

## Diana Clendon

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**From:** Diana Clendon  
**Sent:** Tuesday, 9 July 2019 10:55 a.m.  
**To:** di clendon  
**Subject:** FW: No 8 application

**From:** James Gardner-Hopkins <james@jghbarrister.com>  
**Sent:** Friday, 31 May 2019 3:21 p.m.  
**To:** Diana Clendon <dclendon@doc.govt.nz>  
**Cc:** Jeremy Kent-Johnston <jeremykj@gmail.com>; Tom Drinan <tdrinan@doc.govt.nz>  
**Subject:** Re: No 8 application

Hi Di,

As a further clarification, No 8 has received some additional information and photos that are relevant to the question raised about the "natural barrier" mentioned.

Below, I **attach** a copy of the relevant correspondence and photos, to assist.

Please let me know if there is anything else that has arisen from DOC's perspective in the meantime, or if there is any update to the timing of the draft decision report, etc.

In any event, best wishes for the upcoming long weekend.

Kind regards  
James

**JAMES GARDNER-HOPKINS | BARRISTER**

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**From:** Connor Whiteley <connor.whiteley@ecologynz.nz>  
**Sent:** Wednesday, 29 May 2019 11:27 AM  
**To:** Jeremy KENT-JOHNSTON <Jeremy.Kent-Johnston@smec.com>  
**Subject:** RE: Fish barrier

Hi Jeremy,

Hope that you are doing well.

I have just got back into the office and after going through all of the emails you was the top of my list to get to.

I have attached two photos of the barriers occurring around 650m upstream.

- The natural barrier is very clear as a barrier.

- The Shallow Bottom Cascade is not as clear as there is a lack of scale however this drop is greater than 2m and there was a very shallow bottom within the pool.

I hope these photos help. Feel free to give me a call to discuss.

Kind Regards

**Connor Whiteley** BSc, Hons | **Senior Ecologist**

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**From:** Jeremy KENT-JOHNSTON <[Jeremy.Kent-Johnston@smec.com](mailto:Jeremy.Kent-Johnston@smec.com)>

**Sent:** Monday, 20 May 2019 10:32

**To:** Connor Whiteley <[connor.whiteley@ecologynz.nz](mailto:connor.whiteley@ecologynz.nz)>

**Subject:** Fish barrier

Connor – in your last report, you describe a natural barrier:

## 5.2. Methods

The first of a set of natural barriers to upstream fish migration was noted approximately 650m upstream of the proposed outfall. This natural barrier was characterised by a >2m high vertical drop and a relatively shallow plunge pool of <1.5m deep. These two combined features would result in a significant challenge, for jumping, non-native species such as brown trout, to migrate upstream. Additionally, this physical feature would provide a challenge to all but the strongest native, climbing species attempting to migrate upstream. Upstream of this feature additional barriers were noted and characterised as cascade and shallow pools. Therefore, should any species succeed in overcoming the first barrier, it is unlikely species other than the strongest of native climbers could pass these subsequent barriers which, occur in short succession as the stream morphology changes into more cascade characteristics. [PAGE 20]

Do you happen to have a photo? DOC is asking.

