

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-000064

**I MUA I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

IN THE MATTER of an appeal under the first
schedule of the Resource
Management Act 1991 (**RMA**)

BETWEEN **AWATARARIKI RESIDENTS
INCORPORATED**

Appellant

AND **BAY OF PLENTY REGIONAL
COUNCIL**

First Respondent

AND **WHAKATĀNE DISTRICT
COUNCIL**

Second Respondent and
Requestor of Plan Change 17

**STATEMENT OF EVIDENCE OF DAVID STIMPSON
ON BEHALF OF WHAKATĀNE DISTRICT COUNCIL**

**FACILITATOR OF THE CONSENSUS DEVELOPMENT GROUP (CDG) OF
STAKEHOLDERS CONVENEED TO EXPLORE OPTIONS FOR THE
AWATARARIKI FANHEAD**

10 August 2020

**BROOKFIELDS
LAWYERS**

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1. INTRODUCTION

1.1. My full name is David Alan Stimpson.

1.2. My evidence is given on behalf of the Whakatāne District Council (the **District Council**) in relation to:

- a) Proposed Plan Change 1 (Awatarariki Fanhead, Matatā) to the Operative Whakatāne District Plan; and
- b) Proposed Plan Change 17 (Natural Hazards) to the Bay of Plenty Regional Natural Resources Plan (a private plan change request from the District Council)

(together referred to as the **Proposed Plan Changes**).

1.3. My evidence relates to the stakeholder engagement I facilitated in 2014 and 2015, prior to the formulation and notification of the Proposed Plan Changes. My evidence does not provide expert comment on the Proposed Plan Changes themselves, having not been involved in this process.

1.4. My evidence covers the establishment and operation of the Consensus Development Group (**CDG**) which was scoped and then convened over the period from November 2014 to May 2015. I describe the aim, membership, methodology, outputs and communiques of results of the CDG.

1.5. My references include:

- a) Communications with **Officers of the District Council** comprising: letter of proposal and report back;
- b) Communications with **elected members of the District Council** comprising: meeting presentation and District Council report;
- c) Communications with the **consensus development group participants** comprising: meeting agendas, meeting presentations, report back documents, communiques, summaries, communiques to owners, and reports to Council; and

- d) Communications with **wider stakeholders** comprising report back documents, and communiques.
- 1.6. My evidence has some overlap with the evidence of Jeff Farrell.
- 1.7. My evidence refers to risk modelling prepared in 2013 by Kevin Hind of Tonkin and Taylor (Reference: *Supplementary Risk Assessment Debris Flow Hazard Bay of Plenty, Tonkin and Taylor November 2013*) as used in material prepared for the CDG.
- 1.8. I attended the public hearing of submissions to the Proposed Plan Changes held in March 2020 and presented expert evidence to the Hearing Commissioners.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1. I hold the position of Director of Stimpson and Co Ltd, a management consulting company providing commercial, economic and policy advisory services to the public sector since 2002.
- 2.2. I hold a Bachelor of Regional Planning (First Class Hons), Massey University 1986 and completed requirements for a Diploma in Business and Administration, Massey University in 1995.
- 2.3. My early career from 1984 to 1994, during which time I became a member of the New Zealand Planning Institute, included the following resource management roles:
- a) Economic and employment impact assessment for the Ministry of Works, Forest Service and West Coast United Council.
 - b) Airport noise modelling and advice as airport planner for the Ministry of Transport Civil Aviation Division. This work included noise impact modelling evidence to the Planning Tribunal regarding Christchurch Airport.
 - c) Local economic development investigations of waterfront, carpark and property developments for Wellington City Council's Capital Development Agency.
- 2.4. From 1994 to 2002 my career was focused on management consulting with KPMG Consulting and Corporate Finance. In this role I provided

advice on infrastructure and local government funding and organisational structuring. I developed skills and experience in facilitation and consensus development processes, as a tool to assist projects involving a diverse range of stakeholders. My experience in this capacity included:

- a) An independent review and consensus process of the structure, operation and efficiency of the Palmerston North City Council, involving elected members (1998); and
 - b) A consensus building process across technical officers, Chief Executives and elected member representatives of four City Councils and the Regional Council in the Wellington Region to investigate governance and management options for bulk and retail water supply (1999).
- 2.5. In 2002, I established a consulting firm and continued to use consensus building processes as one of a number of management consulting methodologies. Over the period from 2003 to 2006, I used a consensus development process to underpin my role as facilitator of five separate Joint Officials Groups among local, regional and central government officers in Auckland, Wellington, Waikato, Bay of Plenty and Canterbury regions.

