

## Application 2021.034 Otawere Water Storage Reservoir (Te Tai Tokerau Water Trust)

To:	Required action:
Hon David Parker, Minister for the Environment	Consider this report prior to making a decision under section 24 of the FTCA

### Ministry for the Environment contacts

Position	Name	Cell Phone	1 <sup>st</sup> Contact
Principal Author	Pip Lee		
Manager	Stephanie Frame	s9(2)(a)	✓
Director	Sara Clarke	s9(2)(a)	

### Introduction

1. The Ministry for the Environment has prepared this report in consultation with The Office for Māori Crown Relations – Te Arawhiti and in accordance with section 17 of the Covid-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. To satisfy obligations under section 6 of the FTCA, you must consider this report before you make any decision under section 24 of the FTCA to accept the application to refer the Otawere Water Storage Reservoir project to an expert consenting panel (a panel).

### Proposed project

3. Te Tai Tokerau Water Trust proposes to construct and operate a water storage reservoir in the Waitangi River catchment near Waimate North, approximately 8 km to the south of Kerikeri, in Northland. A location map is in Attachment 1.
4. The reservoir is one of four proposed reservoirs in the Mid-North Scheme of the Northland Water Storage and Use Project. This wider project, which is supported by the Provincial Growth Fund, aims to provide economic benefits in Northland through land use change involving water storage.

## Essential information

5. The following information is required under section 17(3) of the FTCA for the project area.

Section of the FTCA	Information required	Detail
s17(3)(a)	Relevant iwi authority	Te Rūnanga-Ā-Iwi-O-Ngāpuhi <i>Contact details are in Attachment 2</i>
s17(3)(b)	Relevant Treaty settlements	None
s17(3)(a)	Relevant Treaty settlement entities	None
s17(3)(c)	Relevant principles & provisions of the Treaty settlements	None
s17(3)(d)	Negotiation mandates recognised by the Crown	None
s17(3)(d)	Current Treaty settlement negotiations	None
s17(3)(e)	Court orders recognising customary marine title or protected customary rights under the Marine & Coastal Area (Takutai Moana) Act 2011 or another Act	None relevant and the project does not occur in the coastal marine area.

## Supporting material

### Proposed project and project area

6. The proposal includes the following components, shown on Attachment 3:

- a main dam approximately 16 m high and associated spillway at the southeast end of the reservoir, on an unnamed tributary of the Waitangi River
- a saddle dam approximately 11 m high and auxiliary spillway at the northern end of the reservoir, on a branch of Okokako Stream, another tributary of the Waitangi River
- a reservoir that will inundate approximately 56 hectares of rural land (including approximately 5 hectares of streambeds and natural wetlands) and will be capable of storing approximately 4 million cubic metres of water.

7. The reservoir will be filled through a combination of restricted catchment inflows at the site and a proposed high flow take from the nearby Waiaruheiti Stream to the south, which is also a tributary of the Waitangi River. Resource consent to take the water from Waiaruheiti Stream has already been granted by Northland Regional Council.

8. Water from the reservoir will be distributed for use via a piped network to be constructed as part of a separate project. The applicant advises that approximately 1300 hectares of horticultural

development could be supported and water from the reservoir could also supplement the municipal water supply network.

9. There are significant areas of Māori-owned land in the areas surrounding the proposed reservoir, that the applicant claims could potentially benefit from the proposed project. These are shown in red in Attachment 3.
10. The project site lies within the Taiāmai ki te Marangai takiwā (region) of the Ngāpuhi rohe. The Hokianga ki te Raki takiwā lies to the west, and the Hauāuru takiwā lies to the southwest. There are four nearby marae, shown on Attachment 1, and their associated hapū are as follows:
  - a. Tauwhara – Te Whiu, Te Wahineiti, Ngāi Tāwake, Ngāti Hineira, Ngāti Rēhia, Ngāti Tāwake ki te Tuawhenua and Whānautara
  - b. Oromāhoe – Ngāti Kawa, Ngāti Rāhiri, Whānautara, Ngare Hauata and Matarahurahu
  - c. Parawhenua – Ngāti Hineira, Ngāti Korohue, Te Uri Taniwha and Te Whanauwhero
  - d. Rāwhitiroa – Ngāti Hineira, Te Kapotai, Te Popoto and Te Uri Taniwha.

