

# Memorandum on Compliance

---

<b>File</b>	FTC000016
<b>To:</b>	Sandra Balcombe Manager, Land and Oceans
<b>Copy to:</b>	June Cahill
<b>From:</b>	Carolyn Wratt
<b>Date:</b>	17 August 2020
<b>Subject:</b>	Matawii Water Storage Reservoir: Assessment LP16:Assessment and EPA decision whether the application complies with clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020

---

## Purpose

1. The purpose of this memo is to assist you in making your decision on whether the Matawii Water Storage Reservoir application, received by the Environmental Protection Authority (EPA) on 10 August 2020 lodged by Andrew Carvell on behalf of Te Tai Tokerau Water Trust, complies with the requirements of clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).

## Conflict of interest

2. I confirm that I do not have any conflict of interest in this matter that would prevent me making this assessment.

## The application

3. Projects listed in Schedule 2 (listed projects) are eligible to be considered by an expert consenting panel. Schedule 2 states that Matawii Water Storage Reservoir, Kaikohe is a listed project under the Act, and the authorised person who may apply under the Act is Te Tai Tokerau Water Trust.
4. The applicant initially applied for consents relating to Matawii Water Storage Reservoir, Kaikohe on 24 July 2020 but then withdrew that application. A new application was lodged with the EPA on 10 August 2020 that contained additional information.
5. The EPA must either provide the consent application or notice of requirement to the expert consenting panel (if complete) or return it to the person who lodged it (if incomplete), as set out in paragraphs 12 – 26 below.

## Project

6. The Matawii Water Storage Reservoir, Kaikohe is described in Schedule 2 of the Act as construction of water storage and distribution infrastructure in Kaikohe to support the development

of Northland’s agriculture and horticulture sector and to provide drinking water for Kaikohe, (earthworks and land use and water-related consents, including consents for the taking and damming of water). Geographical area comprises private land to the north east of Kaikohe, on the following properties by the following legal descriptions:

- a. Reihaita 1B
- b. Lot 2 DP 176274
- c. Orauruwharo 8
- d. Taumataukuku 1
- e. Lot 1 DP 196320

## Fast-track consenting application process

### Legislative context

7. Clause 2(1), Schedule 6 of the Act states that a person authorised in accordance with section 15 may apply for a resource consent that would otherwise be required under section 88 of the Resource Management Act 1991 (RMA).
8. Clause 2(2), Schedule 6 of the Act states that a requiring authority authorised in accordance with section 15 may, in respect of a listed project or referred project, as the case may require, lodge—
  - a. a notice of requirement for a designation;
  - b. a notice of requirement to alter a designation.
9. Clause 3(1), Schedule 6 of the Act states that *“within 5 working days of receiving a consent application or notice of requirement, the EPA must determine whether the application or notice—*
  - (a) relates solely to 1 or more of the listed projects or referred projects; and*
  - (b) does not breach clause 2(3)(c) or (4); and*
  - (c) contains all the information required under clauses 9 to 13.”*
10. Clause 3(2), Schedule 6 of the Act states that *“if the EPA is satisfied that a consent application or notice of requirement complies with the matters listed in subclause (1), the EPA must provide the application or notice to the panel appointed to determine that application or notice.”*
11. Clause 4(1), Schedule 6 of the Act states that *“if the EPA determines that a consent application or notice of requirement does not comply with the requirements of clause 3(1), it must return the application or notice immediately to the person who lodged it, with written reasons for the EPA’s determination”.*

### Prerequisites for the application

12. There are a number of prerequisites for an application to be lodged as set out in this table.

Reference to clause in Schedule 6	Preliminary Matter	Comment	Accept/reject application
Clause 2(3)(b)	Application is in approved form and manner	The application is Appendix A and is on the EPA COVID-19 Recovery Fast-track Consenting	Accept