3. CODE OF CONDUCT

- 3.1. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. I agree to comply with the Code when presenting evidence to the Environment Court. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of another expert witness. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions.

4. SCOPE OF EVIDENCE

- 4.1. My statement of evidence covers the following:
- a) My role in the District Council's management of the hazard at the Awatarariki fanhead (**My Role**);

- b) A list of the documents I have reviewed in preparation of my evidence statement (**Documents Reviewed in Preparation of Evidence**);
- c) A summary of the stakeholder engagement and consensus building in 2014 and 2015 (**Summary of Stakeholder Engagement**); and
- d) Conclusions.

5. MY ROLE

5.1. I have been involved in the District Council's management of the hazard at the Awatarariki Fanhead since 2014. Detail of my involvement is set out in Appendix One. In summary, my involvement comprises:

- a) In August 2014, I undertook a review of reports written by District Council officers and their consultants regarding the Matatā area over the period immediately after the 2005 debris flow event (the **2005 Event**) to 2014.
- b) Following my review, I delivered a report to District Council officers outlining where I considered gaps in analysis to be and recommended further steps.
- c) I then developed and facilitated a consensus development process (**CDP**) comprising:
 - i. Undertaking stakeholder audit interviews from November 2014 to January 2015. This included multiple site visits with District Council officers and affected residents in the Awatarariki fanhead. The process provided me with a good understanding of the site at ground level and the scale and nature of the 2005 Event;
 - ii. Reporting back to stakeholders in February 2015, in which I recommended the formation of a CDG;
 - iii. Facilitation of the Awatarariki CDG in four meeting days from March to May 2015; and
 - iv. Reporting back to stakeholders in May 2015.

- d) I reported back on the CDP to a District Council workshop on 5 June 2015 and provided conclusions and recommended actions.
- e) I commented on the District Council officers' report to Council committee on 2 July 2015

6. DOCUMENTS REVIEWED IN PREPARATION OF EVIDENCE

6.1. In preparing this evidence, I have reviewed the following documents and reports:

- a) Summary of Plan Changes for Awatarariki Fanhead (Memorandum from Craig Batchelar to Jeff Farrell, 28 March 2019);
- b) Summary of Submissions on Plan Changes for Awatarariki Fanhead (Memorandum from Craig Batchelar to Jeff Farrell, 28 March 2019); and
- c) The reports I provided to Council during my involvement in management of the hazard at Awatarariki between 2005 and 2015, as listed in section 5.1.

7. SUMMARY OF STAKEHOLDER ENGAGEMENT

7.1. Appendix One to my evidence statement outlines in detail my interactions with the District Council and the stakeholder engagement I undertook in 2014 and 2015 in respect of the hazard risk at Awatarariki. This section of my evidence provides a summary of that process.

7.2. My evidence relates to the stakeholder engagement I facilitated in 2014 and 2015, prior to notification of the Proposed Plan Changes. I have had no involvement in the management of the hazard at the Awatarariki fanhead since July 2015, and therefore have no expert comment on the Proposed Plan Changes.

7.3. My role in the management of the hazard at the Awatarariki fanhead was the facilitation of a CDP. In short, a CDP is a structured conversation among stakeholders to explore a way forward that everyone can live with.

7.4. The CDP at Awatarariki began in 2014 with exploratory interviews of landowners and District Council stakeholders. This was followed by

facilitated, four full-day meetings of a CDG in 2015. The ten-person CDG consisted of representatives comprising five landowners, one District Councillor, one District Council officer, one BOPRC officer, a geotechnical adviser and a planning consultant.