## **Statutory matters relating to this report**

11. No parts of the proposed project will occur in the coastal marine area, meaning it is unaffected by the provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA) or any other Act pertaining to the grant of protected customary rights or customary marine title. Therefore, pursuant to section 16(1)(b) and section 17(1) of the FTCA, you are the sole party required to consider this report.

## **Iwi and iwi authorities**

### **Information sources**

12. Under section 7(1) of the FTCA, a relevant iwi authority for a referred project means an iwi authority whose area of interest includes the area in which a project will occur.
13. The FTCA does not define iwi authority, so under section 7(2) of the FTCA, it has the same meaning as in the Resource Management Act 1991 (RMA): the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
14. To identify the iwi authorities for RMA purposes which are relevant to the project area, information was sourced from:
  - a. The Iwi Areas of Interest viewer, an online application managed by the Ministry of Māori Development - Te Puni Kōkiri
  - b. Te Kāhui Māngai (TKM), an online directory of iwi and Māori organisations maintained by the Ministry of Māori Development - Te Puni Kōkiri
  - c. Ministry for the Environment
  - d. Northland Regional Council and Far North District Council, as the relevant local authorities.

### **Iwi authorities relevant to project**

15. Te Rūnanga-Ā-Iwi-O-Ngāpuhi is the sole relevant iwi authority for the area in which the proposed reservoir and its downstream catchment lie.

## **Treaty settlements and Treaty settlement entities**

16. There are no relevant Treaty settlements or Treaty settlement entities for the proposed reservoir or its downstream catchment.

## **Current negotiation mandates and settlement negotiations**

17. In December 2019 the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development invited mandate proposals from regional Ngāpuhi hapū groupings to negotiate cultural redress and mandate proposals to negotiate collective matters associated with the settlement of all their historical Treaty of Waitangi claims.
18. There is no deadline for the submission of mandate proposals, and to date one mandate proposal has been confirmed by the Crown. Once a mandate proposal has been confirmed, hapū groupings will undertake a formal mandate process before the Crown will decide whether to recognise the mandate and enter into Treaty settlement negotiations with the group.

## **Details in this report affect certain provisions of the FTCA**

### **Notices of referral decision**

19. Under section 25 of the FTCA, you must give notice of the decisions made on an application for referral of a project to a panel, and the reasons for your decisions, to the applicant and anyone invited to comment under section 21 of the FTCA.
20. You invited Te Rūnanga-Ā-Iwi-O-Ngāpuhi and other members of the Project Advisory Group and/or Cultural Impact Assessment team to comment on the referral application for the Otawere Water Storage Reservoir project.
21. The Minister for Treaty of Waitangi Negotiations has also requested that the following parties receive the notice of decisions on the Otawere Water Storage Reservoir referral application:
  - a. representatives of the four nearby marae: Tauwhara, Oromāhoe, Parawhenua and Rāwhitiroa
  - b. representatives of Ngāwhā Marae (located in the upper catchment of the Waiaruhe River at Ngāwhā), Te Kotahitanga Marae and Kohewhata Marae (both of which are located near Kaikohe) and Te Tii Waitangi Marae (located on the coast near Waitangi)
  - c. members of the Taiāmai ki te Marangai takiwā (within which the project lies), and adjoining Hokianga ki te Raki takiwā (to the west) and Hauāuru takiwā (to the southwest)
  - d. Taiāmai ki te Takutai Moana, a charitable trust that represents the RMA interests of the Taiāmai ki te Marangai hapū
  - e. applicants for customary marine title and/or protected customary rights under the MACAA in the common marine and coastal area downstream of the proposed reservoir.
22. Contact details are in Attachment 2 and Attachment 4.

### **Expert consenting panel membership**

23. If a project is referred to a panel, the appointed panel must include one person nominated by the relevant iwi authorities under clause 3(2)(b) of Schedule 5 of the FTCA.

