



11 November 2022

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APP-20211135 Titiroa Tide Gates Resource Consent Application – Response to RFI

6-VQ423.54

Dear Stephen

Thank you for your e-mails of 19th and 25th March 2021 requesting further information relating to this application under s92(1) of the RMA 1991. A response to your questions is detailed below.

1. The following is a response to RFI questions 1, 2, 3, 4, 5, 6 and additional RFI question B. Additional assessments have now been completed assessing these matters. This includes assessments on the effects of the tide gate on fish passage and an assessment of options for mitigation of effects on inanga spawning.

The applicant has undertaken a fish survey and PDP completed an initial Assessment which was included in the resource consent application. The Assessment concluded that the tide gates have only a minor effect on fish migration. The Assessment also noted that the tide gates were likely having an adverse effect on spawning migrations of inanga in the Titiroa River. It identified the possibility of mitigating this adverse effect via habitat restoration / enhancement nearby. The applicant then commissioned an investigation into these mitigation options. The Titiroa Tide Gate – Mitigation Options Assessment is attached. It recommends the following to mitigate the adverse effects on inanga spawning:

- Enhancement of more than 6.9 ha of suitable inanga spawning habitat;
 - A Riparian Management Plan to enhance values in the unnamed tributary of the Titiroa Stream, below the tide gates; and,
 - Protection and pest animal and plant control of the coastal inland wetlands located downstream of the tide gates.
2. Question 5 raised the possibility of a change to whitebait fishing regulations. The applicant has no ability to implement such a change as they have no regulatory authority in relation to management of the whitebait fishery. We note that the Department of Conservation implemented a partial restriction on recreational whitebaiting upstream of the tide gates for the 2022 season (refer attached public notice).
 3. In response to question 8 the land above and below the tidegates forms the Lower Mataura Floodway (refer to attached map). The Floodway forms part of the Mataura Catchment Control Scheme (the Scheme). The Scheme is an integrated river management and flood control works programme completed in 1991. In large flood events the Floodway holds flood water and prevents flooding of adjoining areas.

Most of the land within the Lower Maitara Floodway was purchased by the Southland Catchment Board between 1974 and 1985. Two major land blocks were not able to be purchased at the time. Two other smaller blocks of land within the floodway were also excluded. These properties remain privately owned and form the only private land protected by the tide gates within the Lower Maitara Floodway.

In terms of the land that the Catchment Board purchased long term leases were offered to the original landowners or tendered at the time of purchase. Leases remain in place for these blocks. Income from the leases is used for ongoing capital works to maintain the Scheme. The function of the tidegates in protecting these areas from flooding is integral to the design, functioning and funding of the Maitara Catchment Control Scheme.

In response your question it is not only the applicant that benefits from the tidegates. As noted above the tidegates and the Floodway form part of the Maitara Catchment Control Scheme which provides flood protection to the wider area. Private landowners and lease holders within the Floodway benefit from tidegates through ongoing use of the land. The tidegates and ongoing use of the land within the Floodway also have wider community benefits in terms of river management and flood control and the funding of these activities.

4. In response to question 7 as noted above the tidegates form part of the Lower Maitara Catchment Control Scheme. The construction of the scheme resulted in significant changes to the Titiroa Stream and catchment through construction of stop banks, formation of the floodway, upgrade of the tide gates and related works. The physical environment has been altered significantly for flood drainage and flood protection purposes. The current application is specific to the tide gates. The question appears to refer to effects associated with the development of the Maitara Catchment Control Scheme and its ongoing function in avoiding adverse effects associated with flood events.
5. In terms of additional RFI question B the applicant is not aware of any issues associated with sedimentation above the tide gates or any significant changes to stream morphology. The tide gate structure only impedes the flow of the stream during high tide (to stop flooding of upgradient land). The frequent opening of the tide gate enables the stream and any sediment within it to flow downstream at all other times. As noted above the tidegates form part of the Maitara Catchment Control Scheme and are managed in a manner consistent with its flood control purpose. The applicant does not have to remove sediment at the tidegates as part of any maintenance activity.

The applicant's intention is to now meet with stakeholders that were consulted earlier in the process to discuss the mitigation options recommended in the latest PDP report.



Regards

Luke McSoriley
Work Group Manager - Planning

Public Notices



Department of Conservation
Te Papa Atawhai

PARTIAL RESTRICTION TO WHITEBAITING ON TITIROA RIVER

The Dept. of Conservation is advising the Southland public, specifically those that enjoy recreational whitebaiting, that Back Pegs have been placed on the upstream side of the Titiroa Bridge on the Gorge Road Tokonui Highway. This now puts in place a restriction on any whitebaiting occurring upstream of these back-pegs. This has primarily been done to assist preservation efforts for the whitebait travelling up the Titiroa River. The recreational whitebaiting community have been advocating for this to occur over several seasons.

DOC has no plans to install Back Pegs on any other Southland waterways for this 2022 whitebaiting season but this may well be considered for following seasons.

Regulation 13 of the Whitebait Fishing Regulations 2021 give DOC the ability to place Back Pegs on any waterway.

Regulation 13 - Fishing in non-tidal waters prohibited

- (1) The Director-General may place a back-peg to indicate the upstream fishing limit for any river, stream, estuary, or channel.
- (2) If a back-peg has been placed, a person must not fish for whitebait upstream of the back-peg.
- (3) If a back-peg has not been placed, a person must not fish for whitebait outside of the portion of a river, stream, estuary, or channel where the water level fluctuates with the tide.
- (4) A person who contravenes this regulation commits an infringement offence and is liable to
 - (a) an infringement fee of \$400; or
 - (b) a fine imposed by a court not exceeding \$800.

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