

File ref: FTC000043

15 September 2021

Far North District Council  
C/O: Rochelle Deane  
Manager – Environmental Services  
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Tēnā koe

## **Letter of Engagement in relation to Otawere Water Storage Reservoir (Fast-track Consenting Project)**

### **Background**

Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), the EPA is responsible for providing advice and secretariat support to the Panel Convener and the Expert Consenting Panel (the Panel) who will be appointed to determine the Otawere Water Storage Reservoir application.

Clause 7 of Schedule 6 of the Act enables information sharing between the EPA and the relevant local authority in respect of a listed or referred project. The EPA can request information at any time before or after it receives a consent application or notice of requirement. The local authority may recover from the EPA the actual and reasonable costs incurred in providing any requested assistance as set out in clause 7(5) of Schedule 6 of the Act. Council-controlled organisations as defined in section 6 of the Local Government Act 2002 are separate entities and are unable to cost recover under the local authority cost recovery provisions.

Clause 11(2) of Schedule 5 of the Act requires that any relevant local authority must assist the Panel by providing advice within the knowledge of the local authority, if requested. This includes requesting further information from the local authority under clause 25 of Schedule 6 of the Act. The local authority may recover from the EPA the actual and reasonable costs incurred in providing any requested assistance as set out in clause 14(3) of Schedule 5 of the Act.

We wish to establish a relationship with the Far North District Council that will facilitate an exchange of information with the EPA and further information or advice to support the Panel. The timeframes in the Act are tight, requiring very quick turnaround of any requests. The Panel also does not have the statutory power to pause the processing of this application.

### **Types of requests that may be made**

The types of requests that we anticipate may be directed to the Council may include:

1. Providing technical advisers if appointed by the Panel
2. Assisting the panel, if requested, to provide advice including providing reports if commissioned by the Panel under clause 25 of Schedule 6 of the Act.
3. Providing the EPA with information if requested, including:
  - a) assistance in identifying potential owners or occupiers of the project site, and land adjacent to the site, from the Council rating database.
  - b) identification of relevant iwi authorities and any hapū that the Council considers have an interest in the site at which the activity is to occur.
  - c) any planning documents that are recognised by the iwi authority and lodged with the local authority that apply to the site.
4. Any request will be in the form of a formal written request and, where appropriate, will include a scope, timeframes and expectations around engagement in the consenting process (e.g. hearings, assisting the panel).

### **Cost Recovery**

The EPA has a responsibility to recover actual and reasonable costs from applicants as outlined in clause 13 of Schedule 5 of the Act. In particular, clause 13(4) of Schedule 5 of the Act sets out the criteria for recovering costs as it applies to local authorities.

Any work incurred by the Council that is cost recoverable should be billed monthly to the EPA. Attached is an EPA standard invoice form that should be submitted with any invoice from the Council. We can set up a separate exchange of documents through our respective Finance Departments for arranging payment to the Council.

### **Invitation to comment on the application and draft conditions**

The Panel must invite written comments from all those listed in clause 17(4) or (6) of Schedule 6 of the Act, including relevant local authorities. This is a general request for comment and not a request for advice or information.

The Act requires the Panel to provide copies of the draft conditions to, and invite comments on the draft conditions from, every person or group who provided a response when invited for comment.

Please note, there is no provision in the Act that allows the local authority or any other responder to cost recover for providing written comments on the application or draft conditions.

### **Panel member nomination**

Panels must include one person nominated by the relevant local authorities. The Panel Convener will be writing to you seeking a nomination in relation to the Otawere Water Storage Reservoir.

In the meantime, we encourage Far North District Council to start thinking about the person who they would like to nominate to be included on the Panel. When formally asked to provide a

nomination, you will also be asked to provide a short bio and CV of your nominee as well as identifying whether or not the person is accredited under section 39A of the Resource Management Act as a Certified Hearings Commissioner under the Making Good Decisions programme.

### **Primary Contact**

We understand that the point of contact at the Council will be Rochelle Deane, Manager – Environmental Services.

If you have any questions or wish to know more about the project, please contact Alex Erceg, Project Lead by email at [Otagore.fasttrack@epa.govt.nz](mailto:Otagore.fasttrack@epa.govt.nz), or by phone on 027 293 6728.

Nāku noā, na



Alex Erceg

**Senior Advisor**

**Project Leader – Otagore Water Storage Reservoir**