m.

Thanks Shaun

Not a show stopper, but it says "As the normal submission period is 20 working days" whereas, it is more accurate to say that "the minimum period for submissions is 20 working days"

Something to think about - The briefing rightfully does not presuppose an outcome of the call in request, but it appears to me that the applicant does. As a statutory process, the Minister's decision to call in the plan change will be subject to judicial review, and evidence of compliance with the requirements of the Act will be carefully scrutinised.

S9(2)(a) will be at the meeting tomorrow.

Cheers, S9(2)(a)

From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Thursday, 2 May 2013 1:35 p.m.
To: S9(2)(a); Guy Kerrison (gkerrison@doc.govt.nz)
Cc: S9(2)(a); Andrew Crosland; Fay Holdom
Subject: Urgent: briefing note from EPA to Minister Adams and Minister Smith

Hi Guy and S9(2)(a)

Attached is the briefing note from the EPA to both Minister's about the Tukituki Catchment Proposal. We would like this to go into the Ministerial bags for tomorrow. We would like your comments on the briefing note before we finalise it. I appreciate this is extremely short notice, however we are trying to brief both Ministers before they receive the call-in request from Hawke's Bay Regional Council on Monday 6 May 2013.

In terms of comments we are looking for "show stoppers" only. We need your comments by COB today in order to finalise the briefing and get it signed off.

Please let me know if you need anything further or if you are unable to review the briefing.

Many thanks
Shaun

Shaun Lewis
Project Leader, Resources
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From: [Guy Kerrison](#)
To: [Shaun Lewis](#)
Subject: RE: Urgent: briefing note from EPA to Minister Adams and Minister Smith
Date: Thursday, 2 May 2013 3:38:53 p.m.

Shaun, no show stoppers from me.

regards Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

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Conservation for prosperity *Tiakina te taiao, kia puawai*

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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Thursday, 2 May 2013 1:35 p.m.
To: [REDACTED] Guy Kerrison
Cc: S9(2)(a) @mfe.govt.nz); Andrew Crosland; Fay Holdom
Subject: Urgent: briefing note from EPA to Minister Adams and Minister Smith

Hi Guy and S9(2)(a)

Attached is the briefing note from the EPA to both Minister's about the Tukituki Catchment Proposal. We would like this to go into the Ministerial bags for tomorrow. We would like your comments on the briefing note before we finalise it. I appreciate this is extremely short notice, however we are trying to brief both Ministers before they receive the call-in request from Hawke's Bay Regional Council on Monday 6 May 2013.

In terms of comments we are looking for "show stoppers" only. We need your comments by COB today in order to finalise the briefing and get it signed off.

Please let me know if you need anything further or if you are unable to review the briefing.

Many thanks
Shaun

Shaun Lewis

Project Leader, Resources

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From: [Shaun Lewis](#)
To: natasha.todd@mfe.govt.nz; [Guy Kerrison \(gkerrison@doc.govt.nz\)](mailto:Guy_Kerrison_gkerrison@doc.govt.nz)
Cc: [Fay Holdom](#); [Andrew Crosland](#); **S9(2)(a)**
Subject: BOI briefing note
Date: Friday, 3 May 2013 2:57:03 p.m.
Attachments: [Briefing Note Board Member Recommendations joint MFE updated 30Apr sent toMFE.doc](#)
[Timeline for board appointment process for MFE 2013 05 03.xlsx](#)

Hi Natasha and Guy

Here's the briefing note on options for a potential board of inquiry, for your information. We are intending for this to go to Kevin (MFE)/Doris (DoC) for signoff on Monday morning then over to the ministers' offices in the afternoon. I have also attached an updated copy of the timeline that includes DoC for sign offs.

Happy to talk it through at any point. Just give me a call.

Cheers
Shaun

Shaun Lewis
Project Leader, Resources
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Timeline for Board appointments and recommendation package - Tukituki Catchment Proposal (as at 23 April 2013)										
	29-Apr-13	6-May-13	13-May-13	20-May-13	27-May-13	3-Jun-13	10-Jun-13	17-Jun-13	24-Jun-13	1-Jul-13
Second briefing note on Board appointments	Lead agency EPA									
Draft second briefing note to Minister										
Natasha sign off		NA								
Fay sign off		NA								
Sarah sign off	3-May-13									
Kevin / Doris sign off		6-May-13								
Second briefing note to Ministers' offices		6-May-13								
Feedback from Minister on preferred candidates			10-May-13							
Final briefing note and Cabinet Paper										
Draft final Cabinet Paper and briefing note			6-13-May-13							
Natasha / Guy sign off			13-May-13							
Fay sign off			13-May-13							
Sarah sign off			14-May-13							
Kevin / Doris sign off			15-May-13							
Ministers' offices			16-May-13							
Cabinet Office			22-May-13							
APH Committee				28-May-13						
Cabinet					4-Jun-13					
Final decision on Board appointments							10-Jun-13			
Possible Notification Date										
LODGE/MENT/CALL-IN REQUEST										
Receive applications										
Finalise recommendation			6-May-13							
Fay sign off			6-13-May-13							
Sarah sign off			13-May-13							
Kevin sign off			14-May-13							
Recommendation to Minister's office			16-May-13							
Cabinet office				22-May-13						
APH Committee					28-May-13					
Cabinet						4-Jun-13				
Final decision on call in request								10-Jun-13		

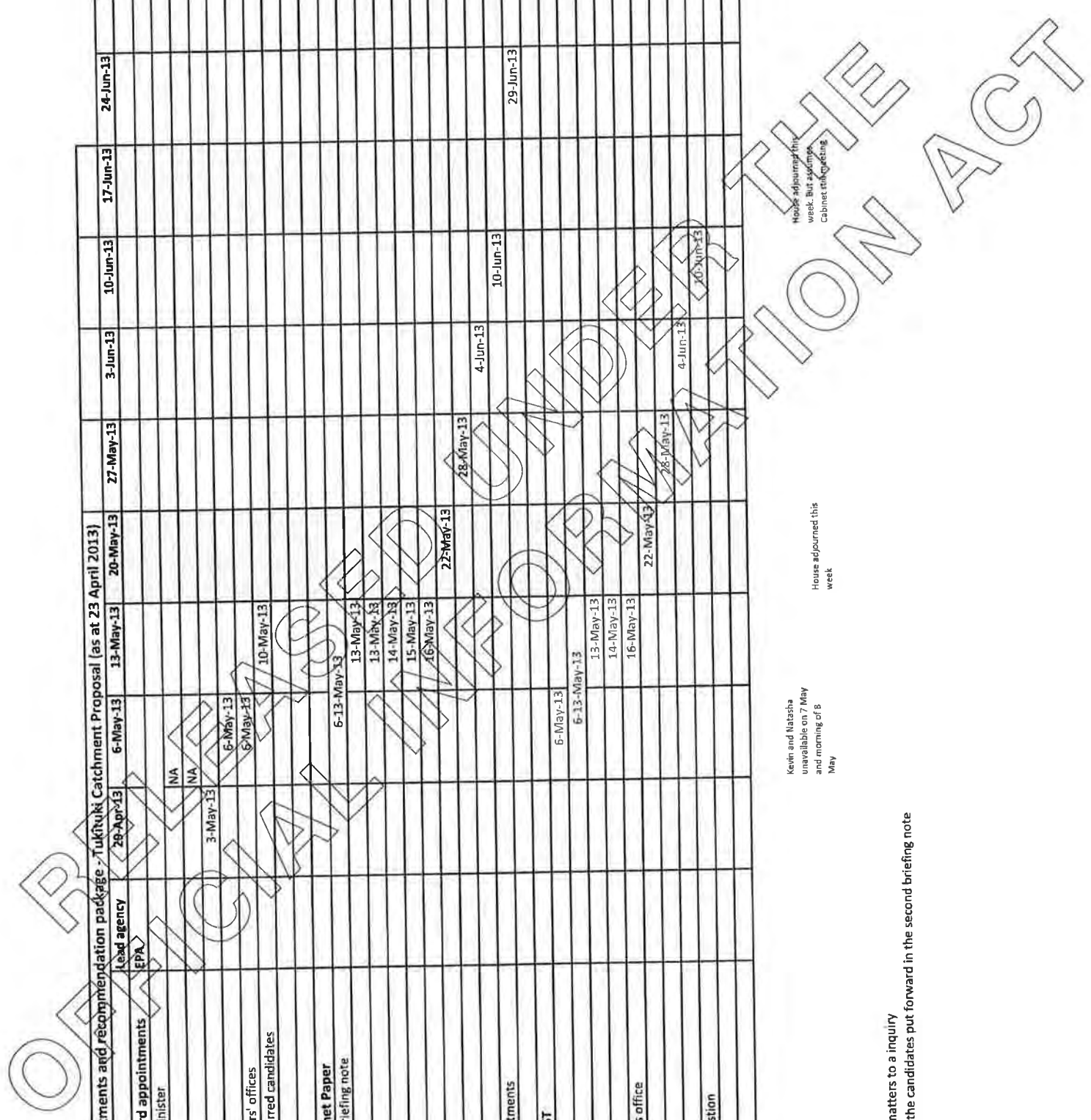
Kevin and Natasha unavailable on 7 May and morning of 8 May

House adjourned this week

House adjourned this week. But 28/05/13 Cabinet meeting

Assumptions:

that the Minister directs the matters to a inquiry that the Minister agrees with the candidates put forward in the second briefing note



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8-Jul-13																																				
15-Jul-13																																				

House adjourned this
week. But assumes
Cabinet still meeting

From: [Shaun Lewis](#)
To: [Guy Kerrison](#)
Subject: RE: BOI briefing note
Date: Friday, 3 May 2013 4:46:19 p.m.

Thanks Guy.

Shaun Lewis
Environmental Protection Authority

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From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Friday, 3 May 2013 4:44 p.m.
To: Shaun Lewis
Subject: RE: BOI briefing note

Section 9 (2)(a)

Shaun, a couple of quick admin comments. There doesn't seem to be any discussion on [REDACTED] S9(2)(a) in the main part of the briefing. Given she is the only woman it may pay to say something? Need to include Doris and Dr Smith's names on signature page 11.

cheers Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Friday, 3 May 2013 2:57 p.m.
To: natasha.todd@mfe.govt.nz; Guy Kerrison
Cc: Fay Holdom; Andrew Crosland; S9(2)(a)
Subject: BOI briefing note

Hi Natasha and Guy

Here's the briefing note on options for a potential board of inquiry, for your information. We are intending for this to go to Kevin (MFE)/Doris (DoC) for signoff on Monday morning then over to the ministers' offices in the afternoon. I have also attached an updated copy of the timeline that includes DoC for sign offs.

Happy to talk it thought at any point. Just give me a call.

Cheers
Shaun

Shaun Lewis

Project Leader, Resources
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From: [Guy Kerrison](#)
To: [REDACTED] [@mfe.govt.nz](#)
Cc: [REDACTED] [Shaun Lewis](#)
Subject: RE: Final briefing note on members for a potential board of inquiry
Date: Monday, 6 May 2013 5:22:41 p.m.

Okay by me Sarah. One matter I raised with Shaun was making sure we had sufficient planning expertise to deal with the multitude of conditions that would be required for a project of this type if it obtained approval. I'm not sure we have this covered in the current preferred list of members. It is probably something that Dr Brent Cowie would be good at. Another thought - are we duplicating skills by having both Howie and Bickers ? Just something to think about - I'm not proposing we change the paper.

regards Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

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From: [REDACTED] [S9\(2\)\(a\)](#)
Sent: Monday, 6 May 2013 3:53 p.m.
To: Guy Kerrison; [REDACTED] [@mfe.govt.nz](#)
Cc: [REDACTED] [S9\(2\)\(a\)](#); Shaun Lewis
Subject: RE: Final briefing note on members for a potential board of inquiry

Good afternoon everyone

Please find attached an updated Briefing Note on Board Appointments, following comments from Kevin Currie. I have amended a number of paragraphs and amended the recommended candidates listing.

To expedite the process, I would appreciate it if you could provide your approval/comments on these changes by return email. We will then utilise the signed page from this morning's briefing and attach the updated pages where relevant. Please confirm you are happy with this proposed course of action.

The relevant paragraphs are listed below:

Paragraph 18 – additional sentence at end of paragraph

Paragraph 43 – replaced John Talbot with Commissioner Russell Howie

Paragraph 53 – updated comparison to be between John Talbot and three recommended board members

Page 11 – Recommended Action (d) – amended listing of recommended and alternate board members

Appendix 1 – amended tables to reflect changes to board members

Appendix 3 – amended listing of board members to reflect changes made

I hope this all makes sense, please do let me know if you need any further clarification

Many thanks

[REDACTED]
S9(2)(a)

ADVISOR

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From: Shaun Lewis

Sent: Monday, 6 May 2013 11:10 a.m.

To: S9(2)(a) @mfe.govt.nz; Guy Kerrison (gkerrison@doc.govt.nz)

Cc: S9(2)(a) Andrew Crosland; S9(2)(a)

Subject: Final briefing note on members for a potential board of inquiry

S9(2)(a) and Guy

Here is the final briefing note for Ministers Adams and Smith on potential board members for the Tukituki Catchment proposal.

Guy: if you could arrange sign off with Doris and let me know when it is ready, someone will come and pick it up.

We will then get Sarah Gardner to sign it out here and walk it down to MFE for Douglas to sign in Kevin's absence.

Many thanks

Shaun

Shaun Lewis
Environmental Protection Authority

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From: [S9(2)(a)]
To:
Subject: RE: Final briefing note on members for a potential board of inquiry
Date: Monday, 6 May 2013 2:02:00 p.m.
Attachments: [image001.png](#)

Hi Sarah

This was the question I had phrased around para 18:

Para 18: What is the status of the applications and how they must consider the RPS? i.e. when the application is lodged, does the proposal have to give effect to the RPS as lodged or does it change depending on where the decision on the RPS is? From my memory of consents the activity status does not change – but the policy frame work can? Let me know if this makes sense.

Looking forward to hearing back from you about the rest of the changes in the paper.

[REDACTED] – Senior Analyst, Resource Management Tools
M [S9(2)(a)] e Environment – Manatu Mo Te Tajao
DDI: [REDACTED] Website: www.mfe.govt.nz
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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Monday, 6 May 2013 12:05 p.m.
To: Guy Kerrison
Cc: [S9(2)(a)]
Subject: RE: Final briefing note on members for a potential board of inquiry

[S9(2)(a)] is on his way up to pick it up. I assume we can just get the one copy signed, then MFE can scan as many as is necessary to go to the Ministers' offices.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

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From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Monday, 6 May 2013 11:56 a.m.
To: Shaun Lewis

Subject: RE: Final briefing note on members for a potential board of inquiry

Shaun, Doris has signed it.

cheers Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group

Department of Conservation—*Te Papa Atawhai*

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From: Shaun Lewis [<mailto:Shaun.Lewis@epa.govt.nz>]

Sent: Monday, 6 May 2013 11:11 a.m.

To: **S9(2)(a)** [@mfe.govt.nz](mailto: @mfe.govt.nz); Guy Kerrison

Cc: **S9(2)(a)** Andrew Crosland; **S9(2)(a)**

Subject: Final briefing note on members for a potential board of inquiry

S9(2)(a) and Guy

Here is the final briefing note for Ministers Adams and Smith on potential board members for the Tukituki Catchment proposal.

Guy: if you could arrange sign off with Doris and let me know when it is ready, someone will come and pick it up.

We will then get Sarah Gardner to sign it out here and walk it down to MFE for Douglas to sign in Kevin's absence.

Many thanks
Shaun

Shaun Lewis
Environmental Protection Authority

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From: [Shaun Lewis](#)
To: [Guy Kerrison \(gkerrison@doc.govt.nz\)](mailto:gkerrison@doc.govt.nz)
Subject: Response in writing to Sarah's email
Date: Monday, 6 May 2013 4:47:08 p.m.

Hi Guy

Could I ask you to respond in writing to Sarah's email regarding the changes to the briefing note? I just want to make sure we are dotting "i"s and crossing "t"s on this one.

Thanks
Shaun

Shaun Lewis
Project Leader, Resources
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From: [Guy Kerrison](#)
To: [Shaun Lewis](#)
Subject: RE: Timing for recommendation cabinet paper
Date: Tuesday, 7 May 2013 11:36:42 a.m.

thanks Shaun

cheers Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]

Sent: Tuesday, 7 May 2013 10:25 a.m.

To: **S9(2)(a)** mfe.govt; **S9(2)(a)**

Guy Kerrison

Cc: natasha.tod@mfe.govt.nz; Andrew Crosland; **S9(2)(a)**

Subject: Timing for recommendation cabinet paper

Hi **S9(2)(a)** and Guy

The minister has asked that we get the recommendation paper to Cabinet for their meeting on 27 May. In order to meet this timeframe we will need to have a Cabinet Paper to the Ministers' offices by Friday this week – 10 May 2013. Andrew is working on the recommendation now, and as I understand from our conversation last week the Cabinet Paper will be a short covering paper to accompany the recommendation briefing.

S9(2)(a) I understand you are writing the Cabinet Paper. Please let me know if you need anything further from us or if there is an issue with the timeframes.

Guy: From your perspective I think it will just be making sure you are happy with the Cabinet Paper and arranging sign off with Doris.

10 May 2013 (before 3pm)	- departments sign off
10 May 2013	- Cabinet paper to Ministers
15 May 2013	- Papers to Cabinet Office
20 May 2013	- CBC
27 May 2013	- Cabinet

This will also mean the Board appointments Cabinet Paper will need to be a separate paper as we won't have the Ministers' feedback in time to go with the recommendation paper.

Many thanks everyone. I appreciate this is really short notice, but I think it is doable.

Cheers
Shaun

Shaun Lewis
Project Leader, Resources
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From: [S9(2)(a)]
To: [Shaun Lewis](mailto:Shaun.Lewis@epa.govt.nz)
Subject: RE: signed BN attached (Tukituki)
Date: Tuesday, 7 May 2013 8:54:17 a.m.
Attachments: [image001.png](#)

Thanks Shaun

From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Tuesday, 7 May 2013 8:53 a.m.
To: [S9(2)(a)] <[S9(2)(a)]@doc.govt.nz>
Cc: Andrew Crosland; [S9(2)(a)]
Subject: RE: signed BN attached (Tukituki)

Correct. Tim will liaise with Minister Smith's office.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob [S9(2)(a)]

From: [S9(2)(a)] <[S9(2)(a)]@mfe.govt.nz>
Sent: Tuesday, 7 May 2013 8:51 a.m.
To: 'gkerrison@doc.govt.nz'; Shaun Lewis
Cc: Andrew Crosland; [S9(2)(a)]
Subject: signed BN attached (Tukituki)

Hi Guy and Shaun

Signed BN attached. I'll let you know when I know it has made the 10am bag. I made a minor change on the front page as we use an actual stamp for the date. I also fixed up a typo on the last page (para 60).

Shaun, I just wanted to double check with you – am I correct that Tim in our Minister's Office will be liaising with the Minister of Conservation's Office and we do not need to organise for a copy of the briefing note to be provided to that office?

I am in a course today but will check my emails at lunchtime [S9(2)(a)] will be in the office this afternoon.

[S9(2)(a)] – Senior Analyst, Resource Management Tools
Min [S9(2)(a)] Environment – Manatu Mo Te Taiao
DDI: [S9(2)(a)] Website: www.mfe.govt.nz
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[REDACTED]
[REDACTED] S9(2)(a) [REDACTED]
[REDACTED]
[REDACTED]

From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Wednesday, 8 May 2013 10:39 a.m.
To: [REDACTED] S9(2)(a)
Cc: Andrew Crosland; [REDACTED] Natasha Tod; [REDACTED] S9(2)(a); 'Guy Kerrison'
Subject: RE: Section 146(2)(a) - Crown Submission and 9 month timeframe

Hi [REDACTED] S9(2)(a)

We are not recommending that the Ministers exercise either of these powers under 146(2)(a). We will include that advice in our recommendation paper.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob [REDACTED] S9(2)(a)

From: [REDACTED] S9(2)(a) [mailto:[REDACTED]@mfe.govt.nz]
Sent: Wednesday, 8 May 2013 10:03 a.m.
To: Shaun Lewis
Cc: Andrew Crosland; [REDACTED] S9(2)(a) Natasha Tod; [REDACTED] S9(2)(a) 'Guy Kerrison'
Subject: Section 146(2)(a) - Crown Submission and 9 month timeframe

Hi Shaun

Just another couple of things that I think we need to think about.

Based on section 146(2)(a) of the RMA – is the EPA considering any advice in relation to:

1. The Minister should make submission on behalf of the crown
2. Whether there will be enough time in 9 months to decide this proposal or should she extend the timeframe

These are two things that could be included in the Cabinet paper and the EPA has the ability under the RMA to make a recommendation on these matters. Because they may form part of the recommendation, we are thinking that we might have to turn our minds to it now, with the first Cabinet paper.

[REDACTED] – Senior Analyst, Resource Management Tools
M [REDACTED] S9(2)(a) Environment – Manatu Mo Te Taiao
DDI: [REDACTED] Website: www.mfe.govt.nz
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 Please consider the environment before printing this email.

From: Shaun Lewis [<mailto:Shaun.Lewis@epa.govt.nz>]
Sent: Wednesday, 8 May 2013 9:19 a.m.
To: [REDACTED]
Subject: RE: Rationale for joint decision making

We can do that. I'll let you know as soon as we have something ready

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob + [REDACTED]

From: [REDACTED] [[\[REDACTED\]@mfe.govt.nz](mailto:[REDACTED]@mfe.govt.nz)]
Sent: Wednesday, 8 May 2013 9:14 a.m.
To: Shaun Lewis
Cc: [REDACTED]
Subject: RE: Rationale for joint decision making

Hi Shaun

Just wondering if we are going to see your briefing before it goes over to the Minister?

[REDACTED]

From: Shaun Lewis [<mailto:Shaun.Lewis@epa.govt.nz>]
Sent: Wednesday, 8 May 2013 8:50 a.m.
To: [REDACTED]
Subject: RE: Rationale for joint decision making

Cancel that. [REDACTED]

[REDACTED]

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob [REDACTED]

From: Shaun Lewis
Sent: Wednesday, 8 May 2013 8:24 a.m.
To: [REDACTED] [[\[REDACTED\]@mfe.govt.nz](mailto:[REDACTED]@mfe.govt.nz)]; [REDACTED]
Cc: Andrew Crosland; [REDACTED]
Subject: RE: Rationale for joint decision making

Hi [REDACTED]

We are aiming to get our briefing to the Minister on options for decision making in relation to the call in request to the Ministers and the direct applications to the EPA. We need to know if the Minister is going to take an alternative approach to the one we have used as the basis for our recommendation on national significance and direction. Could you please let me know this morning whether MFE has a different view to the EPA. We would like to include this in our briefing note.

