

1 November 2012

Andrew Newman
Managing Director
Hawke's Bay Regional Investment Company
Private Bag 6006
NAPIER 4142

Dear Mr Newman

Ruataniwha Water Storage Proposal

Thank you for your letter of 1 November 2012 in which you indicate an intention to lodge RMA applications for the Ruataniwha Water Storage Proposal directly with the Environmental Protection Authority (EPA). We have also received a letter from Hawke's Bay Regional Council (HBRC) indicating its intent to request that the Minister for the Environment call in the Proposed Tukituki Plan Change, which is scheduled to be notified in the coming months, and note that you consider that these proposals should be processed together.

This letter is to confirm that the EPA will now begin to cost recover all actual and reasonable costs associated with the Ruataniwha Water Storage Proposal.

Section 149ZD of the Resource Management Act 1991 (RMA) allows the EPA to recover actual and reasonable costs incurred by the EPA both prior to a matter being lodged and following the lodgement of a matter with the EPA in exercising its functions and powers under the RMA. This includes any costs in respect of secretarial and support services provided to a board of inquiry, and in respect of making recommendations to the Minister for the Environment on applications.

The EPA has developed a cost recovery policy to provide guidance on when actual and reasonable costs will be recovered. The EPA only seeks to recover costs that arise from providing advice at the request of a potential applicant, or through undertaking work required following the lodgement of an application by an applicant. Costs arising from this are seen as primarily benefitting the applicant. EPA activities which benefit the wider community rather than the applicant are not recovered. The current cost recovery policy is attached for your information.

Section 357B provides a right of objection in relation to the recovery of costs by the Minister for the Environment.

Can you please confirm by 9 November if these costs should be invoiced together with costs associated with HBRC's Proposed Plan Change, and who should be invoiced

If you have any questions on this or any future queries on costs please don't hesitate to contact the project leader, Shaun Lewis, on shaun.lewis@epa.govt.nz or 04 474 5479.

Yours sincerely

Sarah Gardner
General Manager
Applications and Assessment

HAWKE'S BAY REGIONAL INVESTMENT COMPANY LTD

159 Dalton Street
Private Bag 6006
Napier, New Zealand
Tel: 06 835 9200

1 November 2012

Environmental Protection Authority
Private Bag 63002 Waterloo Quay
WELLINGTON 6140

Attention: Sarah Gardner

Dear Sarah

NOTICE OF INTENTION TO LODGE AN APPLICATION

The Hawke's Bay Regional Investment Company Ltd (HBRIC Ltd) is a holding company of the Hawke's Bay Regional Council. HBRIC Ltd wishes to advise the Environmental Protection Authority (EPA) that it intends to lodge relevant RMA applications associated with the development of a large scale storage and irrigation scheme in the Tukituki Catchment (Ruataniwha Water Storage Scheme (RWSS)). HBRIC Ltd believes that this project forms part of a proposal of national significance, meeting the criteria in section 142(3)(b), (e) and (i) of the RMA.

HBRIC Ltd also considers that it is appropriate for the Proposed Tukituki Plan Change which forms another part of the broader proposal and which is scheduled to be notified by the Council in the coming months to be called in alongside the RWSS, so that an integrated decision can be made.

We look forward to your advice as to process from here.

Yours sincerely



Andrew Newman
MANAGING DIRECTOR



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159 Dalton Street
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Napier, New Zealand
Tel 06 835 9200 +
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Freephone 0800 108 838
www.hbrc.govt.nz +

Our Ref: 25/8

1 November 2012

Environmental Protection Authority
Private Bag 63002
WELLINGTON 6140

Attention: Sarah Gardner

Dear Sarah

NOTICE OF INTENTION TO REQUEST A PROPOSED PLAN CHANGE TO BE CALLED IN

Hawke's Bay Regional Council wishes to advise the Environmental Protection Authority (EPA) that it intends to request the EPA to call in the Proposed Tukituki Plan Change which is scheduled to be notified in the coming months.

The reason for this request is that there is a proposal for a significant storage and irrigation scheme in the Tukituki Catchment (Ruataniwha Water Storage Scheme RWSS) which is to be lodged directly with the EPA and the Council considers it is important that the decision-making processes on both of these projects are aligned and integrated i.e. the two processes form part of an overall proposal of national significance for the purposes of section 142(3) of the RMA.