24. Te Rūnanga-Ā-Iwi-O-Ngāpuhi is the sole relevant iwi authority for the proposed project; contact details are in Attachment 2.

### **Panel invitations to comment**

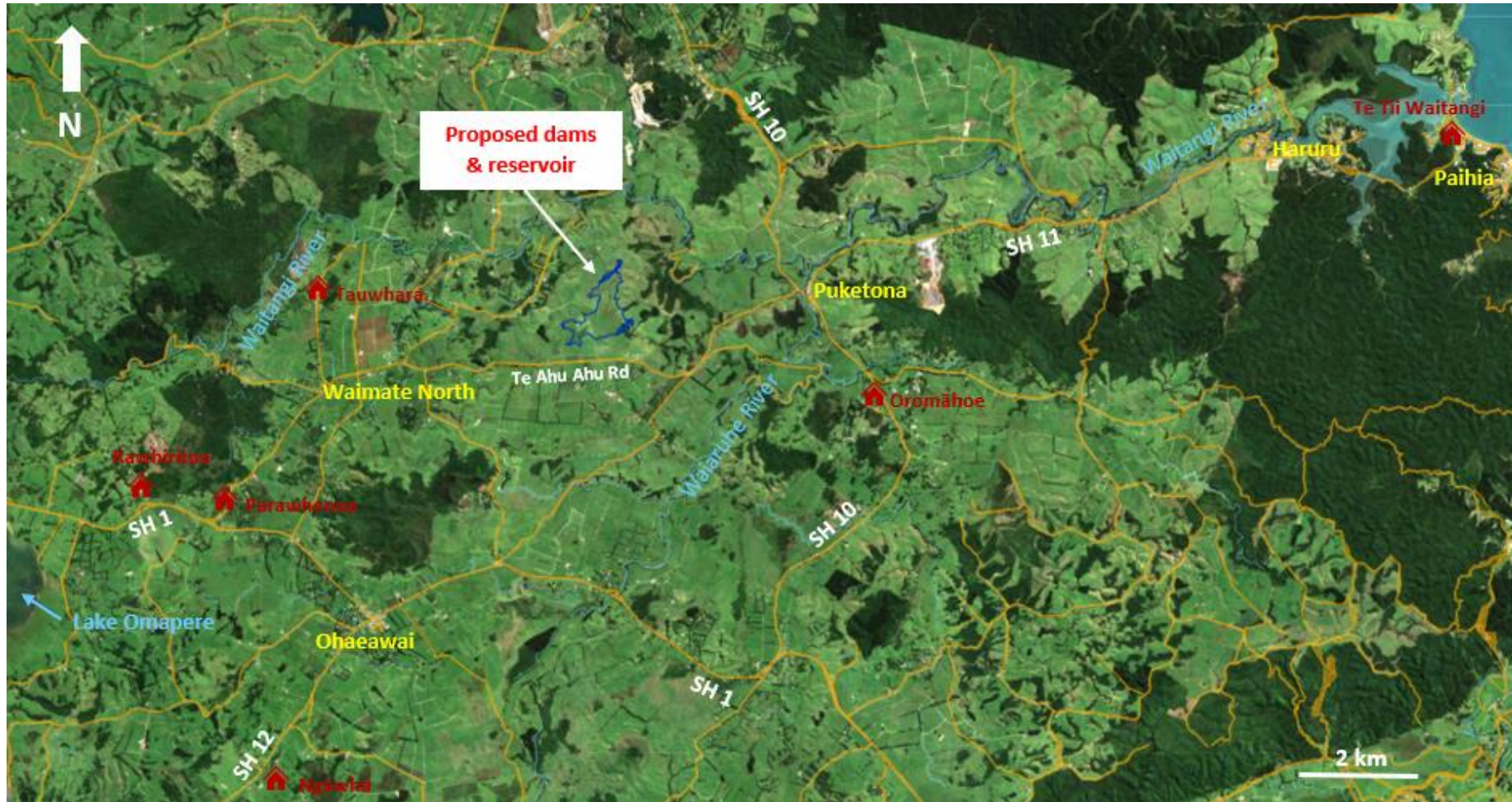
25. A panel must invite comments on a resource consent application or notice of requirement for a referred project from the parties listed in clause 17(6) of Schedule 6 of the FTCA. This includes:
- a. the relevant iwi authorities, including those identified in this report
  - b. any applicant group under the MACAA identified in this report.
26. The relevant iwi authority for the proposed project is Te Rūnanga-Ā-Iwi-O-Ngāpuhi.
27. A MACAA applicant group means one or more iwi, hapū, or whānau groups that seek recognition under Part 4 of the MACAA of their protected customary rights or customary marine title by either a recognition order granted by the High Court; or an agreement negotiated with the Crown (through The Office for Māori Crown Relations – Te Arawhiti). There are thirty-nine MACAA applicant groups for the common marine and coastal area downstream of the proposed project area (at the mouth of the Waitangi River), listed in Attachment 4.
28. A panel may also invite comments from any other person it considers appropriate.
29. The Minister for Treaty of Waitangi Negotiations has requested that you direct a panel to invite comments from the parties listed in paragraph 21(a) – 21(e) above. The requirement for a panel to seek comment from the parties noted in paragraph 21(e) is already provided via the identification of those parties in Attachment 4 of this report. Contact details for the remaining parties are included in Attachment 2.

