

20 December 2022



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Tēnā koe Sukhi

## **Return of application for resource consent**

**Record Number/s:** CRC232714, CRC232715, CRC232716, CRC232717, CRC232718  
CRC232719 and CRC232720  
**Applicant Name:** South Island Resource Recovery Limited  
**Activity Description:** To excavate and deposit material, to use and storage hazardous substances, to take groundwater for dewatering purposes, to discharge construction-phase stormwater to land and to discharge dewatering water to water, to discharge contaminants into land from an onsite wastewater system, to discharge operational stormwater to land and to discharge contaminants to air from waste incineration and discharge to air from diesel generators.

In accordance with Section 88(3), an initial review of the above revised application, with a lodgement date of 25 November 2022 has been made. To complete the review, we have had guidance from technical experts concerning the areas of highest environmental risk.

The review has concluded that the application is incomplete in terms of Section 88 of the Resource Management Act 1991 (the RMA).

It has been determined that the application does not include all the information relating to the activity and its effects on the environment as required by Schedule 4 of the RMA. As such, **Council is returning the application to you as incomplete**. We will also return your initial fixed fee to you, less any processing costs incurred to date.

While the resubmitted application has addressed many of the matters raised in the previous version regarding adverse effects of the discharges to air, stormwater and wastewater, 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 and it therefore follows 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 applications this remains an outstanding matter. We therefore consider the application incomplete and are returning it in accordance with Section 88(3A). For a more detailed explanation of the reasons for this please see Attachment 1.

**If you wish to proceed with an application, you must submit a full new application.** This must include all the information listed as missing in Attachment 1 to this letter and must be accompanied by the relevant initial fixed fee.

The resubmitted application will be assigned a new application number, and again reviewed for completeness.

If you disagree with our decision that your application is incomplete you can lodge an official objection. Information about the [objection process](#) can be found on our website.

If you have any queries, please contact me via email ([richard.purdon@ecan.govt.nz](mailto:richard.purdon@ecan.govt.nz)) or phone (03 365 3828).

Yours sincerely/ Ngā mihi



**Richard Purdon**  
**Principal Consent Planner**

cc:  
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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.

## **ATTACHMENT 1**

### **Information identified as missing pursuant to Section 88 of the Resource Management Act 1991**

**Application Number/s: CRC232714, CRC232715, CRC232716, CRC232717, CRC232718  
CRC232719 and CRC232720**

#### **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 key matters for this requirement to be met:

##### **a) Cultural Values**

While there has been some attempt to assessment cultural effects against the relevant Iwi Management Plans and the inclusion of a CIA prepared as part of a previous consenting process (Oceania Dairy Ltd), we consider that an adequate assessment of effects on cultural values, both bio-physical and metaphysical, has not been provided for the proposal specific to this site and the associated unique adverse effects.

Further, Objective 4.3.7 of the Canterbury Regional Policy Statement states that, on a case-by-case basis, Canterbury Regional Council should seek a cultural impact assessment or cultural values assessment as part of the assessment of environmental effects where an application is likely to impact on a significant resource management issue for Ngāi Tahu. We consider this such a case.

Overall, we conclude that to be consistent with Objective 4.3.7, a site-specific Cultural Impact Assessment is required to be provided with the Assessment of Effects due to the scale and significance of the proposal.