



MEMORANDUM

File Ref: NSP 28/03

To: AAA Executive
Copy To: Fay Holdom, Shaun Lewis and Andrew Crosland
From: S9(2)(a)
Date: 24 April 2013
Subject: Public notification of the Tukituki Catchment Proposal

Purpose

This memo describes the EPA process for the public notification of the Tukituki Catchment Proposal in order to meet the requirements of s 149C of the Resource Management Act 1991 (RMA), should the Minister decide the matters are nationally significant and directs them to a board on inquiry.

Introduction

The Tukituki Catchment Proposal is comprised of two distinct applications:

1. Proposed Plan Change 6 to the Hawke's Bay Regional Resource Management Plan, for which Hawke's Bay Regional Council (HBRC) intends to request a call-in by the Minister for the Environment; and
2. An application by Hawke's Bay Regional Investment Company (HBRIC) for the Ruataniwha Water Storage Scheme (RWSS). HBRIC plans to lodge a notice of requirement and applications for resource consents for the storage and distribution of water in the Tukituki Catchment in central Hawke's Bay. This will involve a large dam and reservoir on the Makaroro River and associated irrigation headrace canal and pipeline infrastructure on the Ruataniwha Plains.

HBRC will notify proposed Plan Change 6 on 4 May 2013 and in doing so will follow the RMA nationally significant proposal criteria as closely as possible, while still meeting their own needs. Proposed Plan Change 6 contains land management rules which will affect all properties over four hectares in size within the Tukituki catchment. To improve efficiency, HBRC intends to notify not only these properties about proposed Plan Change 6, but all properties within the catchment. To notify adjoining properties, HBRC intends to serve notice on all properties within 1 kilometre of the Tukituki catchment.

HBRC has confirmed that around 10,500 owners and occupiers will be served a copy of HBRC's notification pack. For consistency, the EPA intends to align its processes for notification of the Minister's Direction on the combined Tukituki Catchment Proposal including HBRIC's application for designations and resource consents.

Despite the large number of parties to be served notices, HBRC and HBRIC are not expecting large numbers of submitters on either proposed Plan Change 6 or the RWSS.

Public Notice of the Minister's Direction

Service of a copy of the Public Notice

The RMA states whom a copy of the public notice should be served on:

S 149C (4) When the EPA gives public notice ... it must also serve a copy of the notice on—

- (a) each owner and occupier (other than an applicant) of any land to which the matter relates; and
- (b) each owner and occupier of any land adjoining any land to which the matter relates.

[REDACTED] S9(2)(h)

- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Helen Codlin noted that HBRC had assessed the catchment for areas prone to poor address or ownership information, such as business parks and recent residential subdivisions. HBRC had not identified any such areas in the notification area. Helen noted that as HBRC's notification process precedes the EPA's, HBRC will record any address issues in a database. This additional information will be used to guide our ground truthing process. This is particularly important given the more stringent legal requirements on the EPA's notification process. Ground truthing will also cover the Rangatikei, Tararua and Manawatu Districts. However, these are largely rural or bush environments and we are not anticipating any anomalies in these areas.

Alternative Options

The process followed in other proposals has been to directly contract territorial authorities to provide GIS information from the rates database. The project team then collates the rates database information from the different councils into a mail-merge list of owners, occupiers and owner/occupiers.

The process of sorting the rates information can be time-consuming and has a moderate risk of human error when compiling information from different councils in different formats. This risk has been managed by intensive use of maps and ground truthing, and by undertaking a 'trial run' to collate the information a month or more prior to the notification. To date, the largest distribution of a public notice by a NSP team has been less than 1000 copies, with most projects distributing less than 500 copies.

There is provision in the statements of work agreed with Central Hawke's Bay District Council and Hastings District Council to provide GIS information from their rates database. However, by sourcing this information from HBRC who access the same overall database there is less collation required. The public notification of by HBRC of the plan change will in effect be a 'trial run' with time to incorporate any corrections before the EPA undertakes notification of the Minister's Direction.

Cost Estimate of Service of Public Notice

The procurement process for service of documents has not yet been completed. Based on other projects that have recently procured the service of public notices, and assuming that 10,500 copies are required to be served, the following estimate has been compiled:

Variable		Value
Cost of postage (\$1.40 per A4 envelope)		
Printing/collating and distribution of cover letter, notice, information sheet	Based on CHSM cost of \$5 per envelope	S9(2)(b)
	Based on PP20 cost of \$8 per envelope	
Total:		

Both HBRC and HBRIC have agreed to our proposed notification approach. HBRIC is aware that we are notifying a wider range of parties than is required by the RMA but sees it as the most efficient way to ensure all affected parties are notified.

One approach to reducing notification costs would be to notify owners and occupiers of the "land to which the matter relates" and adjoining land, but not any additional parties such as consent holders and interest groups. The EPA estimates that there are about 300 additional parties in this group, which based on the above table would save between S9(2)(b)

Drafting of the public notice

The RMA states the information which must be included in a public notice.

S 149C EPA must give public notice of Minister's direction

(3) A notice under subsection (1) must—

- (a) state the Minister's reasons for making the direction; and
- (b) describe the matter to which the direction applies; and
- (c) state where the matter, its accompanying information, and any further information may be viewed; and
- (d) state that any person may make submissions on the matter to the EPA; and
- (e) state the closing date for the receipt of submissions; and
- (f) state the address for service of the EPA and the applicant (or each applicant if more than 1).

