



BRF-35

5 July 2021

Te Tai Tokerau Water Trust
C/- Ben Tait
Senior Planner
Williamson Water and Land Advisory
s 9(2)(a)

Dear Ben Tait

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Otawere Water Storage Reservoir

Thank you for Te Tai Tokerau Water Trust's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Otawere Water Storage Reservoir project to an expert consenting panel (a panel) for consideration under the FTCA.

The project is to construct and operate a water storage reservoir and associated dams and to take and store water for horticultural supply, municipal water supply and for civil defence and emergency purposes, in the upper catchment of an unnamed tributary of the Waitangi River. The project location is near Te Ahu Ahu Road, Waimate North, Northland.

The purpose of the FTCA is to 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.

I can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes being satisfied the project will help achieve the FTCA's purpose.

I have decided the project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. Have positive effects on social well-being by providing increased opportunities for employment
2. Generate employment by providing up to 31 full-time equivalent (FTE) jobs during construction
3. Result in a public benefit by contributing to a municipal water supply and water supply for civil defence and other emergency purposes
4. Progress faster by using the processes provided by the FTCA than would otherwise be the case, provided that the applicant lodges their applications for resource consent with the Environmental Protection Authority in a timely manner following referral.

Any actual and potential adverse effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the information listed in Appendix A of this letter with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the above information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the persons and groups, additional to those specified in clause 17 Schedule 6 of the FTCA, who are listed in Appendix A of this letter. Contact details are included in Appendix B, for your information and to assist the parties who will receive copies of this notice.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the actual and potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

The FTCA requires that:

1. I provide a copy of our decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. Our decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, we have also decided to provide a copy of this decision to the following parties:

1. Representatives of the four nearby marae: Tauwhara, Oromāhoe, Parawhenua and Rāwhitiroa
2. Representatives of Ngāwhā Marae (located in the upper catchment of the Waiauru 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)
3. 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)
4. Taiāmai ki te Takutai Moana, the Trust representing the interests of the hapū from the Taiāmai ki te Marangai takiwā of Ngāpuhi
5. The relevant applicants for customary marine title and/or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 (as specified in the Section 17 Report).

I will progress an Order in Council through the Executive Council for the project. Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related planning decisions that may affect the project.

Please do not publicly release this decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc. Ministers of/for:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Economic and Regional Development; Defence; Māori Development; Transport; Conservation; and Climate Change

Local authorities:

Far North District Council
Northland Regional Council

Relevant iwi authority: Te Rūnanga-Ā-Iwi-O-Ngāpuhi

Representatives of the four nearby marae: Tauwhara, Oromāhoe, Parawhenua and Rāwhitiroa

Representatives of Ngāwhā Marae, Te Kotahitanga Marae, Kohewhata Marae and Te Tii Waitangi Marae

Members of the Taiāmai ki te Marangai takiwā, Hokianga ki te Raki takiwā and Hauāuru takiwā

Taiāmai ki te Takutai Moana

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

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to application/s lodged by Te Tai Tokerau Water Trust for Otawere Water Storage Trust

Information required to be submitted with your application

In accordance with section 24(2)(d) of the FTCA, , we have decided that you must provide the following additional information with your application:

- a. final versions of all draft technical reports or assessments including proposed mitigation and/or management approaches for all Project works for:
 - i. geotechnical effects
 - ii. hydrology and hydraulic effects of all damming, diversions, water takes and discharges on surface water bodies, groundwater and wider catchments, water allocation limits and operations in drought conditions and based on projected climate change scenarios
 - iii. ecology including avifauna, terrestrial fauna, aquatic fauna and ecology, lizards, vegetation, wetlands (including gumland wetlands) and biodiversity
 - iv. landscape and visual effects
 - v. economic effects including assessment of economic effects for Maori
- b. technical reports or assessments, including proposed mitigation and/or management approaches, prepared by suitably qualified persons for:
 - i. construction management including construction methodology and staging, construction traffic, dust and noise management, and erosion and sediment control for all Project works, including the reservoir and water abstraction
 - ii. dam failure risks
 - iii. reservoir operations including dam safety
- c. draft management plans for:
 - i. construction environmental management
 - ii. erosion and sediment management

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any consent application for the project from the following additional persons or groups:

- Minister for Economic and Regional Development
- Minister for Māori Development
- representatives of the four nearby marae: Tauwhara, Oromāhoe, Parawhenua and Rawhitiroa
- representatives of Ngāwhā Marae, Te Kotahitanga Marae, Kohewhata Marae and Te Tii Waitangi Marae
- members of the Taiāmai ki te Marangai takiwā, Hokianga ki te Raki takiwā and Hauāuru takiwā
- Taiāmai ki te Takutai Moana