Ministry for the Environment
Manatū Mō Te Taiao

New Zealand Government

# Application for a project to be referred to an expert consenting panel

## (Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

*For office use only:*

Project name: Otawere Water Storage Reservoir
Application number: PJ-0000728
Date received: 19/01/2021

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared Fast-track guidance to help applicants prepare applications for projects to be referred.

# Part I: Applicant

### Applicant details

Person or entity making the request: Te Tai Tokerau Water Trust

Contact person: Andrew Carvell

Job title: Project Manager, Te Tai Tokerau Water Trust

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

6 Woods Road

Whangarei 0110

### Address for service (if different from above)

Organisation: Williamson Water & Land Advisory Ltd

Contact person: Ben Tait

Job title: Senior Planner

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: As above

Postal address:

Unit 5A

Waimauku Village Centre

11 Factory Road

Waimauku

# Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

839 Te Ahu Ahu Road, Waimate North, Northland, 0293, New Zealand

Lot 2 Deposited Plan 479002 (Title: 678203) Lot 2 Deposited Plan 208031 (Title: NA135D/350)

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

See attached

Registered legal land owner(s):

Lot 2 Deposited Plan 479002 (Title: 678203) is owned by North Star Dairies Limited.
Lot 2 Deposited Plan 208031 (Title: NA135D/350) is owned by Gregory John Moyle and Tania Lee Rita Moyle.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

Te Tai Tokerau Water Trust (the Trust) is in the process of acquiring land off two parties on which the proposed reservoir will be constructed. The properties have had registered valuations, including valuations by the property owners, which have formed the basis of offers of purchase which are currently being reviewed by each party.

The Trust has legal access agreements for the purpose of investigation.

# Part III: Project details

### Description

Project name: Otawere Water Storage Reservoir

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The project involves constructing and operating the Otawere Water Storage Reservoir. The proposed reservoir will be positioned in the upper catchment of an unnamed tributary of the Waitangi River, and will be used to service and support local horticultural operations. The reservoir will be filled through a combination of restricted catchment inflows and a proposed high flow take from the nearby Waiaruheiti Stream.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The project will be delivered by the applicant (Te Tai Tokerau Water Trust) and will be a key component of the Mid-North Water Storage and Use Scheme, which will consist of up to four water storage reservoirs and associated distribution pipe networks.

The purposes of the Mid-North Water Storage and Use Scheme are to improve community wellbeing by reducing the impacts of drought and create a more reliable water supply that will give landowners greater options to utilise their land.

A schematic of the Mid-North Scheme, including the Otawere Water Storage Reservoir, is attached to this application (see Figure 1 - Scheme Overview).

The Otawere Water Storage Reservoir will be formed by the construction of a 16.2 m high main dam and a 10 m high saddle dam, and will be able to hold approximately 4 million cubic metres of water and be filled with a combination catchment inflows and surface water harvested from the nearby Waiaruheiti Stream, a headwater tributary of the Waitangi River. An application for a resource consent to authorise the taking of water from the Waiaruheiti Stream will be lodged with Northland Regional Council.

The reservoir is expected to support up to approximately 1,300 hectares of horticultural development. The total area of land serviced will ultimately depend on community uptake. The maximum average daily water demand on the proposed reservoir is expected to be 40,000 cubic metres.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

Please see response to question about construction readiness below.

### Consents / approvals required

Relevant local authorities: Far North District Council, Northland Regional Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

| Legal description(s) | Relevant plan | Zone | Overlays | Other features |
|---|---|---|---|---|
| Appellation: Lot 2 Deposited Plan 208031 Title: NA135D/350 | Far North District Plan | Rural Production Zone | None | None |
| Appellation: Lot 2 Deposited Plan 479002 Title: 678203 | Far North District Plan | Rural Production Zone | None | None |

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|---|---|---|---|---|
| Resource Management (National Environmental Standards for Freshwater) Regulations 2020. | Regulation 54 | Construction of the proposed reservoir will involve the following activities that do not have another status under Subpart 1 of the NES-FW: - vegetation clearance within, or within a 10 m setback from, a natural wetland - earthworks within, or within a 10 m setback from, a natural wetland - damming and diverting water within, or within a 100 m setback from, a natural wetland. The location of wetlands in relation to the footprint and embankments of the proposed reservoir are shown in Appendix A of the attached report titled "MN02 Water Storage Reservoir - Preliminary Assessment of Ecological Values and Effects." | Non-complying | The activities will be done when constructing the proposed reservoir at Lot 2 Deposited Plan 479002 and Lot 2 Deposited Plan 208031 |
| Resource Management (National Environmental Standards for | Regulation 57 | The construction of the reservoir embankments will involve reclamation of the unnamed tributary | Discretionary | At the locations of the embankments of the proposed reservoir. |

