
QUALIFICATIONS

LLB (Hons), University of Auckland (1983)

CAREER HISTORY

- April 2024 – current: Specialist Environmental Law Barrister.
 - April 2012 – March 2025: Partner, Berry Simons.
 - 2004 – 2012: Specialist Environmental Law Barrister.
 - 1999 – 2004: Partner, Minter Ellison Rudd Watts.
 - 1989 – 1999: Partner, Russell McVeagh.
 - 1982 – 1989: Environmental Law Team, Russell McVeagh (including period at Norton Rose, London 1985 – 1986).
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GENERAL

Simon Berry is a specialist Environmental Lawyer with over 42 years' experience in the field. He spent more than 20 years as a partner in two major law firms and eight years as a specialist barrister before founding Berry Simons with Sue Simons in 2012.

Simon has wide ranging experience in providing legal and strategic advice to both private and public sectors and has an in-depth knowledge of New Zealand's Environmental legislation and its implementation. He has led many multi-disciplinary teams to obtain authorisations for major commercial, industrial infrastructure and power projects and in relation to complex (predominantly water related) policy and planning instruments.

As specialist Environmental Counsel, Simon Berry regularly represents clients before regional and district councils and the Environment Court. Simon is an experienced independent hearing commissioner under the Making Good Decisions programme and has recently renewed his Chair's endorsement.

Simon's areas of expertise include:

- Independent hearing commissioner appointments for over 25 years.
- Interpretation and application of:
 - Resource Management Act 1991 (and related environmental statutes such as the Urban Development Act 2022) and district and regional planning instruments;
 - Local Government Act 2002;
 - Fast-track legislation.

- Advising on the range of consenting processes that have been promulgated in recent years, including fast track resource consent applications; the streamlined planning process; and, 'called in' projects of national significance and processes under the Urban Development Act 2020.
- Development of resource consent strategies (particularly for major projects requiring multiple authorisations); preparation of resource consent applications and designation requirements; scoping Assessments of Environmental Effects, etc.
- Liaison with regulatory authorities, stakeholders and iwi.
- Legal requirements relevant to requiring authorities, designation requirements, powers of compulsory acquisition, etc.
- Potential environmental liability, particularly in the context of environmental audits and due diligence exercises.
- Analysis of district and regional plans, policy statements and preparation of submissions on plans.
- Submissions on resource consent applications, notices of requirement, etc.
- Advocacy before regional and district councils in support of applications and submissions.
- Liaison with Central and Local Government officials.
- Analysis of Parliamentary Bills, preparation of submissions and appearances before Select Committees.
- Preparation and lodging of appeals to the Environment Court.
- Advocacy before the Environment Court and higher courts on questions of law.

HEARING COMMISSIONER AND FAST TRACK CONSENTING APPOINTMENTS INCLUDE:

- Chair of Expert Consenting Panel to determine Tauhei Solar Farm under the COVID-19 Fast Track Legislation.
- Chair of Expert Consenting Panel to determine Harmony Solar Farm – Marton under the COVID-19 Fast Track Legislation.
- Simcox quarry application for Barracks Road Quarry in Omaka Valeey, Marlborough (sole commissioner).
- Mixed use development in Hamilton East (sole commissioner).
- Franklin District Council Plan Change 24 re Pokeno (Chair).
- North Eastern Investments Limited: Comprehensive housing development, North Shore City.
- Contact Energy and Geotherm: Applications in relation to Wairakei geothermal resource (Chair).
- Application to subdivide and establish industrial estate on hot ground at Taupo (Chair).
- Auckland Regional Council - Resource consents for Whangaripo Quarry expansion.

- Resource consents for pest eradication at Tawharanui Regional Park (Chair).
- Designations for new Kopu Bridge (Chair).
- Proposed marina at Tairua (Chair).
- Resource consents for coastal defence structures at Whitianga.
- Resource consents for Mokauiti and Wairere Falls hydro-electric scheme, King Country (Chair).
- BP motorway service centre at Dairy Flat, Rodney District.
- Comprehensive roading variation for Coromandel Peninsula.
- Urban form variation in Whitianga.
- Proposed service station at Whitianga (sole commissioner).
- Subdivision and development of Harbour View Estate, Te Atatu Peninsula (sole commissioner).
- Tairua-Pauanui wastewater.