We look forward to your advice as to process from here.

Yours sincerely

HELEN CODLIN
GROUP MANAGER STRATEGIC DEVELOPMENT

Phone: (06) 833 8045 **S9(2)(a)**
Mobile: **S9(2)(a)**
Email: helen@hbrc.govt.nz

2 November 2012

Helen Codlin
Group Manager Strategic Development
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Dear Ms Codlin

Ruataniwha Water Storage Proposal

The EPA has received letters of intent from Hawke's Bay Regional Council (HBRC) and Hawke's Bay Regional Investment Company Ltd (HBRIC) for matters relating to the Ruataniwha Water Storage Scheme (RWSS). HBRC has indicated that it intends to request that the Minister for the Environment call in the Proposed Tukituki Plan Change which is scheduled to be notified in the coming months. HBRIC has indicated that it intends to lodge Resource Management Act (RMA) applications associated with the development of the RWSS. These matters, together known as the Ruataniwha Water Storage Proposal, are likely to be lodged in early 2013.

National significance

After lodgement, the Minister for the Environment decides whether the proposal is (or is part of) a proposal of national significance, and if so, directs the matter to a board of inquiry, the Environment Court, or the relevant local authorities for a decision.

In making her direction, the Minister must have regard to the views of the local authorities and their capacity to process the matter under section 147(4)(a) and (b) of the RMA.

On behalf of the Minister, we formally seek the views of the HBRC on:

- whether the matter should be referred to a board of inquiry, the Environment Court or the local authority; and
- the Council's capacity to process the matter.

Board of inquiry nominations

Should the Minister direct the matters to a board of inquiry, the Minister must also seek the local authorities' suggestions for members of the board under section 149K(2) of the RMA. Please provide suggestions for members of a board of inquiry, including their names and if available, the contact details and curriculum vitae of nominated board members.

Relationship Protocol and Services Agreement

If the proposal is directed to a board of inquiry, Part 6AA of the Resource Management Act requires that the EPA engage the relevant local authorities to prepare a section 149G(3) 'Key Issues' report. There are other pieces of work that the EPA may wish to engage HBRC to undertake including assessing the completeness and adequacy of any application against Council plans and providing information relating to notification of landowners and occupiers.

The EPA has a standard 'relationship protocol,' developed with a number of local authorities, that records how a local authority and the EPA will work together as each performs its own statutory functions and other roles under Part 6AA of the RMA. Under this relationship protocol sits a 'services agreement', which sets out the services that the EPA may request from the Council, and individual statements of work, which are agreed on when services are requested.

We would like to commence a process to agree with your council a Relationship Protocol and Services Agreement before the HRBC and HBRIC applications are progressed so that we may be prepared for when the time comes to work together.

A draft Relationship Protocol and Services Agreement are attached to this letter. Please.

- Read the draft Relationship Protocol and Services Agreement and confirm that you agree to the terms or, alternatively, provide comments and suggested amendments.
- Provide the contact details of the person within your council who will act as the contact for this proposal and to be entered into the Relationship Protocol.

We will arrange for final versions of the Relationship Protocol and Services Agreement to be signed by the EPA, and then sent to you for final signing.

We are happy to discuss any issues or concerns you may have, before we agree and sign a final version.

Further information

We would appreciate a response on the above matters by 9 November 2012. Following your response we will seek to meet with Council representatives as soon as possible. In addition, we would appreciate the Council's formal views on the matters discussed on the first page of this letter by 21 December 2012.

If you would like further information about this proposal, we would welcome the opportunity to discuss this matter further with you or your nominated staff member(s). Please contact myself on 04 474 5496 or sarah.gardner@epa.govt.nz, or alternatively contact the assigned EPA Project Leader for the proposal, Shaun Lewis, on 04 474 5479 or shaun.lewis@epa.govt.nz.