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| Freshwater) Regulations 2020 | | of the Waitangi River that meander through the footprint of the proposed reservoir. | | |
| Resource Management (National Environmental Standards for Freshwater) Regulations 2020 | Regulation 71 | The unnamed tributary will be temporarily diverted from the work areas during dam construction. This will involve an initial small diversion while a culvert(s)/main conduit is installed, after which the stream will be diverted through the culvert and a coffer dam build to protect the working area from incoming floods. The purpose of the culvert(s) is to: (a) facilitate dam construction in dry condition, (b) provide for environmental flows, and (c) enable dewatering of the reservoir in an emergency. It is not clear if the placement and use of a culvert for the purposes described above will comply with the conditions of regulation 70. Therefore an application for resource consent will be sought to authorise the activity. | Discretionary | At or about the location of the embankments of the proposed reservoir. |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.2.1.11 | Constructing the proposed reservoir will involve disturbing the bed of the unnamed tributary of the Waitangi River. This includes disturbance associated with diverting the stream during the construction to provide a dry working area, the installation of a culvert offline form the existing tributaries, and the deposition of a substance in the stream for the purposes of | Discretionary | Within and adjacent to the footprint of the proposed reservoir. |

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| | | reclamation. There is also potential for other stream reaches within the reservoir footprint to be disturbed during reservoir construction. | | |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.2.1.13 | A small part of the footprint of the southern reservoir embankment has been identified as a significant wetland (as per the definition in the Proposed Regional Plan). The construction of the reservoir embankment within the wet land is classified as a non-complying activity. | Non-complying | At and about the footprint of the southern reservoir embankment of the proposed reservoir. |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.2.2.5 | The construction of the proposed reservoir will involve disturbance and removal of vegetation within significant wetlands (as per the definition in the Proposed Regional Plan) that are located in the footprint of the proposed reservoir. | Non-complying | |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.3.1.7 | The unnamed stream will be temporarily diverted from the work areas during dam construction. This will involve an initial small diversion whilst a culvert(s)/main conduit is installed, after which the stream will be diverted through the culvert and a coffer dam build to protect the working area from incoming floods. | Discretionary | At and about the footprints of the embankments of the proposed reservoir. |
| Proposed Regional Plan for Northland | Rule C.3.1.8 | To authorise the construction of the reservoir embankments. | Discretionary | Within the footprint of the proposed reservoir. |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.3.1.10 | To authorise the damming and diverting of water within significant wet land (as defined in the Proposed Regional Plan) for the purposes | Non-complying | Within the footprint of the proposed reservoir. |

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| | | of constructing the proposed reservoir. | | |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.5.1.12 | To authorise dewatering for ground improvement purposes. A reasonable thickness of unsuitable material was identified below the footprints of the reservoir embankments. This requires undercutting in the order of 5-8m below present ground level. Groundwater is near-surface, and therefore dewatering will be required. This will involve surface drains with sumps, supplemented by a few deep wells (if required). To authorise the taking of water from the reservoir for use (irrigating horticultural crops). | Discretionary | At and about the footprint of the embankments of the proposed reservoir. |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.8.3.4 | The earthworks required for constructing the proposed reservoir will exceed permitted and controlled activity thresholds. As such, the earthworks and associated damming and diversion of stormwater and discharge of stormwater are discretionary activities. | Discretionary | At and about the footprint of the proposed reservoir. |
| Proposed Regional Plan for Northland (Appeals Version, August 2020) | Rule C.8.4.3 | The proposal includes vegetation clearance within 10 metres of a natural wetland and river. | Discretionary | At and about the footprint of the proposed reservoir. |
| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 22.3.1 | Earthworks and vegetation clearance activities in the Riparian Management Zone are discretionary activities and therefore rule 22.3.1 for stormwater discharges applies. | Discretionary | At and about the footprint of the proposed reservoir. |

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| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 24.3.3 | To authorise the damming and diverting of water for the purposes of constructing and operating the proposed reservoir. To authorise the taking of water for use (irrigating horticultural crops) from the proposed reservoir. | Discretionary | At and about the location of the proposed reservoir. |
| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 25.3.1 | To authorise the taking, diverting and discharge of groundwater (dewatering) for ground improvement works associated with the constructing the reservoir. | Discretionary | At and about the footprint of the reservoir embankments. |
| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 28.3.1 | To authorise the construction of dams on the bed of the unnamed stream and the associated damming, diversion and discharges are discretionary activities. | Discretionary | At and about the footprints of the embankments of the proposed reservoir. |
| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 28.4.1 | To authorise the construction of a dam structure within the bed of a significant wetland (as defined in the Proposed Regional Plan). | Non-complying | At and about the footprint of the southern embankment of the proposed reservoir. |
| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 33.2.1 | The volume of earthworks required for constructing the reservoir, including embankment, will exceed the thresholds in the permitted activity rules. | Discretionary | At and about the footprint of the proposed reservoir. |
| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 34.3.1 | Construction of the proposed reservoir will involve vegetation clearance and earthworks within the Riparian Management Zone that cannot comply with permitted or controlled activity thresholds. | Discretionary | At and about the footprint of the proposed reservoir. |

