

From: Lisa Mead s 9(2)(a)
Sent: Wednesday, 22 May 2024 4:15 pm
To: Listed Projects; Max Gander-Cooper
Cc: s 9(2)(a) Cam Russell; Caleb Sjardin
Subject: RE: FTA103 Listed Projects application
Attachments: VPT-130354-481-112-1 Gaz notice S441211.pdf

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Hello Max

Thanks for your query and our response is below.

Reserves Act 1977

The Order in Council in Gazette Notice S441211 provided for the lands subject to that Order in Council to be held primarily for the development of water power (Kuratau power project) and also for recreation purposes, which shall be secondary uses of the land. That land was subject to Part III of the Reserves and Domains Act 1953, with the control and management of the land vested in the King Country Electric Power Board. A copy of the Order in Council is attached.

Under s 2 of the Reserves Act 1977, reserves include any land which immediately before the commencement of that Act was a domain or public domain within the meaning of the Reserves and Domains Act 1953. The land falls within that definition, as under s 2 of the Reserves and Domains Act 1953, public domain or domain includes any land that becomes a public domain in accordance with the provisions of Part III of that Act. Under s 16(7) of the Reserves Act 1977, the land would now be treated as a recreation reserve.

No approvals are required under the Reserves Act 1977 because:

• The Kuratau Hydro-electric Power Scheme is existing infrastructure.

• The Kuratau Hydro-electric Power Scheme conforms to the primary purpose of the Order in Council to be held primarily for the development of water power (Kuratau power project).

• King Country Energy does not propose any activities which would require approval under the Reserves Act 1977. For completeness, we note that King Country Energy provides public access to Lake Kuratau in accordance with the secondary purposes for which the land is held. This will continue.

Freshwater Fisheries Regulations 1983

The Kuratau Hydro-electric Power Scheme is existing infrastructure. Under the Freshwater Fisheries Regulations 1983, the permitting regime for dams and diversion structures (Regulations 43-44) does not empower the Director-General to require new fish facilities (including screens and passes) for existing structures.

Whilst Regulations 45-49 (relating to matters including: flows, maintenance/repair, damage, alterations, and inspection) apply to both existing and proposed (new) fish facilities, King Country Energy Limited is not proposing any structural alterations to an existing fish facility.

Accordingly, King Country Energy does not consider that any approvals are required under the Regulations.

Kuratau River

The Crown and Tāwharetoa Māori Trust Board (Trust Board) entered into a Deed on 10 September 2007 (Deed) vesting three areas of lake and riverbed in the Trust Board. The Kuratau Riverbed forms part of the block described in the Deed as Te Hokina mai o tea pap o nga awa ki to Poari hei Kaitiaki o ngā hapū o Ngati Tāwharetoa Block (Third Block).

Schedule 2 of the Deed encloses a Māori Land Court Order dated 14 April 2003 (MLC Order) which identifies the land included and excluded from the Third Block. The land excluded from the Third Block was defined in the MLC Order as follows:

- 1) The lands specifically described in the MLC Order;
- 2) Any portion of those beds that were general land as at 11 September 1926;
- 3) All bridges, culverts, supports, footings and structures (if any) belonging to the Crown on or over any such rivers or streams.

The MLC Order specifically excludes the land comprised in records of title WN54C/377, WN54C/254 and SA70B/853. Further, the land from which records of title SA70B/859 and SA70B/94 were derived were general land as at 11 September 1926.

Accordingly, the Tāwharetoa Māori Trust Board is not the legal owner of the bed of the Kuratau River upon which the Kuratau Hydro-electric Power Scheme is located.

If you have further questions, please do not hesitate to contact me.

Regards,

Lisa



Lisa Mead

Environmental Consenting Manager

P s 9(2)(a)

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Manawa Energy Limited, Private Bag 12055, Tauranga Mail Centre,
Tauranga 3143

manawaenergy.co.nz

From: Listed Projects <ListedProjects@mfe.govt.nz>

Sent: Tuesday, May 21, 2024 10:11 AM

To: Lisa Mead s 9(2)(a)

Cc: Max Gander-Cooper s 9(2)(a)

Subject: FTA103 Listed Projects application

Kia ora Lisa,

Thank you for your application to have the Kuratau Hydro-Electric Power Scheme Re-Consenting Project included in Schedule 2 of the Fast-track Approvals Bill.

I have been reviewing the application and I have some questions.

1. The application seeks approvals under the Resource Management Act 1991. The project titles indicate there is land which is subject to Part 3 of the Reserves and Domains Act 1953, and the project includes damming the Kuratau River. Can you please confirm if the project requires any approvals under the Reserves Act 1977 or the Freshwater Fisheries Regulations 1983?
2. The application states that the Tāwharetoa Māori Trust Board is the legal owner of parts of the bed of the Kuratau River. Can you please confirm that this does not make the project ineligible under Clause 18(a)(i)?

If possible, could you please provide a response by close of business tomorrow **22 May 2024**?

Ngā mihi

Max Gander-Cooper (he/him)

Senior Policy Analyst | Kaitiaki Take Kōwhiri Kaupapa Here Matua

Ministry for the Environment | Manatū Ahu Matua Te Taiao

s 9(2)(a)

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