Happy to discuss.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob S9(2)(a) •

From: Shaun Lewis

Sent: Tuesday, 7 May 2013 2:04 p.m.

To: S9(2)(a) [@mfe.govt.nz](mailto: @mfe.govt.nz); S9(2)(a)

Cc: Andrew Crosland (Andrew.Crosland@epa.govt.nz); S9(2)(a)

Subject: Rationale for joint decision making

Hi S9(2)(a)

As discussed here is our thinking around the joint decision making for the Ministers:

Essentially it is the combination of the Ruataniwha Water Storage Scheme and Tukituki Plan Change 6 that make up the Tukituki Catchment "proposal of national significance" under the Act, therefore triggering section 148(2). Both applicants have referred to their respective applications as being part of a single proposal. It is the limitation of matters that can be lodged directly with the EPA (s145) that necessitates HBRC requesting that their plan change be called in and HBRC lodging applications for resource consents and a notice of requirement directly with us.

Please let me know if you need anything else.

Cheers
Shaun

Shaun Lewis
Project Leader, Resources
APPLICATIONS AND ASSESSMENT

Environmental Protection Authority • Level 10 • 215 Lambton Quay • Private Bag 63002 • Wellington
6140 • New Zealand
Tel +64 4 916 2426 • Fax +64 4 914 0433 • DDI +64 474 5479 • Mob S9(2)(a) • www.epa.govt.nz

From: [Guy Kerrison](#)
To: [REDACTED] S9(2)(a)
Cc: [Shaun Lewis](#)
Subject: Tukituki cabinet paper
Date: Thursday, 9 May 2013 12:10:35 p.m.
Attachments: [13C880 Cabinet Paper Tukituki NSP Recommendation \(2\).doc](#)
Importance: High

<<13C880 Cabinet Paper Tukituki NSP Recommendation (2).doc>> S9(2)(a)
our comments on the paper. Happy to discuss.

Regards Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation - Te Papa Atawhai
DDI: +64 4 494 1470, mobile [REDACTED] S9(2)(a)
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From: [Shaun Lewis](#) S9(2)(a)
To: [REDACTED] S9(2)(a) [@mfe.govt.nz](#); [REDACTED] S9(2)(a)
Cc: [Guy Kerrison \(gkerrison@doc.govt.nz\)](#); [Andrew Crosland \(Andrew.Crosland@epa.govt.nz\)](#)
Subject: 13B881_Briefing_to_support_Tukituki_NSP_Recommendation_v3_2013_05_09.doc
Date: Friday, 10 May 2013 10:51:07 a.m.
Attachments: [13B881_Briefing_to_support_Tukituki_NSP_Recommendation_v3_2013_05_09.doc](#)

Hi S9(2)(a)

Here are our comments on the briefing note. I'll start on the Cabinet Paper now.

Cheers
Shaun

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From: [Shaun Lewis](#)
To: [REDACTED] S9(2)(a)
Cc: "Guy Kerrison"
Subject: RE: 13C880 Cabinet Paper Tukituki NSP Recommendation.DOC
Date: Friday, 10 May 2013 10:58:53 a.m.

Both the call in request and the application to the EPA are parts of the Tukituki Catchment Proposal. I've made changes throughout the briefing note to reflect that. Hopefully it makes it clearer.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob + [REDACTED] S9(2)(a) •

-----Original Message-----

From: [REDACTED] S9(2)(a) [mailto:[REDACTED]@mfe.govt.nz]
Sent: Friday, 10 May 2013 10:47 a.m.
To: Shaun Lewis
Cc: 'Guy Kerrison'
Subject: FW: 13C880 Cabinet Paper Tukituki NSP Recommendation.DOC

Hi Shaun

There is one comment in there about the proposal being part of proposal of national significance - do you have an answer for this? We will make the other changes.

[REDACTED] S9(2)(a)

-----Original Message-----

From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Friday, 10 May 2013 10:42 a.m.
To: [REDACTED] S9(2)(a)
Cc: Shaun Lewis
Subject: FW: 13C880 Cabinet Paper Tukituki NSP Recommendation.DOC

<<13C880 Cabinet Paper Tukituki NSP Recommendation.DOC [REDACTED] S9(2)(a) just a couple of comments on this.

Cheers Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group Department of Conservation-
Te Papa Atawhai
DDI: +64 4 494 1470, mobile [REDACTED] S9(2)(a)
Conservation for prosperity Tiakina te taiao, kia puawai www.doc.govt.nz

From: [Guy Kerrison](mailto:Guy.Kerrison@mf.govt.nz)
To: [Shaun Lewis](mailto:Shaun.Lewis@mf.govt.nz); [REDACTED] S9(2)(a) [REDACTED] @mf.govt.nz
Cc: [Andrew Crosland](mailto:Andrew.Crosland@mf.govt.nz)
Subject: RE: 13C880_Cabinet_Paper_Tukituki_NSP_Recommendation_v3_2013_05_09.doc
Date: Friday, 10 May 2013 12:42:05 p.m.

Shaun, para 26 relating to Crown submissions. There was a submission or two on national significant projects that were called in but this was prior to the EPA being established so suggest if you wish to include it you say "Since the establishment of the EPA there have been no Crown submissions ..."

cheers Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

DDI: +64 4 494 1470, mobile [REDACTED] S9(2)(a) [REDACTED]

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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Friday, 10 May 2013 12:29 p.m.
To: Guy Kerrison; [REDACTED] S9(2)(a) [REDACTED] @mf.govt.nz
Cc: Andrew Crosland
Subject: 13C880_Cabinet_Paper_Tukituki_NSP_Recommendation_v3_2013_05_09.doc

Hi All

Here are the EPA's comments on the Cabinet Paper.

We are working on consistency between all the relevant papers now. Please let us know if there are any changes to the sections that relate to the EPA's assessment/recommendations on national significance and referral to a BOI.

Thanks
Shaun

Shaun Lewis

Project Leader, Resources

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Tel +64 4 916 2426 • Fax +64 4 914 0433 • DDI +64 474 5479 • Mob [REDACTED] S9(2)(a) [REDACTED] • www.epa.govt.nz

From: S9(2)(a)
To: [Shaun Lewis](#)
Cc: "Guy Kerrison"
Subject: FW: 13C880 Cabinet Paper Tukituki NSP Recommendation.DOC
Date: Friday, 10 May 2013 10:47:34 a.m.

Hi Shaun

There is one comment in there about the proposal being part of proposal of national significance do you have an answer for this? We will make the other changes.

S9(2)(a)

-----Original Message-----

From: Guy Kerrison [<mailto:gkerrison@doc.govt.nz>]

Sent: Friday, 10 May 2013 10:42 a.m.

To: S9(2)(a)

Cc: Shaun Lewis

Subject: FW: 13C880 Cabinet Paper Tukituki NSP Recommendation.DOC

<<13C880 Cabinet Paper Tukituki NSP Recommendation.DOC>> S9(2)(a), just a couple of comments on this.

Cheers Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation - Te Papa Atawhai
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From: [Guy Kerrison](#)
To: **S9(2)(a)** [redacted]; [Shaun Lewis](#)
Subject: Tukituki Plan Change
Date: Friday, 10 May 2013 12:14:18 p.m.

[redacted] **S9(2)(h)** [redacted]

Cheers Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*
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From: S9(2)(a)
To: "Guy Kerrison"; Shaun Lewis
Cc: Andrew Crosland; S9(2)(a)
Subject: RE: Tukituki Briefing Note sign off process
Date: Friday, 10 May 2013 10:27:37 a.m.
Attachments: [image001.png](#)

Thanks I would appreciate you comment there. We were thinking that we may need to refer to the Cabinet office circular as I think it refers to submissions

From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Friday, 10 May 2013 10:18 a.m.
To: S9(2)(a); Shaun Lewis
Cc: Andrew Crosland; S9(2)(a)
Subject: RE: Tukituki Briefing Note sign off process

S9(2)(a)
thanks S9(2)(a). We are having a play round with the words in the Crown submission section. Will get these to you asap. I will find out about the cab 100.

cheer Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

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From: S9(2)(a) [mailto:S9(2)(a)@mfe.govt.nz]
Sent: Friday, 10 May 2013 10:05 a.m.
To: Guy Kerrison; 'Shaun Lewis'
Cc: 'Andrew Crosland'; S9(2)(a)
Subject: Tukituki Briefing Note sign off process

Good morning

Just a reminder about the process for getting the Tukituki Cabinet paper and briefing through the process today.

1. Manager level should be looking at the Cabinet paper and briefing that I sent out last night now and let me know any comments this morning. Please then incorporate any comment and send me through a track-changed copy of the documents.
2. I will update the master copies of the briefing and Cabinet paper as necessary
3. EPA will send final copies of its recommendation and direction
4. I will email out the final to be signed off by each department – Guy do you know if your Director also needs to sign the CAB 100?
5. We will begin the director sign-off process – DoC – EPA – MfE
6. MfE will take across the road to the Minister's office – hopefully by 3pm

S9(2)(h)

Shaun – I had another read of the Cabinet paper and briefing this morning and take your point on the fact that call in and referring it to a BOI is one step. I have tried to fix up the paper in this respect.

Guy – I think we managed to incorporate all your comments on the paper – one question related to whether the designation bit applied to more than one district. I understand from Andrew at the EPA that all this infrastructure is entirely within the Central Hawke's Bay District Council.

Please give me a call if there are any issues.

██████████ – Senior Analyst, Resource Management Tools

Mi: S9(2)(a) Environment – Manatu Mo Te Taiao

DDI: ██████████ Website: www.mfe.govt.nz

23 Kate Sheppard Place, PO Box 10362, Wellington 6143

cid:image001.png@01CB3AD7.3661CD70



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From: S9(2)(a)
To: Shaun Lewis
Subject: RE: Clean copies for sign-off
Date: Friday, 10 May 2013 3:52:13 p.m.

How are you getting on?

S9(2)(a)

-----Original Message-----

From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Friday, 10 May 2013 3:11 p.m.
To: Guy Kerrison; S9(2)(a)
Subject: RE: Clean copies for sign-off

Sarah can sign them out now. Then we can walk them up to DoC - probably be close to 4pm.

What is the final deadline S9(2)(a)

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob S9(2)(a) •

-----Original Message-----

From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Friday, 10 May 2013 3:08 p.m.
To: S9(2)(a); Guy Kerrison
Cc: Shaun Lewis
Subject: RE: Clean copies for sign-off

Going last would be better. Let me know if that doesn't work

Sent from my HTC

----- Original Message -----

From: S9(2)(a)@mfe.govt.nz
Sent: Friday, 10 May 2013 2:58 p.m.
To: Guy Kerrison <gkerrison@doc.govt.nz>
Cc: Shaun Lewis <Shaun.Lewis@epa.govt.nz>
Subject: RE: Clean copies for sign-off

Is there someone else I can email it to, to give it to Doris?

S9(2)(a) - Senior Analyst, Resource Management Tools Ministry for the Environment – Manatu Mo Te
Taiao S9(2)(a)
DDI: S9(2)(a) Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143

P Please consider the environment before printing this email.

-----Original Message-----

From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Friday, 10 May 2013 2:54 p.m.
To: S9(2)(a); Shaun Lewis; Guy Kerrison
Subject: RE: Clean copies for sign-off

S9(2)(a) i can't do this until 4pm as i am in a meeting. Guy

Sent from my HTC

----- Original Message -----

From: S9(2)(a)@mfe.govt.nz
Sent: Friday, 10 May 2013 2:14 p.m.
To: Shaun Lewis <Shaun.Lewis@epa.govt.nz>; Guy Kerrison <gkerrison@doc.govt.nz>
Subject: Clean copies for sign-off

HI

Please find attached the clean copies of the briefing note and the Cabinet paper for sign off. Shaun we still do not have your recommendation and directions.

Guy - do you want to get sign off on these documents first and then we can organise for someone from the EPA to come and collect the signed briefing from you? Remember it will need to be single sided and in colour once it is signed.

██████████ – Senior Analyst, Resource Management Tools Ministry for the Environment – Manatu Mo Te
Taiao **S9(2)(a)**
DDI: ██████████ Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143

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RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: Shaun Lewis
To: "[Gavin Rodley \(MIN\)](#)"
Cc: [Fay Holdom](#)
Subject: RE: Membership of Board of Inquiry - Tukituki Plan Change
Date: Monday, 13 May 2013 9:28:41 a.m.

Thanks Gavin. I'll let you know shortly what our timeframes are for a revised briefing are.

Regards
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob S9(2)(a)

From: Gavin Rodley (MIN) [mailto:Gavin.Rodley@parliament.govt.nz]
Sent: Monday, 13 May 2013 9:09 a.m.
To: Shaun Lewis
Cc: Fay Holdom
Subject: Membership of Board of Inquiry - Tukituki Plan Change

Hi Shaun

I refer to my telephone conversation with you earlier today.

I wish to confirm that my Minister outlined his initial thoughts on the membership of the Board of Inquiry to me last week – they were as follows:

- 5 members in total
- 2 from Hawke's Bay
- 1 from the agricultural sector
- Iwi representative
- Hydrologist – Dr Alex Sutherland was mentioned

Yours sincerely

Gavin Rodley
Private Secretary for Conservation
Office of the Hon Dr Nick Smith
Telephone: [REDACTED] (direct dial)
Facsimile: S9(2)(a)
Mobile: [REDACTED]
Email: gavin.rodley@parliament.govt.nz

From: [Natasha Tod](#)
To: "Guy Kerrison"; [Shaun Lewis](#)
Cc: S9(2)(a) [REDACTED]
Subject: RE: Emailing: Tukituki EPA recommendation
Date: Monday, 13 May 2013 4:33:18 p.m.

Hi Guy

I have just been in touch with Tim in our Minister's office about the papers provided earlier today and he will contact Gavin in Minister Smith's office now.

[REDACTED] S9(2)(h)

Cheers
Natasha

-----Original Message-----

From: Guy Kerrison [<mailto:gkerrison@doc.govt.nz>]
Sent: Monday, 13 May 2013 2:10 p.m.
To: Natasha Tod; Shaun Lewis

S9(2)(a) [REDACTED]
Subject: RE: Emailing: Tukituki EPA recommendation
Importance: High

Natasha, are you able to advise when the papers will get to our Minister's office ? [REDACTED]

[REDACTED] S9(2)(h)

Thanks Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation - Te Papa Atawhai
DDI: +64 4 494 1470, mobile S9(2)(a) [REDACTED]
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-----Original Message-----

From: Natasha Tod [<mailto:Natasha.Tod@mfe.govt.nz>]
Sent: Monday, 13 May 2013 10:50 a.m.
To: Shaun Lewis; Guy Kerrison
Subject: Emailing: Tukituki EPA recommendation

Hi Shaun and Guy

Please find attached PDF's of the signed documents sent to our Ministers office this morning. Thanks for your work on getting these completed last week.

Kind regards

Natasha Tod - Manager, Resource Management Tools team Ministry for the Environment - Manatu Mo Te Taiao
DDI: 04 439 7716 Mob: S9(2)(a) [REDACTED] Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143

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delete the original. Thank you.

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From: [Shaun Lewis](#)
To: natasha.tod@mfe.govt.nz; [Guy Kerrison \(gkerrison@doc.govt.nz\)](mailto:Guy.Kerrison@doc.govt.nz)
Subject: memorandum to ministers on potential board candidates
Date: Thursday, 16 May 2013 2:26:30 p.m.
Attachments: [Memo to Ministers with further board candidates 2013_05_15 DRAFT FINAL .docx](#)

Hi Natasha and Guy

Here is the draft of the memo to both Ministers. It is with Sarah G now for comment, so I'd appreciate any feedback as soon as you are able. I've addressed your comments Natasha, but let me know if there is anything else.

Cheers
Shaun

Shaun Lewis
Project Leader, Resources
APPLICATIONS AND ASSESSMENT

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MEMORANDUM

File Ref: NSP 28 02

To: Tim Bennetts and Gavin Rodley

Copy To: Kevin Currie, Doris Johnston

From: Sarah Gardner

Date: 16 May 2013

Subject: Additional candidates for a potential board of inquiry for the Tukituki Catchment Proposal

Purpose

1. This memo provides additional candidates for the Ministers to consider for a potential board of inquiry for the Tukituki Catchment Proposal.

Background

2. On 21 March 2013 we briefed the Minister for the Environment on the process for screening potential board of inquiry members. In response to that briefing the Minister directed us to screen for a five member board with the following skills and experience:
 - a Options for both a retired High Court Judge and an Environment Court Judge;
 - b Planning;
 - c Water quality, nutrient management, and terrestrial and aquatic ecology (as a combined skill set);
 - d Civil engineering, specifically
 - e Tikanga Maori, and
 - f Knowledge of the

3. May 2013 we
Catchment Proposal
option for
4. On
inquiry

5. Based on the feedback from the Ministers we have re-reviewed our database of possible candidates, sought further suggestions from local authorities, discussed further options with the Ministry for the Environment and Department of Conservation, and searched more broadly for suitable candidates.
6. We have revised our suggestion for the composition of a board. In addition to this we have included several alternative candidates for each of the attributes the Ministers have directed we include. This information is provided in the following tables. We have included a short biography for all of the candidates in Appendix One.

Recommended Board

7. For a board of five members to represent all of the skills, knowledge and attributes required by both Ministers and of the Resource Management Act (RMA), at least some of the potential candidates will need to have skills and knowledge in more than one of those areas. The summary tables indicate which attributes each of the candidates would bring to a board of inquiry.
8. Table 1 lists the potential candidates for a suggested board taking into consideration the requirements of both ministers and of the RMA. Table 2 provides a summary of additional candidates that we have screened and who are interested and available for a board of inquiry for the Tukituki Catch proposal, should the matters be directed to one.

Potential candidates

9. We have suggested Judge Whiting again as a Chairperson as we believe he has the skills, experience and mana necessary to oversee this potential board. Judge Whiting has experience with complex plan changes (the New Zealand King Salmon Proposal) and will be appointed as an advisor to Environment Court in the event that there are appeals to the Hawke's Bay Regional Council's Regional Policy Statement (RPS) Change. The workload that this proposal may require is likely to be high. As Judge Whiting is now retired he is in a good position to manage the demands of this proposal and any appeals to the Environment Court on the RPS changes. Judge Smith has been confirmed by the Principal Environment Court Judge as an alternative.
10. The Principal Environment Court Judge has also confirmed the availability of Environment Commissioner Dr Alexander Sutherland as a potential board member. The hydrology expertise that Dr Alexander Sutherland brings is duplicated by potential board member Dr Jim Cooke. Should the Ministers wish to broaden the skills of a board they could replace Alexander Sutherland with one of the following alternatives:
 - a. Susan Harris – has similar skills and experience to Dr Jim Cooke (without the knowledge of the agricultural sector) and would strengthen the hydrology and water quality expertise of the board and further balance its gender makeup.
 - b. David Jennings – would strengthen both the engineering and hydrology expertise of a board;
 - c. Veronica Chalmers – would strengthen the Tikanga Maori knowledge of a board, contribute to meeting Minister Smith's requirements for two local candidates and further balance the gender make-up of a board;
 - d. Jan Riddel – would strengthen the hydrology, ecology and agricultural experience and knowledge of a board, and further balance its gender makeup;

- e Jenni Vernon – would strengthen the water and land use decision making capability of a board, would add more agricultural knowledge and further balance the gender make-up of a board; or
11. We have proposed Loretta Lovell as a potential board member. Although Loretta Lovell is of Ngati Kahangungu descent, her taiwhenua is Wairoa, which is not directly affected by the Tukituki Catchment Proposal. Therefore we do not consider that Loretta Lovell has a conflict of interest. Loretta Lovell would bring legal experience and contribute to the gender balance of a board. Alan Titchener is a possible substitute for Loretta. Alan is affiliated with Ngai Tahu, but lives in Havelock North, and so would bring local knowledge to a potential board.
 12. Dr Jim Cooke brings a broad range of skills and knowledge to a potential board. He has experience in water quality and ecosystem management, water storage, abstraction and irrigation effects, nutrient cycling in aquatic systems and resource management. In addition to these skills Dr Jim Cooke has an Agricultural Sciences degree, which contributes to Minister Smith's requirement for a board to have agricultural expertise on a board. We consider that Dr Jim Cooke is an essential member of a board if it is to possess the composite skills, knowledge and attributes required by Ministers and the RMA.
 13. In the event that you decide to change the make-up of the board we have suggested, we have included the names of candidates we have screened in table 2. All of these candidates have the appropriate skills and experience, are available and have not identified any conflicts of interest.
 14. In deciding whether or not to substitute the candidates we have suggested, you will need to consider the composite skills, knowledge and attributes of a board. Substituting may result in skill or knowledge gaps in a board. If these skills or knowledge are desirable but missing from among its members, they will need to be contracted in, potentially adding cost to the proposal.