Confirmation of notification date

A notification date was determined as the first possible Saturday following board of inquiry appointments, should the Minister decide the matters are nationally significant and direct the matters to a board of inquiry while allowing for newspaper and printing timeframes. Liaison will also occur with the Minister's Office to check whether a media release will be made before notification.

The notification date will be circulated to the Board of Inquiry, HBRC, HBRIC, HDC, CHBDC, and the Friend of Submitter as soon as it is set and confirmed. The EPA will also notify RDC, TDC and MDC of this notification date. At this stage the project team is working towards public notification on **29 June 2013**. This notification date is highly dependent on the outcomes of the Appointments and Honours Committee meeting, Cabinet meeting and the appointment of members to a board of inquiry.

The NSP Operations Manual advises that "each public notice is published in the country's four main newspapers, in Auckland, Wellington, Christchurch and Dunedin; and also in the most relevant local/community newspaper(s) that have circulation areas that encompass the proposal area to which the matter relates. Best practice is to use free community publications as these have a broad readership and do not rely on a purchase of the publication."

The public notice will be published in the following newspapers:

National newspapers: 29 June 2013 in the Public Notices section

- The New Zealand Herald;
- The Dominion Post;
- The Christchurch Press; and
- The Otago Daily Times.

Local newspapers: in the Public Notices section

- Hawke's Bay Today (Saturday 29 June 2013);

A copy of the public notice will also be published in the following newspapers, in the Public Notices section. These copies of the public notice will emphasise that the 20 working day period for submissions began on 29 June 2013:

- CHB Mail (Tuesday 2 July 2013);
- Napier Courier (Wednesday 3 July 2013); and
- Hastings Leader (Wednesday 3 July 2013).

Notification packs

Draft cover letter, information sheet, submission form and public notice

HBRC has informed the EPA that it will be providing information brochures to 10,500 owners and occupiers. These will include a copy of the public notice, as well as further information on the proposal and the EPA process.

The EPA will also serve notification packs on 10,500 owners and occupiers properties. However the EPA notification packs will include:

- a copy of the public notice;
- a cover letter;
- a submission form; and
- an information sheet, including Environmental Legal Assistance Fund information.

The NSP Operations Manual advises that an information sheet may be provided. The proposal team has decided that an information sheet is required, to provide Board member names and more detailed information on the board of inquiry process.

HBRC and HBRIC will provide draft text describing the matters that we will use for these documents. HBRIC and HBRIC will provide the EPA with the draft text and images for the public notice in the week ending 3 May 2013. A draft of the public notice will then be provided to the Proposal Manager and feedback received.

The draft documents (public notice, information sheet and submission form) will be discussed with HBRIC, HBRIC and EPA Legal who will be given the opportunity to provide any suggestions or feedback.

A black and white map image file has been supplied by HBRC and HBRIC to be included in the public notice.

Final review, sign-off of and distribution of cover letter, public notice, information sheet, and submission form

The submission form, cover letter, public notice and information sheet will be provided to the General Manager, Applications and Assessment on 14 June 2013. Following final approval, these documents will be provided to the selected printing and advertising suppliers.

An online submission form service was developed and used for the Christchurch Southern Motorway Proposal. While there were some initial issues with the online form, these have largely been resolved with the support of Communications and IT. The online submission form will be available for the Tukituki Catchment Proposal.

Distribution of information

Notification packs

The final versions of the documents contained in the notification packs will require sign-off by the General Manager. A final proof for review by EPA Communications and the Tukituki Catchment Proposal team will be undertaken prior to any printing starting on the documents.

The final landowner/occupiers spreadsheet will be provided to the selected printing supplier for the mail out after final confirmation and checks undertaken by ground truthing. The mail out is scheduled for the Friday prior to notification (28 June 2013). For town/city mail deliveries, NZ Post estimate a two working day timeframe for delivery, while for rural delivery addresses, NZ Post provide an estimated delivery timeframe of four working days. There are approximately 2000 rural delivery addresses on the database.

EPA website

Amanda Strong (EPA Communications) will undertake the content work required for new web pages required for public notification. Web content will be peer reviewed by the Senior Advisor and Project Leader, with final sign-off by the Proposal Manager prior to any content going live. A back-up contact phone number will be available for an EPA Communications contact person, should there be problems with the website content going live.

Early on the Saturday morning of notification, the EPA website will be updated, including new pages outlining information to submitters, and copies of the public notice and submission forms for download. Submitters will be able to use the online submission form available on the EPA website to provide submissions.

Public viewing of the application

Hard copy versions of the application will be made available for viewing during the notification period at six locations in the proposal area. The Friend of Submitter will also have a hard copy available at his sessions. In addition, a limited number of copies of the submission form, public notice, information sheet and HBRIC's non-technical summary document will also be available for the public. Information on contacting the EPA and how to obtain additional copies of these documents including copies of the application on CD will be provided at each viewing location.

Confirmed viewing locations were identified as being locations open and accessible to the public over a variety of days and hours while also covering an adequate breadth of the proposal area. Permission was sought by liaising with the relevant persons at each location.

The viewing locations are:

Environmental Protection Authority	EPA Head Office, Level 10, 215 Lambton Quay, Wellington
Hawke's Bay Regional Council	159 Dalton Street, Napier
Hastings District Council	207 Lyndon Road East, Hastings
Central Hawke's Bay District Council	28-32 Ruatapiwha Street, Waipawa
Napier Public Library	Station Street, Napier
Wairoa Public Library	212 Marine Parade, Wairoa
Taradale Public Library	White Street, Taradale
Flaxmere Public Library	Flaxmere Community Centre, Flaxmere
Hastings Central Public Library	Cnr Eastbourne Street East & Warren Street South, Hastings
Waipawa Public Library	64 High Street, Waipawa
Waipukurau Public Library	Kitchener Street, Waipukurau
Havelock North Public Library	30 Te Mata Road, Havelock North

The application documents are available on HBRIC's website and the EPA's Tukituki Catchment Proposal webpage will provide a link to this page.

