



Top Energy Limited

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EPA Reference: FTC000016

Dear Sir/Madam

COMMENTS ON DRAFT CONSENT CONDITIONS FOR MATAWII WATER STORAGE RESERVOIR, KAIKOHE

Thank you for inviting Top Energy Limited (Top Energy) to provide comment on the draft conditions for the Matawii Water Storage Reservoir by the Te Tai Tokerau Water Trust (LP16) under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

Further to our feedback provided to the panel on 18th September 2020, whilst Top Energy supports the prosperity and economic benefit that the reservoir will bring to Northland, Top Energy does not support the application in its current form because we remain concerned that there are unacceptable risks to our network and our ability to ensure continuous supply of electricity.

To summarise our previous comments, Top Energy's primary concerns relate to:

- the need for ongoing consultation during the design phase;
- the need for our "lifeline" infrastructure to be protected in the event of dam failure;
- the need to ensure ongoing access to Top Energy's VHF site; and
- potential construction effects on infrastructure that is located in close proximity to the proposal.

Without prejudice to Top Energy's primary position, being that the proposal is not supported, and given the lack of commitment by the applicant to ensure that there are no adverse effects on Top Energy's lifeline infrastructure, Top Energy requests that if the panel is minded to grant the consent sought, that the following amendments / additions to conditions are included (or conditions to like effect):

Consultation

4. *Management Plans required to be prepared by conditions of this consent must be submitted to the Chief Executive Officer of the relevant Council or their nominee (the Responsible Officer) in electronic and hard copy form for certification at least 40 working days prior to the commencement of the works to which the Plan relates. The Management Plans must be accompanied by a copy of all feedback received where consultation is required by conditions 21, 21A and 22, and a statement setting out how this feedback has been responded to in the Management Plans to address the concerns raised. The certification process must be confined to confirming that the Plan adequately gives effect to the relevant condition(s).*
21. *The CEAP, ~~and~~ EAP, CEMP and Dam Safety Management System must be the subject of consultation between the consent holder and*
- a) *Northland emergency services agencies (at the date of the consent including the Northland Emergency Management Group, Far North District Council Civil Defence and Northland Emergency Services Trust);*
and
 - b) *Top Energy Limited.*
- 21A. Consultation with the parties in condition 21 must include:
- a) *The provision of draft copies of the CEAP, EAP, CEMP and Dam Safety Management System to each party for feedback;*
 - b) *Consideration of the feedback received; and*
 - c) *Provision of final versions of the CEAP, EAP, CEMP and Dam Safety Management System, which responds to the feedback provided by parties, prior to submission to the Council's Responsible Officers.*

Dam Failure Risk

To address the risks of dam failure affecting lifeline infrastructure, Top Energy considers that the following addition to conditions is necessary:

- 16A. Prior to the commencement of any construction activity, the consent holder must meet all actual and reasonable costs incurred by Top Energy in relocating any of its infrastructure within any area identified in documents required by conditions 10 to 16, as being potentially subject to inundation as a result of dam failure, to an area that is not subject to any such inundation, or otherwise modifying its infrastructure to address the risk of inundation.

16B. All infrastructure subject to condition 16A must be in place and fully operational prior to the commencement of any construction activity.

Access to VHF Station

Top Energy requests a new condition to ensure suitable alternative access is provided to our VHF station:

16C. Prior to the commencement of construction of the Water Reservoir and Access Tracks/Roads, the consent holder must provide alternative legal and practical access to the Top Energy VHF Station located on the Northern boundary of Lot 1 DP 196320 (NA125B/48). In providing this alternative access, the consent holder must:

- a) Secure all land ownership interests, whether by purchase, easement or other instrument, necessary to ensure ongoing alternative legal access to the VHF station;
- b) Ensure that the standard of alternative access is at least of a standard that is comparable to Top Energy's current access;
- c) Meet all costs, associated with securing land, and designing and constructing the alternative access; and
- d) Maintain the access for the duration of the consent.

Proximity of Structures to existing Top Energy infrastructure

Top Energy requests that a new condition be imposed to ensure that the consent holder will act in accordance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34) where any works are proposed in proximity to existing electrical infrastructure, as follows:

16D. Where the consent holder proposes to undertake any excavation or other works on land adjacent to any structure supporting an overhead electric line where the work:

- a) Is at a greater depth than 300mm within 6m of the outer edge of the visible foundation of the structure; or
- b) Is at a greater depth than 3m, between 6m and 12m of the visible foundation of the structure; or
- c) Creates an unstable batter - the consent holder must, no less than 40 working days prior to the commencement of works, provide Top Energy with written confirmation from

an appropriately qualified and experienced person that the works comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34).

We thank you for the opportunity to provide feedback of the application to date, and on the draft conditions of consent. We would be happy to provide further detail or enter into discussions with EPA staff if that would assist.

If you have any queries and concerns, please feel free to contact our Property Advisor, Taryn Collins on taryn.collins@topenergy.co.nz

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Doherty', with a stylized flourish at the end.

Paul Doherty
General Manager Finance