

Please Quote File: APP.042595.01.01

17/03/2021

Glenview Estate Limited  
512 Knight Road, RD9, Kokopu

Dear Sir

**S92(1) REQUEST FOR FURTHER INFORMATION**

**RESOURCE CONSENT APPLICATION - APP.042595.01.01 –Glenview Estate – Hydroelectric power station at Knight Road, Kokopu.**

An initial assessment of your application has been made and the following further information is requested:

- (1) An updated Assessment of Environmental Effects on the impact of the river diversion and associated structures on flora and fauna within the portion of the river affected by the proposal. The assessment should include, but is not limited to, the following:
  - i) An ecological assessment of effects for the section of river that will be affected by the diversion and reduction of river flow; and
  - ii) Details of proposed provisions for fish passage past the structures and facilities (this may include structures for mechanical fish passage/screen design, materials and associated fish passage management plan). You may wish to refer to the NIWA Fish Passage Guidelines<sup>1</sup> to assist you with the preparation of this information requirement.

This assessment of effects must be undertaken by a suitably qualified freshwater ecologist.

*This information is required so that council can make a proper assessment of the actual and potential adverse effects of the proposal. If the adverse effects of the proposal are more than minor, then the council must publicly notify the application.*

- (2) Site plans for each of the major components of the proposed development. The plans should be to scale and show location and dimensions of the proposed structures required to be established. The site plans should include plan and elevation view, and typical cross sections, of all structures required for the proposed

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<sup>1</sup> <https://niwa.co.nz/static/web/freshwater-and-estuaries/NZ-FishPassageGuidelines-upto4m-NIWA-DOC-NZFPAG.pdf>

power station. It is understood that these structures include a concrete weir and inflatable rubber weir, a boulder and debris trap, a water intake inclusive of an eel screen and structures for fish passage, penstocks, a powerhouse and a tail race return channel.

An overall aerial plan showing the location of each component of the hydroelectric generation project must also be provided. Google maps can be used for an aerial map.

*This information is required so that both the council and interested parties can clearly identify the location of the proposal and understand how the hydroelectric power station will operate, especially in regard to how tuna (eel) will be prevented from entering the power station.*

- (3) Referencing the drawings required by 3 above, a more detailed description on how the eel screen will operate to prevent any eel mortalities occurring from the river diversion.

*This information is required so that both the council and interested parties can understand the effects of the hydroelectric power station on tuna (eel).*

- (4) An assessment of Policy D.1.1 of the Proposed Regional Plan for Northland (PRP) is required to be provided. This assessment is required in order to establish the effects of the activity on tangata whenua and their taonga. Of key concern to tangata whenua for this proposal will be adverse effects on tuna (eels) which are both mahinga kai and a taonga, and access to mahinga kai sites upriver (barrier caused by weir structure). If adverse effects are likely to occur on the values identified in Policy D.1.1, then an analysis of the effect must be provided which has been prepared in accordance with policy D.1.2 of the PRP. Both these policies have been included with this letter for your information.

The information that has been requested in 1 to 3 above will assist tangata whenua in assessing the cultural effects from the proposal.

*This information is required so that council can determine whether tangata whenua are deemed to be affected parties by this application.*

- (5) A sediment and erosion control plan (ESCP) for the construction of the various stages of the hydroelectric power station. The ESCP should provide details on how sediment discharges from the works can be controlled. It is normal for council to require ESCP to be designed in accordance with Auckland Council's guideline document "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05). The ESCP does not have to be a finalised plan but must show in principle how sediment and erosion will be controlled. The ESCP should include site plans indicating the quantity of cut and fill earthworks required to construct and place all structures associated with the proposal.

*This information is required so that council can make an assessment of the actual and potential adverse effects of the earthworks on water quality.*

You are required to respond to the council within 15 working days from the date of this letter, being **(15 April 2021)** in one of following three ways:

- Provide the further information; or
- Advise the council in writing that you agree to provide the further information; or  
*You should choose this option if you are unable to provide all the further information by the date specified above. Please contact me as soon as possible to discuss an appropriate alternative date.*
- Advise the council in writing that you refuse to provide the further information.  
*If you refuse to provide the further information, the council is required to publicly notify your application.*

The processing of your application will be placed on hold from the date of this letter to the date of receipt of the further information or, if you refuse to provide the further information, the date the advice of refusal is received by the council.