Hard copies of the application and additional notification documents at each viewing location will be distributed on the Friday before notification for display on the Monday following notification.

Decision to accept the process to be undertaken for the public notification of the Tukituki Catchment Proposal

Yes / No

Sarah Gardner

Date

General Manager, Applications and Assessment



MEMORANDUM

File Ref: NSP 28.02

To: Sarah Gardner

Copy To: Shaun Lewis and Fay Holdom

From: Andrew Crosland and **S9(2)(a)**

Date: 10 May 2013

Subject: Tukituki Catchment Proposal – Ruataniwha Water Storage Scheme. Completeness and adequacy assessment and EPA decision as to whether to accept or reject the application for the scheme under section 88(3) of the Resource Management Act 1991 (RMA)

Purpose

1. The purpose of this memo is to seek your agreement that the Ruataniwha Water Storage Scheme application, part of the Tukituki Catchment Proposal, lodged with the EPA on 6 May 2013 by the Hawke's Bay Regional Investment Company (HBRIC), should be accepted as complete under section 88 of the Resource Management Act 1991 (RMA).
2. Some unresolved items are identified. An approach to resolving these items is outlined for your approval.

Recommendations / Actions

3. It is recommended that you:
 - a. **Accept** the Ruataniwha Water Storage Scheme application, lodged by HBRIC on 6 May 2013, under section 88 of the RMA **YES / NO**
 - b. **Agree** that none of the items identified as unresolved are issues that require a further information request by the EPA under section 149 of the RMA **YES / NO**
 - c. **Agree** that the items identified as immaterial are considered resolved **YES / NO**
 - d. **Agree** that all remaining unresolved items be brought to the attention of the decision-maker **YES / NO**
 - e. **Note** that following approval of this memo the Project Leader will send a letter to the Applicants and the Local Authorities advising that the application is complete and has been accepted **YES / NO**

Signature

Date

EPA completeness assessment

EPA conclusion on completeness under section 88

4. Within five working days of lodgement, the EPA must determine if the application is complete in accordance with section 88.¹ Section 168² applies to notices of requirement, but section 168 does not make references to section 88 and Schedule 4. Therefore, whether a notice of requirement is adequately prepared or not will not affect the completeness assessment of an application.
5. In making our recommendation, we have taken into account the section 88 completeness check and the technical expert completeness and adequacy reviews by Hawke's Bay Regional Council (HBRC), Central Hawke's Bay District Council (CHBDC) and Hastings District Council (HDC). A summary completeness check table is attached as Appendix A.
6. Contemporaneously, HBRC has lodged a request for the Minister for the Environment and Minister of Conservation to call in their proposed Plan Change 6. The EPA doesn't have a statutory role under section 88 to check the completeness of the plan change aspect of the Tukituki Catchment Proposal. However, the Ruataniwha Water Storage Scheme is closely related and the planning assessments have been undertaken with the proposed Plan Change 6 in mind.
7. Overall, it is our opinion that the application lodged by HBRC for the Ruataniwha Water Storage Scheme achieves compliance with the requirements of sections 88 and 168 of the RMA, and is therefore considered to be complete under these sections.
8. We recommend that the EPA accept the Ruataniwha Water Storage Scheme application under section 88 of the RMA.

EPA conclusion on further information under section 149

9. The EPA is able to request further information under section 149 of the RMA, if we consider that it is required for the purposes of making our recommendation to the Minister or if there is insufficient information for potential submitters to make a submission.
10. We do not consider that any of the unresolved items identified are necessary to inform the EPA's assessment of the proposal against section 142(3) – the factors of national significance – or to inform the EPA's recommendation to the Minister. We also consider that the application provides sufficient information for potential submitters and the decision maker.
11. Therefore, we consider that there are no unresolved items which require further information to be requested under section 149 of the RMA.

¹ Schedule 4 and Form 9 (Application for resource consent) of the Resource Management (Forms, fees, and procedure) Regulations apply to a determination under section 88.

² Form 18 (Application for notice of requirement) of the above regulations also applies.

Background

12. On 6 May 2013, HBRIC lodged an application with the EPA, comprising 1 notice of requirement and 17 resource consents, in relation to the construction, operation and maintenance of the Ruataniwha Water Storage Scheme, part of the Tukituki Catchment Proposal.
13. The matters include the construction, operation and maintenance of a large dam and reservoir on the Makaroro River (a tributary of the Tukituki River) and associated irrigation headrace canal and pipeline infrastructure on the Ruataniwha Plains in the Central Hawke's Bay and Hastings Districts. Other consents have been applied for in relation to measures proposed to mitigate the effect of the dam on the environment.
14. The matters lodged by HBRIC are outlined in the paragraphs below.

Notice of Requirement – Central Hawke's Bay District Council

- One notice of requirement to designate land to construct, operate and maintain a primary headrace canal within the administrative jurisdiction of CHBDC.

Resource Consent – Central Hawke's Bay District Council

- One application for land use consent to cover the activities within the Scheme within the administrative jurisdiction of CHBDC.

Resource Consent – Hastings District Council

- One application for land use consent to cover the activities within the Scheme within the administrative jurisdiction of HDC.