		Resource Consent Application Form	
Clause 2(3)(c)	Application complies with any restrictions and obligations in either:		
	(i) Schedule 2	<p>There are no restrictions or obligations, including information requirements, for LP16 in Schedule 2.</p> <p>The following project is listed in Schedule 2:</p> <p><i>LP16 Matawii Water Storage Reservoir, Kaikohe</i></p> <p><i>Description: Construction of water storage and distribution infrastructure in Kaikohe to support the development of Northland's agriculture and horticulture sector and to provide drinking water for Kaikohe, (earthworks and land use and water-related consents, including consents for the taking and damming of water)</i></p> <p><i>Private land to the north east of Kaikohe, on the following properties by the following legal descriptions:</i></p> <ul style="list-style-type: none"> <li>• <i>Reiwhaita 1B</i></li> <li>• <i>Lot 2 DP 176274</i></li> <li>• <i>Orauruwharo 8</i></li> <li>• <i>Taumataukuku 1</i></li> <li>• <i>Lot 1 DP 196320</i></li> </ul>	<p>Accept</p> <p>Note: the legal descriptions listed in Schedule 2 are described slightly differently to the legal descriptions identified on page 8 of the AEE</p> <ul style="list-style-type: none"> <li>• Reiwhatia B1 Block</li> <li>• Lot 2 DP 176274</li> <li>• Orauruwharo No 8 Block</li> <li>• Taumatamaukuku No 1 Block</li> <li>• Lot 1 DP 196320</li> </ul>
	(ii) Schedule 3 and referral order	Not applicable	Not applicable
Clause 2(4)(a)	Applications must not relate to an activity that is classified as a prohibited activity in a:		
	(i) Relevant plan or proposed plan	While the application does not specifically state that the activity is not a prohibited activity status, page 65 of the AEE states	Accept

		<p>that the activity classifications range from Permitted to Non-complying.</p> <p>Page 56 of the AEE states that the project does not include any of the activities set out in clause 2(4) of Schedule 6 of the Act.</p>	
	(ii) RMA regulations (including any NES)	<p>Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 - NESCS rules relating to soil disturbance and land use change do not apply to the MWSR application. Refer to pages 56 and 104-105 of the AEE</p> <p>Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 – refer to pages 56 and 105 of the AEE</p> <p>Discussion of Regulation 7 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 – refer to page 105 of the AEE</p> <p>Page 56 of the AEE states that the project does not include any of the activities set out in clause 2(4) of Schedule 6 of the Act.</p>	Accept

		In addition, there are no prohibited activities in the above national environmental standards.	
Clause 2(4)(b)	Applications must not relate to an activity that is to occur within a customary marine title area unless agreed by the appropriate customary marine title group	This activity is not located within a customary marine title area.	Accept
Clause 3(1)(a)	Relates solely to 1 or more of the listed projects or referred projects	LP16 is listed in Schedule 2 of the Act - Matawii Water Storage Reservoir, Kaikohe	Accept

### Conclusions on preliminary matters

- The application can proceed to an assessment of whether the application contains all the information required under clauses 9 to 13 of Schedule 6 of the Act.

### Assessment of compliance table

- An assessment table against clauses 9-11 of Schedule 6 of the Act is included in Appendix 1.
- The information provided must be in sufficient detail to correspond to the scale and significance of the effects that the activity is anticipated to have on the environment, taking into account any proposal by a consent applicant or requiring authority to manage adverse effects through conditions, including requiring the preparation of a management plan (clause 14 of Schedule 6). The application was assessed on the basis of being of moderate scale, but potentially significant effects on the environment that could be addressed through mitigation measures and conditions.
- My view is that the application does comply with clause 3(1) and can be provided to the panel.
- Although I am recommending that the application be provided to the Panel, I make the following observations and recommend that these be communicated to both the applicant and the Panel:  
Purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020
- In response to the requirement under clause 9(1)(g)(ii) of Schedule 6 to provide an assessment of the activity against the purpose of the Act, the application has described the process by which this project became a listed project. This is not what is required by clause 9(1)(g)(ii). However, given the information that could have been used to fulfil this requirement is likely to be able to be discerned from other parts of the application, we do not regard this as a material failure.

