

Our Reference: A1499329

File: RM18.004

6 July 2021

Pioneer Energy Limited
C/- Will Nicolson
LandPro
13 Pinot Noir Drive
Cromwell 9342

Via email to: will@landpro.co.nz

Dear Sir

Request for further information under Section 92(1) of the Resource Management Act 1991 (the Act) – Consent Application Number RM18.004

Council has received an amendment to the Application lodged by Pioneer Energy Limited in January 2018 (our reference RM18.004). We have reviewed the amendment and the Application as well as further information provided on 31 January 2018, 5 April 2018 and 17 August 2018. To be able to make a full assessment of the application, we request the following information under section 92(1) of the Resource Management Act (the Act). We note that this additional further information is required to enable a full assessment of the proposal in light of changes to the planning framework and after a more fulsome review of the Application. Please provide:

Land Ownership and Site Visit

- (1) Confirmation of the legal parcels at the dam structure and the Lake Onslow lake bed including the lake boundary at fullest flow. If any land is managed by the Crown (including marginal strip), state who manages this land on behalf of the Crown, if known.
- (2) Please provide an assessment as to whether the change in the rate of lake drawdown will have any environmental effects on land not owned by the Applicant.

The above information is required to identify parties that could be affected by the variation proposal.

Amendments to the Application and Site Visit

- (3) Confirmation of whether the new suite of conditions proposed in the amendment Application is to be added to both of the consents proposed to be varied (Water Permit 2001.475 and Water Permit 2001.476.V1) or just one of them (or are a mixture of conditions proposed to be added to each consent).
- (4) Commentary on the new suite of conditions proposed as background to why these amendments are proposed. What are these conditions seeking to avoid, remedy, mitigate? How does this change any of the original assessment made for the Application? Does the applicant seek to update their original assessment? Outline the reasons why specific conditions are proposed (e.g. new monitoring condition)?
- (5) Confirmation that no unconditional written approvals have been lodged in relation to this application since lodgement of the Application in January 2018.

- (6) Due to the inability to visit the site, please provide any photographs, drone footage, aerials or similar that show the following key locations and any maps or similar that can show the extent of lake edge that would change at different locations around the lake between a 0.2 and 0.4 m per week drawdown rate:
 - a. At the dam
 - b. Boat ramp
 - c. Key fishing/mahika kai access locations
 - d. Wetlands
 - e. Teviot River below the discharge/dam.

The above information is required to understand the nature and reasons for the amendments sought, the site as it pertains to the variation and to determine whether effects on any parties do not need to be considered as per section 95E(3).

Assessment of Effects of the Variation

- (7) Provide an assessment of the proposal in relation to cultural effects. Please provide a summary of any direct consultation with iwi regarding the proposal and an outline of any feedback from this consultation. Please provide a specific assessment of the effects of the proposal on waahi taoka and mahika kai values associated with Lake Onslow and the Teviot River.
- (8) Provide an assessment of effects of the proposal on the Regionally Significant Wetlands located adjacent to Lake Onslow (Fortification Creek Wetland Management Area and Middle Swamp). Confirm and assess whether the proposal will have any environmental effects on the regionally significant wetlands values of these wetlands.
- (9) Confirmation of whether there are any known permitted activities on Lake Onslow and the Teviot River (e.g. water takes, gravel takes) and provide an assessment of any effects of the proposal on them.
- (10) Provide an assessment of the effects of the proposal on the amenity values (including recreation values) and natural character associated with Lake Onslow including public access effects and dust effects. Confirm whether the proposal includes any of the monitoring proposed by Otago Fish and Game Council in their email dated 5 May 2021.
- (11) Confirmation of the plant species present in Lake Onslow and their threat classification, if relevant, and provide a categorisation of these species (e.g. exotics, native species, pest species etc). Provide an assessment on whether the proposed change will have any effects on these populations of plants. I note that there is some reference to effects on macrophytes in the further information provided on 17 August 2018. Please outline whether the conclusions in this further information relate to all plant species and whether there is any increased potential for pest species to increase their habitat range as a result of the proposed change.
- (12) Provide an assessment of the effects on the ecological values of Lake Onslow beyond trout. Evidence from the New Zealand Freshwater Fish Database and previous reports indicates the potential presence of koura, eels, roundhead galaxiids, common bully and upland bully. I note that there is an assessment of effects on bully populations in the further information provided on 17 August 2018. Please outline whether this consideration extends to other species and provide any information on the presence or absence of the above species in the lake.
- (13) Provide a description of how the proposed change will alter the existing management of the lake including examples of current and proposed scenarios. Describe how the lake is currently managed and how it may be managed in the future with this change.

We require the above information to assess the effects of the proposed changes and to inform an assessment on the nature of the effects and on whether specific persons are affected by the proposal.

Statutory Assessment

(14) Please provide an assessment of the proposal against the following relevant documents:

- a. National Policy Statement on Renewable Electricity Generation 2011;
- b. National Policy Statement Freshwater Management 2020;
- c. Proposed Regional Policy Statement 2020;
- d. Kai Tahu ki Otago Natural Resource Management Plan 2005;
- e. Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999.

We require this information to enable an assessment of the Application under section 104(1)(b) of the RMA.

It is noted that the Application is currently on hold under section 88E of the RMA whilst the Applicant tried to obtain affected party approval. This was as a result of a request for written approvals made in January 2018. It is noted that a formal notification decision under section 95 of the RMA is still to be made. To remove any avoidance of doubt, can you please confirm that the applicant agrees to a section 37A(5) time extension from the 10 January 2018 until the further information is provided or until the date that Applicant seeks to progress the Application to a notification decision (i.e. this will provide time for a draft notification recommendation to be circulated and considered).

In accordance with section 92A of the Act, please respond within 15 working days from the date of this letter (**27 July 2021**) with one of the following:

1. The information requested above; or
2. Written advice that you agree to provide the information, and the date by which you intend to provide it; or
3. Written advice that you refuse to provide the requested information.

Please note that the Act requires Council to publicly notify your application if you do not provide the requested information before the due date (or an agreed alternative date), or if you refuse to provide the information. It is, therefore, important that you contact us promptly to discuss an alternative timeframe if you are unable to provide the information by the due date.

Please note that if the information you provide raises more questions, your application will remain on hold until sufficient information has been provided to enable processing to continue.

If you have any further queries, please contact me on (03) 474 0827 or 0800 474 082.

Yours sincerely,



Natasha Pritchard
Principal Consents Officer