

## June Cahill

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**From:** [REDACTED]  
**Sent:** Monday, 28 September 2020 2:36 pm  
**To:** June Cahill  
**Cc:** Andrew Carvell; Martell Letica  
**Subject:** 1001232.6: Te Tai Tokerau Water Trust Application - Matawii Water Storage Reservoir, Kaikohe - Covid19 Recovery (Fast-Track Consenting) Act 2020  
**Attachments:** Trust Deed - Te Tai Tokerau Water Charitable Trust 12.06.2020.pdf; Certificate of Incorporation 16.06.2020.pdf; Riley Consultants further geotechnical report (24.9.2020)+ T&T peer review team.pdf

**Follow Up Flag:** Follow up  
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June

In response to Minute 3 from Judge Newhook as Chairperson of the Matawii Expert Consenting Panel on this application we reply using the numbering contained in the Panel's Minute.

1. Te Tai Tokerau Water Trust is an incorporated charitable trust which is also registered with the Charities Commission. Copies of the Trust Deed and its Certificate of Incorporation are **attached**. The Trust has powers of land ownership and development. These are set out in the Schedule to the Trust Deed. Reference is made in particular to paragraphs 9, 15, 16, 17, 27, 30 and 32.
2. No response is required given the response to question 1.
3. There is at present no written agreement between the Applicant and the owners of the land on which all parts of the project are to be established and operated. The primary area to be encompassed by the dam is owned by Far North Holdings Limited. It is to purchase the neighbouring properties of BL & JA Maddox and Waitangi Dairy Company Limited which will also be part of the area encompassed by the dam. Negotiations between the Trust and Far North Holdings Limited over the purchase of the land are well advanced but not as yet documented. Construction works would only commence once contracts to acquire the land were in place.
4. Given the answer to question 3 the Applicant accepts a precondition that before any work be undertaken on site to implement any consent granted that ownership issues will need to be established and secured to the satisfaction of the appropriate delegates of the two councils.
5. Design of the dam is well advanced. A further geotechnical report has been prepared by Riley Consultants Limited. The link to this report is below,

[https://taitokerauwater.sharepoint.com/:b:/g/EbmaqDEndyFHgMWeBHfKgD8BS\\_yKQRwgYhe\\_q-SvY4FNUg?e=ncG9Qf](https://taitokerauwater.sharepoint.com/:b:/g/EbmaqDEndyFHgMWeBHfKgD8BS_yKQRwgYhe_q-SvY4FNUg?e=ncG9Qf)

Also **attached** is a detailed response from Riley Consultants Limited to this particular question which will hopefully be of assistance to the Panel.

6. The Applicant accepts the description at law of the relationship between the Resource Management Act 1991 and the Building Act 2004 for regulatory purposes of dams like Matawii as described in the decision of the Environment Court in Eyre Community v CRC [2016] NZEnvC 178 at paras 50 to 53.
7. No response is required given the response to Question 6.

Regards

**Graeme Mathias** - *Partner*

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