#### Part 2 of the Resource Management Act 1991

19. The assessment against Sections 5 and 8 of the Resource Management Act (which are components of Part 2 of the Resource Management Act) as required by clause 9(1)(g)(i) of Schedule 6 are not thorough or detailed. Similar to the issue identified above, the information that could have been used to fulfil this requirement is likely to be able to be discerned from other parts of the application. Therefore we do not regard this as a material failure.

#### Description and details of the activity

20. The applicant's letter dated 10 August 2020 outlines their position with regards to advancing the design of the dam beyond a preliminary concept plan, however there are details of the design which should be further considered. Although there is sufficient information to satisfy clause 9(1)(a) of Schedule 6, additional information on elements of the design would benefit the panel, such as:
- the capacity of the spillway (incidentally I note that page 30 of the AEE states that the spillway discharges are a permitted activity, but there is no confirmation of this in Appendix L Permitted Activities);
  - Appendix Q discusses the further geotechnical investigations that were undertaken. The investigations and tests undertaken are listed, but there is no information on those investigations, other than stating that the interpretation of the site investigation information has confirmed that the dam site is feasible and the dam can be designed to meet the safety criteria required within the New Zealand Dam Safety Guidelines; and
  - Mechanisms and designs for enabling upstream passage of eiders given that the dam is proposed to have approximately a 18m operating range.

#### Cultural Impact Assessment

21. While a cultural impact assessment is included in the application as required by Clause 9(5)(i) of Schedule 6, the Act also requires that this be provided either by or on behalf of the relevant iwi authority. I note the letter from Mere Mangu chairwoman of Te Rūnanga-Ā-Iwi O Ngāpuhi attached as Appendix R to the application. However, it is not clear which relevant iwi authority prepared this assessment or on whose behalf it was prepared. This is particularly relevant given the response to the cultural impact assessment by Ngāti Rangī, Tamaiti Wihongi (Lake Omapere Trust and nga hapū o Te Uri o Hua, Ngāti Rangī and Ngāti Whakaeke hapu) and whanau with whakapapa to the site in the Taiāmai ki te Marangai (as outlined on page 51 of the AEE).
22. Further consideration may be needed as to whether this failure warrants a decision to reject the application. Clarification could be sought from the applicant.

#### Monitoring of effects

23. The assessment of the previously withdrawn application on 31 July 2020 observed that although the proposed conditions in Appendix K rely on management plans such as the Operational Reservoir Management Plan for monitoring, there is no specific outline of how the effects of the activity will be monitored, and by whom as required by Clauses 9(4)(a) and 10(1)(g). The applicant's letter dated 10 August 2020 considers that the conditions of consent make it clear as to which entity will be responsible for monitoring. The applicant provided the examples of the construction management plan and erosion and sediment control management plan and considers the relevant authority would thereafter assume the responsibility of monitoring in the same way as any other resource consent. It would be advisable for the applicant to further consider how the effects will be monitored in those management plans.

Risk of dam failure

24. The feedback to the applicant on the previously withdrawn application expressed concern about the lack of detail on mitigation measures associated with dam failure. I note that the Potential Impact Classification in the application (Appendix M) concludes that the classification is High, and recommends an Emergency Action Plan be developed. Page 89 of the AEE states that detailed design will identify specific mitigation measures that minimise complete dam failure.
25. The applicant's response in the letter dated 10 August 2020 is two-fold. At paragraph 8-13 and 17 they consider that the building consent process will address the detailed design parameters. The applicant contends that plans in relation to dam failure will be developed in relation to that consent and will be a matter for further consideration as part of the building consent process. Secondly, at paragraph 15 the letter considers that the detailed operational management plan would not be expected to be prepared prior to the consent being granted. I note that the proposed Conditions in Appendix 4 of the application does not mention an Emergency Action Plan as part of the Operational Reservoir Management Plan.
26. Although the applicant has clearly acknowledged the risk of a dam failure in the application, the potential effects are significant and this may be a topic that the Panel seeks further detail on before making its decision.



17 August 2020

---

**Signature**

**Date**

## Appendix 1: Clauses 9-11

The proposed activity is listed in Schedule 2 of the Act as LP16 Matawii Water Storage Reservoir, Kaikohe.