Yours sincerely

Sarah Gardner
General Manager
Applications and Assessment

Attached:

1. Relationship Protocol
2. Services Agreement

Our Ref: WTR 6

21 December 2012

Sarah Gardner
Environmental Protection Authority
Private Bag 63002
Waterloo Quay
WELINGTON 6140

Dear Sarah

TUKITUKI PROJECT

Further to your letter of 2 November 2012 and pursuant to S149K(2) of the RMA we would like to nominate the following person to positions on the Board of Inquiry for this project.

Water Quality – Dr Brent Cowie

I have enclosed a copy of Dr Cowie's CV and have discussed with him that we are nominating him for the position. His contact details are as follows:

E:
P:
M:

S9(2)(a)

I am happy to discuss this nomination with you at any stage.

Yours sincerely



Iain Maxwell
GROUP MANAGER RESOURCE MANAGEMENT

15 February 2013

Hawke's Bay Regional Investment Company and Hawke's Bay Regional Council
PO Box 149
Napier 4140

Attn: Stephen Daysh

Tukituki Catchment Proposal – confirming estimated budget

Dear Stephen

As per our recent telephone conversation I would like to confirm the budget estimate for the Tukituki Catchment Proposal. We have calculated a budget estimate of **S9(2)(b)** based on the following assumptions:

- A Board of Inquiry will consist of 5 members
- The Retired High Court Judge rate has been used to calculate the honorarium for the Board Chair
- \$650 per day has been allowed for an Environment Commissioner
- \$800 per day has been allowed for the remaining BOI members given standing exemption approved by Cabinet
- The hearing will be held in Hawke's Bay
- The decision writing will be done in Hawke's Bay
- The number of submissions will be in the low hundreds
- The hearing will be 4 weeks (dependent on a range of factors)
- The cost of accommodation will be \$150 per board member/staff member per day
- The cost per day for breakfast and dinner will be \$90 per board member/staff member per day
- Two EPA staff will travel to the hearing and attend for the duration. A third EPA staff member will attend the hearing for a day each week for set up and support
- Flights will cost approx \$540 per person return for both board and staff (this is based on approximate flight costs from Wellington to Hawke's Bay)
- One board member will be local and won't require flights

- Approx \$20 per board member per day has been allowed for taxi fares during hearing and decision writing
- Catering will be approximately \$100 per day during hearing and deliberations
- EPA staff will provide hearing manager services
- The Board's technical experts will be available during conferencing and parts of the hearing

As we discussed the number of submissions, the number of people wishing to be heard and the number of outstanding matters a board must consider are key determining factors in the length of the hearing and consequently the budget. During our discussion we agreed that based on the consultation HBRC has already done it is reasonable to expect submission numbers to be in the low hundreds and the hearing to run for approximately 4 weeks. However, should the proposal prove to be more controversial, resulting in more submissions and a longer hearing, we will have to adjust the budget accordingly.

Regards

Shaun Lewis
Project Leader
Environmental Protection Authority

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

7 May 2013

Andrew Newman
Managing Director
Hawke's Bay Regional Investment Company Ltd
159 Dalton Street
Private Bag 6006
NAPIER

Dear Andrew

Acknowledgement of Receipt of your Application for the *TukiTuki Catchment Proposal Proposal – NSP 28/ 02* - to be considered as a matter of National Significance

Your application was lodged on 6 May 2013. We have allocated the following number to your application for future reference NSP 28 02.

Your application has not yet been checked for completeness, this check will be carried out in the next 5 working days, and you shall be sent a letter to either confirm the completeness and acceptance of the application, or return the application as incomplete.

If you have any questions about any part of these processes, please contact me on either: telephone 04 474 5479 or shaun.lewis@epa.govt.nz

Yours sincerely

Shaun Lewis
Project Leader
Nationally Significant Proposals

14 May 2013

Mr Andrew Newman
Managing Director
Hawke's Bay Regional Investment Company Ltd
159 Dalton St
Private Bag 6006
NAPIER

Dear Andrew

Regarding: Environmental Protection Authority's Recommendation to the Minister for the Environment and Minister of Conservation on the Ruataniwha Water Storage Scheme, as part of the Tukituki Catchment Proposal

In accordance with section 146(1) of the Resource Management Act 1991 (RMA), the EPA has made a recommendation to the Minister for the Environment and Minister of Conservation on whether they should make a direction under section 147(1) to:

- (a) refer the matters to a board of inquiry for decision; or
- (b) refer the matters to the Environment Court for decision; or
- (c) refer the matters to the local authority.

