



WISE WATER USE
Hawkes Bay

26 September 2024

Doug Tate
Chief Executive
Central Hawkes Bay District Council
28/32 Ruataniwha Street
Waipawa

By Email: doug.tate@chbdc.govt.nz

Tēnā koe

Re: Proposed Community Trust intended to hold consents and intellectual property for Ruataniwha dam.

Introduction

1. I write to you in my capacity as spokesperson for local environmental group, Wise Water Use Hawkes Bay¹. As you are aware Wise Water Use HB holds concerns about the possibility of the resurrection of the Ruataniwha dam.
2. These concerns relate primarily to the environmental devastation we believe a dam of this scale would cause to the ecosystem of the Ruataniwha Plains, and also the certain impost on local ratepayers, with over \$27,263,000.00 having being sunk into this project by CHB District Council (CHBDC) and Hawkes Bay Regional Council (HBRC) since its inception in 2012.
3. Wise Water Use HB are promoting the clawing back of excessively large water consents by the Regional Council, and reallocation based on most environmentally sustainable use and highest economic return, as an alternative to ploughing more money into expensive engineering projects like the Ruataniwha dam and Managed Aquifer Recharge (MAR).
4. The HBRC Regional Water Assessment Report 2023 posits a scenario (Scenario 3) whereby with modest annual reductions in water use of between 1% - 2% the region could potentially save 16.2 Mm³ of water by 2040.² We believe this is where Council should be focusing its energy and resources in pursuit of local water resilience.

¹ < <https://www.wisewateruse.org.nz/> >

² < <https://www.hbrc.govt.nz/assets/Document-Library/Council-Documents/Regional-Water-Assessment/Hawkes-Bay-Regional-Water-Assessment-report-28-June-2023.pdf> >. Refer page 56.

Request for information

5. Wise Water Use HB is concerned about the lead role CHB District Council is taking in developing a Community Trust to hold the consents and intellectual property for the Ruataniwha dam, as this is clearly intended as a means to resurrect this sunk project.
6. Accordingly, I request the information set out below under the provisions of the Local Government Official Information and Meetings Act 1987.
 - 6.1 Please forward a copy of the draft trust deed formulated to date, as well as any instructions provided to CHBDC solicitors regarding the Trust;
 - 6.2 Which law firm has been engaged to undertake work on developing the Community Trust?
 - 6.3 If a Community Trust were to proceed, what would the criteria be for trustee eligibility, how broadly representative of affected communities would trustees be, and how would they be appointed/elected?
 - 6.4 What undertakings, if any, have been made to iwi participants during discussions to date to provide positions related to the proposed Community Trust (e.g. trusteeship, management, employment positions etc.)?
 - 6.5 Is it the intention that a potential Trust would be a genuine Community Trust, or simply a vehicle for the Ruataniwha dam investors?
 - 6.6 Regarding work undertaken to date by Council on forming a Community Trust, can we receive:
 - 6.6.1 Dates and times of all meetings held to discuss a Community Trust, and names of all attendees;
 - 6.6.2 Copies of all written communication pertaining to this matter;
 - 6.6.3 Summary of telephone conversations pertaining to this matter.
 - 6.7 How much staff time and ratepayer money has been expended on developing the Community Trust to date, and is there a Council budget for this work? If so, what is the budget amount and from which funding pool is the money being drawn?
 - 6.8 Please provide reasons as to why Council lawyers are drafting a Trust Deed for the private company Water Holdings Hawkes Bay (WHHB) who own the consents and intellectual property, and advise whether WHHB are contributing to the work being undertaken?
 - 6.9 What would Council's ongoing role be in relation to a Community Trust?
 - 6.10 Please quantify the 'assets' relating to the Ruataniwha dam which it is intended will be placed into a Community Trust, and what other potential assets (i.e. municipal bores, MAR IP) is it anticipated that a Trust might hold?

- 6.11 Would a Community Trust own the actual Ruataniwha dam infrastructure, or possibly just a percentage (or, as a possible alternative, own and lease the consents and IP)?
- 6.12 Is it intended that WHHB will donate its assets to a Community Trust, or will those be purchased by the Trust? If the latter, how would the value be established, and where would the purchase funds come from?
- 6.13 If it is just the Ruataniwha dam consents and IP to be held by a Community Trust what would the Trust's future status be should the consents lapse in 9 months-time (in June 2025) without any progress having been made in exercising them, and hence nullifying any opportunity to renew them?
- 6.14 Who would assume the existing and ongoing financial liabilities of WHHB (e.g. annual science charges)? Have those liabilities been calculated and, if so, can you please provide these calculations?
- 6.15 What financial liabilities would a Community Trust hold for water security projects that failed?
- 6.16 Would a Community Trust have any direct operational responsibility for water security projects? If not, what oversight/control would it have over implementation of such projects, including business case preparation?
- 6.17 Please supply a record of work that has been done to quantify the benefit for the community of establishing a Community Trust?
- 6.18 Will the potential formation of a Community Trust go to full public consultation and will ratepayer feedback be considered by Council prior to any decision about whether to proceed?
- 6.19 Has Council investigated attaining water security through water savings such as might be achieved under Scenario 3 of the HBRC Regional Water Assessment Report 2023, as an alternative to facilitating the resurrection of the Ruataniwha Dam?
7. I appreciate that there are a number of requests to work through here; however, many of these only require a simple response or explanation. I am happy to meet and discuss how these requests might be refined.
8. Your assistance with this request for information is appreciated.

Ngā mihi



Dr Trevor Le Lievre

Spokesperson, Wise Water Use HB

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