**Table 1: Checklist of requirements in clauses 9-13 of Schedule 6 of the Act**

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
<b>Clause 9</b>			
Clause 9(1)(a)	A description of the proposed activity	Yes Pages 6-7 of the AEE Pages 24-33 of the AEE Pages 16-27 and attachment in Appendix C Preliminary Design Report Pages 2-3 and 19-22 Appendix D: Hydrological Study	Yes Also see comments above in paragraph 20
Clause 9(1)(b)	A description and map of the site at which the activity is to occur	Yes pages 7-10 and 35-44 of the AEE Appendix B Records of Title Appendix O Maps of Sites	Yes



Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>A description of the site from various perspectives is contained in the following documents:</p> <p>Page 2 Appendix C Preliminary Design Report</p> <p>Geological description is discussed on pages 9-13 Appendix C Preliminary Design Report</p> <p>Appendix E Preliminary Site Investigation (Ground Contamination)</p> <p>Maps appended to Appendix F Ecological Assessment of Effects Report</p> <p>Landscape description is pages 6-10 in Appendix G assessment of landscape and visual amenity effects</p>	
Clause 9(1)(c)	Confirmation that the consent application complies with clause 3(1).		Yes
Clause 9(1)(d)	<p>The full name and address of:</p> <p>i. Each owner of the site and of land adjacent to the site</p>	<p>Yes</p> <p>Pages 8- 10 of the AEE</p> <p>Appendix O: Maps of Sites</p>	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	ii. Each occupier of the site and of land adjacent to the site who, after reasonable inquiry, is able to be identified by the applicant	Yes Page 8-10 of the AEE Appendix O: Maps of Sites	Yes
	Were reasonable inquiries were made?	The completed application form outlines the steps taken to identify the occupiers; namely searching a property database and contacting Far North Holdings Ltd.	Yes
Clause 9(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	Yes Page 65 of the AEE addresses requirements under the Building Act 2004 Appendix L outlines permitted activities which are part of the proposal.	Yes
Clause 9(1)(f)	A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the proposal to which the consent application relates	Yes Pages 65-66 of the AEE outlines the possible requirements under: <ul style="list-style-type: none"> <li>• Heritage New Zealand Pouhere Taonga Act</li> <li>• Conservation Act 1987</li> <li>• Wildlife Act 1953</li> </ul>	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(1)(g)  Section 19	An assessment of the activity against—  (i) Part 2 of the RMA	Yes  Section 5: Pages 127-128 of the AEE  Section 6: Pages 128-130 of the AEE  Section 7: Pages 131-133 of the AEE  Section 8: Page 133 of the AEE	Yes – see comments above in paragraph 19
	(ii) the purpose of this Act	The AEE has not specifically assessed the activity against the purpose of the Act, and has instead interpreted that the matters in Section 19 constitute the purpose of the Act (page 68 of the AEE)  See comments above in paragraph 18.	Yes – see comments above in paragraph 18.
	(iii) the following matters (set out in section 19 of the Act - whether project helps to achieve purpose of Act):		
	(a) the project’s economic benefits and costs for people or industries affected by COVID-19	Yes  Page 68-69 of the AEE  Appendix J. Economic Opportunity Principles Analysis	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(b) the project's effect on the social and cultural well-being of current and future generations	Yes Pages 69-71 of the AEE	Yes
	(c) whether the project would be likely to progress faster by using the processes provided by this Act than would otherwise be the case	Yes Page 72 of the AEE	Yes
	(d) whether the project may result in a public benefit by, for example: generating employment; increasing housing supply; contributing to well-functioning urban environments; providing infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity; improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity; minimising waste; 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); promoting the protection of historic heritage; strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change; or any other benefit(s) identified.	Yes Page 72-77 of the AEE Appendix J Economic Opportunity Principles Analysis Appendix F Ecological Assessment of Effects Report Appendix P Proposed Biodiversity Offset and Compensation Plan. Appendix H Archaeological Assessment of Effects Report Resilience and natural hazards and the effects of climate change are addressed on page 11 and appended reports to Appendix J Economic Opportunity Principles	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(e) whether there is potential for the project to have significant adverse environmental effects, including greenhouse gas emissions:	Pages 76-77 and 124 of the AEE Appendix F Ecological Assessment of Effects Report Appendix P Offset and Compensation Plan Appendix M Potential Impact Classification	Yes
	(f) [For referred projects only] any other matter that the Minister considers relevant.	Not applicable	Not applicable
Clause 9(1)(h)	An assessment of the activity against -- (a) any relevant provisions in a national environmental standard, including:	Yes Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The AEE states that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health rules relating to soil disturbance and land use change do not apply to the MWSR application (pages 56 and 104-105 of the AEE, and	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>page 11 of Appendix E Preliminary Site Investigation (Ground Contamination).</p> <p>Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 are discussed on pages 56-57 and 105 of the AEE.</p>	
	<p>i. Any relevant objectives, policies or rules</p>	<p>Regulation 7 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 is discussed on page 105 of the AEE.</p> <p>Page 13 of Appendix E. Preliminary Site Investigation (Ground Contamination) states that HAIL activities mean consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is required for soil disturbance and land use change, if the pit fill is disturbed. The reports states that based on the information</p>	<p>Yes</p>