- 7.5. The focus of my work was on landowners and their relationship with Council, Regional Council and central government. In addition to the Council owned historical reserve at 2 Kaokaoroa St providing ancestral burial ground rights to Māori, there were two groups of sites owned by entities with apparent tangata whenua links. These were:
- a) 21 – 29 Clem Elliot Drive (10 Sections) owned by the Ngati Hinerangi Trust; and
 - b) 98 Arawa Street, being Māori Land.
- 7.6. The CDG first explored a common understanding of each party's concerns and objectives. It then identified criteria to assess options for managing the risk from the debris flow hazard at the Awatarariki fanhead, a description of those options (including costs of options), and finally an evaluation of options.
- 7.7. The CDP achieved a sharing and understanding of others' concerns. The members understood the reasons why different options were preferred by various parties.
- 7.8. At the end of the CDP, it was clear that landowner representatives continued to have varying levels of acceptance of the existence and extent of the debris flow risk at Awatarariki, as well as varying levels of tolerance to that risk. Landowner representatives in the CDG also continued to hold a range of views on the preferred way forward, ranging from 'managed retreat' to an option of stay and accept the risk.
- 7.9. Most parties recognised that the status quo was not an acceptable option and that some form of financial incentive was needed by landowners in order to move forward with Council. My report back to Awatarariki stakeholders emailed to the CDG members on 6 May 2015 noted in paragraph 7 that "*The status quo remains an option for some landowners particularly because it retains existing use rights at least in the medium term. While understanding this position, at the last meeting, as part of the*

discussions, the group looked at a settlement agreement that seeks voluntary managed retreat where on site mitigation is not feasible.” This settlement agreement included offer of a property purchase procedure for those wanting to exit immediately. Paragraph 9 states that “The nature of a funding formula that successfully accommodates the varying history and current circumstances of the various landowners and the financial objectives of all stakeholders is a major challenge still to be resolved.”

- 7.10. While the CDP did not result in consensus on a single option that all stakeholders could accept, there were useful outcomes for the landowners and the Regional and District Councils.
- 7.11. From a landowner perspective, the CDG agreed to continue the process. The landowner representatives invited District Council officers to propose a settlement process to the District Council, BOPRC and all landowners for their response. This invitation was made with the caveat that the landowners within the CDG did not necessarily agree with the emerging potential settlement arrangements.
- 7.12. From a District Council perspective, the advice from the CDG, including the vital participation of Councillor Russell Orr, resulted in a decision that recognised some form of financial package to incentivise voluntary retreat by landowners was necessary to resolve management of the hazard risk at Awatarariki. The elected Councillors, up to that time, were not persuaded that there was a case for financial incentives.

8. CONCLUSIONS

- 8.1. The CDP represented a pivotal point in the long journey from 2005 to the current proposed solution to the management of debris flow risk at Awatarariki.
- 8.2. In 2015, most parties recognised that the status quo was not an acceptable option and that some form of financial incentive was needed by landowners in order to move forward with Council.

David Alan Stimpson

10 August 2020

APPENDIX ONE: DETAIL OF MY ROLE AND CDP

1. On 29 July 2014, David Bewley, General Manager Strategy and Planning at the District Council, wrote to me advising that the Council was unhappy with some of the Officers' recommendations for retreat options at the Awatarariki fanhead. Mr Bewley invited me to undertake a quick review of the "*the strategic issues we have not covered, and provide advice on how to take the project forward*".
2. On 30 July 2014, I proposed to undertake a quick review of reports and provide a short note on my findings. In a letter dated 12 August 2014 I responded to Mr Bewley outlining my findings. My key conclusions were:
 - a. "*The problem is not of a technical / engineering nature. The problem is a public policy development challenge of getting consensus among key stakeholders on a way forward that everyone can live with.*"
 - b. "*At the point where Council has been asked to indicate either formally (Council Committee and full Council in December 2013) or informally (Councillor workshop in March 2014) their support for Officers' recommendations on a preferred option, we have not seen a report that lays out the full range of costed options.*"
 - c. "*We see the gaps in the policy options in two areas. First, discussion around the do nothing option. Second, around the cost details of the reasonably practicable options.*"
3. My letter also outlined a suggested way forward as follows:
 - a. "*Clearly document and simply present costs and benefits of all options across all stakeholders. We would expect that most of this information probably already exists.*"
 - b. "*Consider the consensus development process for bringing elected members and landowners together. Landowner feedback reported to the last Council forum in March 2014 appears to be along the lines of "just buy us out". Key Councillor opinion on the other hand*

appears to be along the lines of “why are we obliged to spend anything further at all”. These two positions are far apart.