### **Provision of Cultural Impact Assessment**

30. Any resource consent application that is submitted to a panel for determination must include a cultural impact assessment prepared by or on behalf of the relevant iwi authority or a statement of any reasons given by the relevant iwi authority for not providing that assessment. The Environmental Protection Authority (which provides support services to a panel) will not confirm an application as complete and ready for consideration by a panel until this requirement has been satisfied.



## Attachment 1 - Location



## Attachment 2 - Contact information

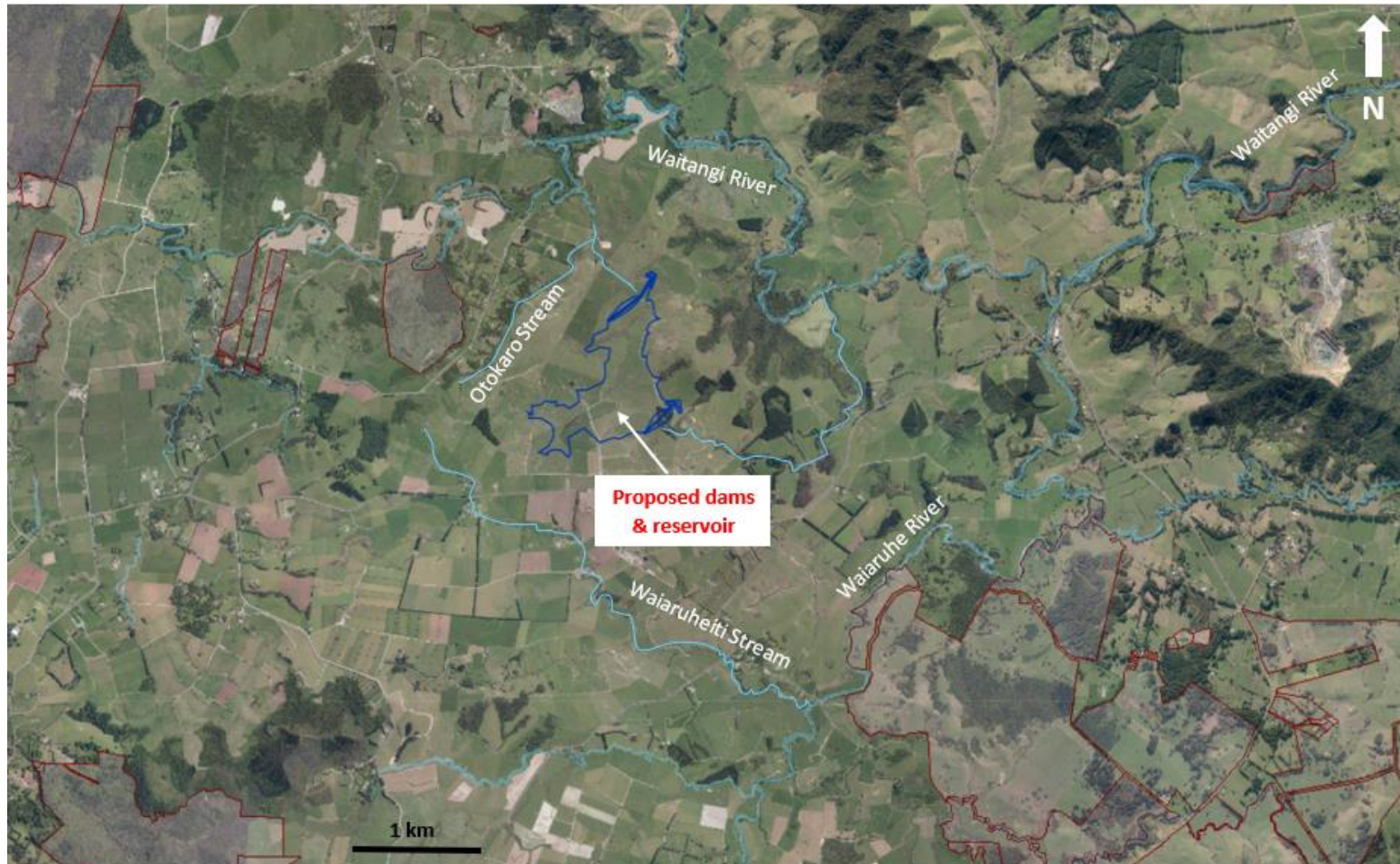
Iwi/hapū	Representative body	Contact details	RMA Iwi authority	Treaty settlement entity	Other	Contact person	Copies to
Ngāpuhi	Te Rūnanga-Ā-Iwi-O-Ngāpuhi	P O Box 263 Kaikohe 0440	Represents Ngāpuhi as an iwi authority for RMA purposes			CEO: Sam Napia s9(2)(a)	Chair: Wane Wharerau s9(2)(a)  RMA contact: Tania Pene s9(2)(a) RMA contact: Hera Dear s9(2)(a)
	Taiāmai ki te Takutai Moana				Charitable trust that represents all the hapū of the Taiāmai ki te Marangai takiwā that tātai to the whenua, for RMA purposes	General Manager: Hone Tiatoa s9(2)(a)	
	Tauwhara Marae	140 Whakataha Road Waimate North Kerikeri Northland 0472				Chair: Te Rau Arena s9(2)(a)	