Regards,

### Jeremy Kent-Johnston

Principal Engineer - Dams & Hydro

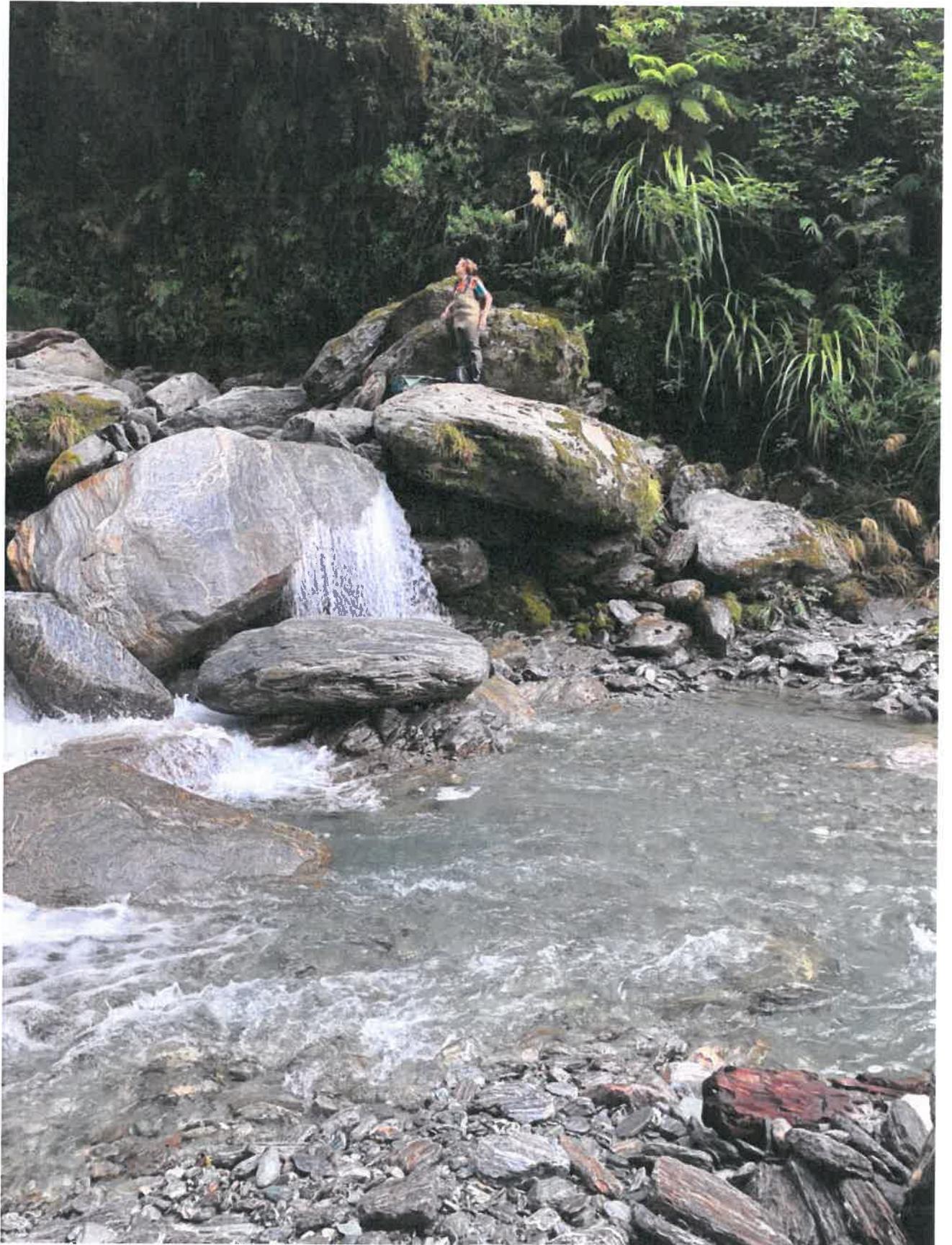
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On 22/05/2019, at 2:44 PM, James Gardner-Hopkins <[james@jghbarrister.com](mailto:james@jghbarrister.com)> wrote:

Hi Di,

Please find **attached** a response from No 8, which hopefully clarifies the questions that have arisen.

No 8 is happy to clarify any further matters that might arise, to assist in the process - but is hopeful that the information provided is sufficient for DOC to make a positive decision in respect of the application / process. While there were some earlier information gaps that I understand DOC considered problematic, I do not understand there to be any fundamental information issues any more. Please let me know if that is the case.

<20190521 - DoC Clarifications rev 1.pdf>

Kind regards  
James

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On 14/05/2019, at 1:20 PM, Diana Clendon  
<[dclendon@doc.govt.nz](mailto:dclendon@doc.govt.nz)> wrote:

Hi James

Following our meeting on Monday, I can confirm that we now have all the substantive information that we require. We will now complete our consideration of the effects and then I will prepare a draft decision report.

#### **Timeline**

Allowing time for specialist input, time for me to draft the decision report and have it reviewed, at a guestimate, it is likely to come to you for comment the week of 24 June.

#### **Clarifications**

However there may be a few remaining clarifications required as I write up the detail of the decision report. Also our freshwater specialist would like to clarify flows with your freshwater consultant as there is still some remaining discrepancies with exactly what is proposed to be extracted. Are you happy for him to contact him directly? The following clarifications sought are:

- Please clarify how much flow is intended to be left in the creek immediately below the intake site during operation – is it 252 (75% of MALF) or 312 L/s (75% of MALF + min flow needed to operate the turbine [60 L/s]). There still are some discrepancies:
  - *“The gradual abstraction of up to 600L/s from the impacted reach will result in a significant shift in flow dynamics **with the majority of flows leaving***

**the abstraction site at 252L/s** (p 37 of ENZ report). Whereas, the 'No 8 Limited – Response to DOC further information request' states that *“Only when flows increase in the river and the water level rises, does water flow over the Coanda weir, and is utilised by the project at flows between 60 l/s and 600 l/s. **Up to a flow of 312 l/s, all water is released downstream**”*.

- Following on from this point, I am correct in assuming that all flows between the ranges 312 to 912 L/s will be abstracted by the scheme during operation (i.e., the creek will be flatlined for a considerable period at 312 L/s immediately below the intake during scheme operation). Is there a flow duration curve plot available for the intake site showing current and operating flow regimes (similar to Fig 31 of EIA)?
- Is there any further hydrological information available for the site (that has been collected since NIWA's July 2018 report).
- Finally, could you please clarify where the waterfall (plate 8) in ENZ's August 2018 report is located. Is this the natural barrier that was trapped/netted above (referred to in s 5.2 of ENZZ's April 2019 report).

Regards

Di Clendon - Kaihoho takawaenga a tuku  
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