- c. *A process where a smaller number of representatives from both stakeholder groups come together to understand options, understand each other’s perspectives and then negotiate a way forward may be useful. This consensus development style of solution is not likely to be “liked” by all stakeholders, but the aim would be to develop a solution they can at least all live with.”*
4. On Thursday 2 October 2014, the Policy Committee of the District Council considered a report (Council reference: A465318). This report:
 - a. Noted officers’ discussions with staff from the Ministry of Civil Defence and Emergency Management identifying the need for a robust business case for any further consideration of Central Government assistance to implementing a solution for this area;
 - b. Summarised Stimpson & Co’s advice on the need for consensus building and costed options; and
 - c. Recommended that a business case be prepared and an advocate for the landowners and residents in the Awatarariki fanhead be engaged.
5. My letter of proposal to the District Council, dated 10 November 2014, provided a *“Proposal for Assistance with Matata Consensus Development”*. This proposal comprised an audit of landowner, District Council, Regional Council and Central Government stakeholders. I outlined two potential options for next steps (to be chosen depending on the outcome of the stakeholder audit):
 - a. Direct one-to-one negotiations with landowners in tandem with building a business case for the other stakeholders; or
 - b. A consensus development group to develop a business case that all stakeholders might accept.
6. On 13 November 2014, Council resolved to proceed with a business case and I was engaged by Council officers to work with affected residents. In November 2014, Mr Bewley wrote to residents at the Awatarariki fanhead

introducing me and inviting residents to engage in confidential interviews as either individuals or small groups.

7. By mid-December 2014, stakeholder interviews had been completed with most land owners. I was accompanied by note-taker and summer intern, Prue Dreaver Stimpson, my daughter, an Auckland University history student. Discussion notes were prepared under the following headings:
 - a. Events 2005 – 2014;
 - b. Current position and objectives; and
 - c. Way forward.

8. I prepared an interim progress report for Marty Grenfell, the then Whakatāne District Council Chief Executive, dated 17 December 2014. In summary, this report noted that all but Ngati Hinerangi Trust and the Irwins at 94 Arawa St had been contacted. The conclusion was “*that despite potentially crippling distrust and anger, there is wide support among landowners for a consensus development process. The risk of further process failure remains high however*”. The report recommended the following next steps:
 - a. Feedback meeting notes to landowners;
 - b. Prepare a report back to landowners recommending starting a CDP as soon as possible in 2015; and
 - c. Design group membership and process details.

9. I prepared a progress report to all stakeholders, dated 23 December 2014. This report:
 - a. Invited interviewees to correct any misinterpretations or omissions; and
 - b. Outlined my proposal to proceed with the CDG. I outlined the “job description” for a participant of the CDG and invited around four landowners to participate, noting those persons who had at that point expressed a willingness to be part of the group.

10. My final stakeholder audit report was dated 28 February 2015. On 3 March 2015, I emailed or posted the report to landowners and the District Council. In summary, the report contained the following information:
 - a. Summary of meetings: 18 face-to-face meetings and 9 telephone discussions across the total of 47 sites and 30 separate ownership groups including private, trust, the District Council and Department of Conservation owners;
 - b. I noted widespread support for a CDP. I proposed that the CDG start work on 23 to 24 March 2015 and consist of:
 - i. A selection of landowners: Marilyn Pearce, Bob Martin, Michelle Beach, Steph Stuart, Greta Nicholson;
 - ii. District Council representatives: Councillor Russell Orr and Council officer Jeff Farrell;
 - iii. A BOPRC representative: Ken Tarboton;
 - iv. Technical advisors: Tim Davies (geotech) and Craig Batchelar (planning);
 - v. Members to facilitate and write up findings: David Stimpson, Ross Chesney and Sarah Stewart; and
 - vi. With respect to central government representation, I noted the unavailability of a central government representative.
 - c. Summary of the nature of the proposed consensus development approach was discussed, including:
 - i. A “pressure cooker” approach and time required;
 - ii. The need for technical input in the room;
 - iii. The need to leave personal positions at the door for the period of the discussion as we evaluate all options;
 - iv. The confidentiality of individual points made, to enable exploration of options on a without prejudice basis and the need to report publicly as a group;

