

From: s 9(2)(a)
To: s 9(2)(a)
Subject: Otawere Water Storage Reservoir - Application for referral
Date: Tuesday, 30 March 2021 9:42:31 am
Attachments: out of scope

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Hi Rachel,

As discussed, please find attached a copy of the funding agreement for the construction of the Otawere Water Storage Reservoir. Please note that Te Tai Tokerau Water Trust spoke with MBIE about providing the document to MfE. MBIE is okay with providing it for the purposes requested although they did want it clarified that it is a commercial arrangement and it should not be circulated publicly.

Also attached is a copy of the draft consents of the sought water permit to take from the Waiaruheiti Stream for the purposes of augmenting water levels in the OWSR. The conditions are as requested and the consent is expected to be issued today.

Regarding the National Environmental Standards for Freshwater, the application for a referral identified Regulation 54 ("Non-complying activities") as being relevant to the Project because of the presence of natural wetland within the footprint of the proposed reservoir, which will be inundated (not drained) by water post construction. Notwithstanding, it has become clear that Regulation 45 is relevant. That is because vegetation clearance, earthworks and land disturbance, and the damming, diversion, discharge and taking of water within, and within a 100 m setback from, the natural wetland is for the purpose of constructing specified infrastructure, which is defined as any of the following:

- infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)
- regionally significant infrastructure identified as such in a regional policy statement or regional plan
- any public flood control, flood protection, or drainage works carried out:
 - by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
 - for the purpose of drainage by drainage districts under the Land Drainage Act 1908

CDEM Act 2002 defines a lifeline utility as, among other things, "an entity that supplies or distributes water to the inhabitants of a city, district, or other place." (Schedule 1, Part B). Water from the reservoir will be made available to the inhabitants in the area, including for fire fighting purposes via hydrants on the distribution infrastructure (e.g., at Ohaeawai, which is currently not reticulated).

I note that the Expert Consenting Panel for the Matawii Water Storage Reservoir Project, another key component of the Mid-North Water Scheme, commented on the relevance of Regulation 45 in its decision (at paragraph 304): *"The applicant appears to have overlooked regulation 45, which is in that sub-part and which offers discretionary activity*

status of activities concerning construction of "specified infrastructure".

I trust this helps, but please do not hesitate to contact me if you need further clarification.

Ben

Ben Tait | Senior Planner

Williamson Water & Land Advisory

Phone | s 9(2)(a)

Email | s 9(2)(a)

Web | <https://www.wvla.kiwi/>

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