Under section 146(3) of the RMA, the EPA must serve you with a copy of its recommendation.

We recommended that the Ministers refer the matters to a board of inquiry as part of the Tukituki Catchment Proposal. This recommendation is attached.

The Ministers will now consider our recommendation and make a direction on the matters. There is no statutory time limit on the Minister's direction, but there is such a restriction on the related call-in of the HBRC proposed Plan change 6. As such we anticipate a direction will be made on the combined matters on or before 10 June 2013.

If you have any questions about this recommendation, please contact Project Leader, Shaun Lewis on 474 5479 or shaun.lewis@epa.govt.nz.

Yours sincerely

Shaun Lewis
Project Leader
Nationally Significant Proposals

14 May 2013

Malcolm Miller
Consents Manager
Hawke's Bay Regional Council
159 Dalton Street
Private Bag 6006
Napier

Dear Malcolm

Regarding: Environmental Protection Authority's Recommendation to the Minister for the Environment and Minister of Conservation on the Tukituki Catchment Proposal

With regard to the request for call in of the proposed Plan Change 6 to the Hawke's Bay Regional Resource Management Plan, as part of the Tukituki Catchment Proposal, in accordance with section 144A of the Resource Management Act 1991 (RMA), the EPA has made a recommendation to the Ministers for the Environment and Conservation on whether they should:

- (a) call the matter in and make a direction to refer it to a board of inquiry for a decision; or
- (b) call the matter in and make a direction to refer it to the Environment Court for a decision; or
- (c) not call the matter in.

With regard to applications lodged with the EPA for the Ruataniwha Water Storage Scheme by Hawke's Bay Regional Investment Company, as part of the Tukituki Catchment Proposal, in accordance with section 146(1) of the RMA, the EPA has made a recommendation to the Ministers for the Environment and Conservation on whether they should make a direction under section 147(1) to:

- (a) refer the matters to a board of inquiry for decision; or
- (b) refer the matters to the Environment Court for decision; or
- (c) refer the matters to the local authority.

Under sections 144A(5) and 146(3) of the RMA, the EPA must serve you with a copy of its recommendation. We recommended that the Ministers refer the combined matters of the Tukituki Catchment Proposal to a board of inquiry. This recommendation is attached.

The Ministers will now consider our recommendation and make a direction on the matters. The Ministers must make their direction on the Hawke's Bay Regional Council proposed Plan Change 6 no later than 5 working days from the close of council submissions (10 June 2013).

If you have any questions about this recommendation, please contact the Project Leader, Shaun Lewis on 474 5479 or shaun.lewis@epa.govt.nz.

Yours sincerely

Shaun Lewis
Project Leader
Nationally Significant Proposals

14 May 2013

Liz Lambert
General Manager (Operations)
Hawke's Bay Regional Council
159 Dalton St
Private Bag 6006
NAPIER

Dear Liz

Regarding: Environmental Protection Authority's Advice and Recommendation to the Minister for the Environment and Minister of Conservation on the request for call in of the proposed Plan Change 6, as part of the Tukituki Catchment Proposal

In accordance with section 144A of the Resource Management Act 1991 (RMA), the EPA has made a recommendation to the Ministers for the Environment and Conservation on whether they should:

- (a) call the matter in and make a direction to refer it to a board of inquiry for a decision; or
- (b) call the matter in and make a direction to refer it to the Environment Court for a decision; or
- (c) not call the matter in.

Under section 144A(5) of the RMA, the EPA must serve you with a copy of its recommendation.

We recommended that the Ministers refer the matter to a board of inquiry as part of the Tukituki Catchment Proposal. This recommendation is attached.

The Ministers will now consider our recommendation and make a decision on whether to call in the matter. There is a statutory time limit on the Minister's direction in relation to the call in. As such we anticipate a direction will be made on the combined matters on or before 10 June 2013.

If you have any questions about this recommendation, please contact Project Leader, Shaun Lewis on 474 5479 or shaun.lewis@epa.govt.nz.