- v. The need for unchanging commitment from the group membership; and
 - vi. The need to hear and at least understand all views.
- d. Summary of the Tonkin and Taylor assessment of the intolerable risk area.
 - e. Summary of landowner information in the public domain. This included their current residential location and support and availability for the CDG, pre 2005 and post 2005 circumstances, both 2004 and 2015 land and capital values and number of titles within the “intolerable risk zone”.
11. On 17 March 2015, I received a letter from lawyer Ian Bentley on behalf of Matatā resident Neville Harris requesting his participation in the CDG. I had not included Mr Harris in the CDG on the basis of the notes of my meeting with Mr Harris on 13 December 2015 which recorded “*He fails to see how a Consensus Development Process with others where a small group of residents would come together to evaluate options with Council would work.*”
 12. Council officer Jeff Farrell persuaded me to include Mr Harris in the CDG. Mr Farrell’s experience was that Mr Harris, while challenging Council on a range of subjects, was likely to make a positive contribution.

Engagement of Māori interests

13. The focus of my work was on landowners and their relationship with Council, Regional Council and central government. In addition to the Council owned Historical reserve at 2 Kaokaoroa St providing ancestral burial ground rights to Māori, there were two groups of sites owned by entities with apparent tangata whenua links. These were:
 - a. 21 – 29 Clem Elliot Drive (10 Sections) owned by the Ngati Hinerangi Trust; and
 - b. 98 Arawa St. Māori Land.

14. Locating these owners was not completed until after initiation of the CDG process. Discussions with the owners of these two sites are summarised below.

a. 21 – 29 Clem Elliot Drive (10 Sections) owned by the Ngati Hinerangi Trust.

- i. My contact with the chair Don Bennett on 2 March 2015 indicated that three sections had been sold prior to the debris flow event. The remaining ten sections continued to be available for sale although this was subject to a challenge by Kawerau interests in the Māori Land Court. My Bennett was in agreement with a smaller group to investigate a way forward and to keep them informed.
- ii. I subsequently came to understand from discussions with Anthony Olsen, CEO Te Mana o Ngāti Rangitihī Trust, that ownership had been transferred to Colleen Skerett-White. I met with Colleen and Anthony on 9 April 2015 by which time the CDG process was nearing an end and I was unwilling to add new stakeholder representatives late in the process. I wrote to them on 8 May 2015 noting my understanding of their objectives for a Battelfield / Urupa protection reserve and that this was consistent with Council's objectives for the wider site. I also noted my recommendation to Council that at the time a formal proposal might be made to all landowners, Council should enter into discussions with various Iwi with cultural and private property interests at Awatarariki including Colleen.

b. 98 Arawa St. Māori Land with total rates remission.

- i. Owner Roger Kusabs died approximately 15 years prior. Contact was made with beneficial owners Andrew Kusabs (Junior) of Levin who was amenable to the CDG process and being kept informed and Andrew Kusabs of Rotorua. Andrew offered to be an observer in the process which I declined on the basis that the process required multiple full day active commitment.