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Table 1: Suggested Board

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Chair								
Ret Environment Court Judge Gordon Whiting*	✓	✓	✓					
Members								
Environment Commissioner Dr Alexander Sutherland	✓	✓		✓				
Loretta Lovell			✓			✓		
Dr Jim Cooke*	✓	✓		✓	✓		✓	✓
Section 9 (2)(a)	✓							

* Previously recommended by the EPA

Table 2: Alternate Options – each candidate appears only once in the table. If their skills and experience qualify them to be considered under more than one of the attributes, they appear under the attribute that occurs first in the table

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Chair								
Retired Environment Court Judge Gordon Whiting*	✓	✓	✓					
Environment Court Judge Jeff Smith	✓	✓						
Members								
Tikanga								
Loretta Lovell			✓			✓		
Section 9 (2)(a)	✓	✓	✓					
Deputy Chief Judge Caren Fox	✓	✓	✓					
Rauru Kirikirii* / **	✓	✓	✓					
Hon Sir Douglas Kidd*	✓	✓	✓					
Alan Titchener	✓		✓			✓		
Hydrology								
Environment Commissioner Dr Alexander Sutherland	✓	✓		✓				
Dr Jim Cooke*	✓	✓		✓			✓	
Susan Harris	✓	✓		✓			✓	
Dr Greg Ryder	✓	✓		✓				

* Previously recommended by the EPA

** Nominated by local authority

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Engineering								
Section 9 (2)(a)	✓				✓			
Environment Commissioner Russell Howie*	✓	✓			✓			
David Jennings	✓				✓			
Tim Pike					✓	✓		
Alan Bickers*	✓	✓			✓			
Local								
Veronica Chalmers	✓		✓			✓		
John Hudson	✓	✓				✓		
Water quality / ecology								
Jan Riddell	✓	✓		✓				✓
Dr Judith Roper-Lindsay	✓						✓	
Professor John Harding		✓					✓	
Dr Brent Cowie**	✓	✓		✓			✓	
Agriculture								
Jenni Vernon	✓	✓						✓

* Previously recommended by the EPA

** Nominated by local authority

Recommendation

Please indicate your preference for:

Chairperson

Either Retired Environment Court Judge Gordon Whiting*

Yes/No

Or Environment Court Judge Jeff Smith

Yes/No

Recommended board members

Tikanga

Loretta Lovell

Yes/No

Section 9 (2)(a)

Yes/No

Deputy Chief Judge Caren Fox

Yes/No

Rauru Kirikiri**

Yes/No

Hon Sir Douglas Kidd*

Yes/No

Alan Titchener

Yes/No

Hydrology

Environment Commissioner Dr Alexander Sutherland

Yes/No

Dr Jim Cooke*

Yes/No

Dr Greg Ryder

Yes/No

Susan Harris

Yes/No

Engineering

Section 9 (2)(a)

Yes/No

Environment Commissioner Russell Howie*

Yes/No

David Jennings

Yes/No

Tim Pike

Yes/No

Alan Bickers*

Yes/No

Local

Veronica Chalmers

Yes/No

John Hudson

Yes/No

Water quality / ecology

Jan Riddell

Yes/No

Dr Judith Roper-Lindsay

Yes/No

Professor John Harding

Yes/No

Dr Brent Cowie**

Yes/No

Agriculture

Jenni Vernon

Yes/No

* Previously recommended by the EPA

** Nominated by local authority

Sarah Gardner

Date

General Manager, Applications and Assessment
Environmental Protection Authority

Hon Amy Adams

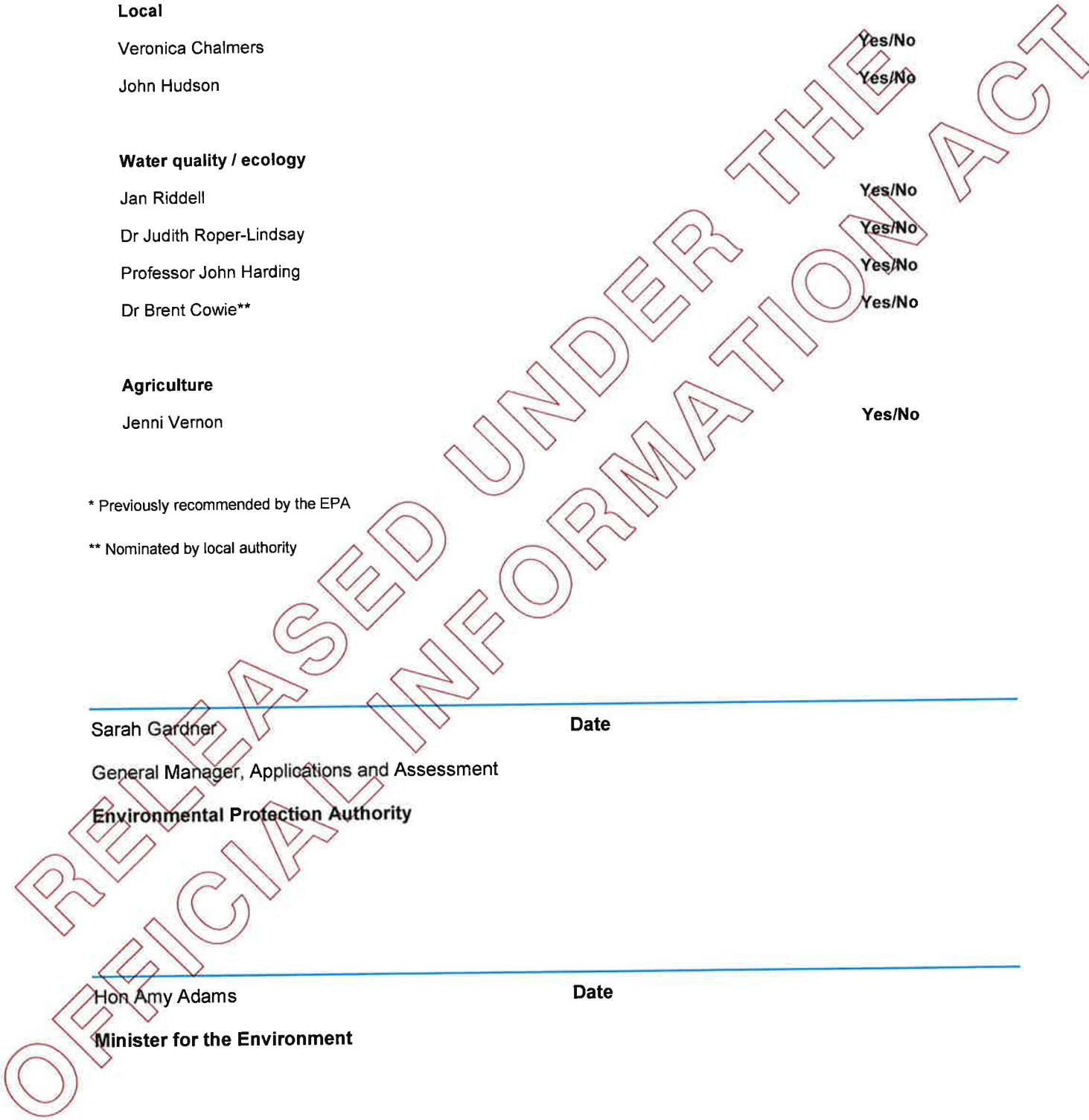
Date

Minister for the Environment

Hon Dr Nick Smith

Date

Minister of Conservation



Appendix One: candidate biographies

Chairperson

Judge Gordon Whiting (suggested board Chairperson)

Judge Gordon Whiting was appointed to the Environment Court in 1997, and retired in 2012. As both a District Court and Environment Court Judge, Judge Whiting brings extensive judicial expertise and a wide range of experience in resource management law.

Judge Whiting has presided over a number of significant and varied resource management cases. Many of the cases have not only had economic impacts, but have also involved cases with conflicting public and private interests. He recently chaired the Board of Inquiry into the New Zealand King Salmon proposal, and also chaired the Te Mihi Geothermal Power Station Board of Inquiry and the Tauhara II Geothermal Power Station Board of Inquiry.

Judge Whiting is fluent in te reo and has been a decision maker on matters where Tikanga Maori has been a substantial consideration.

Judge Jeff Smith

Judge Jeff Smith was appointed to the Environment Court in July 2000. He is based in Auckland. He was born in Rotorua and completed his education at Kamo High School, Whangarei. He holds an LLB from Auckland University, obtained in 1981, and is a member of the Chartered Institute of Arbitrators London (associate from 1986) and a Foundation Associate of the Arbitrators and Mediators Institute of New Zealand. He practised in Tauranga from 1981, first with Sharp Tudhope, and from 1995 until his appointment in 2000 as a Barrister, sole. Judge Smith has presided over a large number of cases including appeals relating to hydro and wind (Mahinerangi) power generation, coastal issues and sensitive landscapes including the Banks Peninsula landscape case. Judge Smith chaired the Board of Inquiry into the Hauru ma raki Wind Farm proposal.

Tikanga

Loretta Lovell (suggested board member)

Loretta Lovell is of Ngati Kahangungu descent and is affiliated with the Wairoa taiwhenua. Loretta has 15 years' experience as a solicitor, including expertise in commercial law, energy and joint venture developments which have all involved RMA components. Loretta has advised government agencies, Ministers and Select Committees on a range of public law issues.

Loretta Lovell has worked with Maori organisations and has a strong understanding of tikanga issues. She has advised clients on cultural impact reports, mitigation of resource consent issues, and iwi and hapu mandates.

Section 9 (2)(a)

Deputy Chief Judge Caren Fox

Caren Fox (Deputy Chief Judge Māori Land Court) of Ngati Porou descent was appointed in 2000 as a Judge of the Māori Land Court resident in the Tairāwhiti and Wairariki districts and to the Waitangi Tribunal. She was appointed as an Alternate Environment Judge in 2009. Prior to her first appointment as a judge, she had been a Lecturer in law at Victoria University, and a Senior Lecturer in law and Director of Graduate Studies at the University of Waikato. In addition, she acted as legal counsel for Treaty claimants and Māori land clients. She was appointed Deputy Chief Judge of the Māori Land Court in February 2010.

Judge Fox was a Harkness Fellow to the USA from 1991 to 1992 and a Pacific Fellow in Human Rights Education employed by the Commonwealth Fund for Technical Co-operation 1997-1999. She won the NZ Human Rights Commission 2000 Millennium Medal.

Judge Fox was a member of the Board of Inquiry into the Wiri Men's Prison proposal.

Rauru Kirikiri

Rauru Kirikiri is of Te Whānau-a-Apanui descent. He is currently self-employed, based in Wellington. He is fluent in both oral and written Māori. Previous roles include Deputy CEO and Director of Policy at the Ministry of Māori Affairs. He currently specialises in Māori-related issues, including policy development, strategic planning, science research project management, and also provides cultural support for Office of Treaty Settlement negotiations. Rauru has also worked as a resource consent hearings commissioner in Local Government, on developments such as wind farms, effluent discharges, wastewater treatment, and subdivision, along with Water Conservation Orders on Lake Ellesmere and the Rakaia River, and the Hurunui Waiau River Regional Plan.

Rauru holds the Making Good Decisions accreditation, and would bring a high level of experience in both Tikanga Māori and resource management issues to any potential board of inquiry.

The Honourable Sir Douglas Kidd

The Honourable Sir Douglas Kidd holds a Bachelor of Laws from Victoria University. He is currently employed part-time as a member of the Waitangi Tribunal, having been first appointed to the Tribunal in 2004, and now in this third term.

Sir Douglas was the Member of Parliament for Marlborough/Kaikoura from 1978-1999. He was a Member of Cabinet from 1990-1996 and during this time held a variety of portfolios including Fisheries, Energy, Labour and Māori Affairs. Sir Douglas chaired the Ministerial Advisory group on aquaculture reforms. He has experience in governance and national level decision-making. He has experience and interest in water

resource issues through his time as Member of Parliament, and experience in the construction of large dams through his work on the legislation for construction of the Clyde Dam project.

Sir Douglas has recently obtained the Making Good Decisions accreditation and while he has minimal RMA board of inquiry experience, he has experience in chairing boards dealing with large and complex matters and would bring this experience to any potential board of inquiry.

Alan Titchener

Alan Titchener is a Fellow of the New Zealand Institute of Landscape Architects with 24 years' experience in landscape architecture and landscape planning. Alan is a former president of the New Zealand Institute of Landscape Architects and the Asia Pacific Region of the International Federation of Landscape Architects. He has substantial experience with cultural landscape matters having served a member of the International Federation of Landscape Architects Cultural Landscape Committee. Alan is affiliated to Ngai Tahu and is currently Chair of Te Tau-a-Nuku, a Maori landscape architects group.

Alan would bring a high level of expertise and experience in both landscape planning, including cultural landscape matters, to any potential board of inquiry. Whilst he does not have previous board experience, he has substantial hearing experience as an expert witness. Alan is also a Havelock North resident and would bring local knowledge to a board of inquiry.

Hydrology

Dr Alexander Sutherland (suggested board member)

Dr Alex Sutherland was appointed as an Environment Commissioner in 2005. He holds a Bachelor of Engineering (1st Class Honours) and a Master of Engineering from the University of Auckland, and a PhD in Civil Engineering and Mathematics from Caltech. In 1967 he joined the University of Canterbury as a lecturer in Civil Engineering carrying out teaching and research in hydraulic and coastal engineering. He was Dean of Engineering from 1987 - 2005. He served on the University Council for 10 years and as a member of the Senior Management team in 2004-2005. As an auditor for the Academic Audit Unit he chaired academic audits of the Universities of Auckland and Otago. From 1980 until 1989 he was an elected member of the North Canterbury Catchment Board. He has acted many times as an independent commissioner for a number of Regional and Local Councils. Dr Sutherland is a Distinguished Fellow of the Institution of Engineers New Zealand and served on its Council for 12 years.

In 2005 Dr Sutherland was made an Officer of the New Zealand Order of Merit in the Queen's Birthday Honours.

Dr James (Jim) Cooke (suggested board member)

Dr Jim Cooke is currently a Director at Diffuse Sources Limited. Previous roles include Project Manager at Beca Infrastructure and Research Scientist at NIWA. Jim holds a Doctor of Philosophy from Oxford University in the United Kingdom, a Master of Philosophy and Diploma in Agricultural Science from Massey University, and a Bachelor of Science from the University of Waikato. Jim has over 35 years' experience in environmental sciences, including water quality and ecosystem management, water storage, abstraction and

irrigation effects, nutrient cycling in aquatic systems, resource management and environmental project management. Jim has strong experience in RMA matters, including through hearings as commissioner or expert witness, and through providing advice.

Jim holds the Making Good Decisions accreditation and was appointed to the Board of Inquiry on the 'cubicle dairy' applications in the Mackenzie Basin in 2010.

Dr Cooke would bring a high level of experience and technical expertise in water resources and ecosystem management to any potential board of inquiry.

Dr Greg Ryder

Dr Greg Ryder is an environmental scientist and Director of Ryder Consulting Ltd. He holds a Doctor of Philosophy in Zoology from the University of Otago, and a Bachelor of Science (first class honours in Zoology). He has 18 years' experience as an ecological consultant in the effects of agricultural land use, irrigation and hydro-electric schemes. Greg has assessed the ecological and water quality effects of a number of projects including the Opuha Dam, wastewater treatment plants, irrigation schemes and water storage dams. Greg holds the Making Good Decisions accreditation.

Dr Ryder would bring a high level of expertise and experience in freshwater ecology and freshwater management to a potential board of inquiry. While he does not have previous board experience, he has extensive hearing experience as both an expert witness and as an independent commissioner.

Susan Harris

Susan Harris is an environmental scientist and Director of GreenXperts Ltd and Green Tick Certification Ltd. She holds a Bachelor of Science (Honours) from the University of Otago. She has 25 years' experience as an environmental scientist, planner and policy analyst. She has worked on surface and groundwater monitoring for power generation and irrigation projects and is experienced in developing and implementing environmental management systems and plans, environmental risk and sustainability assessments and large scale strategic planning. Susan also has experience working on projects related to water quality and nutrient flows.

Although Susan does not have previous board of inquiry experience, she has experience processing resource consents and has appeared before the Environment Court as an expert witness. Susan would bring a high level of experience in environmental science, planning and project management.

Civil engineering

Section 9 (2)(a)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Environment Commissioner Russell Howie

Russell Howie was appointed an Environment Commissioner in July 2001. He holds the degree of Bachelor of Civil Engineering from Canterbury University. He has been an Independent Commissioner under the RMA for Councils in the Wellington region. He has been involved in the design and construction of dams, irrigation schemes and in the allocation of water resources. He was the Project Manager for the strengthening of the Matahina Dam.

Commissioner Howie was a member of the board of inquiry that heard and decided on the Transmission Gully Plan Change and Transmission Gully resource consents and notices of requirement applications.

David Jennings

David Jennings is a self-employed independent professional engineer. Previous roles include as General Manager Technical at Opus International Consultants Limited. David has 39 years' experience in civil and geotechnical engineering specifically. He holds a Bachelor of Engineering (Civil) (Honours) from the University of Canterbury, and a Masters of Science (Engineering) (Distinction) from the Imperial College, London. David has a keen interest in water-related projects and has worked on a wide variety of dam, canal, stream and irrigation projects. David worked on the Clyde Power Project in 1977-78, and on the Maniototo Irrigation Scheme in Central Otago in 1984.

David has recently completed the Making Good Decisions accreditation, however he does not currently have hearings experience or board of inquiry experience. David would however, bring a high level of experience and expertise in civil engineering to any potential board of inquiry.

Tim Pike

Tim Pike is a Chartered Professional Engineer with over 20 years' experience in a range of engineering fields, including civil design, stormwater management, structural design (including water reservoirs) and land development engineering. Previous roles have involved project leadership and responsibilities, along with dispute resolution and independent advisor roles. Tim has a particular interest in the fire engineering field, and is a member of the Society of Fire Protection Engineers. Tim is based in Hastings, and is a member of Hawke's Bay branch of IPENZ.

Alan Bickers

Alan Bickers is currently self-employed. His previous roles over the past 17 years relate to the provision of project management, governance, dispute resolution and independent commissioner services. Alan was

Chief Executive of Tauranga District Council from 1989-1995. Alan holds a Bachelor of Engineering (Civil) from Auckland University, a Graduate Diploma of Business Studies (Dispute Resolution) from Massey University, and is a Chartered Professional Engineer. Alan has extensive experience as Hearings Commissioner on various developments including water resources, energy generation and public infrastructure projects. Alan has particular expertise in evaluating technical issues relating to engineering. Alan is also a qualified arbitrator and mediator. These skills would be valuable to a potential board of inquiry.

Alan holds the Making Good Decisions accreditation, with a chairing endorsement, and is currently undergoing re-accreditation.

Local

Veronica Chalmers

Veronica Chalmers has expertise in water policy and law for water infrastructure (irrigation and urban services), and water resources management, in New Zealand and internationally.

Veronica has been involved in Treaty of Waitangi and common law claims by Maori to water and resource management and is familiar with inquisitorial processes through work before the Waitangi Tribunal.

Veronica is experienced in RMA law and processes, particularly relating to water. Veronica is a Hastings resident and is familiar with the Hawke's Bay in terms of water issues and the broader socio-economic context.

John Hudson

John Hudson resides in the Hawke's Bay and has over 30 years' experience in landscape architecture, specialising in landscape character assessment, Outstanding Natural Landscapes and amenity values. He is a qualified hearings commissioner, and was appointed to the Board of Inquiry for the Turitea Wind Farm Proposal. He has experience in the Environment Court, appearing as an expert witness for both applicants and councils across New Zealand.

John holds the Making Good Decisions accreditation with Merit, and a Chairing Endorsement. John brings local knowledge and landscape and visual effects expertise to any potential board of inquiry.

Ecology / Water

Jan Riddell

Jan Riddell has over 30 years' experience in natural resource management, including planning, hydrology, ecosystems and biodiversity. Jan is a sheep farmer and has been an Environment Southland councillor since 2011 (and previously from 1989 to 1995).

Jan served 11 years on the Southland Conservation Board in the 1990s/early 2000s and was chair for 8 of those years. She is the Planner for the [Waiiau Fisheries and Wildlife Habitat Enhancement Trust](#) on a part-time basis, and chairs the Waiiau Working Party.

In the past she has done contract planning and policy work for the Southland Fish and Game Council.

Jan holds Making Good Decisions accreditation, and was recently appointed as a member of the NZ Conservation Authority.

Dr Judith Roper-Lindsay

Dr Judith Roper-Lindsay is currently self-employed and resides in Rangiora, Canterbury. Judith holds a Doctor of Philosophy in Botany and a Bachelor of Science in Botany and Zoology (Ecology) from the University of Durham, England. She is a Certified Environmental Practitioner, and a member of the Environment Institute of Australia and New Zealand.

Judith has worked on a range of large developments – including a quarry, mine, hydro-electric power generation facilities, irrigation projects, water management schemes, and biodiversity restoration activities. Judith has also presented evidence at hearings and provided advice on changes to District Plans and Regional Plans. She has recently been part of the Department of Conservation's ecologist consultation group on Biodiversity Offsetting.

Judith Roper-Lindsay's Making Good Decisions accreditation (obtained in 2007) has lapsed, and she does not have experience as a hearing commissioner or as a member of a board of inquiry, however Judith would provide a potential board with a depth and breadth of terrestrial and aquatic ecology expertise.

Professor Jon Harding

Professor Jon Harding is currently employed by the University of Canterbury as an Associate Dean of Postgraduate Research. He holds a Doctor of Philosophy in Zoology, a Masters in Zoology (with Honours), a Bachelor of Science from the University of Canterbury, and a Diploma of Teaching from the Canterbury College of Education. Jon has recently held appointments on two Water Management Committees in Canterbury, and was on the Board of Inquiry into the National Policy Statement on Freshwater Management. Jon has also held positions on a number of Government expert panels on freshwater issues. He has particular expertise in the impacts of land use activities on freshwater ecology, particularly relating to hydro development. Jon Harding has indicated he will have teaching commitments during part of the year, particularly during June to September.

Jon does not currently hold the Making Good Decisions accreditation.

Jon would bring a high level of experience and technical expertise in freshwater ecology to any potential board of inquiry.

Dr Brent Cowie

Dr Brent Cowie is a self-employed resource management consultant with 30 years' experience in environmental management, policy analysis and senior corporate management in local and central government. Dr Cowie's specialist areas include: acting as a hearing commissioner, chairing hearing committees and decision writing, policy analysis and review, strategic analysis, water resource management, investigation and reporting of complex environmental and corporate issues, the development of emergency management plans and procedures, and management of natural hazards.

Dr Cowie's expertise includes all aspects of water management, particularly surface water and discharges. He also has expertise in freshwater ecology.

Dr Cowie does not have any previous experience on boards of inquiry but holds the Making Good Decisions accreditation with Chair endorsement.

Agriculture

Jenni Vernon

Jenni Vernon has experience as a hearing commissioner for RMA matters and holds the making good decisions accreditation. From 2004 to 2007 she was chair of Environment Waikato Regional Council, has worked as an independent commissioner, and has been a member of the Board of Inquiry for the National Policy Statement for Freshwater Management.

She also has an extensive background in farming and rural leadership. Issues covered during her time with Environment Waikato included biosecurity, river and catchment schemes for the Waikato River and Lake Taupo, the Clean Streams Project, natural heritage funding, and policy development for geothermal and coastal natural resources.