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| Regional Water and Soil Plan for Northland 2004 (Amended 2016) | Rule 34.4.1 | To authorise land disturbance activity within a significant indigenous wetland for the purposes of constructing the proposed reservoir. | Non-complying | Within the footprint of the proposed reservoir. |
| Far North District Plan 2009 | Rule 8.6.5.4 | The proposed reservoir embankment is deemed a building under the Far North District Plan. The height of the proposed embankment (21 m) exceeds the restricted discretionary activity threshold in Rule 8.6.5.3.2 and therefore is a discretionary activity. | Discretionary | Within the footprints of the embankments of the proposed reservoir. |
| Far North District Plan 2009 | Rule 8.6.5.4 | The southern embankment of the proposed reservoir will straddle a property boundary and therefore it is not permitted by Rule 8.6.5.3.4. | Discretionary | At the footprint of the southern embankment of the proposed reservoir. |
| Far North District Plan 2009 | Rule 12.2.6.3 | Vegetation clearance associated with constructing the proposed reservoir will not comply with Permitted Rule 12.2.6.1.2 because it will take place within 20 m of a river and indigenous wetland. | Discretionary | At and about the footprint of the southern embankment of the proposed reservoir. |
| Far North District Plan 2009 | Rule 12.3.6.3 | Excavation and fill activities associated with constructing the proposed reservoir will exceed the thresholds of both permitted and restricted discretionary rules for excavation and fill activity. | Discretionary | At and about the footprint of the proposed reservoir. |
| Far North District Plan 2009 | Rule 12.7.6.3 | The proposal does not comply with the permitted standards in Rule 12.7.6.1.2 'Setback from Smaller Lakes, Rivers and Wetlands' and Rule 12.7.6.1.3 'Preservation of Indigenous Wetlands'. | Discretionary | Within the footprint of the proposed reservoir embankments. |

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| | | Because the activity does not comply with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in Part 2 of the Plan – Environment Provisions; and it does not comply with the other relevant standards for permitted, controlled or restricted discretionary activities set out in Part 3 of the Plan – District Wide Provisions, it is a Discretionary activity. | | |

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

N/A

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

N/A

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

- A permit to transfer live aquatic animals is required under the Conservation Act 1987. An application for a permit has yet to be made.
- A building consent is required to construct a 'large dam' under the Building Act 2004. An application for a building consent will be made once the final reservoir embankment design is completed.
- While it is considered that the development is unlikely to impact on an archaeological site (see attached archaeological assessment report prepared by Geometria Ltd), Te Tai Tokerau Water Trust will apply for a general archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 to modify unrecorded subsurface archaeological sites and features which may be affected by the construction of the proposed reservoir. Work will be undertaken in accordance with a suitable archaeological site instruction.

**Construction readiness**

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

1. Detailed site investigations completed in December 2020. Final geotech report complete 12 February.,
2. Land to be secured in January 2021.
3. Prefeasibility design and investigations complete.
4. Dam structural design developed to feasibility level by April 2021, with a view to be with EPA for assessment 14 April 2021. (Assumes initial referral process time of 13 weeks).
5. CIA, reports on assessment of environmental effects and management plans completed by 14 April 2021.
6. Detail design underway 21 April 21, subject to confirmation of initial referral being successful.
7. Building consent application lodged with detail design on 30 Jun 2021.
8. Anticipated EPA decision released 18 August 2021 (assumes period of 18 weeks)
9. Civil works procurement process to be run contiguous with EPA Assessment (4 months).
10. Earliest anticipated construction start date of 6 September.

# Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

in 2013, Northland Regional Council began investigating opportunities to provide economic benefits in Northland through land use change enabled by stored water. The work, which was originally funded by Crown Irrigation Investments, identified that the Kaikohe area in the Mid-North would benefit te most from investment in water storage infrastructure.
In July 2019, the Ministry of Business Innovation and Employment entered into a funding agreement with Northland Regional Council obtain prefeasibility technical advice on building water storage reservoirs, harvesting water in times of plenty for storage, and distributing it to stimulate the conversion of land to higher value horticultural land uses. The prefeasibility reports, delivered in March 2020, identified that a Mid-North Water Storage and Use Scheme could deliver significant economic benefits in the area. The MBIE funding came from the Provincial Growth Fund (PGF). A Kaipara Water Storage and Use Scheme was also identified as worth pursuing. Both of the proposed schemes meet the PPGF investment principles for water storage.
The Pre-feasibility Phase was governed by a Project Steering Group (consisting of the Chief Executive Officers of Northland Regional Council, Far North District Council, and Kaipara District Council) and a Project Advisory Group (made up of invited representatives from iwi and hapu, Lake Omapere Trust, landowners, primary industry sectors, environmental agencies, and the community).
The Department of Conservation was invited to join the PAG. Mr Stephen Soole (Kauri Coast Operations Manager, DoC) has regularly attended PAG meetings.
Northland Fish and Game Council was also invited to participate on the PAG. Darryl Reardon from Fish and Game has attended meetings.
While the delivery of the NWSUP no longer sits with the Project Steering Group (it is now the responsibility of Te Tai Tokerau Water Trust), the PAG remains in place. There is now a PAG for the Mid-North Water Storage and Use Scheme and another PAG for the Kaipara Water Storage and Use Scheme.
With regard to this project the Trust has also met with:
- Te Puni Kokiri
(Dates and meeting notes can be provided on request)
- Ministry of Primary Industries
(Dates and meeting notes can be provided on request)

### Local authorities

Detail all consultation undertaken with relevant local authorities:

Northland Regional Council (NRC) was responsible for the execution of the outputs required under the funding agreement with the Ministry of Business, Innovation, and Employment for the Pre-feasibility Phase of the Northland Water Storage and Use Project (NWSUP). NRC Chief Executive Officer, Mr Malcolm Nicholson, was the Chair of the NWSUP Project Steering Group (PSG) for the Pre-feasibility phase.
Far North District Council (FNDC) Chief Executive Officer, Mr Shaun Clarke, was a member of the NWSUP Prefeasibility Phase PSG. FNDC was invited to include members on the Project Advisory Group (PAG), with staff attending PAG meetings on an as required basis as has been minuted (copies of meeting minutes can be provided upon request).
While the delivery of the NWSUP no longer sits under the structure of the PSG or PAG, NRC and FNDC continue to be consulted with by Te Tai Tokerau Water Trust and have provided co-funding for the work.
The Trust has also engaged with Northland Inc (a CCO of the North Regional Council) and Far North Holdings Ltd (a CCTO of the Far North District Council).
The Trust presented to the Te Tai Tokerau Maori Advisory of the Northland Regional Council (TTMAC) 8 October 2020.

### Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

It is considered that the following people and parties will be affected by the project:

- Owners and occupiers of land upon which the proposed reservoir will be situated.
- NZ Transport Agency
- Top Energy
- Ngapuhi Iwi and hapu (see Part V)

Property purchase offers have been made to landowners.
Engagement with NZTA is summarised as follows:

- 6 November 2020: Initial meeting with Brendan Clarke (Senior Planner), Tessa Robins (Planner), David Inglis (Northland Senior Network Manager), and Dale Roberts (Network) - to discuss the proposed reservoir and an Emergency Preparedness Plan and liaison.
- 2 December 2020: Meeting with Brendan Clarke to discuss progress of the application for resource consents to authorise the construction and operation of the reservoir.
- 4 December 2020: Dam-break hazard maps shared with NZTA.

Detail all consultation undertaken with the above persons or parties:

Ngapuhi Iwi and hapu hui:

- 
    - 25 November 2019 Waimate Taiamai Takiwa, Kerikeri
    - 17 October 2020, hapu of Te Ahuahu, Rawhitiroa marae
    - 13 November 2020 Waimate Taiamai Takiwa, Oromahoe Marae
    - 17 November 2020 Hauauru Takiwa, Te Iringa Marae
    - 30 November 2020 Hui with whanau of Tauwhare Marae (Waimate North A&P meeting rooms). Refer attached letter from Te Rau Allen, Chair Tauwhara Marae, Deputy Chair Te Runanga o Ngapuhi)
    - Otawere Mana Whenua Engagement Technical Workshop, 14 January 2021, Kerikeri Airport

The ground breaking blessing for the subsoil investigations was undertaken by Hone Tia Toa and Te Tuhi Robust on 20 Oct 2020 (Renata Tane was not able to attend at short notice).
The above schedule excludes operational meetings and site visits.
Nga Puhi hapu have representation on the mid-north project advisory group. Minutes of six weekly meetings of the PAG are available on request.
Community presentations have been held on the water project. The latest meeting was held in Kaikohe on 27 November 2020.

# Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

| Iwi authority | Consultation undertaken |
|---|---|
| Te Runanga-A-Iwi-O-Ngapuhi | Engagement on the Northland Water Storage and Use Project (NWSUP) with Ngapuhi and hapu began around June and July 2019 and included invitations to participate in the project with opportunities for involvement on both the management and project advisory groups. Te Runanga-A-Iwi-O-Ngapuhi has maintained a position on the Project Advisory Group (PAG) but also passed on PAG nominations to takiwa trustees with regular attendance documented in minutes. |

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

| Treaty settlement entity | Consultation undertaken |
|---|---|
| Te R?nanga-?-Iwi-?-Ng?puhi | In 2009 Te Roopu o Tuhoronuku was authorised by Te Runanga-A-Iwi-O-Ngapuhi to begin the process of seeking a mandate for direct negotiations with the Crown. In 2010 a series of pre-mandating information hui were held around New Zealand and in Australia. In 2011 Ngapuhi were given the opportunity to participate in a mandating process. Of the 29,389 Ngapuhi who received voting packs, 23% voted. Of that number that voted, 76% supported Te Roopu o Tuhoronuku receiving a mandate for direct negotiations with the Crown. However, 24 per cent voted against a mandate being granted. The Crown's belief was that this was too high for it to proceed, given the inevitability of court challenges. Ministers considered there are common issues across Ngapuhi that would be better addressed in a collective negotiation. A revised electoral process is underway. Therefore, no Treaty settlement currently applies to the project area. |

### Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

No Treaty settlement currently applies to the location of the project.

# Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

N/A

**Protected customary rights areas**

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

N/A

# Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

The adverse effects of the construction and operation of the proposed Otawere Water Storage Reservoir fall into the following categories:

1. Ecological effects.
2. Landscape and visual amenity effects.
3. Archaeological effects.
4. Hydrological effects with respect to ecological values and other water users.
5. Natural hazards.

The effects are summarised as follows.

**Archaeology**

An archaeological assessment of the proposed Otawere Water Storage Reservoir was undertaken by Geometria Limited. The draft assessment (attached to this application) concluded:

> *The proposed new reservoir will not affect any known archaeological or historic heritage sites or features. However the reservoir is located immediately adjacent to recorded archaeological sites. These sites were recorded as terraces associated with pre- protohistoric Maori occupation, but may in fact be associated with gum digging, or natural processes.*
>
> *Given the scale of the project it is possible that archaeological sites or features may be affected in the course of earthworks. For that reason, a precautionary approach is recommended, including applying for an archaeological authority from Heritage New Zealand Pouhere Taonga and preparation of an appropriate archaeological site instruction to monitor higher risk areas and provide protocols for managing effects on other areas.*

Te Tai Tokerau Water Trust will apply for an archaeological authority.

**Landscape and Visual Amenity**

An assessment of landscape and visual effects was done by Simon Cocker Landscape Architecture. The draft assessment concluded that the the potential adverse landscape effect of the proposed reservoir will be moderate at a local level once mitigation measures are completed, and low when considered in the context of the wider environment, again, once the mitigation or offset measures have been implemented. The reservoir has the potential to have a high level of adverse effect on visual amenity for the occupants of three adjacent dwellings.

Proposed actions to address potential adverse effects on landscape and visual amenity values include:

- Where material is excavated for use in the construction of the two dams, the final landform will be shaped to reflect, and integrate with the adjoining unmodified landforms. These areas will be covered with topsoil and regrassed for grazing, or planted with trees, or native revegetation.
- Developing and implementing a landscape mitigation and management plan. The plan will be developed in consultation with local landowners, and in conjunction with a proposed ecological Offset and Compensation Plan.
- Investigating pedestrian access to the margins of the reservoir.

The assessment found that overall the proposal can be supported from a landscape and visual amenity perspective.

**Ecology**

Puhoi Stour Ltd, in collaboration with Tonkin & Taylor Ltd, prepared an assessment of the potential ecological effects associated with the proposed reservoir (see attached). In summary, the assessment stated that the actual and potential adverse effects resulting from the proposed reservoir vary across freshwater and terrestrial habitats and include:

- Sedimentation effects from construction activities.
- Injury or mortality to aquatic fauna.
- Impediments to fish passage.
- Permanent modification and loss of stream habitat.
- Impacts on water quality and habitat downstream of the proposed dam.
- Removal of threatened ecosystem types.
- Direct and indirect effects on native terrestrial fauna.