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		available at the time of preparing that report the activity status will be Discretionary. It seems the intention is to design around the former farm quarry site and not undertake earthworks which would invoke the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.	
	ii. Any requirement, condition, or permission in any rules	Page 57 of the AEE states that the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 does not actually contain any express restrictions or permissions. It must instead be applied at the point of consideration of a consent application under Section 104(1) RMA. An analysis of the regulations is contained on page 105 of the AEE.	Yes
	iii. Any other requirements	Not applicable	Not applicable

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(b) Any relevant provisions in any other regulations made under the RMA, including:	Resource Management (Measurement and Reporting of Water Takes) Regulations 2010	
	i. Any relevant objectives, policies or rules	Not applicable	Not applicable
	ii. Any requirement, condition, or permission in any rules	<p>Yes</p> <p>Discussion of Regulations 6, 7 and 8 is on page 105-106 of the AEE</p> <p>The AEE considers that Appendix K Conditions adopts wording that is consistent with Regulations 6, 7 and 8 as relate to the form of the record required to be taken and the manner in which records are to be kept and reported to the regional council.</p>	Yes
	iii. Any other requirements	Not applicable	Not applicable
	(c) Any relevant provisions in any national policy statement, including:	National Policy Statement for Freshwater Management	
	iv. Any relevant objectives policies or rules	<p>Yes</p> <p>The relevant provisions are listed in Appendix N</p>	Yes



Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Relevant Statutory Provisions. Assessment of the relevant provisions is contained in pages 106-109 of the AEE.	
	v. Any requirement, condition, or permission in any rules	Not applicable	Not applicable
	vi. Any other requirements	Not applicable	Not applicable
	(d) Any relevant provisions in a New Zealand coastal policy statement, including:	Not applicable	Not applicable
	i. Any relevant objectives, policies or rules	Not applicable	Not applicable
	ii. Any requirement, condition, or permission in any rules	Not applicable	Not applicable
	iii. Any other requirements	Not applicable	Not applicable
	(e) Any relevant provisions in any regional policy statement or proposed regional policy statement, including:	Northland Regional Policy Statement	
	i. Any relevant objectives, policies or rules	Yes Provisions are listed in Appendix N Relevant Statutory Provisions. Assessment of the relevant provisions is contained in pages 109-124 of the AEE	Yes
	ii. Any requirement, condition, or permission in any rules	Not applicable	Not applicable