Resource Consent – Hawke's Bay Regional Council

- Fifteen applications for resource consent within the jurisdiction of HBRC for activities including: the construction, operation and maintenance of the dam, reservoir, intake and outfall structures; damming, diversion, take, use and discharge of water; use of production land; plantings within a flood control scheme area; and for deposition of sediment within the coastal marine area.

Completeness assessment process

15. HBRIC has lodged the notice of requirement and resource consents with the EPA in accordance with sections 145(1) and 145(3) of the RMA.
16. In relation to the resource consent matters, s88(3) of the RMA states:

"If an application does not include an adequate assessment of environmental effects or the information required by regulations, a consent authority may, within 5 working days after the application was first lodged, determine that the application is incomplete and return the application, with written reasons for the determination, to the applicant."
17. In order to determine if the application is complete, the EPA procured the services of a number of technical experts to undertake pre- and post-lodgement adequacy and completeness checks³ and the relevant local authorities (HBRC, CHBDC and HDC) to undertake pre- and post-lodgement section 88 completeness checks on the draft and full lodged application.
18. The pre-lodgement adequacy and completeness check was undertaken in two phases.

Phase 1: HBRIC issued a set of draft technical reports in mid-December 2012 for assessment by EPA technical experts and by the three local authorities. A field trip was also undertaken in early January. Review comments from the technical experts and local authorities were provided to HBRIC in mid-January 2013.

Phase 2: In March 2013 HBRIC issued a full draft application including revised technical reports, accompanied by a table showing comments from Phase 1, how each issue had been addressed, and where changes had been made. The technical experts re-assessed the final technical reports and draft AEE for adequacy and completeness. They had 15 days to undertake their pre-lodgement assessments.
19. On lodgement day, the three councils and the EPA technical experts were sent the full application for completeness checks under section 88. The applicants again provided an updated table showing where issues had been addressed in the lodged application documents, or reasons why issues had not been addressed. They had four working days to carry out their lodgement assessments.
20. The EPA has five working days from lodgement to determine if HBRIC's application is complete under section 88. This completeness assessment takes into account the technical reviewers' completeness and gap analysis as well as HBRC's and the local authorities' completeness checks.

Local Authority section 88 assessment

Pre-lodgement

21. HBRC, CHBDC and HDC provided comments on the draft application on 15 January 2013 (Phase 1) and 9 April 2013 (Phase 2). These were subsequently provided to HBRIC.

³ The adequacy and completeness checks are used to determine whether sufficient information is available in the technical reports to enable a decision-maker to make a determination and potentially affected parties to understand the actual and potential effects.

Post-lodgement

22. HBRC provided hard copies of the lodged application to the local authorities on 6 May 2013. CHBDC and HDC (the District Councils) submitted their combined completeness check report to the EPA on 9 May 2013. HBRC submitted their completeness check report to the EPA on 10 May 2013. The key outcomes of these reports are summarised below.

23. The District Councils provided a combined completeness check report. In it, The District Councils state that:

"The matters lodged with the EPA achieve compliance with the requirements of Section 88, Section 168 and the Forms Regulations".

24. HBRC noted in its completeness check report:

"We consider all matters that required consenting by HBRC are adequately addressed by the resource consent applications. The AEE and supporting information are considered to be adequate and complete for the purposes of section 88 of the RMA."

Description of the Location and Activities/Nature of Proposed Designated Activity

25. HBRC stated that the location was adequately shown on the maps from a regional to a local scale. HBRC suggested that further maps should be attached to the relevant consents to show the relevant areas and sites.

26. The District Councils considered that the application document was complete to the extent that people would now be able to understand the nature of the proposal. The District Councils noted that adequate information was provided to meet the requirements of the two District Plans that apply, and that were adequate to identify the locations of the areas affected by the proposals, including the areas where the proposed designation and resource consent applications were to apply.

Consent Specifications (Local Authority/Regional Plan/District Plan Specific)

27. HBRC stated that the lodgement documentation details the types and number of resource consents to be applied for. HBRC also summarised each regional resource consent to be applied for.

28. The District Councils considered that the scope of the resource consents adequately covered the required consents under the specific District Plans, and that the tabulated list of consents that could be sought at a future time were considered acceptable (i.e. they were not a fundamental aspect of the proposal and were appropriate to be addressed at a later date).

Nature of Proposed Conditions

29. HBRC considered that the lodgement documentation provides a comprehensive suite of proposed conditions. HBRC noted that its section 149G report would provide further comment on the details of the conditions.

30. The District Councils noted that while it was not necessary for HBRC to provide draft conditions, the draft conditions which HBRC provided were subject to considerable change. CHBDC and HDC expect more

detailed comment on the proposed conditions in their section 149G report and elsewhere in the decision-making process.

Consideration of Alternatives (Sites, Routes and Methods)

31. HBRC noted that the application contains the details of the consideration of alternative sites, routes and methods, in section 2 of the Assessment of Environmental Effects (AEE).
32. The District Councils considered that the consideration of alternative sites, routes and methods in the documentation and separate report provided adequate documentation relating to the alternatives considered.

Consideration of Objectives of the Requiring Authorities

33. HBRC noted that this matter was specifically related to CHBDC, so it had not been examined by HBRC staff.
34. CHBDC considered that the information setting out the objectives for the designation was sufficient to meet the information requirements.

Consultation

35. HBRC stated that section 28 of the AEE contained information about the consultation undertaken with parties likely to be affected. HBRC notes that consultation was carried out with a wide range of parties since the project's commencement in 2009.
36. The District Councils considered that adequate information on the consultation taken to date was provided in the documentation.