The assessment identified a range of actions to address actual and potential adverse effects on ecological values. The report stated that:

> *Given the size of the proposed reservoir, high value terrestrial ecosystems have largely been avoided, with the footprint encroaching only on the edges of mature forest habitats and affecting a relatively small extent of secondary t?tara forest. Wetland extents on site are highly degraded due to stock impacts and hydrological changes as a result of artificial drainage channels.*
>
> *If the...management recommendations are implemented in full, and subject to further site visits to confirm potential offset and compensation input data and areas, it is considered that effects to terrestrial and wetland ecosystems can be mitigated, offset and compensated for sufficiently, primarily through revegetation planting and fauna management plans. Similarly, effects on freshwater ecosystems and fauna can be mitigated through implementation of management plans and residual adverse effects addressed through offset or compensation measures on similar habitats in the wider catchment.*

Table 11 in the assessment of ecological effects (attached) sets out a summary of ecological values, the magnitude of the effects of the project (before and after mitigation) and the overall level of effects.

The assessment of ecological effects should be considered alongside an assessment of hydrological effects prepared by Williamson Water & Land Advisory Ltd (WWLA).

**Hydrology**

WWLA undertook a hydrology assessment of the proposed reservoir on downstream water flows. The following key conclusions were made:

- The largest impact on streamflow on the unnamed tributary of the Waitangi River is directly downstream of the reservoir due to the capture of above median flows within the reservoir upstream. There is very little change in streamflow during periods of below median flow (50% of the time). During winter there will be a small reduction due to the core allocation take.
- The change in streamflow as a proportion of the total flow, due to upgradient capture of direct inflows, decreases with increasing distance downstream of the reservoir as lateral catchment inflows occur and additional tributaries join. The simulated natural streamflow regime and the flow regime with the Reservoir are very similar at the Waitangi Confluence assessment location.
- There is one consented water take, located approximately 16 km downstream of the proposed reservoir. This consented take will not be negatively impacted by the proposed reservoir because the reservoir's catchment is a very small proportion of the consented take's catchment

**Natural Hazards**

Riley Consultants Ltd (RILEY) has undertaken a Potential Impact Classification (PIC) assessment of the proposed reservoir in accordance with the New Zealand Dam Safety Guidelines ((New Zealand Society on Large Dams (NZSOLD), 2015). A PIC assessment considers the consequences of an uncontrolled release of a reservoir's contents as a result of a dam breach. It is important to note that PIC assessments are independent of the risk of dam failure.
RILEY determined dam breach characteristics and undertook hydraulic modelling to determine a 'medium' PIC for the proposed reservoir. The reservoir will be designed, constructed, and operated in accordance with best practice guidelines (NZSOLD) and the probability of dam failure will be extremely low. The detailed dam design has yet to be completed, but will be required to support an application for a building consent to authorise the construction of the reservoir under the Building Act 2004.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

The National Policy Statement for Freshwater Management 2020 (NPS-FM) is the only national policy statement that is relevant to the project.
The main purpose of the NPS-FM is to direct regional councils on how they are to manage fresh water through their regional policy statements and regional plans. The objective and several of the policies of the NPS-FM are also relevant when preparing and considering applications for resource consents. An assessment of the project against the objective and relevant policies is provided below.
The objective of the NPS-FM, which reflects the hierarchy of Te Mana o te Wai as stated in clause 1.3 of the NPS-FM is about ensuring that natural and physical resources are managed in a way that prioritises:

1. first, the health and well-being of water bodies and freshwater ecosystems
2. second, the health needs of people (such as drinking water)
3. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

It is considered that operating and constructing the proposed reservoir will achieve the objective and is consistent with the first policy of the NPS-FM because:

- The health and well-being of the unnamed tributary, the Waitangi River, and associated freshwater ecosystems will be safeguarded through the provision of a continuation flow through the reservoir and the implementation of mitigation, offsetting and compensation measures (see Part VII of this application).
- The damming and taking of fresh water will not adversely affect the health needs of people.
- The project is about improving the ability of people and the community to provide for their social, economic and cultural well-being by, first and foremost, enabling a change in the use of land to horticulture.

Policy 2 of the NPS-FM is that Tangata whenua are actively involved in freshwater management (including decision-making processes), and Maori freshwater values are identified and provided for. The applicant has sought to undertake meaningful engagement with mana whenua (as described in Part V of this application).
Policy 6 of the NPS-FM is that there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. While the proposal involves the inundation of approximately 4.76 hectares of natural wetland it also includes 10.13 hectares of wetland offsetting. The primary ways to achieve the offsetting are planting and weed control, with plantings to be undertaken in fenced areas and protected in perpetuity. During the selection process for potential wetland offsetting sites, consideration will be given to existing hydrology and wetland connectivity measures to achieve successful habitat restoration. Plantings will be selected which will provide nesting and foraging habitat for wetland birds.
Policy 7 is that the loss of river extent and values is avoided to the extent practicable. The proposed reservoir will cover an estimated 7,848 square metres of of streambed area, along with 7,797 m and 2,575 m of intermittent streams.