	Oromāhoe Marae	41 Porotu Road, Oromāhoe Kaikohe Northland 0472				Kahu Peri s9(2)(a) s9(2)(a)	
	Parawhenua Marae	20 Te Ahuahu Road, Te Ahuahu Waimate North Kerikeri Northland 0472				Arnold Maunsell s9(2)(a) s9(2)(a) s9(2)(a)	
	Rāwhitiroa Marae	444 State Highway 1, Te Ahuahu Ohaewai				Chair: Camron Muriwai s9(2)(a) s9(2)(a)	Admin: Jean Morris-Riwhi s9(2)(a)

		Northland 0475					
	Ngāwhā Marae	5748 State Highway 12 Ngāwhā Northland 0472				Adreienne Tari s9(2)(a)	
	Te Kotahitanga Marae	30 Rangihamama Road, Tāheke Kaikohe Northland 0474				Babe Kapa s9(2)(a) s9(2)(a) s9(2)(a)	
	Kohewhata Marae	6869 Mangakāhia Rd, Northland				Chairperson: Ted Wihongi s9(2)(a)	Secretary: Marie Martin s9(2)(a) s9(2)(a)
	Te Tii Waitangi Marae	30 Te Karuwha Parade, Northland				Waireti Paora s9(2)(a) info@tetiwaitangi.co.nz	
	Taiāmai ki te Marangai takiwā					Trustee: Te Rau Allen Chairperson: Nora Rameka	Secretary: Arnold Maunsell s9(2)(a)
	Hokianga ki te Raki takiwā					Trustee: Bernadette Birch Proxy trustee: Anahera Eruera Chairperson: Alva Pomere	Secretary: Tania Pene s9(2)(a)
	Hauāuru takiwā					Trustee: Keith Wihongi Proxy trustee: Mitai Matene Chairperson: Hirini Tau	Secretary: Don Edmonds secretary@hauauru.org