Assessment against Objectives and Policies of the Relevant Plans and Policy Documents (National, Regional and District)

37. HBRC noted that the lodgement information provided an assessment against these policy documents. HBRC notes that the key objectives and policies were introduced by Plan Change 6 which was notified on 4 May 2013.
38. The District Councils noted that the application documentation included an identification and analysis of objectives and policies of both relevant District Plans in the planning assessment report in Folder A of the documentation.

Any Other Matter (Region or District Specific)

39. HBRC did not consider there were any further matters to comment on.
40. The District Councils did not identify any other matter which would require further information under section 88 of the RMA.

Assessment/Consideration of Environmental Effects

41. HBRC considered that the AEE was adequate to allow acceptance of the application in accordance with section 88 of the RMA. All of the matters in Schedule 4 were noted by HBRC to have been adequately covered.

42. The District Councils considered that the Assessment of Environmental Effects (AEE) provided by HBRIC provided adequate coverage of the matters in Schedule 4 of the RMA and at this stage considered the AEE to be in sufficient detail to correspond to the scale and significance of effects where district land use consent applications and the notice of requirement are concerned.

Effects Covered in the AEE

43. HBRC stated that the lodgement information covers all relevant actual and potential effects. HBRC considered that nothing further needed to be provided to satisfy section 88.
44. The District Councils considered the AEE to have identified and covered relevant actual and potential effects. At this stage the District Councils considered the coverage of effects to be sufficient for the purposes of section 88 and 89 of the RMA.

Technical expert gap analysis

Pre-lodgement

45. EPA technical experts provided comments on initial draft technical reports during January 2013 (Phase 1) and April 2013 (Phase 2). There were no items identified as potential section 88 issues, although there were a number of items identified as potential issues for a section 149 or 92 information request.

Post-lodgement

46. The final versions of technical reports and the draft management plans were provided by HBRIC on 6 May 2013.
47. The final 'gap analysis' reports of the lodged application were submitted to the EPA by the technical experts on 10 May 2013. Overall, the gap analysis assessments conclude that the information provided in the technical reports and draft management plans is adequate and complete. The majority of items highlighted by the technical experts in the pre-lodgement completeness review process have been addressed. All the technical experts considered that there was sufficient information for completeness and adequacy. 18 unresolved items were identified. We do not consider that any of these items constitute a completeness issue under section 88.
48. Appendix A shows a summary completeness check summary table. The table shows the item as assessed by the technical expert during pre-lodgement, comments made by the EPA and HBRIC following the pre-lodgement process, the technical expert's updated assessment at lodgement. These will be summarised by topic in the sections below.

Terrestrial Ecology Assessment

49. The technical experts stated that the issue on how tracking tunnels were chosen was not a completeness issue, but a matter to be elaborated on in evidence. The technical experts also noted that some minor typographical and grammatical errors remain, although this was not a completeness issue.

Integrated Mitigation and Offset Approach

50. The technical experts considered that the Project Description section had been improved, but still did not fully explain the project. However the experts noted that this could be elaborated on in evidence, as opposed to it being a completeness issue.
51. The definitions section, which the technical experts had previously considered to be insufficient, was now in their opinion acceptable although they suggested that the glossary could be further elaborated on in evidence.

Engineering Reports

52. In relation to the landslide and lakeshore erosion issues which has been identified, the technical experts noted that further onsite investigations were required to evaluate the landslide's extent and management options. The experts stated that these were not completeness issues but would have to be addressed prior to presentation of evidence.
53. The technical experts also noted that the erosion from the auxiliary spillway and potential downstream issues should be addressed in evidence, but did not affect the completeness of this section.
54. In terms of reservoir filling, the technical experts considered that while there were no issues with completeness, it was an important issue which would have to be addressed in evidence.

Feasibility Project Description

55. The technical experts regarded the issue of feasibility of alternatives had now been resolved.

Feasibility Report – Sedimentation

56. The technical experts noted that the issues relating to sedimentation estimates were not a completeness issue and should be addressed in evidence.
57. The downstream effects on channel morphology and change in suspended sediment supply were also considered by the experts to be an issue to be addressed in evidence.

Ground/surface water and flow optimisation

58. The technical experts considered that the issue of groundwater mounding beneath the scheme area had not been resolved in the application. The experts recommended that HBRIC either provide further assessment or a more detailed description of monitoring and mitigation to address the potential effects. If HBRIC was to address this through evidence then the technical experts recommended HBRIC provide a timeframe for completing the work to prevent delays in the decision-making process.
59. The technical experts considered that the lack of sensitivity or uncertainty analysis for groundwater effects was an outstanding completeness issue. The experts cited the lack of assessment of the effects of uncertainty do not provide the level of detail required given the scope and nature of the proposed scheme. The technical experts considered that further information should be requested by the EPA in regards to this issue.

60. Another issue identified as a completeness issue by the technical experts was the lack of overall hydrographs and flow duration curves for different reaches of the river. The experts recommended that the EPA request further information in relation to this.
61. The technical experts also considered the information on irrigation demand modelling to be incomplete. Without this information the experts stated that a technical review of the demand component of the model could not be undertaken. As such the technical experts recommended HBRIC be requested to provide further information. The technical experts noted that climate change and its implications for the scheme had been adequately addressed, but should be further covered in evidence.
62. Regarding the issue of hydro-peaking, the technical experts agreed that it had been addressed in the Aquatic Ecology Report, and as such this report should be referred to in the AEE.
63. The technical experts also considered the AEE's consideration of other groundwater users and nitrate contamination effects was adequate.

