

20 December 2022

Babbage Consultants Limited  
PO Box 2027  
Shortland Street  
**AUCKLAND 1140**

Dear Sukhi

**APPLICATION FOR RESOURCE CONSENT RM220066  
SOUTH ISLAND RESOURCE RECOVERY LIMITED  
CARROLLS ROAD/MORVEN GLENAVY ROAD, WAIMATE DISTRICT**

Thank you for your application for resource consent to establish and operate a new Energy from Waste Plant (Project Kea), which was submitted to Waimate District Council on 25 November 2022.

An initial check of your application has been made to ensure that it is complete and contains the information required by section 88 and Schedule 4 of the Resource Management Act. While the resubmitted application has addressed many of the matters raised in the previous version, there remains one critical outstanding matter that has not been dealt with adequately. As you point out, this is a very large proposal and the first of its kind in New Zealand. Therefore, there are some wide-reaching potential effects, including many unknown effects on mana whenua.

There is case law which holds that “*persons who hold mana whenua are best placed to identify impacts of any proposal on the physical and cultural environment valued by them*”<sup>1</sup>. Given the scale and significance of the potential effects, it is our view that to fulfil Schedule 4 and s88(2) of the Resource Management Act (1991), a site-specific Cultural Impact Assessment is required to be completed either by, or in close consultation with Te Rūnanga o Waihao. After reviewing your revised application and Assessment of Effects this has not occurred. We therefore consider the application incomplete and are returning it in accordance with Section 88(3A).

In particular, the application is deemed to be missing the following information:

- 1) Schedule 4 Clause 2(3)(c) - Significance and Scale of the Assessment - The detail provided within an assessment of effects on the environment (AEE) must correspond to the scale and significance of the effects that the activity may have. The AEE provided must be expanded to address the following matters for this requirement to be met:

- (a) Cultural values

While there has been some further attempt to assess cultural effects against the relevant iwi management plans, a comprehensive assessment of effects on cultural values both bio-physical and metaphysical has not been provided in a manner that would be expected given the nature (including newness of the technology), significant scale and potential impacts of the proposal. For this reason, a Cultural Impact Assessment is required to be provided with the assessment of environmental effects.

If you wish to proceed with an application, you must submit a full new application. This must include all the information listed above as missing, and must be accompanied by the relevant initial fixed fee.

If there is any of the original deposit remaining (taking into account the costs incurred in receiving the incomplete application and carrying out the acceptance check), you will receive a refund. Alternatively, if the costs of receiving and returning the application exceed the original deposit we will send you an invoice for those additional costs.

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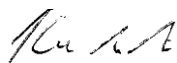
<sup>1</sup> *SKP Inc v Auckland Council* [2018] NZEnvC 81, recently cited in *TEPS v Tauranga City Council* [2021] NZHC 1201.

You are entitled to object to the Council's decision not to accept your application, under section 357 of the Resource Management Act. If you do wish to object then your objection must be made in writing, including reasons, and sent to the Council within 15 working days of the receipt of this letter.

Please note that at this stage we have only carried out an initial acceptance check to ensure that the application contains sufficient information to commence processing. When your application has been resubmitted a full assessment will be carried out, which may identify the need for further detailed information.

If you have any queries in relation to this letter, or about the information that needs to be supplied as part of your application, please contact me on 03 365 5570, or [kim@novogroup.co.nz](mailto:kim@novogroup.co.nz). Please note, the Novo Group offices will be closed until Monday 16<sup>th</sup> January 2023. Alternatively, you may contact Resource Planner Emma Bush at the Council on 03 689 0000, or [emma.bush@waimatedc.govt.nz](mailto:emma.bush@waimatedc.govt.nz). Please note, the Council will be closed from Thursday 22<sup>nd</sup> December 2022 to Wednesday 4<sup>th</sup> January 2023 (inclusive).

Yours sincerely



Kim Seaton  
Consultant Planner

cc:  
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