Once the council has received the further information, it will then make a decision on whether your application requires notification or whether it will be processed on a non-notified basis. If the council determines that your application is to be processed on a notified basis, an additional minimum initial fee will be required before the council proceeds any further with your application.

Please note that the council has the ability to decline your application on the grounds that it has insufficient information to determine the application.

The requirements outlined above are binding on you being the applicant, as well as on the council. Your opportunity to clarify or question the reasonableness of this further information request occurs within the next 15 working days, not at some later date.

Please contact me should you have any questions.

Yours faithfully



Alisha Vivian  
Consents Officer - Generalist

[alishav@nrc.govt.nz](mailto:alishav@nrc.govt.nz)

## **D.1 TANGATA WHENUA<sup>2</sup>**

### **D.1.1 When an analysis of effects on tangata whenua and their taonga is required**

A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangata whenua and their **taonga**<sup>3</sup> if one or more of the following is likely:

- 1) adverse effects on **mahinga kai**<sup>4</sup> or access to **mahinga kai**<sup>5</sup>, or
- 2) any damage, destruction or loss of access to **wāhi tapu**, sites of customary value and other ancestral sites and **taonga** with which Māori have a special relationship<sup>6</sup>, or
- 3) adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangata whenua to carry out cultural and traditional activities<sup>7</sup>, or
- 4) the use of genetic engineering and the release of genetically modified organisms to the environment, or
- 5) adverse effects on **tāiapure**, **mataitai** or Māori non-commercial fisheries,<sup>8</sup> or
- 6) adverse effects on protected customary rights,<sup>9</sup> or
- 7) adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan (refer [I Maps | Ngā mahere matawhenua](#)).

### **D.1.2 Requirements of an analysis of effects on tangata whenua and their taonga**

If an analysis of the effects of an activity on tangata whenua and their **taonga** is required in a resource consent application, the analysis must:

- 1) include such detail as corresponds with the scale and significance of the effects that the activity may have on tangata whenua and their **taonga**, and
- 2) have regard to (but not be limited to):

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<sup>2</sup>The RMA definition of tangata whenua is “in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area”. For an analysis of effects, the appropriate iwi or hapū will need to be identified. Council officers will be available to assist with this.

<sup>3</sup>An analysis of effects on tangata whenua and their taonga may be necessary in circumstances not outlined in this policy – it will depend on the circumstances.

<sup>4</sup>Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.

<sup>5</sup>This includes, for instance, kai awa (river food) kai repo (swamp food) and kaimoana (sea food).

<sup>6</sup>This includes, for instance, impacts on the quality of water used for ceremonial purposes.

<sup>7</sup>This includes, for instance, use of rongoa (medicinal) plants, and uses for raranga (weaving).

<sup>8</sup>Māori non-commercial fisheries are defined in the Fisheries Act 1996.

<sup>9</sup>As defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

- a) any relevant planning document recognised by an iwi authority (lodged with the Council) to the extent that its content has a bearing on the resource management issues of the region, and
  - b) the outcomes of any consultation with tangata whenua with respect to the consent application, and
  - c) statutory acknowledgements in Treaty Settlement legislation, and
- 3) follow best practice,<sup>10</sup> including requesting, in the first instance, that the relevant tangata whenua undertake the assessment, and
  - 4) specify the tangata whenua that the assessment relates to, and
  - 5) be evidence-based, and
  - 6) incorporate, where appropriate, mātauranga Māori, and
  - 7) identify and describe all the cultural resources and activities that may be affected by the activity,<sup>11</sup> and
  - 8) identify and describe the adverse effects of the activity on the cultural resources and cultural practices (including the effects on the mauri of the cultural resources, the cultural practices affected, how they are affected, and the extent of the effects), and
  - 9) identify, where possible, how to avoid, remedy or mitigate the adverse effects on cultural values of the activity that are more than minor, and
  - 10) include any other relevant information.

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<sup>10</sup>Best practice can be determined by relevant professional bodies.

<sup>11</sup>The full range of effects defined in Section 3 of the RMA need to be considered.