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14 October 2020

June Cahill

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re: Response to Draft Consent Conditions for Matawii Water Storage Reservoir by Te Tai Tokerau Water Trust (LP16) under the COVID-19 Recovery (Fast-Track Consenting) Act 2020

I have been asked to reply on behalf of Te Tai Tokerau Water Trust ("Trust") to the draft consent conditions prepared for the Matawii Water Storage Reservoir by the Expert Consenting Panel appointed to consider this application.

With respect to the matters raised in the invitation I record that:

- (1) the NZTM co-ordinates for the 10 consents have been inserted; and
- (2) Insofar as Rule C.6.9.4 in the Proposed Regional Plan for Northland is concerned it is the position of the applicant that any activity involving discharge of slucing water is a permitted activity in that the Reservoir is part of a public or community water supply. The Trust is a Charitable Trust set up to promote and support the development of micro-scale and medium-scale water storage and delivery infrastructure in the Northland Region that strengthens regional partnerships and provides wider public benefits. Matawii is to service public or community purposes namely a more reliable water supply for Kaikohe and the provision of a secure water supply to facilitate the industrial and innovative park that Far North Holdings Limited, a wholly own subsidiary of the Far North District Council, is to establish on land adjacent to the Reservoir.

While the Trust is not a public entity of itself it is a charitable trust providing what will be a public and/or community water supply.

Attached is the conditions prepared by the Panel with the Trust's suggested amendments in a marked up form. The Trust's amendments are shown coloured in blue and with all cross references to conditions, as with the Panel, coloured in yellow.

Throughout this set of conditions the changes will generally be evident on the face of the amended format now submitted. The Trust's consultants have provided comment where an explanation is considered necessary. This is shown with conditions 13, 21, 53, 55, 60, 64, 69, 80(a) and (c)(v), and 89.

In relation to (now) condition 80 the Trust submits that the Indigenous Freshwater Fauna Salvage & Relocation Plan be limited to Fauna. It is presumed that the inclusion of Flora was to cover the possibility of translocating the swamp maire. If so then that is addressed by specific inclusion in this plan under condition 80(c)(vi). If a far more intensive relocation plan was envisaged it is difficult to know what flora it would relate to. If it was all flora such would be an extreme requirement it being understood that the vegetation was considered by the ecological assessment, other than the swamp maire, to not be of sufficient note to warrant such consideration. That concern would however also be met through the Biodiversity offset and Compensation Plan required under (now) conditions 82/83.

The primary change made however is with respect to the time periods specified throughout the proposed conditions in relation to the preparation of the required plans. The Trust proposes a reduction in the periods of time for the submission of plans and performance of conditions prior to construction commencing, and other works where relevant to the overall consenting process, and for the responses required from the approving authorities.

In general the proposals from the Panel were that management plans, and other plans and other steps be implemented or prepared at least 40 Working Days, and up to 3 months, prior to construction work commencing. In general responding authorities were required to reply within 20 Working Days or be deemed to have certified the relevant plan requiring certification¹.

Adherence to those timeframes would mean there would be in the vicinity of 60 Working Days before work could commence. That is effectively 12 weeks which even if consent was to be granted this month would not enable commencement before February next year. If that timeframe were to apply work could not be commenced and completed within the 2020/2021 construction season as completion this season necessitates a start date of early January 2021 at the latest.

Matawii Storage Reservoir was approved under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 on the basis it would constitute a "shovel ready" project. The whole intent of its inclusion in this Act would be to a degree frustrated by adherence to the timeframes proposed by the Panel. If work on the project could not commence and be completed within the forthcoming construction season then construction would have to be delayed until the 2021/2022 construction season. This it is submitted would be inconsistent with the intent of the legislation and the provision of this project as part of the "fast-track" recovery the legislation envisaged.

The Trust's consultants are working to finalise preparation of the plans for presentation to the required authorities in the near future. This is not because it envisages a consent to be "as of right" but simply to ensure that if the consent sought is granted the time processes to enable commencement can be shortened as far as is possible to achieve completion in the 2020/2021 construction season.

If the project is to be a "fast-track" project with a view to providing benefits to the community as soon as is possible it is essential the timeframes within which the conditions of any consent are granted enable works to commence at the latest by the end of this year. That necessitates the responsible officers of the two Councils and the Department of Conservation, for the purposes of the ecological management plan, meeting very tight timeframes within which to review and certify the plans required.

¹ See conditions 4 and 8 for timeframes for presentation of plans and condition 5 for response.

With respect it is submitted that as the Panel has been able to meet the tight timeframes proposed by the legislation it is not unreasonable to expect the relevant consent authorities and the Department to similarly cooperate to achieve the intent of the legislation. It is accepted that the Project is of some potential risk so these integral processes should not be rushed but with respect that has been addressed through the extent of the plans required and the competencies of the consultants engaged to do the engineering/design work.

Yours faithfully
THOMSON WILSON

A handwritten signature in black ink, appearing to read 'G J Mathias', with a stylized flourish at the end.

G J MATHIAS
Partner

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