PROJECT EXPERIENCE (SELECTED PROJECTS)

Wastewater

- Waipa District Council: Te Awamutu and Cambridge WWTPs.
- Tauranga City Council: Tauranga Wastewater Project.
- Central Hawkes Bay District Council: Waipawa, Waipukurau, Otane, Porangahau WWTPs.
- Thames Coromandel District Council: Eastern Seaboard Project ("ES3") (Whangamata, Whitianga and Tairua-Pauanui WWTPs), Thames Wastewater Plant; Oamaru Bay Wastewater scheme.
- Watercare Services: Mangere Wastewater Treatment Plant upgrade.

Water

- Hamilton City Council: Hamilton City Water Take and Hamilton City Comprehensive Stormwater projects.
- Waipa District Council: Te Awamutu Water Water Take.
- Thames Coromandel District Council: Matatoki and Omahu community water supply consents.
- Watercare and the Waikato River Municipal Users Group (WRMUG): Advice in relation to Variation 6 of the Waikato Regional Plan regarding water allocation.
- Waikato Regional Council and Local Government NZ: Submissions in relation to the National Policy Statement for Freshwater Management.
- Environment Canterbury: Groundwater allocation issues.
- Watercare Services: Waikato Municipal Water Supply Project; Waitakere and Hunua Ranges water supply dams.

Property Development

- The Comfort Group: amendments to Waikato District Plan and resource consents (including fast track consent) to authorise major industrial, housing
- NZPRG: Redevelopment of Milford Shopping Centre and recent mixed use development.
- King Kylin Holdings: Development at Bannings Way Hobsonville.
- Highbury Residential: Development at Birkenhead.
- Ponsonby Road Limited: Development in Ponsonby.
- Mitre 10 franchisees: Resource consent issues.
- Progressive Enterprises Ltd: Counsel in relation to North Shore City Council Plan Change 9 for Albany Centre; Resource consents for Countdown Supermarkets at Botany Downs and Manukau City.
- Outdoor advertising resource consents for a number of outdoor advertising operators throughout New Zealand.
- Sky City: Resource consents for: pedestrian bridges between New Sky City Hotel and Conference Centre; parking building in Victoria Street, Auckland; Grand Hotel.
- Major Properties Ltd: Resource consent for commercial office development in Tauranga.
- High-density residential and commercial developments in Parnell, Newmarket and CBD including Britomart.

Energy

- Top Energy Limited – Ngawha Geothermal Expansion Project.
- WEL Networks: Te Uku Wind Farm and related lines project; Borman Road, Whatawhata and Cobham Drive substations.
- Mercury Energy: Mighty River Power: Kawerau Geothermal Power Station – original consents and plant expansion.
- Mercury/Vector: Southdown Cogeneration Project; North Shore Transmission Corridor; Mercury Tunnel; Auckland City Cable Project.
- Methanex: Methanol facilities at Motunui and Waitara Valley.

Coastal and Maritime

- Thames Coromandel District Council: Whangamata Marina appeals; Aquaculture Infrastructure Project.
- Ministry of Conservation: Advice in relation to the legal issues relevant to the establishment of a Marine Reserve on Great Barrier Island.
- Resource consents for commercial activities in Viaduct Harbour.
- Various coastal projects near Thames, including landfill capping, coastal walkways, etc.
- Various wastewater discharge projects involving discharges to the Coastal Marine area.

POLICY AND PLANS

- Joint Working Party of Waikato District Councils: Proposed Waikato Regional Policy Statement.
 - Mighty River Power: Proposed Bay of Plenty Regional Policy Statement.
 - Thames-Coromandel District Council: Coromandel Mining appeals; Natural Hazards Plan Change appeals; Draft District Plan.
 - Environment Canterbury: Appeals on Natural Regional Resource Plan; Groundwater Allocation Policy.
 - Waikato Regional Council and Local Government New Zealand: Submissions in relation to National Policy Statement for Freshwater Management.
 - Transpower New Zealand: Advice on Auckland Unitary Plan.
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