The stream evaluation method (SEV) was used to assess the aquatic ecological function of streams in the proposed reservoir. The SEV is a robust and internationally peer-reviewed method designed to quantify the ecological function of a stream reach. The method also provides a means to quantify offset requirements. To define the quantum of enhancement/restoration required to offset the effects of the proposed reservoir, and environmental compensation ratio (ECR) was calculated using SEV scores. The ECR is a tool used to quantify the amount of streambed area that is required to be restored, which takes into account the extent and type of stream impacted or lost and the type of enhancement works proposed. The objective is to achieve a 'no-net- loss' in ecological function as a result of the activities.

Based on SEV values and estimated ECR scores for both permanent streams, with and without riparian vegetation margins, and for intermittent streams, approximately 15,555 square metres of similar streambed area habitat enhancement in nearby catchments is required to achieve no net loss of ecological function. The ECR could be higher if streams in nearby catchments differ in stream functions from that estimated on site and SEV gains are less, which is likely if planting alongside highly modified stream channels, or infill planting into existing vegetation. Consequently, the quantum of streambed area required will increase or decrease accordingly to achieve no net loss of ecological function.

The applicant proposes to prepare and implement an Offset and Compensation Plan, which will identify the locations of the proposed planting and the species list, size, spacing, and weed maintenance programme to support the establishment of plantings.

Policy 9 is that the habitats of indigenous freshwater species are protected. The assessment of ecological effects produced by Puhoi Stour Ltd stated:

> *Based on the combination of stream characteristics observed during our site walkover, low SEV scores for representative stream reaches across the site, poor macroinvertebrate communities, the freshwater ecology values of both intermittent and permanent streams are assessed as low. However, even though the SEV scores are low and macroinvertebrate communities poor, a reflection of the highly modified stream systems of site, the main permanent streams on-site support native At-Risk species (long-fin eel) and other native species (banded k?kopu and shortfin-eel) and is part of a wider wetland complex of high ecological values and so is considered to have moderate ecological values.*

It is considered that the proposed measures to avoid, mitigate, offset and compensate for actual and potential adverse effects on existing aquatic habitat will result in the habitat of the freshwater indigenous species being protected.

Policy 11 is about the efficient allocation and use of fresh water and phasing out and avoiding over-allocation. The project will not result in over-allocation and the stored water will be used efficiently.

At the time of preparing this application for resource consent, the applicant had not entered into any water supply agreements. Therefore, it is not currently feasible to reliably predict annual irrigation volumes to be made available by the proposed takes.

However, it is important to note that a water supply management plan will be prepared once consents are obtained to construct the water storage reservoir. The water supply management plan will identify the overall water supply strategies to manage the potential effects of the use of water by people who will receive water from the water storage reservoir. The management plan will include:

- A general policy on how decisions will be made to supply water to people.
- Identification of allocation quantities to people as set out under water supply agreements.
- Responsibilities of people receiving water to ensure it is conveyed and used efficiently, including assessments reasonable needs and implementation of good management practices to efficiently use water.

Policy 13 is that the condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends. It is understood that the policy is primarily directed at regional councils, however it is relevant to the project. The applicant proposes to measure the quality of water in the reservoir and a downstream location(s) in order to determine if action is required to address any potential water quantity dependent issues (e.g., nuisance periphyton or macrophytes, or low dissolved oxygen levels). Collected data will be provided to Northland Regional Council, consistent with the intent of Policy 14.

Policy 15 is that communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with the NPS-FM. It is considered that the project is consistent with the policy.

# Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

### Project's economic benefits and costs for people or industries affected by COVID-19:

The applicant (Te Tai Tokerau Water Trust) is attempting to develop the Mid-North Water Storage and Use Scheme and the Kaipara Water Storage and Use Scheme.
The schemes will have two main types of economic benefit:

1. Creating employment during the construction phase.
2. Once constructed, enabling increased productivity and/or new land uses in the surrounding areas through improved availability and reliability of water supply. New land uses will enable higher GDP and employment that might otherwise be the case.