- ii. My meeting with Te Mana o Ngāti Rangitahi Trust representatives Colleen Skerrett-White and Anthony Olsen on 9 April 2015 identified their plans for battlefield / Urupa protection. These plans were noted to the CDG. The presentation to the final meeting of the CDG on 5 May 2015 noted on page 11 that for a managed retreat process, *“Debris fan passive reserve development plans would be developed to fit with proposals for historic battlefield and urupa preservation plans on adjacent Maori owned land”*
15. The first meeting of the CDG was held on Monday 23 and Tuesday 24 March. The agenda of that meeting was:
 - a. Welcome from Mr Grenfell (who then left the meeting process);
 - b. Meeting rules;
 - c. Stakeholder concerns and objectives;
 - d. Identification of criteria to assess options;
 - e. Description of options;
 - f. Evaluation of options;
 - g. Reconsideration of options; and
 - h. Public Communications from the meeting.
16. On Wednesday 25 March 2015, on behalf of the CDG, I contacted all Awatarariki stakeholders (via email or post) providing a report back on progress after the first two full meeting days. I advised of genuine progress after very frank discussion, and noted that an understanding of issues and concerns had been achieved by all parties. A range of options had been identified including the status quo, which at that point the group agreed was untenable. Consensus on a way forward remained a work in progress, however and it was agreed to meet again on Wednesday 8 April 2015.
17. At this time, I was continuing to seek engagement with landowners who whakapapa to Ngāti Awa. It was agreed with the CDG that Council officers

would communicate the report to Ngāti Awa, the Department of Conservation and wider Council audiences.

18. The CDG continued to work through the initial agenda on Wednesday 8 April 2015. My report back to stakeholders (dated 9 April 2015) indicated very challenging discussions, but recorded agreement on the following:
 - a. A high debris flow risk to the community, while accepting that individuals vary in their personal tolerance of this risk;
 - b. The identification of eight options for managing this risk:
 - i. Stay, accept the risks and allow further building on all sites;
 - ii. Stay, with works to protect existing buildings only;
 - iii. Maintain the status quo (existing homes stay, but no / uncertain further development and risk of legal action);
 - iv. Mitigate risks through works on each private building (i.e. a collective plan across all sites to raise floor levels and strengthen foundations);
 - v. Construct a channel out to sea;
 - vi. Construct a bund to protect the east; and
 - vii. Managed full retreat over time.
 - c. It was agreed that the various engineering options were likely to be too expensive;
 - d. The report noted a request for professional staff to do further work on the financial and planning details for the managed voluntary retreat option. Officers were asked for “Arrangements that are affordable for all parties and that facilitate negotiations with central and regional government are to be further developed for consideration by the group.”;
 - e. The status quo option was likely to result in ongoing indecision and threat of legal action; and

- f. Finally, the report recorded agreement to reconvene the CDG on Tuesday 5 May 2015.
19. On 5 May 2015, the CDG met again with the following agenda:
 - a. PowerPoint presentation by Ross Chesney of Stimpson & Co on the contents of a proposed Voluntary Managed Retreat option;
 - b. Discussion of how the proposed Voluntary Managed Retreat option could be taken to central government. This was led by Council's then recently contracted Strategic Communications Adviser, Glenda Hughes, who has expertise in central government relations and negotiations;
 - c. Discussion of the benefits and concerns related to the Voluntary Managed Retreat option; and
 - d. Discussion on the way forward, noting that *"My proposal is that the group only needs to agree that the option has sufficient clarity for Council to take forward to all landowners. I don't believe the group necessarily needs to agree with the option at this stage. This is because a lot of information will have been presented on the day and I expect group members will want to take the details back to their own families and advisors."*
 20. On Wednesday 6 May 2015, I emailed the CDG noting that while there was still a long way to go before consensus was reached, the group agreed we had continued to make progress. I attached a draft report back from myself to all stakeholders for the advanced information of the CDG, recognising that they had not agreed on any option, although the status quo remained unattractive to all. This document, titled *"Report back on Consensus Development Group work to 5 May 2015"*, noted:
 - a. The process that had been followed and thanked the participants;
 - b. The input from Glenda Hughes on government relations;
 - c. The CDG's request for definitive research defining the area of retreat given the gap in understanding between Council and landowners on where the boundary should be drawn (or whether

it should be drawn at all) and that many individuals would like to take individual responsibility for accepting the risk;