Jenni was chair of the Lake Taupo Joint Committee overseeing the lake's restoration, was a member of the Water, Biosecurity, and Representation sub-committees for the Local Government Regional Affairs Committee. Jenni was a member of the board of inquiry into the Tauhara II Geothermal Power Station application.

From: [Guy Kerrison](#)
To: [Shaun Lewis](#); natasha.tod@mfe.govt.nz
Cc: [Fay Holdom](#)
Subject: RE: Additional candidates for potential board of inquiry
Date: Thursday, 16 May 2013 10:05:37 a.m.

thanks Shaun. Nothing to add from us.

cheers Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Wednesday, 15 May 2013 3:48 p.m.
To: natasha.tod@mfe.govt.nz; Guy Kerrison
Cc: Fay Holdom
Subject: Additional candidates for potential board of inquiry

Hi Natasha and Guy

Attached is an updated list of candidates for a potential board of inquiry for the Tukituki Catchment Proposal. The format follows a discussion with Tim at Minister Adam's office. He asked for another Board recommendation, with information about others we have screen so that the Ministers can move candidates around if they wish. We have attempted to meet the requirements of the Ministers as well as the Act.

I am working on a memo that will form the basis of this information getting to the Minister's offices (Tim is going to coordinate that). I'll send that as soon as I'm done, but I thought you might like to see the candidates and socialise within your own organisations as early as possible.

If you could get back to me early tomorrow morning (10am) with any comments/changes I'd be grateful.

Regards
Shaun

Shaun Lewis

Project Leader, Resources
APPLICATIONS AND ASSESSMENT

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From: [Shaun Lewis](#)
To: [Natasha Tod](#)
Cc: [Guy Kerrison \(gkerrison@doc.govt.nz\)](mailto:GKerrison@doc.govt.nz)
Subject: RE: Tukituki potential board members
Date: Thursday, 16 May 2013 10:53:52 a.m.
Attachments: [image001.png](#)

Thanks for your comments Natasha. I'm working through them now. I hope to have a full draft of the memo by lunchtime.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob + S9(2)(a)

From: Natasha Tod [mailto:Natasha.Tod@mfe.govt.nz]
Sent: Thursday, 16 May 2013 10:01 a.m.
To: Shaun Lewis
Subject: Tukituki potential board members

Morena Shaun

Couple of comments:

Can you highlight in some way the recommended board in the list of bios. This will make it easier for the Ministers to compare who's propose with other options with similar areas of expertise.

Some people appear to be misplaced in experience categories which is not substantiated from their bios (bios should highlight key relevant experience).. We highlighted most of these areas in the attached.

In addition some appear under headings which doesn't appear to be their main skill/experience area (e.g Greg Ryder and Jim Cooke, am concerned this may relate to others which we are less familiar with).

There are possibly too many names being put up, however we appreciate you are trying to meet a range of needs.

Both Kevin and I would like to see the next version before it goes to the Minister's office. Can you please give us an update on timing for this please.

thanks

Natasha Tod – Manager, Resource Management Tools team
Ministry for the Environment – Manatu Mo Te Taiao
DDI: 04 439 7716 Mob: S9(2)(a) Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143

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From: Guy Kerrison <gkerrison@doc.govt.nz>
Sent: Friday, 17 May 2013 9:57 a.m.
To: Shaun Lewis
Cc: natasha.tod@mfe.govt.nz; Doris Johnston
Subject: RE: memorandum to ministers on potential board candidates

Thanks Shaun. I have discussed the paper with Doris and she is happy for it to go directly to the Ministers' offices. No need for anything in writing from her.

regards Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*
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From: Shaun Lewis [<mailto:Shaun.Lewis@epa.govt.nz>]
Sent: Thursday, 16 May 2013 5:10 p.m.
To: Guy Kerrison
Cc: natasha.tod@mfe.govt.nz
Subject: RE: memorandum to ministers on potential board candidates

Hi Guy and Natasha

Thanks for your comments throughout the day. I appreciate your input to the paper.

MFE have confirmed that they are happy for the paper to go straight to the Ministers' offices. Guy can you please let me know if that is the same for DoC. I'd appreciate something in writing – email is fine – from Kevin and Doris just to say that they have seen the paper and are happy with it. They could send that directly to Sarah Gardner if they prefer.

Many thanks
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob + **S9(2)(a)** •

From: Guy Kerrison [<mailto:gkerrison@doc.govt.nz>]
Sent: Thursday, 16 May 2013 3:56 p.m.
To: Shaun Lewis
Subject: FW: memorandum to ministers on potential board candidates

Shaun, Looks good. Just a few typos from us.

cheers Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group

Department of Conservation—*Te Papa Atawhai*

DDI: +64 4 494 1470, mobile **S9(2)(a)**

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From: Shaun Lewis [<mailto:Shaun.Lewis@epa.govt.nz>]

Sent: Thursday, 16 May 2013 2:26 p.m.

To: natasha.tod@mfe.govt.nz; Guy Kerrison

Subject: memorandum to ministers on potential board candidates

Hi Natasha and Guy

Here is the draft of the memo to both Ministers. It is with Sarah G now for comment, so I'd appreciate any feedback as soon as you are able. I've addressed your comments Natasha, but let me know if there is anything else.

Cheers

Shaun

Shaun Lewis

Project Leader, Resources

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From: [Tim Bennetts](#)
To: [Gavin Rodley \(MIN\)](#); [Shaun Lewis](#)
Subject: RE: Tukituki Catchment Proposal - Minor changes to outfall structure consents
Date: Friday, 17 May 2013 3:17:43 p.m.

Thanks Shaun

Cheers
Tim

Tim Bennetts

Private Secretary for Environment
Office of Hon Amy Adams, Minister for the Environment
Parliament Buildings | Wellington | New Zealand
Phone | + [S9\(2\)\(a\)](#) (DDI) Mobile | + [S9\(2\)\(a\)](#)

From: Gavin Rodley (MIN)
Sent: Friday, May 17, 2013 1:17 PM
To: 'Shaun Lewis'; Tim Bennetts
Subject: RE: Tukituki Catchment Proposal - Minor changes to outfall structure consents

Thanks – all good.

Yours sincerely

Gavin Rodley
Private Secretary for Conservation
Office of the Hon Dr Nick Smith
Telephone: [S9\(2\)\(a\)](#) (direct dial)
Facsimile: [S9\(2\)\(a\)](#)
Mobile: [S9\(2\)\(a\)](#)
Email: gavin.rodley@parliament.govt.nz

From: Shaun Lewis [<mailto:Shaun.Lewis@epa.govt.nz>]
Sent: Friday, May 17, 2013 1:15 PM
To: Tim Bennetts; Gavin Rodley (MIN)
Subject: Tukituki Catchment Proposal - Minor changes to outfall structure consents

Dear Tim and Gavin

The Hawke's Bay Regional Investment Company – applicants for the Ruataniwha Water Storage Schedule, part of the Tukituki Catchment Proposal – have advised us of some errors in their application document. The errors will need to be changed. These changes proposed by the applicant are minor and do not change the text of the body of our recommendation or direction. However, appendix B to the recommendation does list the matters, including map references. This does not affect our recommendation on national significance or direction. We will correct the errors in consultation with the applicant. We will provide you with an updated recommendation document for your records.

Regards

Shaun

Shaun Lewis

Project Leader, Resources

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From: [Guy Kerrison](#)
To: [Shaun Lewis](#)
Subject: RE: Ruataniwha Board Appointee Paper to Gavin Rodley
Date: Friday, 17 May 2013 4:54:21 p.m.

thanks Shaun

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*
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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Friday, 17 May 2013 3:52 p.m.
To: natasha.tod@mfe.govt.nz; Guy Kerrison; [S9\(2\)\(a\)](#) @mfe.govt.nz
Subject: FW: Ruataniwha Board Appointee Paper to Gavin Rodley

FYI

Shaun Lewis
Environmental Protection Authority

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From: Shaun Lewis
Sent: Friday, 17 May 2013 3:52 p.m.
To: paul.jansen@parliament.govt.nz; Tim Bennetts (tim.bennetts@parliament.govt.nz)
Cc: Gavin Rodley (MIN)
Subject: RE: Ruataniwha Board Appointee Paper to Gavin Rodley

Hi Tim and Paul

Here is the memorandum to the Minister with additional options for a potential board of inquiry for the Tukituki Catchment Proposal. Please give me a call if you have any questions or if we can provide further clarification.

Regards

Shaun

Shaun Lewis
Project Leader, Resources
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MEMORANDUM

File Ref: NSP 28 02

To: Tim Bennetts and Gavin Rodley
Copy To: Kevin Currie, Doris Johnston
From: Sarah Gardner
Date: 17 May 2013
Subject: Additional candidates for a potential board of inquiry for the Tukituki Catchment Proposal

Purpose

1. This memo provides additional candidates for the Environment and Conservation Ministers to consider for a potential board of inquiry for the Tukituki Catchment Proposal.

Background

2. On 21 March 2013 we briefed the Minister for the Environment on the process for screening potential board of inquiry members. In response to that briefing the Minister directed us to screen for a five member board with the following skills and experience:
 - a Options for both a retired High Court Judge and an Environment Judge;
 - b Planning;
 - c Water quality, nutrient management, and terrestrial and aquatic ecology (as a combined skill set);
 - d Civil engineering, specifically with regard to large dams;
 - e Tikanga Maori; and
 - f Knowledge of the Land and Water Forum (which the Minister indicated was optional).
3. On 7 May 2013 we briefed the Ministers on options for a potential board of inquiry for the Tukituki Catchment Proposal, should the Ministers direct the matters to one. In that briefing we put forward one option for a board chairperson, four recommended members and three alternate members.
4. On 10 May 2013 we were advised that the Ministers requested more options for a potential board of inquiry. Specifically they requested:
 - a Another option for a board chairperson;
 - b More women candidates;
 - c Two local candidates;
 - d Candidates with hydrology knowledge (Environment Commissioner Dr Alexander Sutherland was specifically mentioned); and
 - e Candidates with knowledge of the agricultural sector.

5. Based on the feedback from the Ministers we have re-reviewed our database of possible candidates, sought further suggestions from local authorities, discussed further options with the Ministry for the Environment and Department of Conservation, and searched more broadly for suitable candidates.
6. We have revised our suggestion for the composition of a board. In addition to this we have included several alternative candidates for each of the attributes the Ministers have directed we include. This information is provided in Appendix One. We have included a short biography for all of the candidates in Appendix Two.

Recommended Board

7. For a board of five members to represent all of the skills, knowledge and attributes required by both Ministers and of the Resource Management Act (RMA), at least some of the potential candidates will need to have skills and knowledge in more than one of those areas. Appendix One contains summary tables that indicate which attributes each of the candidates would bring to a board of inquiry.
8. Table One in Appendix One lists the potential candidates for a suggested board taking into consideration the requirements of both Ministers and of the RMA. Table Two in Appendix One provides a summary of additional candidates that we have screened and who are interested and available for a board of inquiry for the Tukituki Catchment Proposal, should the matters be directed to one.

Recommended candidates

Judge Whiting

9. We have suggested Judge Whiting again as a chairperson as we believe he has the skills, experience and mana necessary to oversee this potential board. Judge Whiting has experience with complex plan changes (the New Zealand King Salmon Proposal) and will be appointed as an advisor to the Environment Court in the event that there are appeals to the Hawke's Bay Regional Council's Regional Policy Statement (RPS) Change. The workload that this proposal may require is likely to be high. As Judge Whiting is now retired he is in a good position to manage the demands of this proposal and any appeals to the Environment Court on the RPS changes.
10. A possible alternative chairperson is Judge Smith. Judge Smith has been confirmed by the Principal Environment Judge as being available for a potential board of inquiry. Judge Smith was the chairperson for the Hauāuru mā raki Wind Farm Proposal Board of Inquiry.

Loretta Lovell

11. We are proposing Loretta Lovell as a potential board member, principally for her Tikanga Maori background but also her local knowledge. Although Loretta is of Ngati Kahungunu descent, her taiwhenua is Wairoa, which is not directly affected by the Tukituki Catchment Proposal. Therefore we do not consider that Loretta has a conflict of interest. Loretta has lived and worked in the Hawke's Bay and continues to own property there. She has also been involved in resource management related projects in that region. Loretta would bring legal experience and contribute to the gender balance of a board.

12. Possible alternative members for Loretta Lovell are:

- a Veronica Chalmers who also has legal expertise. Veronica would also contribute to meeting Minister Smith's requirements for two local candidates as she is a Hawke's Bay resident, and further balance the gender make-up of a board; or
- b Alan Titchener who is affiliated with Ngai Tahu, but lives in Havelock North. He also brings local knowledge to a potential board. Appointing Alan would not contribute to the gender balance of the board; or

[REDACTED]
[REDACTED] Section 9 (2)(a)
[REDACTED]

- d Deputy Chief Judge Caren Fox of the Maori Land Court who would bring Tikanga Maori expertise to a potential board as well as extensive judicial experience. Judge Fox also holds an Environment Court warrant, and is an Alternate Environment Judge. Judge Fox was a member of the Board of Inquiry into the Wiri Men's Prison proposal. Appointing Judge Fox would result in a loss of the local knowledge that Loretta offers, but does assist with achieving a gender balance on a board; or
- e Rauru Kirikiri who would bring Tikanga Maori expertise to a potential board. Rauru was nominated by the Hastings District Council and the Central Hawke's Bay District Council. Appointing Rauru would not contribute to the gender balance of a board and would result in a loss of local knowledge; or
- f Sir Douglas Kidd who would bring Tikanga Maori expertise to a potential board of inquiry, as well as national level decision making. Appointing Sir Douglas would not contribute to the gender balance of a board and result in a loss of local knowledge.

Environment Commissioner Russell Howie

13. We are proposing Environment Commissioner Russell Howie principally for his engineering and RMA knowledge and expertise. He holds the degree of Bachelor of Civil Engineering from Canterbury University. Russell has been involved in the design and construction of dams, irrigation schemes and in the allocation of water resources and was the Project Manager for the strengthening of the Matahina Dam. Russell was a member of the Board of Inquiry that heard and decided the Transmission Gully plan change and Transmission Gully resource consents and notices of requirement applications.

14. Possible alternatives for Russell Howie are:

- a David Jennings who is a self-employed independent professional engineer. David has 39 years experience in civil and geotechnical engineering specifically. Appointing David would result in a loss of hearing and board of inquiry experience; or

b [REDACTED]
[REDACTED] Section 9 (2)(a)
[REDACTED]
[REDACTED]

- c Tim Pike who has 20 years experience in a range of engineering fields, including civil design, stormwater management, structural design (including water reservoirs) and land development engineering. Tim would bring local knowledge to a board. However he does not have any hearing experience; or

- d Alan Bickers who is an engineer and has extensive experience as a hearings commissioner on various developments including water resources, energy generation and public infrastructure projects. Alan has particular expertise in evaluating technical issues relating to engineering. Alan is also a qualified arbitrator and mediator.

Environment Commissioner Dr Alexander Sutherland

15. The Principal Environment Judge has confirmed the availability of Environment Commissioner Dr Alexander Sutherland as a potential board member, as requested by Minister Smith. Alexander has extensive qualifications and experience in civil engineering. He is experienced in the areas of hydraulics and coastal engineering, although not specifically dam engineering. Alexander has acted many times as an independent commissioner for a number of Regional and Local Councils. However Alexander is not a hydrologist.
16. A possible alternative member for Dr Sutherland is:
- a Susan Harris who would bring expertise in hydrology, water quality and nutrient flows. Susan would also further balance a potential board's gender make-up.

Dr James (Jim) Cooke

17. We have previously suggested Dr Jim Cooke who brings a broad range of skills and knowledge to a potential board. Jim has experience in water quality and ecosystem management, water storage, abstraction and irrigation effects, nutrient cycling in aquatic systems and resource management. In addition to these skills Jim has strong secondary skills in hydrology and an Agricultural Sciences degree, which contributes to Minister Smith's requirement for a board to have agricultural expertise. We consider that Jim would contribute to many of the skill areas required by Ministers and the RMA.
18. Possible alternatives for Jim are:
- a Dr Greg Ryder who would bring a high level of expertise and experience in freshwater ecology and freshwater management to a potential board of inquiry. Appointing Greg would not add to the hydrological or agricultural expertise of a board; or
- b Dr Judith Roper-Lindsay who would bring water quality and ecology expertise to a board. Judith has worked on a range of large developments – including a quarry, mine, hydro-electric power generation facilities, irrigation projects, water management schemes, and biodiversity restoration activities. Judith would also contribute to the gender balance of the board. Appointing Judith would not add to the hydrological or agricultural expertise of a board; or
- c Professor Jon Harding who has particular expertise in the impacts of land use activities on freshwater ecology, particularly relating to hydro development. Jon was on the Board of Inquiry for the National Policy Statement on Fresh Water Management which would add to the overall experience of a board. Appointing Jon would not add to the hydrological or agricultural expertise of a board; or
- d Dr Brent Cowie whose expertise includes all aspects of water management, particularly surface water and discharges. Brent also has expertise in freshwater ecology. Brent was put forward by the Hawke's Bay Regional Council (in their capacity as a regulator, not as the applicant). Appointing Brent would not add to the hydrological or agricultural expertise of a board.

Agricultural and local knowledge

19. At present Dr Jim Cooke is the only candidate we have recommended who has agricultural experience. This is based on his Agricultural Sciences degree and recent experience with on farm nutrient modelling. Jenni Vernon is the only other candidate we have screened who has a strong background in agricultural sciences and rural leadership. One option would be to exchange Alexander Sutherland for Jenni Vernon. This would strengthen the agricultural knowledge of a board and add to its gender balance. Jenni also has hearing and board of inquiry experience as a member of the Board of Inquiry on Tauhara II Geothermal Power Station and the Board of Inquiry for the National Policy Statement for Freshwater Management. The loss of Alexander Sutherland's expertise could be covered by Jim Cooke or Susan Harris.
20. At present the only additional option other than those recommended for a local person on a board is John Hudson. John resides in the Hawke's Bay and has over 30 years experience in landscape architecture, specialising in landscape character assessment, outstanding natural landscapes and amenity values. He is a qualified hearings commissioner, and was appointed to the Board of Inquiry for the Turitea Wind Farm Proposal. He has experience in the Environment Court, appearing as an expert witness for both applicants and councils across New Zealand. We do not consider that John's area of expertise is as critical for a board of inquiry as the other skills listed above.

Summary

21. In the event that you decide to change the make-up of the board we have suggested, we have included the names of all candidates we have screened in Appendix One Table Two that are available and not conflicted. All of these candidates have the appropriate skills and experience.
22. In deciding whether or not to substitute the candidates we have suggested, you will need to consider the composite skills, knowledge and attributes of a board. Substituting may result in skill or knowledge gaps in a board. If these skills or knowledge are desirable but missing from among its members, they may need to be contracted in by using advisors to the board, potentially adding cost to the proposal.

Recommendation

Please indicate your preference for:

Chairperson

Either Retired Environment Judge Gordon Whiting*

Yes/No

Or Environment Judge Jeffrey Smith

Yes/No

Recommended board members

Hydrology

Susan Harris

Yes/No

Tikanga

Loretta Lovell

Yes/No

Veronica Chalmers

Yes/No

Alan Titchener

Yes/No

██████████ Section 9 (2)(a)

Yes/No

Deputy Chief Judge Caren Fox

Yes/No

Rauru Kirikiri**

Yes/No

Hon Sir Douglas Kidd*

Yes/No

Engineering

Environment Commissioner Russell Howie*

Yes/No

Environment Commissioner Dr Alexander Sutherland

Yes/No

David Jennings

Yes/No

██████████ Section 9 (2)(a)

Yes/No

Tim Pike

Yes/No

Alan Bickers*

Yes/No

Water quality / ecology

Dr Jim Cooke*

Yes/No

Dr Greg Ryder

Yes/No

Dr Judith Roper-Lindsay

Yes/No

Professor Jon Harding

Yes/No

Dr Brent Cowie**

Yes/No

* Previously recommended by the EPA

** Nominated by local authority

Local

John Hudson

Yes/No

Agriculture

Jenni Vernon

Yes/No

* Previously recommended by the EPA

** Nominated by local authority



Sarah Gardner

17.5.2013

Date

General Manager, Applications and Assessment

Environmental Protection Authority

Hon Amy Adams

Date

Minister for the Environment

Hon Dr Nick Smith

Date

Minister of Conservation

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Appendix One: Candidate skills

Table One: Suggested Board

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Chair								
Ret Environment Judge Gordon Whiting*	✓	✓	✓					
Members								
Loretta Lovell	✓		✓					
Environment Commissioner Russell Howie*	✓	✓			✓			
Environment Commissioner Dr Alexander Sutherland	✓	✓			✓			
Dr Jim Cooke*	✓	✓		✓			✓	✓

* Previously recommended by the EPA

Table Two: Alternate Options – each candidate appears according to their primary skill.

Candidates	RMA/ Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Chair								
Retired Environment Judge Gordon Whiting*	✓	✓	✓					
Environment Judge Jeffrey Smith	✓	✓						
Members								
Hydrology								
Susan Harris	✓	✓		✓			✓	
Tikanga								
Loretta Lovell	✓		✓			✓		
Veronica Chalmers	✓		✓			✓		
Alan Titchener	✓		✓			✓		
Section 9 (2)(a)	✓	✓	✓					
Deputy Chief Judge Caren Fox	✓	✓	✓					
Rauru Kirikirī* / **	✓	✓	✓					
Hon Sir Douglas Kidd*	✓	✓	✓					

* Previously recommended by the EPA

** Nominated by local authority

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Engineering								
Environment Commissioner Russell Howie*	✓	✓			✓			
Environment Commissioner Dr Alexander Sutherland***	✓	✓			✓			
David Jennings	✓				✓			
Section 9 (2)(a)	✓				✓			
Tim Pike					✓	✓		
Alan Bickers*	✓	✓			✓			
Water quality / ecology								
Dr Jim Cooke*	✓	✓					✓	✓
Dr Greg Ryder	✓	✓					✓	
Dr Judith Roper-Lindsay	✓						✓	
Professor Jon Harding		✓					✓	
Dr Brent Cowie**	✓	✓					✓	
Local								
John Hudson	✓	✓						
Agriculture								
Jenni Vernon (MNZM)	✓	✓						✓

* Previously recommended by the EPA

** Nominated by local authority

***Environment Commissioner Alexander Sutherland was originally put forward as a hydrologist. However his expertise is in engineering specifically hydraulics and coastal/engineering

Appendix Two: candidate biographies

Chairperson

Judge Gordon Whiting (suggested board Chairperson)

Judge Gordon Whiting was appointed to the Environment Court in 1997, and retired in 2012. As both a District Court and Environment Court Judge, Judge Whiting brings extensive judicial expertise and a wide range of experience in resource management law.