Catchment Water Quality and Aquatic Ecology

64. The technical experts considered that the scenario modelling report had addressed all the relevant issues in terms of catchment water quality and aquatic ecology. The experts noted one minor issue in regards to the effects of groundwater lags, although this had no bearing on its completeness.

EPA recommended approach to unresolved items

65. We have categorised the unresolved items on the attached table (Appendix B) into two types:
- Items that are either editorial or of a minor technical nature (for example referencing the wrong figure in the plan set) or are immaterial and there would be no benefit in resolving them (for instance a lack of cross reference to another technical report); and
 - More substantial items (for example evidential issues or differences of expert opinion) that are not section 88 issues or information that the EPA should request under section 149, but that would assist the decision-maker in their consideration of the proposal.
66. We recommend that the items we identify as editorial, of a minor technical nature, immaterial, or repetitions of similar items should be removed from the unresolved list and taken no further (there are 14 of these items in Appendix B).
67. We consider that the remaining unresolved items should be brought to the attention of the decision-maker through a Board Paper, should a board of inquiry be appointed (there are 4 of these items in Appendix B). The decision-maker can then decide whether to request further information or commission reports under section 92 of the RMA, or to indicate that the matters should be addressed through the applicants' evidence in chief.
68. A section 92 request can be made at any reasonable time before a hearing by written notice to the applicants.

Next steps

69. We will prepare a paper to a potential board of inquiry, *Board Paper 06 – EPA Lodgement Assessment*, and provide this to the AAA Executive team. It will outline:
- Application background
 - Pre-lodgement process
 - Completeness of application under section 88
 - Unresolved items
 - Recommended approach to unresolved items
 - Risks of recommended approach to address unresolved items.

Appendix A: Summary completeness check table

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Completeness	EPA Assessment	Overall Analysis
<p>FORM 9 & PART 1 EPA application form</p> <p>Have all Form 9 & Part I of the EPA application form requirements been adequately met?</p>	<p>Yes. The resource consents have been applied for in the prescribed form (Form 9) and are adequately described by cross-referencing to the Assessment of Environmental Effects (AEE).</p> <p>The applicants seek 1 notice of requirement and 17 resource consents.</p>	<p>The detail provided in Form 9 and the lodged documents are considered sufficient to understand the nature of the application.</p>
<p>FORM 18 & PART 1 EPA Notice of Requirement form</p> <p>Have all Form 18 & Part I of the EPA Notice of Requirement form requirements been adequately met?</p>	<p>Yes. 1 new designation has been applied for in the prescribed form (Form 18) and has been adequately described by cross-referencing to AEE, Part B.</p>	<p>The detail provided in Form 18 and the lodged documents are considered sufficient to understand the nature of the application for a notice of requirement.</p>
<p>Assessment of Environmental Effects (AEE) - Schedule 4</p> <p>1(a)</p> <p>1(b)</p> <p>Have all relevant effects been reviewed for completeness, corresponding to the scale and significance of the effects?</p> <p>a description of the proposal</p> <p>where it is likely that an activity will result in any significant adverse effect</p>	<p>Yes. The application includes an AEE in Part C. The AEE covers the likely effects, which are supported by technical reports, management plans, and a plan set supplied on CD.</p> <p>A description of the proposal is adequately described in the AEE in Section 1.1, and in Section 2 of the Planning Assessment.</p> <p>Alternative options including sites, routes and methods are adequately described in the AEE in Section 2.</p>	<p>All of the considerations listed at Clause 1 (a)-(f) of the Fourth Schedule have also been adequately assessed.</p> <p>The AEE is considered to correspond with the scale and significance of the effects that the proposed activity may have on the environment. The types of effects anticipated have been adequately</p>

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EPA Assessment		Overall Analysis
Completeness		
<p>on the environment, a description of any possible alternative locations or methods for undertaking the activity</p>	addressed and an AEE provided.	
1(c)	[repealed];	
1(d)	an assessment of the actual or potential effect on the environment of the proposed activity	The actual or potential effects on the environment from the proposed activity are itemised and discussed throughout the Assessment and are supported by various technical reports and management plans supplied as part of the application.
1(e)	where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use	HBRIC has identified that the storage and use of hazardous substances is likely to occur. This is addressed in section 9 of the AEE, as well as in the Draft Construction Management Plan.
1(f)(i)	where the activity includes the discharge of any contaminant, a description of— the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and	A high level assessment of section 105 matters is covered in section 9 of the AEE. The nature of the discharges of contaminants is discussed in section 9 of the AEE. This is supported by the application of two discharge permits, DP120379W and DP120381W.
1(f)(ii)	any possible alternative methods of discharge, including discharge into	The nature of the discharges of contaminants is discussed in section 9 of the AEE. This chapter focuses on stormwater and