- d. The CDG's proposal that GNS Science review the previous work by Tonkin and Taylor on the area of high risk and that this review be put before the Environment Court for a definitive determination;
- e. The eight options considered;
- f. The need for short term action, regardless of long term solutions, on escape routes, exploration of early warning systems and rates relief;
- g. The CDG's agreement that engineering solutions are likely to be unaffordable, although onsite mitigation such as foundation strengthening and floor level lifting were still being tested by two landowners. The CDG had looked at a settlement agreement seeking voluntary managed retreat where onsite mitigation is not feasible. The suggested process and outline agreement included:
 - i. Allow landowners to investigate onsite mitigation possibilities;
 - ii. Offer property purchase for those wanting to exit immediately. Officers were asked to do more work on a funding formula that accommodates the varying history and current circumstances of landowners and the financial objectives of all stakeholders;
 - iii. That Council and landowners join together in an approach to both BOPRC and central government to negotiate sharing of costs among all four parties including landowners;
 - iv. Conversion of any sites purchased to a passive reserve; and
 - v. Implementation in the longer term of district plan and regional rule changes to confirm the high risk status of the site.

- h. The CDG's agreement that a solution involving other funders requires agreement between Council and landowners, at least on the process to be followed.
- 21. The CDG concluded with agreement that it was good the parties were still talking, and invited Council officers to propose a settlement process to the District Council, BOPRC and all landowners for their response (with the caveat that the landowners within the CDG did not necessarily agree with the emerging potential settlement arrangements). It was agreed that Councillor Russell Orr would continue to be the CDG's spokesperson during the next period.

Further contact with Ngāti Hinerangi

- 22. On Friday 8 May, I emailed my report to Colleen Arian Skerrett-White and Anthony Olsen as Ngāti Hinerangi representatives. This email thanked them for their meeting with me on 9 April 2015 regarding their objectives for the Ngāti Hinerangi / Kaokaoroa Reserve sites at Awatarariki. I noted my belief that their objectives for a Battlefield / Urupa protection reserve ("Kaokaoroa Reserve") were consistent with the District Council's objectives for the wider sites at Awatarariki. I also noted my advice to the District Council that engagement with Ngāti Hinerangi is crucial to the process moving forward and that Jeff Farrell would make contact again once the Council have considered the CDG report (which I attached).

Work following completion of the CDG meetings

- 23. Following completion of the CDG meetings, I prepared a post-CDG meeting working paper. This paper provided draft notes to Council Officers only, followed by a power point presentation report to a Council workshop meeting on 3 June 2015. This report described the background context, the CDG process, membership, options identified, criteria and the evaluation identifying "*Managed voluntary retreat*" as a possible way forward, with mitigation on each private site still a possibility at that time.
- 24. The early work identified by the CDG included:
 - a. The need for implementation of escape routes, investigation of early warning systems and definition of the high risk boundary;

- b. The need for a property purchase procedure that was conditional on landowner, regional and central government support;
 - c. Allowance of onsite mitigation; and
 - d. Council creation of a debris flow mitigation reserve.
25. The concept of cost sharing the land purchase for affected houses in the Awatarariki fanhead equally four-ways among the three levels of government and landowners was explored and discounted as problematic. The reason was that owners of land and buildings hold existing use rights and would probably need a full current market value to walk away. A 25% discount on full market value would likely be unacceptable and possibly unaffordable to those with age and income constraints.
26. The presentation identified funding options that differ depending upon the escalating set of objectives the Council might hold for the site. These objectives comprised: a.) life safety objective only b.) Life safety plus passive reserve creation and c.) Life safety, passive reserve and partial compensation for owners' suffering and loss of investment.
27. The following table was presented, showing how each of these options might look for owners of varying circumstances and noting that further work was required on valuations. At that time, it was also understood that the Public Works Act would guide the process.