Judge Whiting has presided over a number of significant and varied resource management cases. Many of the cases have not only had economic impacts, but have also involved cases with conflicting public and private interests. He recently chaired the Board of Inquiry into the New Zealand King Salmon proposal, and also chaired the Te Mihi Geothermal Power Station Board of Inquiry and the Tauhara II Geothermal Power Station Board of Inquiry.

Judge Whiting is fluent in te reo and has been a decision maker on matters where Tikanga Maori has been a substantial consideration.

Judge Jeff Smith

Judge Jeff Smith was appointed to the Environment Court in July 2000. He is based in Auckland. He was born in Rotorua and completed his education at Kamo High School, Whangarei. He holds an LLB from Auckland University, obtained in 1981, and is a member of the Chartered Institute of Arbitrators London (associate from 1986) and a Foundation Associate of the Arbitrators and Mediators Institute of New Zealand. He practised in Tauranga from 1981, first with Sharp Tudhope, and from 1995 until his appointment in 2000 as a Barrister, sole. Judge Smith has presided over a large number of cases including appeals relating to hydro and wind (Mahinerangi) power generation, coastal issues and sensitive landscapes including the Banks Peninsula landscape case. Judge Smith chaired the Board of Inquiry into the Hauāuru mā raki Wind Farm proposal.

Hydrology

Susan Harris

Susan Harris is an environmental scientist and Director of GreenXperts Ltd and Green Tick Certification Ltd. She holds a Bachelor of Science (Honours) from the University of Otago. She has 25 years' experience as an environmental scientist, planner and policy analyst. She has worked on surface and groundwater monitoring for power generation and irrigation projects and is experienced in developing and implementing environmental management systems and plans, environmental risk and sustainability assessments and large scale strategic planning. Susan also has experience working on projects related to water quality and nutrient flows.

Although Susan does not have previous board of inquiry experience, she has experience processing resource consents and has appeared before the Environment Court as an expert witness. Susan would bring a high level of experience in environmental science, planning and project management.

Susan does not have previous board of inquiry experience.

Tikanga

Loretta Lovell (suggested board member)

Loretta Lovell is of Ngati Kahungunu descent and is affiliated with the Wairoa taiwhenua. Loretta has 15 years' experience as a solicitor, including expertise in commercial law, energy and joint venture developments. This work has included extensive advice and work relating to the Resource Management Act and consenting. Loretta has advised government agencies, Ministers and Select Committees on a range of public law issues.

Loretta Lovell has worked with Maori organisations and has a strong understanding of tikanga issues. She has advised clients on cultural impact reports, mitigation of resource consent issues, and iwi and hapu mandates. Loretta has lived and worked in the Hawke's Bay and continues to own property there.

Loretta does not have previous board of inquiry experience.

Veronica Chalmers

Veronica Chalmers has expertise in water policy and law for water infrastructure (irrigation and urban services), and water resources management, in New Zealand and internationally.

Veronica has been involved in Treaty of Waitangi and common law claims by Maori to water and resource management and is familiar with inquisitorial processes through work before the Waitangi Tribunal.

Veronica is experienced in RMA law and processes, particularly relating to water. Veronica is a Hastings resident and is familiar with the Hawke's Bay in terms of water issues and the broader socio-economic context.

Veronica does not have previous board of inquiry experience.

Alan Titchener

Alan Titchener is a Fellow of the New Zealand Institute of Landscape Architects with 24 years' experience in landscape architecture and landscape planning. Alan is a former president of the New Zealand Institute of Landscape Architects and the Asia Pacific Region of the International Federation of Landscape Architects. He has substantial experience with cultural landscape matters having served a member of the International Federation of Landscape Architects Cultural Landscape Committee. Alan is affiliated to Ngai Tahu and is currently Chair of Te Tau-a-Nuku, a Maori landscape architects group.

Alan would bring a high level of expertise and experience in both landscape planning, including cultural landscape matters, to any potential board of inquiry. Whilst he does not have previous board experience, he

has substantial hearing experience as an expert witness. Alan is also a Havelock North resident and would bring local knowledge to a board of inquiry.

Section 9 (2)(a)

Deputy Chief Judge Caren Fox

Caren Fox (Deputy Chief Judge Māori Land Court) of Ngati Porou descent was appointed in 2000 as a Judge of the Māori Land Court resident in the Tairāwhiti and Waiariki districts and to the Waitangi Tribunal. She was appointed as an Alternate Environment Judge in 2009. Prior to her first appointment as a Judge, she had been a Lecturer in law at Victoria University, and a Senior Lecturer in law and Director of Graduate Studies at the University of Waikato. In addition, she acted as legal counsel for Treaty claimants and Māori land clients. She was appointed Deputy Chief Judge of the Māori Land Court in February 2010.

Judge Fox was a Harkness Fellow to the USA from 1991 to 1992 and a Pacific Fellow in Human Rights Education employed by the Commonwealth Fund for Technical Co-operation 1997-1999. She won the NZ Human Rights Commission 2000 Millennium Medal.

Judge Fox was a member of the Board of Inquiry into the Wiri Men's Prison proposal.

Rauru Kirikiri

Rauru Kirikiri is of Te Whānau-a-Apanui descent. He is currently self-employed, based in Wellington. He is fluent in both oral and written Maori. Previous roles include Deputy CEO and Director of Policy at the Ministry of Maori Affairs. He currently specialises in Maori-related issues, including policy development, strategic planning, science research project management, and also provides cultural support for Office of Treaty Settlement negotiations. Rauru has also worked as a resource consent hearings commissioner in Local Government, on developments such as wind farms, effluent discharges, wastewater treatment, and subdivision, along with Water Conservation Orders on Lake Ellesmere and the Rakaia River, and the Hurunui Waiau River Regional Plan.

Rauru holds the Making Good Decisions accreditation, and would bring a high level of experience in both Tikanga Maori and resource management issues to any potential board of inquiry.

Rauru does not have previous board of inquiry experience.

The Honourable Sir Douglas Kidd

The Honourable Sir Douglas Kidd holds a Bachelor of Laws from Victoria University. He is currently employed part-time as a member of the Waitangi Tribunal, having been first appointed to the Tribunal in 2004, and now in this third term.

Sir Douglas was the Member of Parliament for Marlborough/Kaikoura from 1978-1999. He was a Member of Cabinet from 1990-1996 and during this time held a variety of portfolios including Fisheries, Energy, Labour and Maori Affairs. Sir Douglas chaired the Ministerial Advisory group on aquaculture reforms. He has experience in governance and national level decision-making. He has experience and interest in water resource issues through his time as Member of Parliament, and experience in the construction of large dams through his work on the legislation for construction of the Clyde Dam project.

Sir Douglas has recently obtained the Making Good Decisions accreditation and while he has minimal RMA board of inquiry experience, he has experience in chairing boards dealing with large and complex matters and would bring this experience to any potential board of inquiry.

Sir Kidd does not have previous board of inquiry experience.

Civil engineering

Environment Commissioner Russell Howie

Russell Howie was appointed an Environment Commissioner in July 2001. He holds the degree of Bachelor of Civil Engineering from Canterbury University. He has been an Independent Commissioner under the RMA for Councils in the Wellington region. He has been involved in the design and construction of dams, irrigation schemes and in the allocation of water resources. He was the Project Manager for the strengthening of the Matahina Dam.

Commissioner Howie was a member of the board of inquiry that heard and decided on the Transmission Gully Plan Change and Transmission Gully resource consents and notices of requirement applications.

Dr Alexander Sutherland (suggested board member)

Dr Alex Sutherland was appointed as an Environment Commissioner in 2005. He holds a Bachelor of Engineering (1st Class Honours) and a Master of Engineering from the University of Auckland, and a PhD in Civil Engineering and Mathematics from Caltech. In 1967 he joined the University of Canterbury as a lecturer in Civil Engineering carrying out teaching and research in hydraulic and coastal engineering. He was Dean of Engineering from 1987 - 2005. He served on the University Council for 10 years and as a member of the Senior Management team in 2004-2005. As an auditor for the Academic Audit Unit he chaired academic audits of the Universities of Auckland and Otago. From 1980 until 1989 he was an elected member of the North Canterbury Catchment Board. He has acted many times as an independent commissioner for a number of Regional and Local Councils. Dr Sutherland is a Distinguished Fellow of the Institution of Engineers New Zealand and served on its Council for 12 years.

In 2005 Dr Sutherland was made an Officer of the New Zealand Order of Merit in the Queen's Birthday Honours.

Dr Sutherland does not have previous board of inquiry experience.

David Jennings (suggested board member)

David Jennings is a self-employed independent professional engineer. Previous roles include as General Manager Technical at Opus International Consultants Limited. David has 39 years' experience in civil and geotechnical engineering specifically. He holds a Bachelor of Engineering (Civil) (Honours) from the University of Canterbury, and a Masters of Science (Engineering) (Distinction) from the Imperial College, London. David has a keen interest in water related projects and has worked on a wide variety of dam, canal, stream and irrigation projects. David worked on the Clyde Power Project in 1977-78, and on the Maniototo Irrigation Scheme in Central Otago in 1984.

David has recently completed the Making Good Decisions accreditation, however he does not currently have hearings experience or board of inquiry experience. David would however, bring a high level of experience and expertise in civil engineering to any potential board of inquiry.

Section 9 (2)(a)
[Redacted text block]

Tim Pike

Tim Pike is a Chartered Professional Engineer with over 20 years' experience in a range of engineering fields, including civil design, stormwater management, structural design (including water reservoirs) and land development engineering. Previous roles have involved project leadership and responsibilities, along with dispute resolution and independent advisor roles. Tim has a particular interest in the fire engineering field, and is a member of the Society of Fire Protection Engineers. Tim is based in Hastings, and is a member of Hawke's Bay branch of IPENZ.

Tim does not have previous board of inquiry experience.

Alan Bickers

Alan Bickers is currently self-employed. His previous roles over the past 17 years relate to the provision of project management, governance, dispute resolution and independent commissioner services. Alan was Chief Executive of Tauranga District Council from 1989-1995. Alan holds a Bachelor of Engineering (Civil) from Auckland University, a Graduate Diploma of Business Studies (Dispute Resolution) from Massey University, and is a Chartered Professional Engineer. Alan has extensive experience as Hearings

Commissioner on various developments including water resources, energy generation and public infrastructure projects. Alan has particular expertise in evaluating technical issues relating to engineering. Alan is also a qualified arbitrator and mediator. These skills would be valuable to a potential board of inquiry.

Alan holds the Making Good Decisions accreditation, with a chairing endorsement, and is currently undergoing re-accreditation.

Alan does not have previous board of inquiry experience.

Ecology / Water

Dr James (Jim) Cooke (suggested board member)

Dr Jim Cooke is currently a Director at Diffuse Sources Limited. Previous roles include Project Manager at Beca Infrastructure and Research Scientist at NIWA. Jim holds a Doctor of Philosophy from Oxford University in the United Kingdom, a Master of Philosophy and Diploma in Agricultural Science from Massey University, and a Bachelor of Science from the University of Waikato. Jim has over 35 years' experience in environmental sciences, including water quality and ecosystem management, water storage, abstraction and irrigation effects, nutrient cycling in aquatic systems, resource management and environmental project management. Jim has strong experience in RMA matters, including through hearings as commissioner or expert witness, and through providing advice.

Jim holds the Making Good Decisions accreditation and was appointed to the Board of Inquiry on the 'cubicle dairy' applications in the Mackenzie Basin in 2010.

Dr Cooke would bring a high level of experience and technical expertise in water resources and ecosystem management to any potential board of inquiry.

Dr Greg Ryder

Dr Greg Ryder is an environmental scientist and Director of Ryder Consulting Ltd. He holds a Doctor of Philosophy in Zoology from the University of Otago, and a Bachelor of Science (first class honours in Zoology). He has 18 years' experience as an ecological consultant in the effects of agricultural land use, irrigation and hydro-electric schemes. Greg has assessed the ecological and water quality effects of a number of projects including the Opuha Dam, wastewater treatment plants, irrigation schemes and water storage dams. Greg holds the Making Good Decisions accreditation.

Dr Ryder would bring a high level of expertise and experience in freshwater ecology and freshwater management to a potential board of inquiry. While he does not have previous board experience, he has extensive hearing experience as both an expert witness and as an independent commissioner.

Dr Judith Roper-Lindsay

Dr Judith Roper-Lindsay is currently self-employed and resides in Rangiora, Canterbury. Judith holds a Doctor of Philosophy in Botany and a Bachelor of Science in Botany and Zoology (Ecology) from the University of Durham, England. She is a Certified Environmental Practitioner, and a member of the Environment Institute of Australia and New Zealand.

Judith has worked on a range of large developments – including a quarry, mine, hydro-electric power generation facilities, irrigation projects, water management schemes, and biodiversity restoration activities. Judith has also presented evidence at hearings and provided advice on changes to District Plans and Regional Plans. She has recently been part of the Department of Conservation's ecologist consultation group on Biodiversity Offsetting.

Judith Roper-Lindsay's Making Good Decisions accreditation (obtained in 2007) has lapsed, and she does not have experience as a hearing commissioner or as a member of a board of inquiry, however Judith would provide a potential board with a depth and breadth of terrestrial and aquatic ecology expertise.

Professor Jon Harding

Professor Jon Harding is currently employed by the University of Canterbury as an Associate Dean of Postgraduate Research. He holds a Doctor of Philosophy in Zoology, a Masters in Zoology (with Honours), a Bachelor of Science from the University of Canterbury, and a Diploma of Teaching from the Canterbury College of Education. Jon has recently held appointments on two Water Management Committees in Canterbury, and was on the Board of Inquiry into the National Policy Statement on Freshwater Management. Jon has also held positions on a number of Government expert panels on freshwater issues. He has particular expertise in the impacts of land use activities on freshwater ecology, particularly relating to hydro development. Jon Harding has indicated he will have teaching commitments during part of the year, particularly during June to September.

Jon does not currently hold the Making Good Decisions accreditation.

Jon would bring a high level of experience and technical expertise in freshwater ecology to any potential board of inquiry. Jon does not have previous board of inquiry experience.

Dr Brent Cowie

Dr Brent Cowie is a self-employed resource management consultant with 30 years' experience in environmental management, policy analysis and senior corporate management in local and central government. Dr Cowie's specialist areas include: acting as a hearing commissioner, chairing hearing committees and decision writing, policy analysis and review, strategic analysis, water resource management, investigation and reporting of complex environmental and corporate issues, the development of emergency management plans and procedures, and management of natural hazards.

Dr Cowie's expertise includes all aspects of water management, particularly surface water and discharges. He also has expertise in freshwater ecology.

Dr Cowie does not have any previous experience on boards of inquiry but holds the Making Good Decisions accreditation with Chair endorsement.

Local

John Hudson

John Hudson resides in the Hawke's Bay and has over 30 years' experience in landscape architecture, specialising in landscape character assessment, Outstanding Natural Landscapes and amenity values. He is a qualified hearings commissioner, and was appointed to the Board of Inquiry for the Turitea Wind Farm Proposal. He has experience in the Environment Court, appearing as an expert witness for both applicants and councils across New Zealand.

John holds the Making Good Decisions accreditation with Merit, and a Charing Endorsement. John brings local knowledge and landscape and visual effects expertise to any potential board of inquiry.

Agriculture

Jenni Vernon

Jenni Vernon has experience as a hearing commissioner for RMA matters and holds the making good decisions accreditation. From 2004 to 2007 she was chair of Environment Waikato Regional Council, has worked as an independent commissioner, and has been a member of the Board of Inquiry for the National Policy Statement for Freshwater Management.

She also has an extensive background in farming and rural leadership. Issues covered during her time with Environment Waikato included biosecurity, river and catchment schemes for the Waikato River and Lake Taupo, the Clean Streams Project, natural heritage funding, and policy development for geothermal and coastal natural resources.

Jenni was chair of the Lake Taupo Joint Committee overseeing the lake's restoration, was a member of the Water, Biosecurity, and Representation sub-committees for the Local Government Regional Affairs Committee. Jenni was a member of the board of inquiry into the Tauhara II Geothermal Power Station application.

From: Shaun Lewis [S9(2)(a)]@mfe.govt.nz; Guy Kerrison (gkerrison@doc.govt.nz)
To: [S9(2)(a)]@mfe.govt.nz; Guy Kerrison (gkerrison@doc.govt.nz)
Cc: Fay Holdom (Fay.Holdom@epa.govt.nz)
Subject: Update on process for potential TUKI board candidates
Date: Monday, 20 May 2013 1:26:10 p.m.

Hi Guy and [S9(2)(a)]

Just a quick update on where we are up to with confirming candidates for a potential board of inquiry. The following dates are what we are working to now. This relies on getting feedback from Ministers by tomorrow at the latest. I've just spoken with Tim at Minister Adams' office and he has indicated that he might be able to confirm the members by the end of the day. However, Minister Adams is thinking further about options for the Board Chairperson. Tim wasn't able to give me a timeframe for that decision.

Tim also requested that I liaise with Minister Adams' office. Tim will coordinate with Gavin Rodley and Minister Smith.

Cabinet Office	30 May 2013
EGI	05 Jun 2013
CAB	10 Jun 2013
Cab Minute	13 Jun 2013
Appt letters	13 June 2013
Appt Lttrs Returned	20 June 2013
Board meeting	24 June 2013 (week of)
Public Notice	6 Jul 2013

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

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From: S9(2)(a)
To: [Shaun Lewis](#)
Subject: RE: Update
Date: Monday, 20 May 2013 9:04:39 a.m.
Attachments: [image001.png](#)

Hi Shaun

Following our conversation on Friday is there any update on the timing? I really need to get the papers into our tracking system.

Thanks

S9(2)(a)

From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Friday, 17 May 2013 11:17 a.m.
To: S9(2)(a)
Cc: 'Guy Kerrison'
Subject: RE: Update

Hi S9(2)(a)

We're aiming for APH on 28 May

This means:

17 May Updated recs to Ministers
21 May feedback from Ministers
23 May Cab Office
28 May APH
4 June Cabinet

We're finalising the memo with additional board candidates now and it will go in the 2pm bag.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

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From: S9(2)(a) [mailto:S9(2)(a)@mfe.govt.nz]
Sent: Friday, 17 May 2013 9:44 a.m.
To: Shaun Lewis
Cc: 'Guy Kerrison'
Subject: Update

Hi Shaun,

I would really appreciate an update on where things are at and what APH the EPA is looking to target. I am aware that I was away on Monday – Wednesday and I would like to get back in the loop so I can plan my week next week.

Also, don't forget to give some thought to who may attend CBC on Monday.

Thanks

[REDACTED] – Senior Analyst, Resource Management Tools

Mi **S9(2)(a)** Environment – Manatu Mo Te Taiao

DDI: **[REDACTED]** Website: www.mfe.govt.nz

23 Kate Sheppard Place, PO Box 10362, Wellington 6143

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From: Guy Kerrison
To: S9(2)(a); Tim Bennetts
Cc: Shaun Lewis; Natasha Tod
Subject: RE: CBC today - Tukituki Catchment Proposal
Date: Monday, 20 May 2013 4:00:55 p.m.
Attachments: image001.png

S9(2)(a) Rod Witte was there for us. Officials were not called in.

cheers Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

DDI: +64 4 494 1470, mobile S9(2)(a)

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From: S9(2)(a) [mailto:S9(2)(a)@mfe.govt.nz]
Sent: Monday, 20 May 2013 3:11 p.m.
To: Tim Bennetts
Cc: 'Shaun Lewis'; Guy Kerrison; Natasha Tod
Subject: CBC today - Tukituki Catchment Proposal

Hi Tim

The Tukituki Catchment Proposal was going to CBC today. We thought CBC was at 4.30pm (according to our hard copy schedule), but according to the PSI it was actually at 1pm today and therefore there were no officials in attendance. Can you please let me know if anything arose from the discussion that we need to know about.

Kind regards

S9(2)(a) – Senior Analyst, Resource Management Tools

Mir S9(2)(a) Environment – Manatu Mo Te Taiao

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From: S9(2)(a)
To: "Guy Kerrison"; [Shaun Lewis](#)
Subject: RE: Ruataniwha
Date: Tuesday, 21 May 2013 4:28:48 p.m.
Attachments: [image001.png](#)

Hi Guy

Our Minister's office has the minute but I am yet to see it. From what I hear it just confirmed what was in the paper.

[REDACTED] – Senior Analyst, Resource Management Tools

Mi: S9(2)(a) Environment – Manatu Mo Te Taiao
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cid:image001.png@01CB3AD7.3661CD70



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From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Tuesday, 21 May 2013 4:22 p.m.
To: S9(2)(a); Shaun Lewis
Subject: Ruataniwha

Any news from the CBC meeting ?

Thanks Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation – *Te Papa Atawhai*
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From: [Shaun Lewis](#) [S9(2)(a)]
To: [S9(2)(a)]
Cc: "Guy Kerrison"
Subject: RE: Dates for Tukituki - new dates in MfE's tracking system
Date: Wednesday, 22 May 2013 12:03:00 p.m.
Attachments: [image001.png](#)

Hi [S9(2)(a)]

Thanks for that. I think that getting to APH on 11 June is doable. It will depend on when we hear back from Minister's on their preferred candidates of course. I'm hoping to get another option for a chairperson to them in the next couple of days.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

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From: [S9(2)(a)] [S9(2)(a)]@mfe.govt.nz]
Sent: Wednesday, 22 May 2013 11:27 a.m.
To: Shaun Lewis
Cc: 'Guy Kerrison'
Subject: Dates for Tukituki - new dates in MfE's tracking system

Hi Shaun

I have updated our system to reflect that we will not be able to get a briefing note and draft Cabinet paper to the Minister's Office by Thursday. At the moment the new dates that I think we need to be working to are:

Minister's Office: 30 May 2013
Cabinet Office: 6 June
APH: 11 June 2013
Cabinet: 17 June 2013

If we end up having to go later than this we will be hitting a recess week.