The proposed Otawere Water Storage Reservoir is one of four reservoirs in the proposed Mid-North Water Scheme. The Matawii Water Storage Reservoir was Listed Project 16 in Schedule 2 of the COVID-19 Recovery (Fast-track Consenting) Act 2020. Resource consents to authorise the construction and operation of the Matawii Reservoir were recently granted by an expert consenting panel. The other water storage reservoirs are referred to as Te Ruaotehauhau and Rakauwhai. The former is the subject of applications for resource consents lodged with Northland Regional Council and Far North District Council and an application to the Minister for the project to be referred to an expert consenting panel. The latter is currently not the subject of any applications.
Construction of the proposed Otawere Reservoir is predicted to generate 31 Full Time Equivalent (FTE) positions over the one-year construction period. Note that the benefits from construction of the associated distribution network infrastructure is not included in this figure. (refer attached economic analysis document)
The findings of the Pre-feasibility Phase confirm that there are substantial economic opportunities to be realised through the development of the Mid-North Water Storage and Use Scheme. The benefits will come about as a result of a significant increase in horticultural activities and the flow-on effects to other sectors. Results from an economic analysis indicate that for every $1 million spent on building the schemes, there will be an on-going annual increase in economic activity (measured by GDP) of $1.3 million.
It is important to consider the economic benefits of the proposed water storage reservoir in the content of the wider Mid-North Water Storage and Use Scheme. Economic analysis indicates an increase in GDP of approximately $67 million per annum in the Far North, equivalent to a 2.4% increase in the district's current GDP (which is valued at $2451 million in the year that ended in March 2019). The economic impact will be considerably greater on the smaller Mid-North area. Defining this in terms of the command area around Kaikohe, the scheme would increase the area's GDP by 22% and employment by 12%.
There has been a significant decrease in GDP since New Zealand began measures to contain and address the threat of COVID-19. While some sectors have been more impacted than others, it is considered that the construction and operation of the Otawere Water Storage Reservoir and the wider Mid-North Water Storage and Use Scheme will play a part in addressing economic costs of COVID-19.

### Project's effects on the social and cultural wellbeing of current and future generations:

An increase in employment and increased productivity is expected to contribute to improved social and economic well-being.

### Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

It is considered that the project will progress faster using the process provided for by the Act, rather than the 'conventional' approaches (i.e., lodging consents with Northland Regional Council and Far North District Council (with any appeals being addressed by the Environment Court); using the "Streamlined decision-making" process; or, via part 6AA of the RMA).
It is understood, based on the Act, that it will take approximately 4-6 months for an expert hearing panel to make a final decision on whether to grant the application (assuming that the request for referral is approved). This is likely to be considerably faster than conventional processes (>1 year), assuming the application for resource consents is notified and appealed to the Environment Court.
The Trust has had experience the Fast Track consenting process with Matawii, a named project in the Covid 19 Recovery (Fast track Consenting) Act. The benefits in time and certainty on outcome was hugely beneficial to the project.

### Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

### Employment/job creation:

Employment and job creation is addressed above.

### Housing supply:

N/A

### Contributing to well-functioning urban environments:

N/A

### Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The project is a key component of the Mid-North Water Storage and Use Scheme which is being developed in the interests of delivering social, economic and cultural benefits associated with land use change.

### Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

It is considered that the project is likely to cause net gains in environmental outcomes through a comprehensive suite of measures for mitigating, offsetting and compensating adverse effects on freshwater and terrestrial ecosystems to the extent that there will be net ecological benefits.
Enabling the change in land use for pastoral farming to horticulture will contribute to New Zealand's response to reducing greenhouse gas emissions. Horticulture is known to have a lower emissions footprint that pastoral farming.

### Minimising waste:

N/A

### Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The proposed water storage reservoir is expected to support up to approximately 1300 hectares of horticulture development. By area, horticulture has lower greenhouse gas emissions (Dorner, et al. December 2018) Land-use Change as a Mitigation Option for Climate Change. Report to the Biological Reference Group (Project No. 18398) Motu Economic and Public Policy Research). This means that the project will contribute to reducing greenhouse gas emission

### Promoting the protection of historic heritage:

N/A

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

As documented elsewhere in this application, i.,e., the provision of a water storage and use scheme will provide resilience to the effects of climate change on water availability.

Other public benefit:

N/A

Whether there is potential for the project to have significant adverse environmental effects:

The project has the potential to affect ecological values (adverse and positive). Adverse effects can be mitigated and remedied including through environmental offsetting and compensation. Management plans will be developed to support the EPA assessment should the referral process be successful.
A copy of the ecological report is attached.
These matters are addressed in Part VII of this application.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

The proposed reservoir is very unlikely to be adversely affected by climate change and natural hazards. The reservoir will be designed and constructed in accordance with best practice guidelines and a consent issued under the Building Act 2004

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

| Local authority | Compliance/Enforcement Action and Outcome |
|---|---|
| No details | |

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

| | |
|---|---|
| Andrew Carvell | 19/01/2021 |
| **Signature of person or entity making the request** | **Date** |

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this

application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.

- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

## Checklist

Where relevant to your application, please provide a copy of the following information.

| | |
|---|---|
| No | Correspondence from the registered legal land owner(s) |
| No | Correspondence from persons or parties you consider are likely to be affected by the project |
| No | Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement. |
| No | Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area. |
| No | Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area. |