Landowner circumstances		Options and outcomes			
Description	#	Status Quo option	Voluntary retreat option		
			A. Life safety only	B. Life safety Passive reserve	C. Life safety Passive reserve Solatium
1. <i>Pre-2005 house continuing</i>	9	<ul style="list-style-type: none"> • Existing use rights • Go to court? • Property value decline. 	<ul style="list-style-type: none"> • Landowner receives 100% of 2015 capital value plus potential solatium 		
2. <i>Pre-2005 house rebuilt</i>	4				
3. <i>Pre-2005 house – site now vacant</i>	5	<ul style="list-style-type: none"> • Existing use rights camping only. • Go to court? • Property value decline – unless + MBIE determination 	<ul style="list-style-type: none"> • 2015 Market value of land only – say average of say \$50,000 / site 	<ul style="list-style-type: none"> • Up to 2004 GV of land value. 	
4. <i>Site vacant pre & post 2005</i>	24				
<i>Potential cost to governments</i>		\$0	\$TBC	\$TBC	\$TBC

Public Works Act will guide process

28. The workshop report recommended:
- a. That funding options and the level of work needed to firm up costs and extent of impact on landowners be noted;
 - b. Commissioning work to be completed by end 2015, comprising:
 - i. The definition of hazard lines;
 - ii. Current market valuations;
 - iii. Investigation of early warning, escape routes and rates relief; and
 - iv. Initial informal approaches to central government.
 - c. Appropriate communications to the CDG and all landowners.
29. This point was the end of my role specifically relating to facilitation of the CDG.

Work following completion of my role as facilitator of the CDG process

30. On 2 July 2015, I assisted Mr Farrell to prepare his report to the Policy Committee of Council. This input included preparation of a summary chart of options for the Council's consideration, comments on the draft report and input to landowner details. My input to the report noted that the CDG had looked at a general form of managed retreat only, and that it was officers that had subsequently developed the sub-options further. These sub-options included a life safety only option (Option A in the table in paragraph 27 above). For vacant sites, under this option, a restrictive zoning might be imposed without property buyout while allowing existing use rights to camping only to continue. I did not attend the Council meeting on 2 July 2015.
31. This point was the end of my role with respect to the management of the debris flow hazard at the Awatarariki fanhead. I had no further involvement until 2019, when the Council invited my preparation of evidence for Commissioner hearings on the Proposed Plan Changes.

APPENDIX TWO: TIMELINE AND DOCUMENT SUMMARY

August 2014	1. Letter to David Bewley dated 12 August 2014, Review of Policy Development Process relating to Council's response to debris flow risk on the Awatarariki fanhead at Matatā.
November 2014	2. Letter to David Bewley dated 10 November 2014: Proposal for assistance with Matatā Consensus Development 3. Letter from David Bewley to Awatarariki landowners "Awatarariki fanhead dated 21 November 2014. Exploring ways forward that everyone can live with"
December 2014	4. Interim note to Marty Grenfell on progress 17 December 2014 5. Stakeholder audit note emailed to all Awatarariki contacts on 23/12/14, attaching Stakeholder audit interview notes – inviting a check on accuracy and outlining CDG process and inviting membership suggestions. Eg: Michelle Beach and Alastair Magee. Emailed to Michelle 23/12/14 to check accuracy.
February 2015	6. Report back to landowners and Council, Dated 28 February 2015, from David Stimpson on stakeholder audit December 2014 – February 2015.
March 2015	7. Meeting day 1: Monday 23 and Meeting day 2: Tuesday 24 March 2015. CDG report back #One March 25. 8. Email: 25 March 2015 from David Stimpson to Awatarariki stakeholders 9. Letter dated 26 March to all Awatarariki stakeholders copying text of email previous day
April 2015	10. Wednesday 8 April – CDG Meeting day 3. CDG report back #Two, 9 April. 11. Meeting with Te Mana o Ngāti Rangitihī Trust representatives Colleen Skerrett-White and Anthony Olsen.
May 2015	12. Meeting day 4, Tuesday 5 May.
	13. Briefing of Glenda Hughes

	<p>14. Pre-meeting background paper</p> <p>15. Meeting presentation</p> <p>16. CDG Meeting attendance 5 May 2015</p> <p>17. Meeting communique #3</p> <p>18. Post meeting working paper write up</p> <p>19. Friday 8 May – email of post meeting working paper to Colleen Skerrett-White and Anthony Olsen.</p> <p>20. Councillor workshop presentation for 3 June</p>
June 2015	<p>21. Comments emailed 18, 22 and 23 June, on the draft 2 July 2015 Report to Whakatāne District Council.</p>