Please let me know if this can work at your end and let me know if there is an update on the potential appointments.

[S9(2)(a)] – Senior Analyst, Resource Management Tools
Mfi [S9(2)(a)] Environment – Manatu Mo Te Taiao
DDI: [S9(2)(a)] Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143
cid:image001.png@01CB3AD7.3661CD70



From: [Shaun Lewis](#)
To: [Guy Kerrison \(gkerrison@doc.govt.nz\)](mailto:Guy_Kerrison@govt.nz); [S9\(2\)\(a\)](#) [@mfe.govt.nz](mailto: @mfe.govt.nz)
Subject: Brief update
Date: Friday, 24 May 2013 10:05:21 a.m.

[S9\(2\)\(a\)](#) and Guy

I'm working on another version of the memo we sent up last week with potential board members. Hoping to get something to you FYI/comment by 10.30 am. Again apologies for the turnaround times. Hopefully this will be the last one before the cab papers.

Regards

Shaun

Shaun Lewis
Project Leader, Resources
APPLICATIONS AND ASSESSMENT

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S9(2)(a)

From: Cathryn Bridge [<mailto:Cathryn.Bridge@epa.govt.nz>]

Sent: Monday, May 27, 2013 5:04 PM

To: Tim Bennetts

Cc: gkerrison@doc.govt.nz; Shaun Lewis; Sarah Gardner; natasha.tod@mfe.govt.nz

Subject: Memo regarding potential chair and members for TUKI Board of Inquiry

Dear Tim,

As per our discussion today, attached is the revised memo including information about efforts to find additional retired High Court Judges as options for chairing the Tuki Board.

Note that Justice Chisholm has confirmed that he is not available for board of inquiry work until the 26 August 2013, which is not ideal. Justice Judith Potter is another option, but her current commitments to Treaty settlement work for Hon. Minister Chris Finlayson currently preclude her from chairing this board.

Appendix 2 of this memo has the complete list of options for Chair and members for this Board for you to put in front of the Minister, as requested.

Please call me if you need anything else at this stage.

Cheers

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From: [Cathryn Bridge](#)
To: tim.bennetts@parliament.govt.nz
Cc: [Sarah Gardner](mailto:Sarah_Gardner); natasha.tod@mfe.govt.nz; gkerrison@doc.govt.nz; [Shaun Lewis](#); [Amy Selvarai](#); [Fay Holdom](#)
Subject: Tuki Timeline Scenario
Date: Wednesday, 29 May 2013 6:34:22 p.m.

Hi Tim

You have asked for the scenarios for timings if Justice Chisholm is appointed as the chairperson of the Board for the Tukituki Catchment Proposal.

Because Justice Chisholm is not retired until 10 July, the board as a whole will not be constituted until 11 July at the earliest. Therefore, appointment letters from the Minister need to state a commencement of term from 11 July for all board members.

However, it may be still possible to take proposed board members through APH on an "in principle" basis – ie that the Minister recommends appointment from 11 July for Justice Chisholm on the basis that he will be retired and therefore eligible to chair the board from 11 July. You may need to confirm that this approach is acceptable with the cabinet office.

Impact on timelines of this later appointment will depend on whether and at what stage the Minister is comfortable with the EPA talking with the proposed Chair (at least and ideally the whole board) to test the waters about our intended notification date (22 June) and make in principle decisions about procedural timeframes associated with the proposal.

The critical decision the board needs to make during this time is directions and procedures relating to evidence exchange for applicant and submitters. The Board would need to issue exchange procedures by 15 July to maintain the current proposed hearing dates (November/December).

If we are unable to have these conversations and get agreement in principle from the board prior to 11 July, it would make it very difficult for us to notify the proposal with confidence on the 22 June. We would likely need to delay notification of the proposal by at least 3 weeks, and possibly up to 9 weeks (if we are unable to get the board to meet to make procedural decisions prior to Justice Chisholm's departure overseas).

A 3 week delay means that the hearing will fall over the Christmas/New Year period, which is undesirable for all parties involved in the hearing (and in our experience, may create claims of unfairness from submitters). We note the new law excluding the Christmas/New Year working days from the 9 calendar month period will not apply to this proposal.

A delay of 9 weeks is likely to be unpalatable to the applicant, and would mean a hearing in February/March 2014.

If the Minister is comfortable for us to set up in principle discussions/decisions with the Board prior to Justice Chisholm's retirement, we may be able to maintain the notification date of 22 June (if we are able to hold those discussions prior to or directly after APH on 11 June.) This would be very tight and not without risk of delay (likely 1 -2 weeks).

The other risk we would need to manage is how the chair and board would view the EPA notifying the proposal prior to the Board's constitution and/or prior to the availability of the chair on 26 August. While there is no statutory impediment to notifying ahead of the constitution of the board, notification too far in advance creates timing issues because the 9 month timeframe begins on notification and the Board needs to make decisions soon after to accommodate decision making within that timeframe.

Cheers

Cathryn Bridge
Manager Resources

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From: [Guy Kerrison](#)
To: [Shaun Lewis](#)
Subject: RE: Updated memo regarding board candidates for the Tukituki Catchment Proposal
Date: Wednesday, 29 May 2013 1:41:20 p.m.

thanks Shaun

cheers Guy

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Wednesday, 29 May 2013 1:23 p.m.
To: Tim Bennetts (tim.bennetts@parliament.govt.nz); Rodley, Gavin PARLIAMENT
Cc: natasha.tod@mfe.govt.nz; Guy Kerrison; Cathryn Bridge
Subject: Updated memo regarding board candidates for the Tukituki Catchment Proposal

Hi Tim and Gavin

As requested here is the updated memorandum with board candidates for the Ministers to consider.

Regards
Shaun

Shaun Lewis
Project Leader, Resources
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MEMORANDUM

File Ref: NSP 28 02

To: Tim Bennetts and Gavin Rodley
Copy To: Kevin Currie, Doris Johnston
From: Sarah Gardner
Date: 29 May 2013
Subject: Additional candidates for a potential board of inquiry for the Tukituki Catchment Proposal

Purpose

1. This memo provides additional candidates for the Environment and Conservation Ministers to consider for a potential board of inquiry for the Tukituki Catchment Proposal.

Background

2. On 21 March 2013 we briefed the Minister for the Environment on the process for screening potential board of inquiry members. In response to that briefing the Minister directed us to screen for a five member board with the following skills and experience:
 - a Options for both a retired High Court Judge and an Environment Judge;
 - b Planning;
 - c Water quality, nutrient management, and terrestrial and aquatic ecology (as a combined skill set);
 - d Civil engineering, specifically with regard to large dams;
 - e Tikanga Maori, and
 - f Knowledge of the Land and Water Forum (which the Minister indicated was optional).
3. On 7 May 2013 we briefed the Ministers for the Environment and Conservation on options for a potential board of inquiry for the Tukituki Catchment Proposal, should the Ministers direct the matters to one. In that briefing we put forward one option for a board chairperson, four recommended members and three alternate members.
4. On 10 May 2013 we were advised that the Ministers requested more options for a potential board of inquiry. Specifically they requested:
 - a Another option for a board chairperson;
 - b More women candidates;
 - c Two local candidates;
 - d Candidates with hydrology knowledge (Environment Commissioner Dr Alexander Sutherland was specifically mentioned); and
 - e Candidates with knowledge of the agricultural sector.

5. The Minister of Conservation requested that we specifically screen Environment Commissioner Dr Alexander Sutherland. Alexander Sutherland is available, however his area of expertise is not in hydrology. He is an experienced engineer, specialising in hydraulics and coastal engineering. We have included Alexander Sutherland as an alternative to Russell Howie.
6. The Minister for the Environment requested that we check the availability of the following people for a potential board of inquiry:
 - a Jack McConchie (OPUS) – Jack McConchie is conflicted as OPUS have been contracted by the applicant to provide advice in the preparation of their application;
 - b Magnus Mcfarlane (Sainsbury Logan Williams) – Magnus Mcfarlane is conflicted as he has already done work for the applicant;
 - c Jamie Goodsir – Jamie Goodsir did not consider himself to be suitable and had other work commitments; and
 - d Matthew Lawson (Lawson Robinson) – Matthew Lawson is available and interested in being a board member. We have included Matthew in the recommended board and discussed his skills and experience in more detail below.
7. Based on the feedback from both Ministers we have re-reviewed our database of possible candidates, sought further suggestions from local authorities, discussed further options with the Ministry for the Environment and Department of Conservation, and searched more broadly for suitable candidates.
8. We have revised our suggestion for the composition of a board. In addition to this we have included several alternative candidates for each of the attributes the Ministers have directed we include. This information is provided in Appendix One. We have included a short biography for all of the candidates in Appendix Two.

Recommended Board

9. For a board of five members to represent all of the skills, knowledge and attributes required by both Ministers and of the Resource Management Act (RMA), at least some of the potential candidates will need to have skills and knowledge in more than one of those areas. Appendix One contains summary tables that indicate which attributes each of the candidates would bring to a board of inquiry.
10. Table One in Appendix One lists the potential candidates for a suggested board taking into consideration the requirements of both Ministers and of the RMA. Table Two in Appendix One provides a summary of additional candidates that we have screened and who are interested and available for a board of inquiry for the Tukituki Catchment Proposal, should the matters be directed to one.

Recommended chair and alternative options

Judge Whiting (recommended)

11. We have suggested Judge Whiting again as a chairperson as we believe he has the skills, experience and mana necessary to oversee this potential board. Judge Whiting has experience with complex plan changes (the New Zealand King Salmon Proposal) and will be appointed as an advisor to the Environment Court in the event that there are appeals to the Hawke's Bay Regional Council's Regional Policy Statement (RPS) Change. The workload that this proposal may require is likely to be high. As Judge Whiting is now retired he is

in a good position to manage the demands of this proposal and any appeals to the Environment Court on the RPS changes.

12. Alternative options for chair of the Tukituki board of inquiry are listed below.

Judge Smith

13. Environment Court Judge Smith. Judge Smith has been confirmed by the Acting Principal Environment Judge as being available for the Tukituki board of inquiry. Judge Smith was the chairperson for the Hauāuru mā raki Wind Farm Proposal Board of Inquiry.

Justice Chisholm

14. The Minister for the Environment asked that we discuss the availability of Justice Chisholm for this potential board of inquiry. Justice Chisholm is a current High Court Judge and has told us that he is interested in board of inquiry work. He retires from the High Court bench on 10 July 2013 but is unavailable to begin board of inquiry work until 26 August 2013 as he will be overseas.
15. In considering Justice Chisholm for chair you need to be aware that:
 - a Justice Chisholm was previously a prominent solicitor in Napier and in that capacity advised Hawkes Bay Regional Council and Hastings and Napier City Councils on resource management matters. This solicitor-client relationship is historical but may give rise to a perception of conflict of interest and would need to be declared.
 - b You would be unable to formally constitute a board with Justice Chisholm as the Chairperson until 10 July 2013, when Justice Chisholm retires. You will need to consider whether this delay is reasonable in the circumstances (in terms of your obligations under the RMA). Although the EPA can notify a proposal prior to a board being constituted, and has been done in the past, too large a gap is not ideal as the board's 9 month decision making timeframe commences at notification. Therefore, if Justice Chisholm is Chairperson, notification (and the commencement of the 9 month decision making timeframe) will also need to be delayed. The applicant is managing this process around local body elections and plans to begin construction (should consents be granted) prior to November 2014. Therefore a delay of perhaps two months, subject to Justice Chisholm's availability, is likely to be significant for the applicant.
 - c The absence of the board chair from 10 July until 26 August 2013 can be managed through delegated decision making authority by the board, but is not ideal. Within this period, a board of inquiry would usually read the application and submissions, make decisions on matters of procedure and administration for evidence exchange and the hearing and commission any further independent reports required.

Other options explored for a Chairperson

16. As requested, we also contacted Justice Allan. He advised he was not available at this time.
17. We also contacted Justice Robertson, who we had not been able to contact prior to our previous briefing to the Ministers as he was overseas. He is also unavailable.
18. We contacted Justice Judith Potter again. She had only recently retired when we contacted her a month ago and felt unable to make commitments at that time. Justice Potter confirmed that she was interested in work of this nature and the issues to be considered. However, she has commitments to Treaty settlement work for

Minister Finlayson during the key periods for the Tukituki proposal late this year, so advised she would be unable to undertake both roles on that basis.

Recommended board members and alternative options

Loretta Lovell

19. We are proposing Loretta Lovell as a potential board member, principally for her Tikanga Maori background but also her local knowledge. Although Loretta is of Ngati Kahungunu descent, her taiwhenua is Wairoa, which is not directly affected by the Tukituki Catchment Proposal. Therefore we do not consider that Loretta has a conflict of interest. Loretta has lived and worked in the Hawke's Bay and continues to own property there. She has also been involved in resource management related projects in the Hawke's Bay Region. Loretta would bring legal experience and contribute to the gender balance of a board.

20. Possible alternative members for Loretta Lovell are:

- a Veronica Chalmers who also has legal expertise. Veronica would also contribute to meeting Minister Smith's requirements for two local candidates as she is a Hawke's Bay resident, and further balance the gender make-up of a board; or
- b Alan Titchener who is affiliated with Ngai Tahu, but lives in Havelock North. He also brings local knowledge to a potential board. Appointing Alan would not contribute to the gender balance of the board; or

c

S9(2)(a)

- d Deputy Chief Judge Caren Fox of the Maori Land Court who would bring Tikanga Maori expertise to a potential board as well as extensive judicial experience. Judge Fox also holds an Environment Court warrant, and is an Alternate Environment Judge. Judge Fox was a member of the Board of Inquiry into the Wiri Men's Prison proposal. Appointing Judge Fox would result in a loss of the local knowledge that Loretta offers, but does assist with achieving a gender balance on a board. Judge Fox has also been recommended as an alternative member for Matthew Lawson; or
- e Rauru Kirikiri who would bring Tikanga Maori expertise to a potential board. Rauru was nominated by the Hastings District Council and the Central Hawke's Bay District Council. Appointing Rauru would not contribute to the gender balance of a board and would result in a loss of local knowledge; or

Environment Commissioner Russell Howie

21. We are proposing Environment Commissioner Russell Howie principally for his engineering and RMA knowledge and expertise. He holds the degree of Bachelor of Civil Engineering from Canterbury University. Russell has been involved in the design and construction of dams, irrigation schemes and in the allocation of water resources and was the Project Manager for the strengthening of the Matahina Dam in the Bay of Plenty. Russell was a member of the Board of Inquiry that heard and decided the Transmission Gully plan change and Transmission Gully resource consents and notices of requirement applications.

22. Possible alternatives for Russell Howie are:

- a Alexander Sutherland who is an Environment Commissioner with extensive qualifications and experience in civil engineering. He is experienced in the areas of hydraulics and coastal engineering, although not specifically dam engineering. Alexander has acted many times as an independent commissioner for a number of Regional and Local Councils.
- b David Jennings who is a self-employed independent professional engineer. David has 39 years experience in civil and geotechnical engineering specifically. However David does not have hearing or board of inquiry experience; or

c

S9(2)(a)

- d Tim Pike who has 20 years experience in a range of engineering fields, including civil design, stormwater management, structural design (including water reservoirs) and land development engineering. Tim would bring local knowledge to a board. However he does not have any hearing experience; or
- e Alan Bickers who is an engineer and has extensive experience as a hearings commissioner on various developments including water resources, energy generation and public infrastructure projects. Alan has particular expertise in evaluating technical issues relating to engineering. Alan is also a qualified arbitrator and mediator.

Dr James (Jim) Cooke

23. We have previously suggested Dr Jim Cooke who brings a broad range of skills and knowledge to a potential board. Jim has experience in water quality and ecosystem management, water storage, abstraction and irrigation effects, nutrient cycling in aquatic systems and resource management. In addition to these skills Jim has strong secondary skills in hydrology and an Agricultural Sciences degree, which contributes to Minister Smith's requirement for a board to have agricultural expertise. We consider that Jim would contribute to many of the skill areas required by Ministers and the RMA.

24. Possible alternatives for Jim are:

- a Susan Harris who would bring expertise in hydrology, water quality and nutrient flow. Susan would also further balance a potential board's gender make-up. Appointing Susan would not add to the agricultural knowledge of a board; or
- b Dr Greg Ryder who would bring a high level of expertise and experience in freshwater ecology and freshwater management to a potential board of inquiry. Appointing Greg would not add to the hydrological or agricultural expertise of a board; or
- c Dr Judith Roper-Lindsay who would bring water quality and ecology expertise to a board. Judith has worked on a range of large developments – including a quarry, mine, hydro-electric power generation facilities, irrigation projects, water management schemes, and biodiversity restoration activities. Judith would also contribute to the gender balance of the board. Appointing Judith would not add to the hydrological or agricultural expertise of a board; or

- d Professor Jon Harding who has particular expertise in the impacts of land use activities on freshwater ecology, particularly relating to hydro development. Jon was on the Board of Inquiry for the National Policy Statement on Fresh Water Management which would add to the overall experience of a board. Appointing Jon would not add to the hydrological or agricultural expertise of a board, or
- e Dr Brent Cowie whose experience includes all aspects of water management, particularly surface water and discharges. Brent also has expertise in freshwater ecology. Brent was put forward by the Hawke's Bay Regional Council (in their capacity as a regulator, not as the applicant). Appointing Brent would not add to the hydrological (Brent is not a hydrologist) or agricultural expertise of a board.

Matthew Lawson

25. You asked us to screen the availability of Matthew Lawson a Hawke's Bay lawyer with RMA experience for this potential board of inquiry. Matthew is interested and available for the time required. He would bring RMA and local knowledge to the Board. Matthew also runs a small mixed farming operation, which would contribute to a Board's agricultural knowledge. Matthew has declared that he has previously advised HBRC on four matters between 2009-2011 relating to governance issues, meeting protocols and procedure and an issue of predetermination. He is not a regular advisor of HBRC and has not advised the council on resource management related matters. Possible alternatives to Matthew are:
- a Deputy Chief Judge Caren Fox who would bring legal and Tikanga Maori knowledge to a potential board and further balance its gender make-up. Judge Fox would not add to the local or agricultural knowledge of a board.

Agricultural and local knowledge

26. Dr Jim Cooke and Matthew Lawson are two candidates we have recommended that have agricultural experience. An alternative to strengthen the agricultural knowledge of a Board is Jenni Vernon, who has a strong background in agricultural sciences and rural leadership. One option would be to exchange Jim Cooke for Jenni Vernon. This would strengthen the agricultural knowledge of a board and add to its gender balance. Jenni also has hearing and board of inquiry experience as a member of the Board of Inquiry on Tauhara II Geothermal Power Station and the Board of Inquiry for the National Policy Statement for Freshwater Management. However this would result in the loss of hydrology and water quality expertise from a board.
27. At present Loretta Lovell and Matthew Lawson are recommended members that have the local knowledge desirable for a board. An alternative is John Hudson. John resides in the Hawke's Bay and has over 30 years experience in landscape architecture, specialising in landscape character assessment, outstanding natural landscapes and amenity values. He is a qualified hearings commissioner, and was appointed to the Board of Inquiry for the Turitea Wind Farm Proposal. He has experience in the Environment Court, appearing as an expert witness for both applicants and councils across New Zealand. We do not consider that John's area of expertise is as critical for this board of inquiry as the other skills listed above.

Summary

28. In the event that you decide to change the make-up of the board we have suggested, we have included the names of all candidates we have screened in Table Two of Appendix One that are available and not conflicted. All of these candidates have the appropriate skills and experience.

29. In deciding whether or not to substitute the candidates we have suggested, you will need to consider the composite skills, knowledge and attributes of a board. Substituting may result in skill or knowledge gaps in a board. If these skills or knowledge are desirable but missing from amongst its members, they may need to be contracted in by using advisors to the board, potentially adding cost to the proposal.

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Recommendation

The candidates we have screened are listed below according to their primary skills. All candidates have multiple areas of expertise, for this information refer to Table Two in Appendix One, or their biographies in Appendix Two.

Please indicate your preference for:

Chairperson

Either Retired Environment Judge Gordon Whiting*	Yes/No
Or Environment Judge Jeffrey Smith	Yes/No
Or Justice Lester Chisholm (retires on 10 July 2013)	Yes/No

Recommended board members

Hydrology

Susan Harris	Yes/No
--------------	--------

Tikanga

Loretta Lovell	Yes/No
Veronica Chalmers	Yes/No
Alan Titchener	Yes/No
██████████ Section 9(2)(a)	Yes/No

Deputy Chief Judge Caren Fox	Yes/No
------------------------------	--------

Rauru Kirikiri**	Yes/No
------------------	--------

Engineering

Environment Commissioner Russell Howie*	Yes/No
David Jennings	Yes/No

██████████ Section 9(2)(a)	Yes/No
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Tim Pike	Yes/No
----------	--------

Alan Bickers*	Yes/No
---------------	--------

Environment Commissioner Dr Alexander Sutherland	Yes/No
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Water quality / ecology

Dr Jim Cooke*	Yes/No
---------------	--------

Dr Greg Ryder	Yes/No
---------------	--------

Dr Judith Roper-Lindsay	Yes/No
-------------------------	--------

Professor Jon Harding	Yes/No
-----------------------	--------

Dr Brent Cowie**	Yes/No
------------------	--------

* Previously recommended by the EPA

** Nominated by local authority

Local

Matthew Lawson

Yes/No

John Hudson

Yes/No

Agriculture

Jenni Vernon

Yes/No



29.5.2013

Sarah Gardner

Date

General Manager, Applications and Assessment

Environmental Protection Authority

Hon Amy Adams

Date

Minister for the Environment

Hon Dr Nick Smith

Date

Minister of Conservation

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Appendix One: Candidate skills

Table One: Suggested Board

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Chair								
Ret Environment Judge Gordon Whiting*	✓	✓	✓					
Members								
Loretta Lovell	✓		✓					
Environment Commissioner Russell Howie*	✓	✓			✓			
Dr Jim Cooke*	✓	✓		✓				✓
Matthew Lawson	✓	✓				✓		✓

* Previously recommended by the EPA

Table Two. Alternate Options – each candidate appears according to their primary skill.