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	iii. Any other requirements	Not applicable	Not applicable
	(f) Any relevant provisions in a plan or proposed plan, including:	<p>Yes</p> <p>Proposed Regional Plan for Northland (June 2020)</p> <p>Regional Water and Soil Plan for Northland 2004</p> <p>Regional Air Quality Plan for Northland 2003</p> <p>Far North District Plan 2009</p>	
	i. Any relevant objectives, policies or rules	<p>Yes</p> <p><u>Objectives and policies</u></p> <p>Provisions are listed in Appendix N Relevant Statutory Provisions.</p> <p>Assessment of the relevant objectives and policies is contained in pages 109-124 of the AEE.</p> <p>Water allocation policies in the Proposed Regional Plan for Northland is addressed in page 4 of Appendix D Hydrological Study.</p> <p><u>Rules</u></p>	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Table 11 Regional rule analysis- contained on pages 58-61 of the AEE. Table 12 District plan rule assessment contained on pages 61-64 of the AEE. Appendix L Analysis of permitted activities	
	ii. Any requirement, condition, or permission in any rules	Appendix L Analysis of permitted activities	
	iii. Any other requirements	Not applicable	Not applicable
	(g) Any relevant provision in any planning document recognised by a relevant iwi authority and lodged with a local authority, including:	Page 124 of the AEE states that there are no iwi or hapū planning documents that have been recognised by Te Rūnanga ā Iwi o Ngāpuhi as the iwi authority which have been formally lodged with the NRC.	Not applicable
	i. Any relevant objectives, policies or rules	Not applicable	Not applicable
	ii. Any requirement, condition, or permission in any rules	Not applicable	Not applicable
	iii. Any other requirements	Not applicable	Not applicable
Clause 9(1)(i)	Information about any Treaty settlements that apply in the project area, including—	Page 125 of the AEE states that no Treaty settlement	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(i) the identification of the relevant provisions in those Treaty settlements	currently applies to the project area	
	(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area	Not applicable	Not applicable
Clause 9(1)(j)	The conditions that the applicant proposes for the resource consent	Yes  Discussion of the approach to conditions and review clauses are addressed in pages 98-102 of the AEE  Appendix K Proposed Conditions	Yes
Clause 9(4)(a)	An assessment of the activity's effects on the environment that includes the following information (set out in clause 10 Schedule 6 of the Act): <sup>1</sup>  (a) an assessment of the actual or potential effects on the environment	Yes  Pages 79-96 of the AEE  Pages 23-34 Appendix D. Hydrological Study  Appendix E Preliminary Site Investigation (Ground Contamination)  Appendix F Ecological Assessment of Effects Report	Yes  Also see comments above in paragraph 20

<sup>1</sup> The application does not need to include any additional information specified in a relevant regional policy statement or plan that that would be required in an assessment of environmental effects under Schedule 4 of the RMA.

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>Appendix G Landscape Visual Amenity Assessment Reports</p> <p>Appendix H Archaeological Assessment of Effects Report</p> <p>Appendix I Cultural Impact Assessment</p> <p>Appendix J Economic Opportunity Principles Analysis</p> <p>Appendix M Potential Impact Classification Assessment</p> <p>Appendix P Proposed Biodiversity Offset and Compensation Plan</p>	
	<p>(b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use</p>	<p>Yes</p> <p>The application has categorised the dam as a hazardous installation. Pages 88-89 of the AEE</p> <p>Appendix M Potential Impact Classification Assessment</p> <p>Page 89 of the AEE states that detailed design will identify specific mitigation measures that minimise complete dam failure.</p>	<p>Yes</p>

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	<p>(c) if the activity includes the discharge of any contaminant, a description of—</p> <p>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and</p> <p>(ii) any possible alternative methods of discharge, including discharge into any other receiving environment</p>	<p>Yes</p> <p>Pages 85-88 of the AEE addresses the discharge of stormwater.</p> <p>Page 25-26 of the AEE addresses the discharge of sediment and erosion and sediment controls.</p> <p>The description of the receiving environment is contained in pages 36-44, but does not specifically address the sensitivity.</p> <p>Page 85 of the AEE states that given the nature of construction and operational discharges and the fact it is not practical to discharge to an alternative receiving environment, there are considered to be no appropriate alternative discharge methods.</p> <p>Pages 86-87 of the AEE addresses contaminants.</p>	<p>Yes</p>
	<p>(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity</p>	<p>Yes</p>	<p>Yes</p> <p>Also see comments above in paragraph 24-26</p>