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Completeness	EPA Assessment	Overall Analysis
<p>any other receiving environment</p> <p>1 (g) a description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect</p>	<p>aquatic ecology.</p> <p>Mitigation measures, and associated safeguards/contingency plans if relevant, to help prevent or reduce the actual or potential effects, are discussed throughout the AEE and associated technical reports, management plans and draft conditions.</p>	
<p>1 (h) identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any person consulted</p>	<p>During HBRIC consultation there has been a high level of public engagement and numerous submissions have been received throughout this process. Section 28 of the AEE outlines the consultation undertaken and meetings held. The applicants have not provided any written approvals.</p>	
<p>1 (i) where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom</p>	<p>Monitoring proposed by the applicant is discussed throughout the AEE. The applicants have provided proposed designation and resource consent conditions.</p>	
<p>Any Other Relevant Matters</p> <p>Are there any other relevant matters?</p>	<p>The AEE states that HBRIC are not seeking that any board of inquiry waive the requirement to submit outline plans. If the NOR is approved, HBRIC will finalise the proposal design and submit outline plans to CHBDC prior to commencement of works.</p> <p>At this stage, the Applicants are not seeking consents under the</p>	

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Completeness	EPA Assessment	Overall Analysis
	<p>The AEE notes that final project design may identify that further resource consents are required (e.g. for additional culverts). If any such activities exist, the AEE states that consent would be sought in conjunction with the outline plan approval process.</p>	
CONCLUSION	<p>The application lodged with the EPA achieves compliance with the requirements of section 88, section 145(5), section 168, and the Fourth Schedule.</p> <p>Application is considered to be complete and can be accepted by EPA for processing.</p>	

Appendix B: Technical reviewer adequacy and completeness summary tables

	Reference number	Issue	Technical expert analysis
Evidentiary issues	12	Terrestrial Ecology Assessment	Issue to be addressed through evidence, no further comment.
	31	Integrated Mitigation and Offset Approach	The report has been updated and the issue partially addressed, however the Project Description for Project C does not fully explain the project and understanding of Project C could be improved by addressing this issue. This can be elaborated on in evidence.
	35	Integrated Mitigation and Offset Approach	Brief definition in glossary is acceptable and can be further elaborated on in evidence.
	37	Engineering Reports	It is noted that further onsite investigations will be required to evaluate the extent of the landslide and therefore the effects associated with managing it. If this is not completed prior to presentation of evidence this will remain a gap in information that may be difficult to deal with through conditions.
	38	Engineering Reports	It is suggested that further information needs to be presented through evidence on this issue.
	39	Engineering Reports	As the dam itself would be trapping most of the debris coming from the upstream catchment it is considered that erosion of vegetation and soil associated with the operation of the auxiliary spillway would be a more than minor contributor to detritus in the downstream river system with potential issues associated with damaging structures (e.g. bridges). It is considered that an assessment of these effects is necessary and should be presented through evidence.
	40	Engineering Reports	This is flagged as an important issue that must be addressed in the evidence.
	61	Technical Feasibility Study – Sedimentation Report	Noted that this is an important issue to be discussed and clarified through evidence.
	64	Technical Feasibility Study – Sedimentation	Noted that this is an important issue to be discussed and clarified through evidence.

	Reference number	Issue	Technical expert analysis
		Report	
	65	Technical Feasibility Study – Sedimentation Report	Noted that this is an important issue to be discussed and clarified through evidence.
	80	Ground/surface water and flow optimisation	Climate change and its implications for the Ruataniwha water storage scheme have been addressed in report K3 – Climate Change Review. The likely effects of climate change on flows and irrigation demand can be covered in evidence.
Minor Issues	23	Terrestrial Ecology Assessment	Some minor typographical and grammatical errors remain, however this is not a completeness issue and therefore we have no further comment.
	81	Ground/surface water and flow optimisation	Agree, it is however recommended that both the groundwater/surface water report (M1 report) and the Environmental flow optimisation report (K4 report) refer to the aquatic ecology report to ensure that readers are referred to the hydrological/surface water assessments undertaken in the Aquatic Ecology Report (A3 report).
	88	Catchment Water Quality and Aquatic Ecology	Issue addressed in scenario modelling report (M4). Sentence in Section 4.5.2 amended to match results in table, although bullet point number 5 on page 47 may still be ambiguous in its intended meaning. This is a minor issue.
Major issues	76	Ground/surface water and flow optimisation	<p>Whilst the new appendix to the flow optimisation report does cover the potential for mounding, it is dealt with in general terms and provides no specifics, either in terms of the magnitude of the potential rise or the likely locations. The new report acknowledges that mounding could occur and recognises that mitigation and monitoring should be put in place to limit any effects. However, we considered that there is currently insufficient information for mitigation and or conditions to be framed.</p> <p>Therefore, this issue should still be considered</p>

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Reference number	Issue	Technical expert analysis
		<p>outstanding and the Applicant should either provide further assessment or a more detailed description of monitoring and mitigation to address the potential effects.</p> <p>If this is to be dealt with through evidence then it is recommended that the Applicant provides a timeframe for completing this work to ensure there are no delays in the BOI process.</p>
77	Ground/surface water and flow optimisation	<p>There is insufficient assessment of the uncertainty of the results within either the Groundwater Drinking Water report or the Flow modelling report.</p> <p>The applicant notes that the model was calibrated using PEST which is an appropriate tool to minimise potential uncertainty. However, no model provides a perfect representation of a natural system and typically some areas within a model are better calibrated than others. Therefore, a range of parameters exist that will allow the model to fit the observed data. The effect of this range of parameters on the outcome of the predictive scenarios has not been examined.</p> <p>The qualitative assessments do not provide the level of detail that should be considered given the scope and nature of the proposed scheme. Further information regarding this issue should be requested from the Applicant.</p> <p>This is also considered a significant issue that could be dealt with through evidence if the Applicant can provide a timeframe for completing this work.</p>
78	Ground/surface water and flow optimisation	<p>Disagree that overall hydrographs and flow duration curves are not required for different reaches of the river. A surface water/hydrology assessment cannot be considered complete without this information (especially considering the scale and significance of the Project). Further information should be requested from the Applicant.</p> <p>It is noted that the recently released Goldsim Model Report (Appendix C of report K4, the Environmental Flow Optimisation report, p.25) states : " Flow duration curves and various typical hydrographs can be readily produced from the Hilltop files but are not included in this report". It is unclear why this information has not been included but based on this statement it is expected that the requested</p>