## Attachment 3 – Location of streams and Māori land near the reservoir

Areas of Māori-owned land are outlined in red and shaded pink



## Attachment 4 - Applications for a customary marine title area or protected customary rights area

No	MAC No	Applicant	Contact details	Track	Application status
1	MAC-01-01-001	Awhirangi Panehina Lawrence Whānau, Mita Pomana Whānau, Takutai Moana whānau Trust	Awhirangi Panehina Lawrence s9(2)(a) s9(2)(a)	Crown engagement	Not determined
2	MAC-01-01-002	Craven Whānau	Bonny (Veronica) Craven s9(2)(a) s9(2)(a)	Crown engagement	Not determined
3	MAC-01-01-014	The Hapū Patutoka, Tahawau, Whānau Pani Te Hokoheha Tawhiu (Waiparerea Marae)	Mick Borrell s9(2)(a) s9(2)(a)	Crown engagement	Not determined
4	MAC-01-01-021	Hikuwai - Ihaia whānau	s9(2)(a) s9(2)(a)	Crown engagement	Not determined
5	MAC-01-01-023	Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngātirua Iti Ngāti Muri Ngātirumahue Ngāti Kawau Ngāti Haiti Ngāitupango NgāPuhi Ngāti Kahu Te Aupouri	Tahua Murray s9(2)(a) s9(2)(a) s9(2)(a)	Crown engagement	Not determined
6	MAC-01-01-034	Merehora Taurua Whānau	Merehora Taurua s9(2)(a)	Crown engagement	Not determined
7	MAC-01-01-035	Mita Pomana and Takutai Moana Heke Pomana Whānau	Mary-Jane Pomana s9(2)(a) s9(2)(a)	Crown engagement	Not determined
8	MAC-01-01-040	Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai	Waimarie Kingi s9(2)(a)	Crown engagement	Not determined
9	MAC-01-01-050	Ngāpuhi Nui Tonu (Awataha Marae)	Robert Joseph Kingi s9(2)(a) s9(2)(a)	Crown engagement	Not determined
10	MAC-01-01-056	Ngāpuhi Nui Tonu (Te Kotahitanga Marae)	Robert Joseph Kingi s9(2)(a) s9(2)(a)	Crown engagement	Not determined

11	MAC-01-01-057	Ngāpuhi Nui Tonu (Te Tii Marae)	Robert Joseph Kingi s9(2)(a) s9(2)(a)	Crown engagement	Not determined
12	MAC-01-01-059	Ngāpuhi Nui Tonu-Kota-toka-tutaha-moana o whaingaroa	Jack Ralston Wylie s9(2)(a) s9(2)(a)	Crown engagement	Not determined
13	MAC-01-01-060	Ngāpuhi, Ngāti Wai, Haki Pereki and Ngāwhetu Sadler Whānau Trust	Chris Sadler s9(2)(a) s9(2)(a)	Crown engagement	Not determined
14	MAC-01-01-064	Ngāti Hine	s9(2)(a) s9(2)(a)	Crown engagement	Not determined
15	MAC-01-01-073	Ngāti Kawau and Te Waiariki Kororā	Louisa Te Matekino Collier s9(2)(a) s9(2)(a)	Crown engagement	Not determined
16	MAC-01-01-078	Ngāti Manu and its hapū, Te Uri Karaka and Te Uri o Raewera	Arapeta Hamilton s9(2)(a) s9(2)(a)	Crown engagement	Not determined
17	MAC-01-01-081	Ngāti Rāhiri and Ngāti Kawa	Hapeta Rameka s9(2)(a) s9(2)(a)	Crown engagement	Not determined
18	MAC-01-01-082	Ngāti Rēhia hapū	Tajim Mohammed Kapa s9(2)(a) s9(2)(a)	Crown engagement	Not determined
19	MAC-01-01-097	O Nga Hapū o Taiāmai ki te Marangai	John Leonard Pita Tiatoa s9(2)(a) s9(2)(a)	Crown engagement	Not determined
20	MAC-01-01-103	Pene Hemi Kiwikiwi Whānau Trust	Merepeka Ihapera Christina Henley s9(2)(a) s9(2)(a)	Crown engagement	Not determined
21	MAC-01-01-125	Te Hikutu whānau and hapū	Anania Wikaira, Jane Hotere, Rosaria Hotere s9(2)(a) s9(2)(a)	Crown engagement	Not determined