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>Pages 30-31 Appendix F Ecological Assessment of Effects Report</p> <p>Pages 5 and Appendix 2c of the Appendix G Landscape Visual Amenity Assessment Reports</p> <p>Appendix P: Proposed Biodiversity Offset and Compensation Plan.</p> <p>Page 11 Appendix E Preliminary Site Investigation (Ground Contamination)</p> <p>Page 35 Appendix H Archaeological Assessment of Effects Report</p> <p>Page 13 Appendix I Cultural Impact Assessment</p> <p>Appendix K Proposed Conditions</p> <p>Page 89 of the AEE states that detailed design will identify specific mitigation measures that minimise complete dam failure.</p> <p>Page 17 of Appendix M Potential Impact Classification recommends</p>	

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>development of an Emergency Action Plan.</p> <p>Page 3 of Appendix Q Dam Design Process and Construction Assumptions considers that assessing the dam as the highest standards and lowest probability of failure effectively provides the key mitigation against the adverse effects of dam failure, i.e. for the design and all subsequent stages to be implemented in accordance with the NZDSG and which are commensurate with a high PIC.</p>	
	(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal	<p>Yes</p> <p>Pages 48-54 of the AEE</p>	Yes
	(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision	<p>Page 79 of the AEE states that this is not applicable</p>	Not applicable
	(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved	<p>The covering letter (dated 10 August 2020) contends that the conditions of consent make it clear as to which entity will be responsible for</p>	Yes - see comments above in paragraph 23



Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>monitoring. The letter provides examples of the construction management and erosion and sediment control management plan which will be supplied to the relevant council for certification and subsequent monitoring.</p> <p>Page 31 of the AEE addresses the operation and monitoring of the system will be in accordance with the Operational Reservoir Management Plan that will be developed from the principles outlined in the NZSOLD Dam Safety Guidelines.</p> <p>Page 32 of the AEE states that the take sites will be set up with a flow meter that will upload to the monitoring database via telemetry. All monitoring data will be reported annually as per the Operational Reservoir Management Plan.</p> <p>Page 82-83 of the AEE addresses monitoring of the water take and flows which is vital for management of</p>	

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>minimum flows and ecological protection. The Operational Reservoir Management Plan will contain details of this infrastructure.</p> <p>Page 100 of the AEE states that many of the potential effects identified in Section 9 can be managed by implementing specific measures to be set out in a management plan related to that topic area. These management plans contain specific monitoring for the effects anticipated to be generated by that activity.</p> <p>Section 3.5 of the Appendix P: Proposed Biodiversity Offset and Compensation Plan addresses monitoring of compliance, although not so much monitoring of effects.</p>	
	(h) an assessment of any effects of the activity on the exercise of a protected customary right	Page 79 of the AEE states that this is not applicable	Not applicable
Clause 9(4)(b)	An assessment of the activity's effects that also covers the following matters (set out in clause 11 of Schedule 6 of the Act):	<p>Yes</p> <p>Social effects are covered on pages 69-71 of the AEE</p>	<p>Yes</p> <p>Also see comments above in paragraph 24-26</p>

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects	<p>Page 76 of the AEE addresses community resilience.</p> <p>Page 74-75 of the AEE provides a high-level summary of economic impacts for the community.</p> <p>Page 72-73 of the AEE addresses the generation of employment.</p> <p>Appendix J Economic Opportunity Principles Analysis</p> <p>Appendix M Potential Impact Classification Assessment</p>	
	(b) any physical effect on the locality, including landscape and visual effects	<p>Yes</p> <p>Page 90-91 of the AEE</p> <p>Pages 14-20 of Appendix G Landscape Visual Amenity Assessment Reports</p>	Yes
	(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity	<p>Yes</p> <p>Pages 89-90 of the AEE</p> <p>Pages 15-20 addresses aquatic effects, pages 25-29 addresses terrestrial effects.</p>	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>Appendix F Ecological Assessment of Effects Report.</p> <p>Appendix P Proposed Biodiversity Offset and Compensation Plan.</p>	
	<p>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations</p>	<p>Yes</p> <p>Effects on recreational values is addressed in pages 91-93 of the AEE</p> <p>Aesthetic values are addressed at pages 90-91 of the AEE and pages 14-20 of Appendix G Landscape Visual Amenity Assessment Reports</p> <p>Effects on historic heritage are addressed on pages 95-96 of the AEE and pages 34 Appendix H Archaeological Assessment of Effects Report.</p> <p>Tangata whenua effects are addressed on pages 94-95 of the AEE and Appendix I Cultural Impact Assessment.</p> <p>The effects on the hydrology are addressed on pages 23-</p>	<p>Yes</p>