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Chair								
Retired Environment Judge Gordon Whiting*	✓	✓						
Environment Judge Jeffrey Smith	✓	✓						
Justice Lester Chisholm		✓						
Members								
Hydrology								
Susan Harris	✓	✓		✓			✓	
Tikanga								
Loretta Lovell	✓		✓			✓		
Veronica Chalmers	✓		✓			✓		
Alan Titchener	✓		✓					
[REDACTED]	✓	✓	✓					
Deputy Chief Judge Caren Fox	✓	✓	✓					
Rauru Kirikin* / **	✓	✓	✓					

* Previously recommended by the EPA

** Nominated by local authority

Candidates	RMA / Planning	Hearing Experience	Tikanga Maori	Hydrology	Civil Engineering (Dams)	Local	Water Quality & Nutrient Mgt / Terrestrial & Aquatic Ecology	Agricultural Sector / Rural
Engineering								
Environment Commissioner Russell Howie*	✓	✓			✓			
David Jennings	✓				✓			
[REDACTED]	✓				✓			
Tim Pike					✓	✓		
Alan Bickers*	✓	✓			✓			
Environment Commissioner Dr Alexander Sutherland***	✓	✓			✓			
Water quality / ecology								
Dr Jim Cooke*	✓	✓					✓	✓
Dr Greg Ryder	✓	✓					✓	
Dr Judith Roper-Lindsay	✓						✓	
Professor Jon Harding		✓					✓	
Dr Brent Cowie**	✓	✓					✓	
Local								
Matthew Lawson	✓	✓						✓
John Hudson	✓	✓						
Agriculture								
Jenni Vernon (MNZM)	✓	✓						

Section 9 (2)(a)

* Previously recommended by the EPA

** Nominated by local authority

***Environment Commissioner Alexander Sutherland was originally put forward as a hydrologist. However his expertise is in engineering specifically hydraulics and coastal engineering

Appendix Two: candidate biographies

Chairperson

Judge Gordon Whiting (suggested board Chairperson)

Judge Gordon Whiting was appointed to the Environment Court in 1997, and retired in 2012. As both a District Court and Environment Court Judge, Judge Whiting brings extensive judicial expertise and a wide range of experience in resource management law.

Judge Whiting has presided over a number of significant and varied resource management cases. Many of the cases have not only had economic impacts, but have also involved cases with conflicting public and private interests. He recently chaired the Board of Inquiry into the New Zealand King Salmon proposal, and also chaired the Te Mihi Geothermal Power Station Board of Inquiry and the Tauhara II Geothermal Power Station Board of Inquiry.

Judge Whiting is fluent in te reo and has been a decision maker on matters where Tikanga Maori has been a substantial consideration.

Judge Jeff Smith

Judge Jeff Smith was appointed to the Environment Court in July 2000. He is based in Auckland. He was born in Rotorua and completed his education at Kamo High School, Whangarei. He holds an LLB from Auckland University, obtained in 1981, and is a member of the Chartered Institute of Arbitrators London (associate from 1986) and a Foundation Associate of the Arbitrators and Mediators Institute of New Zealand. He practised in Tauranga from 1981, first with Sharp Tudhope, and from 1995 until his appointment in 2000 as a Barrister, sole. Judge Smith has presided over a large number of cases including appeals relating to hydro and wind (Mahinerangi) power generation, coastal issues and sensitive landscapes including the Banks Peninsula landscape case. Judge Smith chaired the Board of Inquiry into the Hauāuru mā raki Wind Farm proposal.

Justice Chisholm

Justice Lester Chisholm graduated Victoria University of Wellington with an LLB in 1967, and LLM in 1968. He joined the Napier firm of Wills Toomey Robinson in 1968, becoming a partner in 1970. Justice Chisholm was President of the Hawkes Bay District Law Society between 1987 and 1990, a member of the NZ Law Society Council from 1988 to 1990, and member of the NZ Law Society Executive from 1989-1990. He was appointed to the High Court bench in April 1996 and is based in Christchurch. Justice Chisholm does not have any previous board of inquiry experience. Justice Chisholm retires from the High Court bench on 10 July 2013 and is available for board of inquiry work from 26 August 2013.

Hydrology

Susan Harris

Susan Harris is an environmental scientist and Director of GreenXperts Ltd and Green Tick Certification Ltd. She holds a Bachelor of Science (Honours) from the University of Otago. She has 25 years' experience as an environmental scientist, planner and policy analyst. She has worked on surface and groundwater monitoring for power generation and irrigation projects and is experienced in developing and implementing environmental management systems and plans, environmental risk and sustainability assessments and large scale strategic planning. Susan also has experience working on projects related to water quality and nutrient flows.

Although Susan does not have previous board of inquiry experience, she has experience processing resource consents and has appeared before the Environment Court as an expert witness. Susan would bring a high level of experience in environmental science, planning and project management.

Susan does not have previous board of inquiry experience.

Tikanga

Loretta Lovell (suggested board member)

Loretta Lovell is of Ngati Kahungunu descent and is affiliated with the Wairoa taiwhenua. Loretta has 15 years' experience as a solicitor, including expertise in commercial law, energy and joint venture developments. This work has included extensive advice and work relating to the Resource Management Act and consenting. Loretta has advised government agencies, Ministers and Select Committees on a range of public law issues.

Loretta Lovell has worked with Maori organisations and has a strong understanding of tikanga issues. She has advised clients on cultural impact reports, mitigation of resource consent issues, and iwi and hapu mandates. Loretta has lived and worked in the Hawke's Bay and continues to own property there.

Loretta does not have previous board of inquiry experience.

Veronica Chalmers

Veronica Chalmers has expertise in water policy and law for water infrastructure (irrigation and urban services), and water resources management, in New Zealand and internationally.

Veronica has been involved in Treaty of Waitangi and common law claims by Maori to water and resource management and is familiar with inquisitorial processes through work before the Waitangi Tribunal.

Veronica is experienced in RMA law and processes, particularly relating to water. Veronica is a Hastings resident and is familiar with the Hawke's Bay in terms of water issues and the broader socio-economic context.

Veronica does not have previous board of inquiry experience.

Alan Titchener

Alan Titchener is a Fellow of the New Zealand Institute of Landscape Architects with 24 years' experience in landscape architecture and landscape planning. Alan is a former president of the New Zealand Institute of Landscape Architects and the Asia Pacific Region of the International Federation of Landscape Architects. He has substantial experience with cultural landscape matters having served a member of the International Federation of Landscape Architects Cultural Landscape Committee. Alan is affiliated to Ngai Tahu and is currently Chair of Te Tau-a-Nuku, a Maori landscape architects group.

Alan would bring a high level of expertise and experience in both landscape planning, including cultural landscape matters, to any potential board of inquiry. Whilst he does not have previous board experience, he has substantial hearing experience as an expert witness. Alan is also a Havelock North resident and would bring local knowledge to a board of inquiry.

Section 9 (2)(a)

Deputy Chief Judge Caren Fox

Caren Fox (Deputy Chief Judge Māori Land Court) of Ngati Porou descent was appointed in 2000 as a Judge of the Māori Land Court resident in the Tairāwhiti and Waiariki districts and to the Waitangi Tribunal. She was appointed as an Alternate Environment Judge in 2009. Prior to her first appointment as a Judge, she had been a Lecturer in law at Victoria University, and a Senior Lecturer in law and Director of Graduate Studies at the University of Waikato. In addition, she acted as legal counsel for Treaty claimants and Māori land clients. She was appointed Deputy Chief Judge of the Māori Land Court in February 2010.

Judge Fox was a Harkness Fellow to the USA from 1991 to 1992 and a Pacific Fellow in Human Rights Education employed by the Commonwealth Fund for Technical Co-operation 1997-1999. She won the NZ Human Rights Commission 2000 Millennium Medal.

Judge Fox was a member of the Board of Inquiry into the Wiri Men's Prison proposal.

Rauru Kirikiri

Rauru Kirikiri is of Te Whānau-a-Apanui descent. He is currently self-employed, based in Wellington. He is fluent in both oral and written Maori. Previous roles include Deputy CEO and Director of Policy at the Ministry of Maori Affairs. He currently specialises in Maori-related issues, including policy development, strategic planning, science research project management, and also provides cultural support for Office of Treaty Settlement negotiations. Rauru has also worked as a resource consent hearings commissioner in Local Government, on developments such as wind farms, effluent discharges, wastewater treatment, and

subdivision, along with Water Conservation Orders on Lake Ellesmere and the Rakaia River, and the Hurunui Waiau River Regional Plan.

Rauru holds the Making Good Decisions accreditation, and would bring a high level of experience in both Tikanga Maori and resource management issues to any potential board of inquiry.

Rauru does not have previous board of inquiry experience.

Civil engineering

Environment Commissioner Russell Howie (suggested board member)

Russell Howie was appointed an Environment Commissioner in July 2001. He holds the degree of Bachelor of Civil Engineering from Canterbury University. He has been an Independent Commissioner under the RMA for Councils in the Wellington region. He has been involved in the design and construction of dams, irrigation schemes and in the allocation of water resources. He was the Project Manager for the strengthening of the Matahina Dam.

Commissioner Howie was a member of the board of inquiry that heard and decided on the Transmission Gully Plan Change and Transmission Gully resource consents and notices of requirement applications.

David Jennings

David Jennings is a self-employed independent professional engineer. Previous roles include as General Manager Technical at Opus International Consultants Limited. David has 39 years' experience in civil and geotechnical engineering specifically. He holds a Bachelor of Engineering (Civil) (Honours) from the University of Canterbury, and a Masters of Science (Engineering) (Distinction) from the Imperial College, London. David has a keen interest in water related projects and has worked on a wide variety of dam, canal, stream and irrigation projects. David worked on the Clyde Power Project in 1977-78, and on the Maniototo Irrigation Scheme in Central Otago in 1984.

David has recently completed the Making Good Decisions accreditation, however he does not currently have hearings experience or board of inquiry experience. David would however, bring a high level of experience and expertise in civil engineering to any potential board of inquiry.

Section 9 (2)(a)


Tim Pike

Tim Pike is a Chartered Professional Engineer with over 20 years' experience in a range of engineering fields, including civil design, stormwater management, structural design (including water reservoirs) and land development engineering. Previous roles have involved project leadership and responsibilities, along with dispute resolution and independent advisor roles. Tim has a particular interest in the fire engineering field, and is a member of the Society of Fire Protection Engineers. Tim is based in Hastings, and is a member of Hawke's Bay branch of IPENZ.

Tim does not have previous board of inquiry experience.

Alan Bickers

Alan Bickers is currently self-employed. His previous roles over the past 17 years relate to the provision of project management, governance, dispute resolution and independent commissioner services. Alan was Chief Executive of Tauranga District Council from 1989-1995. Alan holds a Bachelor of Engineering (Civil) from Auckland University, a Graduate Diploma of Business Studies (Dispute Resolution) from Massey University, and is a Chartered Professional Engineer. Alan has extensive experience as Hearings Commissioner on various developments including water resources, energy generation and public infrastructure projects. Alan has particular expertise in evaluating technical issues relating to engineering. Alan is also a qualified arbitrator and mediator. These skills would be valuable to a potential board of inquiry.

Alan holds the Making Good Decisions accreditation, with a chairing endorsement, and is currently undergoing re-accreditation. Alan does not have previous board of inquiry experience.

Dr Alexander Sutherland

Dr Alex Sutherland was appointed as an Environment Commissioner in 2005. He holds a Bachelor of Engineering (1st Class Honours) and a Master of Engineering from the University of Auckland, and a PhD in Civil Engineering and Mathematics from Caltech. In 1967 he joined the University of Canterbury as a lecturer in Civil Engineering carrying out teaching and research in hydraulic and coastal engineering. He was Dean of Engineering from 1987 - 2005. He served on the University Council for 10 years and as a member of the Senior Management team in 2004-2005. As an auditor for the Academic Audit Unit he chaired academic audits of the Universities of Auckland and Otago. From 1980 until 1989 he was an elected member of the North Canterbury Catchment Board. He has acted many times as an independent commissioner for a number of Regional and Local Councils. Dr Sutherland is a Distinguished Fellow of the Institution of Engineers New Zealand and served on its Council for 12 years.

In 2005 Dr Sutherland was made an Officer of the New Zealand Order of Merit in the Queen's Birthday Honours.

Dr Sutherland does not have previous board of inquiry experience.

Ecology / Water

Dr James (Jim) Cooke (suggested board member)

Dr Jim Cooke is currently a Director at Diffuse Sources Limited. Previous roles include Project Manager at Beca Infrastructure and Research Scientist at NIWA. Jim holds a Doctor of Philosophy from Oxford University in the United Kingdom, a Master of Philosophy and Diploma in Agricultural Science from Massey University, and a Bachelor of Science from the University of Waikato. Jim has over 35 years' experience in environmental sciences, including water quality and ecosystem management, water storage, abstraction and irrigation effects, nutrient cycling in aquatic systems, resource management and environmental project management. Jim has strong experience in RMA matters, including through hearings as commissioner or expert witness, and through providing advice.

Jim holds the Making Good Decisions accreditation and was appointed to the Board of Inquiry on the 'cubicle dairy' applications in the Mackenzie Basin in 2010.

Dr Cooke would bring a high level of experience and technical expertise in water resources and ecosystem management to any potential board of inquiry.

Dr Greg Ryder

Dr Greg Ryder is an environmental scientist and Director of Ryder Consulting Ltd. He holds a Doctor of Philosophy in Zoology from the University of Otago, and a Bachelor of Science (first class honours in Zoology). He has 18 years' experience as an ecological consultant in the effects of agricultural land use, irrigation and hydro-electric schemes. Greg has assessed the ecological and water quality effects of a number of projects including the Opuha Dam, wastewater treatment plants, irrigation schemes and water storage dams. Greg holds the Making Good Decisions accreditation.

Dr Ryder would bring a high level of expertise and experience in freshwater ecology and freshwater management to a potential board of inquiry. While he does not have previous board experience, he has extensive hearing experience as both an expert witness and as an independent commissioner.

Dr Judith Roper-Lindsay

Dr Judith Roper-Lindsay is currently self-employed and resides in Rangiora, Canterbury. Judith holds a Doctor of Philosophy in Botany and a Bachelor of Science in Botany and Zoology (Ecology) from the University of Durham, England. She is a Certified Environmental Practitioner, and a member of the Environment Institute of Australia and New Zealand.

Judith has worked on a range of large developments – including a quarry, mine, hydro-electric power generation facilities, irrigation projects, water management schemes, and biodiversity restoration activities.

Judith has also presented evidence at hearings and provided advice on changes to District Plans and Regional Plans. She has recently been part of the Department of Conservation's ecologist consultation group on Biodiversity Offsetting.

Judith Roper-Lindsay's Making Good Decisions accreditation (obtained in 2007) has lapsed, and she does not have experience as a hearing commissioner or as a member of a board of inquiry, however Judith would provide a potential board with a depth and breadth of terrestrial and aquatic ecology expertise.

Professor Jon Harding

Professor Jon Harding is currently employed by the University of Canterbury as an Associate Dean of Postgraduate Research. He holds a Doctor of Philosophy in Zoology, a Masters in Zoology (with Honours), a Bachelor of Science from the University of Canterbury, and a Diploma of Teaching from the Canterbury College of Education. Jon has recently held appointments on two Water Management Committees in Canterbury, and was on the Board of Inquiry into the National Policy Statement on Freshwater Management. Jon has also held positions on a number of Government expert panels on freshwater issues. He has particular expertise in the impacts of land use activities on freshwater ecology, particularly relating to hydro development. Jon Harding has indicated he will have teaching commitments during part of the year, particularly during June to September. Jon does not currently hold the Making Good Decisions accreditation.

Jon would bring a high level of experience and technical expertise in freshwater ecology to any potential board of inquiry. Jon does not have previous board of inquiry experience.

Dr Brent Cowie

Dr Brent Cowie is a self-employed resource management consultant with 30 years' experience in environmental management, policy analysis and senior corporate management in local and central government. Dr Cowie's specialist areas include: acting as a hearing commissioner, chairing hearing committees and decision writing, policy analysis and review, strategic analysis, water resource management, investigation and reporting of complex environmental and corporate issues, the development of emergency management plans and procedures, and management of natural hazards.

Dr Cowie's expertise includes all aspects of water management, particularly surface water and discharges. He also has expertise in freshwater ecology.

Dr Cowie does not have any previous experience on boards of inquiry but holds the Making Good Decisions accreditation with Chair endorsement.

Local

Matthew Lawson (suggested board member)

Matthew Lawson resides in the Hawke's Bay. He holds a Bachelor of Science, Bachelor of Commerce and Bachelor of Laws from Otago University. He commenced practice in Napier in 1991, and specialises in Civil/Commercial Litigation, Resource Management and Local Government Law, representing Local Authority clients, private clients and development companies. Matthew has an interest in the primary sector, running a small mixed farming operation. Matthew chairs the Environmental, Conservation and Outdoor Education Trust, an organisation that aims to promote outdoor education from an environmental perspective.

while challenging students with real and adventurous outdoor activities. Matthew is current Chairman of a number local sports and school committees.

Matthew does not have previous board of inquiry experience.

John Hudson

John Hudson resides in the Hawke's Bay and has over 30 years' experience in landscape architecture, specialising in landscape character assessment, Outstanding Natural Landscapes and amenity values. He is a qualified hearings commissioner, and was appointed to the Board of Inquiry for the Turitea Wind Farm Proposal. He has experience in the Environment Court, appearing as an expert witness for both applicants and councils across New Zealand. John holds the Making Good Decisions accreditation with Merit, and a Charing Endorsement. John brings local knowledge and landscape and visual effects expertise to any potential board of inquiry.

Agriculture

Jenni Vernon

Jenni Vernon has experience as a hearing commissioner for RMA matters and holds the making good decisions accreditation. From 2004 to 2007 she was chair of Environment Waikato Regional Council, has worked as an independent commissioner, and has been a member of the Board of Inquiry for the National Policy Statement for Freshwater Management.

She also has an extensive background in farming and rural leadership. Issues covered during her time with Environment Waikato included biosecurity, river and catchment schemes for the Waikato River and Lake Taupo, the Clean Streams Project, natural heritage funding, and policy development for geothermal and coastal natural resources.

Jenni was chair of the Lake Taupo Joint Committee overseeing the lake's restoration, was a member of the Water, Biosecurity, and Representation sub-committees for the Local Government Regional Affairs Committee. Jenni was a member of the board of inquiry into the Tauhara II Geothermal Power Station application.

From: [Gavin Rodley \(MIN\)](#)
To: [Shaun Lewis](#); [Tim Bennetts](#)
Cc: [natasha.tod@mfe.govt.nz](#); [Guy Kerrison \(gkerrison@doc.govt.nz\)](#); [Cathryn Bridge](#)
Subject: RE: Updated memo regarding board candidates for the Tukituki Catchment Proposal
Date: Thursday, 30 May 2013 7:58:33 a.m.

Hi Shaun and Tim

Sorry, by way of an update my Minister will be given the information this morning with a suggestion that he contacts Minister Adams with a view to finalising their choices.

Yours sincerely

Gavin Rodley
Private Secretary for Conservation
Office of the Hon Dr Nick Smith
Telephone: [REDACTED] (direct dial)
Facsimile: **S9(2)(a)**
Mobile: [REDACTED]
Email: gavin.rodley@parliament.govt.nz

From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Wednesday, May 29, 2013 1:23 PM
To: Tim Bennetts; Gavin Rodley (MIN)
Cc: [natasha.tod@mfe.govt.nz](#); [Guy Kerrison \(gkerrison@doc.govt.nz\)](#); [Cathryn Bridge](#)
Subject: Updated memo regarding board candidates for the Tukituki Catchment Proposal

Hi Tim and Gavin

As requested here is the updated memorandum with board candidates for the Ministers to consider.

Regards
Shaun

Shaun Lewis
Project Leader, Resources
APPLICATIONS AND ASSESSMENT

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6140 • New Zealand
Tel +64 4 916 2426 • Fax +64 4 914 0433 • DDI +64 474 5479 • Mob **S9(2)(a)** • www.epa.govt.nz

From: [Shaun Lewis](#)
To: [S9\(2\)\(a\)](#); "Guy Kerrison"
Cc: [S9\(2\)\(a\)](#); [Natasha Tod](#); [Cathryn Bridge \(Cathryn.Bridge@epa.govt.nz\)](mailto:Cathryn.Bridge@epa.govt.nz)
Subject: RE: Next week - Board Appointment paper - Tukituki
Date: Friday, 31 May 2013 4:38:59 p.m.
Attachments: [image001.png](#)

Hi [S9\(2\)\(a\)](#)

Thanks for the update. I've spoken with Tim and there is no update yet from the Ministers. It could be as late as Tuesday next week. However he is confident that we can still make APH on 11 June. I will let everyone know as soon as I hear anything from Tim.

I'll get on to feedback on the papers first thing Tuesday. Amy Selvaraj (who has replaced Andrew) has had a look. I just need to get the comments into your documents.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob - [S9\(2\)\(a\)](#)

From: [S9\(2\)\(a\)](#) [mailto:[S9\(2\)\(a\)](#)@mfe.govt.nz]
Sent: Friday, 31 May 2013 4:04 p.m.
To: 'Guy Kerrison'; Shaun Lewis
Cc: [S9\(2\)\(a\)](#); Natasha Tod
Subject: Next week - Board Appointment paper - Tukituki

Hello

I thought it would be good to touch base with you both before next week.

If we are going to make APH on 11 June, the Minister(s) have to lodge papers by 10am on Thursday. Both Minister's will need to be happy with receiving the papers late before it is lodged with Cabinet Office. I think realistically it will be very difficult to get the Ministers anything earlier than Wednesday. This is going to put a lot of pressure on both offices to get the papers lodged in time. It will basically mean getting through writing, peer review and managerial sign off on Tuesday and Director sign off on Wednesday.

To complicate things further, I am on annual leave on Tuesday. I have asked [S9\(2\)\(a\)](#) to assist with updating the papers and getting them through the process on Tuesday.

Please let me and [S9\(2\)\(a\)](#) know as soon as you hear anything regarding the final members. Shaun can you please also send though the comments you had on the initial draft papers I sent though yesterday? Can you please send your reply to [S9\(2\)\(a\)](#) and I, as she will most likely be the one that incorporates your comments. [S9\(2\)\(a\)](#)

Thanks

S9(2)(a) – Senior Analyst, Resource Management Tools

Ministry for the Environment – Manatu Mo Te Taiao

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23 Kate Sheppard Place, PO Box 10362, Wellington 6143

cid:image001.png@01CB3AD7.3661CD70



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From: Amy Selvaraj
To: "Guy Kerrison"; S9(2)(a)@mfe.govt.nz
Subject: RE: Draft papers for tukituki
Date: Tuesday, 4 June 2013 12:11:17 p.m.

