

**From:** [Sara Clarke](#)  
**To:** [Nadeine Dommissie](#)  
**Subject:** FW: Classification [redacted] Rakaia WCO Declaration  
**Date:** Wednesday, 1 March 2023 7:35:39 pm

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FYI – we may need urgent direction from the Minister on the below. I will work with Steph if we do...

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**From:** Sara Clarke  
**Sent:** Wednesday, March 1, 2023 7:35 PM  
**To:** Macaela Flanagan <[Macaela.Flanagan@mfe.govt.nz](mailto:Macaela.Flanagan@mfe.govt.nz)>  
**Cc:** Janine Foon <[Janine.Foon@mfe.govt.nz](mailto:Janine.Foon@mfe.govt.nz)>; Rebecca Hare <[Rebecca.Hare@mfe.govt.nz](mailto:Rebecca.Hare@mfe.govt.nz)>  
**Subject:** RE: Classification [redacted] Rakaia WCO Declaration

Hi Macaela  
Thanks for this

9(2)(g)(i) [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

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**From:** Macaela Flanagan <[Macaela.Flanagan@mfe.govt.nz](mailto:Macaela.Flanagan@mfe.govt.nz)>  
**Sent:** Wednesday, March 1, 2023 4:40 PM  
**To:** Sara Clarke <[Sara.Clarke@mfe.govt.nz](mailto:Sara.Clarke@mfe.govt.nz)>  
**Cc:** Janine Foon <[Janine.Foon@mfe.govt.nz](mailto:Janine.Foon@mfe.govt.nz)>; Rebecca Hare <[Rebecca.Hare@mfe.govt.nz](mailto:Rebecca.Hare@mfe.govt.nz)>  
**Subject:** Classification [redacted] Rakaia WCO Declaration  
**Importance:** High

Hiya Sara (and Janine)

I'm sorry for the long email and the urgency.

I am happy to chat this through if it's easier Sara, and if so, Janine can you please urgently find me some in Sara's calendar to talk this through. The urgency is that this briefing needs to have a decision from the Minister by next Tuesday.

We have a meeting with legal and Crown Law tomorrow at 9.30 am. Any direction prior to that would be grand! If not, we will discuss the below at that time and keep you posted.

In the meantime, I am going to send the previous briefing (April 2022) BRF-177 to legal, which discussed the Rakaia WCO, as well as the Minister's feedback at the time (this is explained more below).

**Context:**

- The Minister was served as an affected party in declaratory proceedings brought by ECan, seeking to clarify its role in the monitoring and enforcement of the Rakaia WCO.
- ECan seeks confirmation from the Court that, in summary, it does not have a duty to enforce the provisions of the Rakaia WCO beyond ensuring that the regional plan is not inconsistent with the WCO, that no resource consents are granted contrary to the WCO, and monitoring associated with these obligations.
- Notably, the Rakaia WCO includes a specific clause (9A Lake Coleridge Project) which contains very specific conditions for the storage and release of water from Lake Coleridge for irrigation purposes. This clause was added in 2013 via special powers in the ECan Commissioners Act to allow irrigation schemes to access water stored in the lake which would otherwise be restricted by the WCO. Clause 9A requires specific actions from Manawa Energy as the operator of the Lake Coleridge power station.
- It is the monitoring and enforcement of this clause that is in question and has led to these proceedings.
- The Rakaia WCO has come up several times in the past couple years. Feedback from Minister (via you, Sara) last year ([re BRF-1177](#)): 9(2)(g)(i)

[Redacted text block]

This context was also provided to Nadeine for her Select Cttee notes recently.

9(2)(g)(i)

- 9(2)(h) [Redacted]
- 9(2)(g)(i) [Redacted]
- 9(2)(h) [Redacted]
- [Redacted]
- [Redacted]

9(2)(h) [Redacted]

[Redacted]

- 9(2)(h) [Redacted]

- 9(2)(g)(i) [Redacted]

[Redacted]

[Redacted]

9(2)(g)(i)

- [Redacted]

[Redacted]

[Redacted]

- **Crown Law needs to file by next Wednesday 8 March, meaning we would need a response from the Minister next Tuesday 7 March.**

9(2)(h)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]