Yours sincerely

Shaun Lewis
Project Leader
Nationally Significant Proposals

10 June 2013

Helen Codlin
Group Manager Strategic Development
Hawke's Bay Regional Council
159 Dalton St
Private Bag 6006
NAPIER 4142

Dear Helen

Minister's decision on whether to consider the Hawke's Bay Regional Council's Proposed Plan Change 6 as a matter of national significance

On 6 May 2013, you requested the Minister for the Environment and the Minister of Conservation call in your Proposed Plan Change 6 to the Hawke's Bay Regional Resource Management Plan.

As previously advised, the Environment Protection Authority made a recommendation to the Ministers that the Proposed Plan Change 6 is part of a proposal of national significance and should be referred to a board of inquiry.

The Ministers have considered our recommendation and have made a direction that the Proposed Plan Change 6 is part of a proposal of national significance and should be referred to a board of inquiry. This letter fulfils our obligation under section 149A to serve the Minister's direction, which is attached, on you.

A board of inquiry will be appointed by the Minister and we will publicly notify the Minister's direction and invite submissions on the matter.

A hearing must be held unless the Board considers this unnecessary and both the applicant and the submitters have indicated that they do not wish to be heard.

The Board has nine months from the time of public notification of the Minister's direction to consider and deliver its decision on your application. This timeframe can be extended by the Minister in special circumstances.

If you have any questions about this direction, please contact me on my direct dial (04) 474 5479 or email shaun.lewis@epa.govt.nz.

Yours sincerely

Shaun Lewis
Project Leader
Nationally Significant Proposals

10 June 2013

Liz Lambert
General Manager (Operations)
Hawke's Bay Regional Council
159 Dalton St
Private Bag 6006
NAPIER 4142

Dear Liz

Minister's direction to refer the Hawke's Bay Regional Council's Proposed Plan Change 6, and the Hawke's Bay Regional Investment Company's Ruataniwha Water Storage Scheme (together the Tukituki Catchment Proposal) to a Board of Inquiry

The above mentioned matters are located within your council boundaries.

As previously advised, the Environmental Protection Authority made a recommendation to the Minister for the Environment and the Minister of Conservation that the Tukituki Catchment Proposal is of national significance and should be referred to a board of inquiry.

The Ministers have considered our recommendation and have made a direction that the Tukituki Catchment Proposal is of national significance and should be referred to a board of inquiry. This letter fulfils our obligation under section 149A to serve the Minister's direction on the Hawke's Bay Regional Council. The Minister's direction is attached.

A board of inquiry will be appointed by the Minister and we will publicly notify the Minister's direction and invite submissions on the matter.

A hearing for this matter must be held unless the Board considers this unnecessary and the applicant and submitters have indicated that they do not wish to be heard. We have commissioned from you a report for the Board on key issues in relation to the matter pursuant to section 149G(3). This report addresses any relevant policy and plan provisions, whether all required resource consents have been applied for, and the activity status of the proposed activities.

The Board will have nine months from the time of public notification to consider and deliver its decision on an application. This timeframe can be extended by the Minister in special circumstances. Please note that local authorities, should they choose to, may also enter this process as a submitter.

If you have any questions about this direction, please contact me on my direct dial (04) 474 5479 or email shaun.lewis@epa.govt.nz.

Yours sincerely

Shaun Lewis
Project Leader
Nationally Significant Proposals



Hawke's Bay Regional Council +
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www.hbrc.govt.nz +

Our Ref: LU120370C

5 July 2013

Environmental Protection Authority,
Private Bag 63002,
Waterloo Quay
Wellington 6140

Attention: Amy Selvaraj

Dear Amy

TUKITUKI CATCHMENT PROPOSAL - KEY ISSUES REPORT PREPARED BY HBRC

Please find enclosed ten copies of the Tukituki Catchment Proposal Key Issues Report prepared by HBRC. This has been prepared in accordance with Statement of work: 117.

Provision of these printed copies of the final report and an electronic copy (sent by email) fulfils the services that were agreed to as Deliverable One.

I note there are two additional deliverables that may be requested through the process. We remain willing and available to provide these if requested.

I will send the account for the June period shortly and will follow up with a final July account in due course.

Yours sincerely

Malcolm Miller

Manager Consents