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Reference number	Issue	Technical expert analysis
		<p>information can be supplied by the Applicant</p> <p>The above issues that remain outstanding should be addressed in evidence.</p>
79	Ground/surface water and flow optimisation	<p>Two components are critical for bulk storage irrigation schemes with regard to water quantity. These are:</p> <ol style="list-style-type: none"> 1. the supply of water and; 2. The demand for water from the command area. <p>The information provided explains the model methodologies and explains how the input data (primarily flow series) were derived and used in the (water supply) modelling. However, apart from a (very short) summary in the Project Description report (report K1) no details are provided with regard to the demand component of the modelling. A technical review of the demand component of the model cannot be undertaken without this information. The TRIM modelling report (M4 Report) does not provide any detail on the demand modelling.</p> <p>This information should be requested from the Applicant.</p> <p>It is noted that the project description (report K1) states: "Assessment of the Scheme irrigation demand for the Feasibility Stage, including the rationale and main assumptions adopted for that assessment, is described in the Technical Feasibility study report (T&T, August 2012b)".</p> <p>The technical feasibility study report has not been provided to the reviewer and it is our understanding that this report is not part of the 'AEE package'. However the comments in report K1 mentioned above indicates that the requested information is available and can be provided by the applicant.</p> <p>This is considered important information that must be presented through evidence.</p>

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MEMORANDUM

File Ref: 28/03

To: Sarah Gardner

Copy To: Fay Holdom, Cathryn Bridge, Shaun Lewis, Amy Selvaraj, Andrew Crosland
and [REDACTED]
[REDACTED] S9(2)(a)

From: [REDACTED]

Date: 28 May 2013

Subject: Tukituki Catchment Proposal. Contents of notification pack

Purpose

This memo seeks your approval of the contents the Environmental Protection Authority (EPA) proposes to include in the notification packs for the Tukituki Catchment Proposal.

Introduction

The Tukituki Catchment Proposal is comprised of two distinct applications:

1. Proposed Plan Change 6 to the Hawke's Bay Regional Resource Management Plan; and
2. An application by Hawke's Bay Regional Investment Company (HBRIC) for the Ruataniwha Water Storage Scheme (RWSS).

Hawke's Bay Regional Council (HBRC) notified Proposed Plan Change 6 on Saturday 4 May 2013 and requested that the Minister for the Environment and the Minister of Conservation call-in this Proposed Plan Change. Both Ministers are involved as the Tukituki Catchment Proposal includes both land-based activities and activities in the Coastal Marine Area. The EPA is working towards public notification for the Ministers' direction on or around 22 June 2013. The process for the notification of 10,500 owners and occupiers was described in an earlier memo presented to and approved by the AAA Executive on Tuesday 30 April. This number is approximately ten times higher than the EPA has notified for any previous proposal. Based on previous proposals the costs of notifying this many people with a typical notification pack (letters, public notice, submission form and Environmental Legal Assistance (ELA) Fund handout) this could cost between \$65,000 and \$95,000.

To reduce these costs, we determined that the notification pack should include the following documents:

1. Copy of the public notice, as required by section 149C(4) of the Resource Management Act 1991 (RMA); and
2. An expanded cover letter, including information on how to make a submission and on the ELA Fund.

Tukituki Catchment Proposal, the management of hard copy documents resulting from each party being served a copy of the submission form could be resource intensive and costly for the EPA to process.

Due to the high number of households to be notified, we propose to remove the submission form from the notification pack. The cover letter would include information on submitting electronically, locations to pick up hard copies of a submission form and provide the EPA's contact details if parties want submission forms to be sent to them directly. One risk of not including a submission form is that a high number of people use the online submission form and it cannot cope with demand. Our team will therefore be working closely with the IT team and Miriam Robertson who together have created the online form.

Proposed approach

Cover letter

The EPA intends to include a cover letter in the notification pack for the Ministers' direction. This would supplement the information contained in the public notice. Including a cover letter is likely to personalise the notification pack and reduce the risk of owners and occupiers viewing it as "junk mail".

We propose to include the following information in the cover letter:

1. Guidance on how to submit using the EPA's online submission form;
2. Information on the locations of hard copies of the submission form, the detail of which is available in the public notice. These would be available at the same locations the application documents will be available: at local councils and libraries, and at the EPA's Wellington office. The EPA could also provide hard copies of the submission forms on request at the public meetings scheduled following notification;
3. EPA contact details to allow submitters to request a hard copy submission form to be sent out by EPA staff; and
4. Information on how submitters can access the Friend of Submitter and ELA fund, the benefits of each, and a link to the Ministry for the Environment's ELA Fund webpage.

Copy of the public notice

As stated above, the RMA requires that the EPA include a copy of the public notice of the Minister for the Environment's and Minister of Conservation's direction:

S 149C (4) When the EPA gives public notice ... it must also serve a copy of the notice on—

(a) each owner and occupier (other than an applicant) of any land to which the matter relates; and

(b) each owner and occupier of any land adjoining any land to which the matter relates.

As this is the EPA's only statutory responsibility in terms of the notification packs, the EPA intends to include a copy in the notification pack.