22	MAC-01-01-133	Te Kaunihera o Te Tai Tokerau	Rihari Dargaville s9(2)(a) s9(2)(a) s9(2)(a)	Crown engagement	Not determined
23	MAC-01-01-134	Te Kemara I Whānau, Ngāti Kawa and Ngāti Rāhiri	Dr Mary-Anne Cheryl Tapu Augustine Baker s9(2)(a) s9(2)(a)	Crown engagement	Not determined
24	CIV-2017-404-523	O Ngā Hapū o Taiāmai ki te Marangai	Solicitor: Linda Thornton s9(2)(a) s9(2)(a) s9(2)(a)	High Court	Not determined
25	CIV-2017-404-535	Ngāti Rāhiri hapū	Solicitor: Charl Hirschfeld s9(2)(a) s9(2)(a) s9(2)(a)	High Court	Not determined
26	CIV-2017-404-537	Ngā Puhī nui tonu, Ngāti Rahiri, Ngāti Awa, Ngā Tāhuhu and Ngāitawake	Solicitor: Gerald Sharrock s9(2)(a) s9(2)(a) s9(2)(a)	High Court	Not determined
27	CIV-2017-404-558	Ngāitawake	Solicitor: Gerald Sharrock s9(2)(a) s9(2)(a) s9(2)(a)	High Court	Not determined
28	CIV-2017-404-570	Te Hikutu Hapū	Solicitor: Tony Shepherd s9(2)(a)	High Court	Not determined
29	CIV-2017-404-577	Ngāti Rahiri and Ngāti Kawa	Solicitors: Darrell Naden s9(2)(a) s9(2)(a)	High Court	Not determined
30	CIV-2017-485-231	Ngāti Hine	s9(2)(a) s9(2)(a)	High Court	Not determined

31	CIV-2017-485-265	Ngā uri o Tāreha Kaiteke Te Kēmara I, Ngāti Kawa and Ngāti Rāhiri	s9(2)(a) s9(2)(a)	High Court	Not determined
32	CIV-2017-485-277	Ngāti Manu and its hapū Te Uri Karaka and Te Uri o Raewera	Solicitor: Annette Sykes s9(2)(a)	High Court	Not determined
33	CIV-2017-485-306	Whānau o Ohawini	Solicitor: Winston McCarthy s9(2)(a) s9(2)(a)	High Court	Not determined
34	CIV -2017-485-321	Ngāti Kuta and Te Patukeha ki Te Rawhiti	Solicitors: Justin Graham s9(2)(a)	High Court	Not determined
35	CIV-2017-488-026	Te Kapotai	s9(2)(a) s9(2)(a)	High Court	Not determined
36	CIV-2017-485-352	Rewha and Reweti Whānau	s9(2)(a) s9(2)(a)	High Court	Not determined
37	CIV-2017-485-398	Ngāti Kawau and Te Waiariki Kororā	Solicitor: Janet Mason s9(2)(a) s9(2)(a)	High Court	Not determined
38	CIV-2017-485-409	Whangaroa Ngaio Tonga Trust	Solicitor: Winston McCarthy s9(2)(a) s9(2)(a)	High Court	Not determined
39	CIV-2017-488-029	Haika, Hetaraka, Leului & other whānau	Solicitor: Winston McCarthy s9(2)(a) s9(2)(a)	High Court	Not determined

Source: Kōrero Takutai (Te Kete Kōrero a Te Takutai Moana Information Hub – Te Arawhiti)