Hi Guy
Totally agree.

Cheers
Amy

-----Original Message-----

From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Tuesday, 4 June 2013 11:09 a.m.
To: Amy Selvaraj
Subject: RE: Draft papers for tukituki

Thanks Amy. Minor point - suggest you add "Five" in para 3 of the briefing to the Ministers to give context to the list of people in para 4.

Cheers Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group Department of Conservation-
Te Papa Atawhai
DDI: +64 4 494 1470, mobile S9(2)(a)
Conservation for prosperity Tiakina te taiao, kia puawai www.doc.govt.nz

-----Original Message-----

From: Amy Selvaraj [mailto:Amy.Selvaraj@epa.govt.nz]
Sent: Tuesday, 4 June 2013 8:57 a.m.
To: Guy Kerrison
Subject: FW: Draft papers for tukituki

Apologies Guy, I had your email address wrong.

Regards
Amy

-----Original Message-----

From: Amy Selvaraj
Sent: Tuesday, 4 June 2013 8:54 a.m.
To: S9(2)(a)@mfe.govt.nz; Shaun Lewis
Cc: S9(2)(a)@mfe.govt.nz; 'guy.kerrison@doc.govt.nz'
Subject: FW: Draft papers for tukituki

Hi, S9(2)(a)

Attached EPAs comments on the BN and Cab paper for Board appointments

Regards

Amy

Amy Selvaraj MSC HONS
Senior Advisor, Resources
APPLICATIONS AND ASSESSMENT

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Wellington 6140 * New Zealand * Tel +64 4 916 2426 * Fax +64 4 914 0433 * DDI S9(2)(a)

[S9(2)(a)] * www.epa.govt.nz

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-----Original Message-----

From: Shaun Lewis
Sent: Tuesday, 4 June 2013 7:48 a.m.
To: Amy Selvaraj
Subject: FW: Draft papers for tukituki

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 * DDI +64 474 5479 * Mob + [S9(2)(a)] *

-----Original Message-----

From: [S9(2)(a)] [redacted]@mfe.govt.nz]
Sent: Thursday, 30 May 2013 2:16 p.m.
To: Shaun Lewis
Cc: 'Guy Kerrison'; [S9(2)(a)] [redacted]
Subject: Draft papers for tukituki

Hi Shaun

This is where we are at with the papers for Tukituki. I have not checked these over in a while but it will give you an understanding of where we are at with the papers. Obviously we do not yet have the members confirmed so there are some big gaps.

We have serious concerns about meeting the deadline of APH on the 11th particularly given Monday is a holiday. Where is the pressure coming from to make APH on 11 June? We think it would be more realistic to aim for the APH on 25 June.

Let us know if you hear back from the Minister's Office this afternoon.

[redacted] - Senior Analyst, Resource Management Tools Ministry for the Environment - Manatu
Mo: [S9(2)(a)] [redacted]
DDI: [redacted] Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143

P Please consider the environment before printing this email.

From: [Guy Kerrison](#)
To: [Shaun Lewis](#)
Subject: RE: Updates on board appointments
Date: Thursday, 6 June 2013 11:46:32 a.m.

thanks Shaun

Guy Kerrison

Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*

DDI: +64 4 494 1470, mobile S9(2)(a)

Conservation for prosperity *Tiakina te taiao, kia puawai*

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From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Wednesday, 5 June 2013 8:59 p.m.
To: [REDACTED] S9(2)(a) [REDACTED]@mfe.govt.nz)
Cc: Guy Kerrison
Subject: Updates on board appointments

Hi S9(2)(a)

Here are the emails I mentioned on the phone today. Also the Minister has asked for more information on the board candidates we have screened. Tim agrees that we won't make it to APH on 11 June. I'll give you a call in the morning to discuss. We will need to amend our status item too.

Cheers
Shaun

RELEASED UNDER THE OFFICIAL INFORMATION ACT

From: [Cathryn Bridge](#)
To: tim.bennetts@parliament.govt.nz
Cc: [Shaun Lewis](#)
Subject: Tuki - more detail re: Loretta's involvement with Ngati Kahungunu
Date: Tuesday, 4 June 2013 10:09:14 a.m.
Attachments: [image001.png](#)

Hi Tim,

In discussions with MfE we have fleshed out more detail regarding Loretta's involvement with Ngati Kahungunu. See email trail below. We think this perceived conflict is manageable given how long ago it is but the Minister needs to be aware of it in full prior to confirming her board.

Any further questions relating to this, talk to Shaun as I am about to head into another meeting for the rest of the morning.

Cheers

Cathryn Bridge
Manager Resources

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From: Shaun Lewis
Sent: Tuesday, 4 June 2013 8:50 a.m.
To: [REDACTED]
Cc: [REDACTED] Fay Holdom; Cathryn Bridge
Subject: RE: Question

Hi [REDACTED]

I spoke with Loretta this morning. She acted as solicitor for Ngati Kahungunu in relation to some constitutional matters and in relation to an international joint venture. Her firm also provided employment advice to the Heretaunga Taiwhenua of Ngati Kahungunu, but Loretta was not directly involved. All of these matters were 7-8 years ago.

Loretta also confirmed that she does not know anyone who is directly impacted by the proposal.

Let me know if you have any further concerns.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob +64 27 705 7429 •

From: [REDACTED] S9(2)(a) [REDACTED]@mfe.govt.nz]
Sent: Friday, 31 May 2013 5:00 p.m.
To: Shaun Lewis
Subject: RE: Question

I've just had another look at this – it says she has “acted” for Ngati Kahungunu Iwi Inc.

From: Shaun Lewis [mailto:Shaun.Lewis@epa.govt.nz]
Sent: Friday, 31 May 2013 4:47 p.m.
To: [REDACTED] S9(2)(a) [REDACTED]
Subject: RE: Question

That's correct. She is Ngati Kahungunu, but her taiwhenua is outside the area affected by the proposal. We have flagged this in the briefings to the Ministers

Shaun Lewis
Environmental Protection Authority

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From: [REDACTED] S9(2)(a) [REDACTED]@mfe.govt.nz]
Sent: Friday, 31 May 2013 4:44 p.m.
To: Shaun Lewis
Subject: Question

Hi Shaun

We have a question about Loretta. In her questionnaire it says:

“I have however acted for parties in the Hawke's Bay in the past specifically Unison Energy Ltd and Ngati Kahungunu Iwi Inc. I am also a registered iwi member of Ngati Kahungunu Iwi Inc and was the deputy chair of the Wellington affiliate to Ngati Kahungunu Iwi Inc for a brief time.”

Has she acted in an advocacy role for Ngati Kahungunu? If so we need to be sure that she will be seen as independent decision maker.

[REDACTED] – Senior Analyst, Resource Management Tools
Miro [REDACTED] S9(2)(a) Environment – Manatu Mo Te Taiao
DDI: [REDACTED] Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143
cid:image001.png@01CB3AD7.3661CD70



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From: [Cathryn Bridge](#)
To: tim.bennetts@parliament.govt.nz
Cc: [Shaun Lewis](#)
Subject: Tuki Bd - Tim Pike has now withdrawn
Date: Wednesday, 5 June 2013 7:34:06 a.m.

Tim Pike is no longer available as a candidate for the Tuki Board – he has advised he now has other commitments.

I don't think he was on the preferred list in any event but just in case...

Cheers

Cathryn Bridge
Manager Resources

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From: Shaun Lewis
To: [REDACTED] S9(2)(a) @mfe.govt.nz
Cc: Guy Kerrison (gkerrison@doc.govt.nz)
Subject: FW: Request from Ministers office - URGENT
Date: Thursday, 6 June 2013 3:04:02 p.m.
Attachments: [List people screened for Tim Ministers Office 6 June13.docx](#)

S9(2)(a) and Guy

FYI the latest that we have sent to our Minister. Note the two recent withdrawals from the process.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob [REDACTED] S9(2)(a) •

From: [REDACTED] S9(2)(a)
Sent: Thursday, 6 June 2013 8:24 a.m.
To: Fay Holdom; Shaun Lewis
Cc: Cathryn Bridge
Subject: RE: Request from Ministers office - URGENT

Hi Fay

Attached is the list of people we screened who are interested and available. The candidates we have put forward to the Ministers are labelled 'RECOMMENDED'.

Please note that this morning I have had two people withdraw their candidacy – Alan Bickers

[REDACTED] S9(2)(a) and Judith Roper-Lindsay (work commitments).

[REDACTED]
[REDACTED] S9(2)(a)

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From: Fay Holdom
Sent: Wednesday, 5 June 2013 5:30 p.m.
To: Shaun Lewis; [REDACTED] S9(2)(a)
Cc: Cathryn Bridge
Subject: Request from Ministers office - URGENT

Dear all

Earlier this afternoon we received an email from Tim at the Ministers office asking about Alec Neil who had been screened but was not included in the list forwarded to the Minister. I have discussed the screening process with Tim and he has requested that we send the **complete** list of those people who were screened, are available, interested and not conflicted to him. **Can we please put this list together first thing tomorrow morning and provide it to me.** On this list I would like indicated who we have put up to the Minister.

Fay Holdom

Applications Manager (Support)

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Candidates Screened for Tukituki Catchment Proposal potential board of inquiry

Candidate	Skill / Experience	MGD	Contact details	Details/comments
Alan Titchener (Ngai Tahu)	Local knowledge/Landscape	Yes	[REDACTED]	Interested and available. RECOMMENDED
Alan Withy	Terrestrial and aquatic ecology/planning/water	Yes	[REDACTED]	Interested and available. Overseas Aug-Sept. RECOMMENDED
Alec Neill	Water infrastructure, Rural, ex MP, RMA commissioner	Yes	[REDACTED]	Interested. Away 2 weeks from 2 July. RECOMMENDED
Dr Brent Cowie	Water	Yes	[REDACTED]	Interested and available. RECOMMENDED.
Judge Caren Fox	Tikanga - on Maori Land Court (ngati porou)		[REDACTED]	Interested and available. RECOMMENDED.
Dr Greg Ryder	Terrestrial and aquatic ecology/water quality	Yes	[REDACTED]	Interested and available RECOMMENDED
James Baines	Social/natural resource management	Yes	[REDACTED]	Interested and available. Noted that colleague involved in RWSS.
Dr Jim Cooke	RMA/water storage/flows/modelling/ecology	Yes	[REDACTED]	Interested and available. RECOMMENDED
John Hudson	Landscape and visual effects/local knowledge	Yes	[REDACTED]	Interested and available. RECOMMENDED
Professor Jon Harding	Terrestrial and aquatic ecology/land use impacts	No	[REDACTED]	Interested and available. RECOMMENDED

Section 9 (2)(a)

Hon Doug Kidd	Tikanga, RMA, National decisions	Yes	[REDACTED]	Interested and available. RECOMMENDED
John Talbot	Hydrologist /groundwater / RMA / env'tal engineering	Yes	[REDACTED]	Interested and available.
[REDACTED]	[REDACTED]	No	[REDACTED]	Interested and available. RECOMMENDED
Richard Harkness	RMA/infrastructure projects	Yes	[REDACTED]	Interested and available.
Sue Piper	RMA/plan changes/designations/facilitation	Yes	[REDACTED]	Interested and available.
[REDACTED]	RMA/water/community	No	[REDACTED]	Interested and available. RECOMMENDED
Rauru Kirikiri	Recommended by Central HB DC and Hastings DC	Y	[REDACTED]	Interested and available. RECOMMENDED
David Jennings	Dam engineer	Y	[REDACTED]	Interested and available. RECOMMENDED
[REDACTED]	Tikanga Maori, RMA		[REDACTED]	Interested and available. RECOMMENDED
Matthew Lawson	Legal / RMA / Rural		[REDACTED]	Interested and available. RECOMMENDED
Jenni Vernon	Farmer, planner, resource management		[REDACTED]	Interested and available. RECOMMENDED
Adrienne Young Cooper	Company dir, interests – RM, urban design, transport and property		[REDACTED]	Interested and available.
Susan Harris	Ecology / Science, NZPI		[REDACTED]	Interested and available. RECOMMENDED

Section 9 (2)(a)

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Loretta Lovell	Partner, Te Māhū Lovell – public, wī, corporate law	[REDACTED]	Interested and available. RECOMMENDED
Sandra Faulkner	Ag sector, Nuffield scholar	[REDACTED]	Interested and available.
Barbara Kuriger	Ag sector, Board member	[REDACTED]	Interested and available.
Veronica Chalmers	Analyst specialising in infrastructure and water policy	[REDACTED]	Interested and available. RECOMMENDED

Section 9 (2)(a)

From: Shaun Lewis
To: S9(2)(a); "Guy Kerrison"
Subject: RE: Updated papers following Kevin's Review
Date: Thursday, 13 June 2013 8:03:36 a.m.

S9(2)(a)
Thanks [REDACTED]. I've given everyone a heads up that it may be coming this morning. There's a possibility we can get it signed off here before 9.30am. After that I Sarah's calendar is full, so I can't guarantee a time.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

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-----Original Message-----

From: S9(2)(a) [mailto:S9(2)(a)@mfe.govt.nz]
Sent: Wednesday, 12 June 2013 7:08 p.m.
To: Shaun Lewis; 'Guy Kerrison'
Subject: Updated papers following Kevin's Review

Good Evening

Please find attached updated papers following Kevin's review. He is due to have another look at it first thing in the morning. I will let you know if he has any further changes. We will need to get the papers re-signed.

Briefing Note
Paragraph 12:

We have updated paragraph 12 to be clearer about Justice Chisholm going on leave.

We have added the following corresponding recommendation (d):
"Agree that the Environmental Protection Authority contact Justice Chisholm prior to the Board being formally constituted to discuss procedural matters.

Paragraph 23:
Updated to reflect text in CAB 100.

Paragraph 25:
Deleted

CAB 100 / Cabinet Paper
I have updated the Cabinet Paper (paragraph 24 and 25) to reflect the text in the CAB 100

[REDACTED] – Senior Analyst, Resource Management Tools Ministry for the Environment –
Ma S9(2)(a) Taiao
DDI: [REDACTED] Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143

P Please consider the environment before printing this email.

From: S9(2)(a)
To: [Shaun Lewis](mailto:Shaun.Lewis@doc.govt.nz)
Subject: FW: Updated BN
Date: Wednesday, 12 June 2013 1:07:52 p.m.
Attachments: [13B00969.DOC](#)

And this is the Briefing note – in case you need to make any changes following Sarah's review.

S9(2)(a)

From: Guy Kerrison [mailto:gkerrison@doc.govt.nz]
Sent: Wednesday, 12 June 2013 1:04 p.m.
To: S9(2)(a)
Cc: Shaun Lewis
Subject: FW: Updated BN

S9(2)(a), this is the signed version.

cheers Guy

Guy Kerrison
Manager National Coordination, Policy and Regulatory Services Group
Department of Conservation—*Te Papa Atawhai*
DDI: +64 4 494 1470, mobile S9(2)(a)
Conservation for prosperity *Tiakina te taiao, kia puawai*
www.doc.govt.nz

From: S9(2)(a) [mailto:S9(2)(a)@mfe.govt.nz]
Sent: Wednesday, 12 June 2013 11:41 a.m.
To: Guy Kerrison
Cc: 'Shaun'
Subject: Updated BN

Hi Guy

Please find the BN with updated text re: Crown Submission as discussed.

S9(2)(a)

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From: [Shaun Lewis](#)
To: [REDACTED]; "Guy Kerrison"; [REDACTED] S9(2)(a)
Subject: RE: Direction - Tukituki
Date: Monday, 1 July 2013 2:02:24 p.m.
Attachments: [Signed Ministers Direction 2013_06_10.pdf](#)

Hi Guy and [REDACTED] S9(2)(a)

Here's the signed version. The Ministers signed it on 5 June 2013.

Cheers
Shaun

Shaun Lewis
Environmental Protection Authority

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From: [REDACTED] [REDACTED]@mfe.govt.nz]
Sent: Monday, 1 July 2013 1:05 p.m. [REDACTED] S9(2)(a)
To: 'Guy Kerrison'; Shaun Lewis; [REDACTED]
Subject: Direction - Tukituki

Hi Guy

Here is the Direction, I can't for the life of me find the signed one. But I remember it being signed before 10 June 2013. Shaun or John do you have a copy of the signed direction?

[REDACTED] S9(2)(a)

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From: [Shaun Lewis](#)
To: [Guy Kerrison \(gkerrison@doc.govt.nz\)](mailto:Guy.Kerrison@doc.govt.nz); [REDACTED] [\[REDACTED\]@mfe.govt.nz](mailto:[REDACTED]@mfe.govt.nz)
Subject: Date for notification
Date: Tuesday, 2 July 2013 4:42:35 p.m.

Hi Guy and [REDACTED]

Just to let you know we will be notifying the Tukituki Catchment Proposal this Saturday – 6 July 2013. We will be holding public meetings on 9 and 10 July in Waipawa and Napier respectively. Let me know if you'd like any further information.

Cheers
Shaun

Shaun Lewis
Project Leader, Resources
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From: [Cathryn Bridge](#)
To: tim.bennetts@parliament.govt.nz; gavin.rodley@parliament.govt.nz
Cc: [Shaun Lewis](#); gkerrison@doc.govt.nz; z-Kevin Currie (MFE)
Subject: FYI Green Party request for extension of submissions period for Tuki
Date: Tuesday, 30 July 2013 5:21:54 p.m.
Attachments: [Eugenie Sage Letterhead.docx](#)

Hi Tim, Gavin,

Today we received a request from the Green Party to extend the submission period for the Tukituki proposal by 8 weeks (attached).

There is a general power to waive or extend timeframes in section 37 of the RMA and considerations for the decision maker are set out in section 37A of the RMA. In particular, any extension cannot generally exceed twice the maximum timeframe specified in the Act.

In the case of board of inquiry submission timeframes (20 working days) the statutory discretion under s37 sits with the EPA, not the Tuki Board of Inquiry. Sarah Gardner General Manager Applications and Assessment holds the delegation and has considered the request and will shortly be responding. I will send you a copy of that letter at the same time it is sent to the Green Party (likely tomorrow). Her decision is to decline the request for extension of time for submissions.

Let me know if you need anything else.

Guy, Kevin FYI.

Cheers

Cathryn Bridge
Manager Resources

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From: Shaun Lewis
Sent: Tuesday, 30 July 2013 10:45 a.m.
To: Cathryn Bridge
Subject: FW: Eugenie Sage Letter - attn. Shaun Lewis REF:0223011

As requested

Shaun Lewis
Environmental Protection Authority

Tel +64 4 916 2426 • DDI +64 474 5479 • Mob S9(2)(a) •

From: Tukituki Proposal

Sent: Tuesday, 30 July 2013 10:16 a.m.
To: Shaun Lewis
Subject: FW: Eugenie Sage Letter - attn. Shaun Lewis

Letter attached for the attention of the Board Chair.

S9(2)(a)

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From: Geraldine Molloy [<mailto:Geraldine.Molloy@parliament.govt.nz>]
Sent: Tuesday, 30 July 2013 10:13 a.m.
To: Tukituki Proposal
Subject: Eugenie Sage Letter - attn. Shaun Lewis

Dear Shaun Lewis

Please find attached a letter from Eugenie Sage to Hon. Lester Chisholm.

Warm regards

Geraldine Molloy
Executive Assistant to Eugenie Sage MP
Green Party Spokesperson for Environment, Conservation, Water, Local Government, Christchurch, Land Information and Resource Management Issues
Ph: 04 817 6721
Mob: 027 251 5870

www.greens.org.nz
Parliament Buildings, Wellington
Te Ratonga Whare Pāremata, Whare Pāremata, Te Whanganui-a-Tara
Authorised by Eugenie Sage, Parliament Buildings, Wellington

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From: [Cathryn Bridge](#)
To: tim.bennetts@parliament.govt.nz; gavin.rodley@parliament.govt.nz; [Rob Forlong](#); [Kerry Prendergast](#); [Sarah Gardner](#)
Cc: skerrison@doc.govt.nz; [z-Kevin Currie \(MFE\)](#); [Shaun Lewis](#)
Subject: FW: Eugenie Sage - second time extension request and response
Date: Friday, 2 August 2013 3:47:04 p.m.
Attachments: [Second Letter Eugenie Sage time extension 2Aug13.pdf](#)
[Letter Eugenie Sage second time extension request 2013_08_02.pdf](#)

Hi all,

Perhaps not surprisingly the Green Party sought another extension of time for a lesser period of 20 working days.

The Board have considered this request and declined to extend the timeframe for submission. The letter and reply are attached here for four information.

As at 10am this morning we had received 320 submissions on the Tuki proposal. A steady stream of submissions has been coming in since that time, with submissions closing at 5pm today. I will let you know next week what the final tally is – though there will also no doubt be some late submissions for the Board to consider whether to accept or not.

Cheers

Cathryn Bridge
Manager Resources

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From: Shaun Lewis
Sent: Friday, 2 August 2013 2:59 p.m.
To: Cathryn Bridge
Subject: Eugenie Sage - second time extension request and response

Hi Cathryn

Original letter and response from the Board for your information.

Cheers
Shaun

Shaun Lewis
Project Leader, Resources
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From: [Shaun Lewis](#)
To: [Guy Kerrison \(gkerrison@doc.govt.nz\)](#); [REDACTED] [@mfe.govt.nz](#)
Subject: Tukituki Update
Date: Friday, 16 August 2013 1:30:40 p.m.

Hi Guy and [REDACTED]

Just thought I'd give you both a quick update on where we are up to with Tukituki.

Submissions closed on Friday 2 August 2013. We received 384 in total – including 82 transferred from Hawke's Bay Regional Council during their submission period. We will publicly notify the summary of submissions and call for further submissions on the plan change this Saturday 17 August. There will be a 10 working day period during which further submissions can be made.

All of the submissions and the summary of submissions are available on our [website](#), along with correspondence and directions from the Board. There is an indicative timeline as well as the Inquiry Procedures included in that information.

Please let me know if you have any questions or comments.

Cheers
Shaun

Shaun Lewis
Project Leader, Resources
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