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		35 of Appendix D Hydrology Study	
	(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants	<p>Yes</p> <p>Pages 85-88 of the AEE addresses the discharge of stormwater</p> <p>Page 85 of the AEE states that given the nature of construction and operational discharges and the fact it is not practical to discharge to an alternative receiving environment, there are no appropriate alternative discharge methods.</p> <p>Page 25-26 of the AEE addresses the discharge of sediment and erosion and sediment controls.</p>	Yes
	(f) the unreasonable emission of noise	<p>Yes</p> <p>Page 83 of the AEE</p>	Yes
	(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	<p>Yes</p> <p>The application has categorised the dam as a hazardous installation.</p>	Yes Also see comments above in paragraph 24-26

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>The risk of dam failure is addressed on pages 88-89 of the AEE.</p> <p>Appendix M Potential Impact Classification Assessment</p> <p>Natural hazards are addressed on pages 93-94 of the AEE.</p> <p>Pages 2-7 of the Appendix C Preliminary Design Report summarises the risk category and effects of a dam breach.</p> <p>Page 89 of the AEE states that detailed design will identify specific mitigation measures that minimise complete dam failure.</p> <p>Page 3 of Appendix Q Dam Design Process and Construction Assumptions considers that assessing the dam as the highest standards and lowest probability of failure effectively provides the key mitigation against the adverse effects of dam failure, i.e. for the design and all subsequent stages to be implemented in accordance</p>	

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		with the NZDSG and which are commensurate with a high PIC.	
Clause 9(5)	<p>Is there a cultural impact assessment?</p> <p>If a cultural impact assessment is provided, is it prepared by or on behalf of the relevant iwi authority?;</p> <p><b>OR</b></p> <p>If a cultural impact assessment is not provided, a statement of reasons given by the relevant iwi authority for not providing that assessment</p>	<p>Yes</p> <p>Page 51 of the AEE states that it is understood that Ngāti Rangī will be preparing a separate CIA as they do not condone the current CIA that was prepared by Dr Te Tuhi Robust.</p> <p>As of the 7th August 2020, there was also a removal of contributions to the current CIA (Appendix I) by Tamaiti Wihongi (Lake Omapere Trust and nga hapū o Te Uri o Hua, Ngāti Rangī and Ngāti Whakaeke hapu) while whanau with whakapapa to the site in the Taiāmai ki te Marangai seek to prepare a separate CIA as relates to their whakapapa ties to the MWSR site.</p> <p>Page 38 of the AEE states that a further cultural impact assessment is being developed for Ngāti Rangī hapu, while whanau with whakapapa to the site from</p>	Refer to paragraph 21-22 above for more information.

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>the Taiāmai ki te Marangai takiwa wish to have their narrative included within the description of the cultural landscape of the site. The AEE notes that this information will be presented to the Panel as it is made available.</p>	
<p>Clause 9(6)(a)</p>	<p>If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the RMA)</p>	<p>Yes</p> <p>Appendix L: Analysis of permitted activities</p> <p>The relevant provisions and the analysis were really clear and covered:</p> <ul style="list-style-type: none"> <li>• Proposed Regional Plan for Northland (June 2020)</li> <li>• Regional Water and Soil Plan for Northland 2004</li> <li>• Regional Air Quality Plan for Northland 2003</li> <li>• Far North District Plan 2009</li> <li>• 'Bylaw' Far North District Council Control of Earthworks Bylaw 2019</li> </ul>	<p>Yes</p> <p>Refer to paragraph 20(a) above for further information.</p>



Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(6)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of clause 30(3))	Not applicable	Not applicable
Clause 9(6)(c)	In the case of a referred project, all the additional information required by the relevant referral order.	Not applicable	Not applicable

ENDS