

Our reference: APP-20211362
Enquiries to: Hamish.Peacock@pdp.co.nz
Email: hamish.peacock@pdp.co.nz
resourceconsents@es.govt.nz



Date: 4 October 2021

South Port New Zealand Limited
c.- F O Boyle
P O Box 1
Bluff 9842

Kia ora,

Application for Resource Consent – South Port New Zealand Limited
Section 92 RMA – Request for Further Information

Thank you for your application for a resource consent to discharge water and dredging spoil to water and to deposit dredge spoil on the seabed at Bluff Harbour. The application has been formally received. However, I will need further information from you before your application can progress.

This email outlines the information I am requesting, the reasons for the request, your options and how they affect you. **Please read the points below carefully or have someone explain them to you.** When you respond, we would appreciate a response against each numbered item.

The following information is requested under Section 92(1) of the Resource Management Act 1991. I will need the information requested below to understand your proposal before I can make a recommendation on notification.

Timing and Term of Consent

1. Can you please provide the rationale and scenarios which justify the 10 year term of consent sought? Section 1.4 of the application outlines that this term is to “cover any eventualities that arise beyond the control of South Port that could lead to a delay in the project,” and to “provide a margin of safety to the project in the event that circumstances arise beyond South Port’s control that would require the project to be deferred for a period of time.” We would appreciate if you could provide what scenarios could (hypothetically) occur where a 10-year term might be necessary to give effect to 8 months of programmed works. This information is necessary for our consideration of an appropriate term of consent.

2. In relation to question 1, please provide an updated risk matrix (Table 5-3) that includes the programme as a risk item, and assess what risk profile you consider the programming of the works to be. This information will help us evaluate the practicable reality of the term of consent.

3. Please advise if consent is being sought for a one off event of dredging, rock breaking, drilling, blasting and deposition over 8 months, or if you envisage that there will be multiple campaigns (repeats) of these works. This information is requested because while the programme depicts 7 months for all the works, the application could be also construed to be intermittent works, potentially over 10 years.

4. Figure 2-9 illustrates Project Programme work from mid February to mid September (7 months), yet 8 months or 6-8 months is described elsewhere in the application, which includes 5.5 months for drilling and blasting works. Also, Page 9 of application document states that rock removal will be a 3 step process including 46 days of blasting over a 5 month timeline. Can you please confirm that works, if it is a one off event, can be managed to 7 months (or the specified number of months), and to revise Figure 2-9 to include the rock breaking works. If your programme differs from some of the inconsistencies, please clarify what the programme of works is in light of your answers to questions 1 and 2 (above). Further to this, potentially the rock breaking could be aligned with the drilling and blasting programme, which may simply require that clarification. This information is sought for clarity.

5. Please clarify the proposed timing of the works. The marine ecology assessment of effects report states that little blue penguin breeding occurs from September to March and that seagrass flowering occurs from December to March, however, Condition 7 allows drilling, blasting dredging and deposition to occur from 1 March to 31 October annually.

6. Condition 9 restricts drilling and blasting and soft sediment dredging activities to daylight hours from 7:30am to 6 pm in order to avoid the dawn and dusk periods where many marine organisms are most active. This timing, however, over the autumn, winter and early spring periods would potentially allow drilling, blasting and dredging activities to occur during the dawn and dusk periods due to the reduced daylight hours. Please clarify that drilling, blasting and rock breaking activity will be restricted to daylight hours that avoid the dawn and dusk periods by using timing related to sunrise and sunset, e.g. from one hour after sunrise until one hour before sunset.

7. In association with question 4 (above), the marine considerations on project programme indicate 5.5 months for drilling and blasting, and Appendix 8 references 6-8 months. Can you advise that Appendix 8 marine mammal assessment is based on one-off event of works, rather than intermittent works over a longer period, or in campaigns over the course of 10 years. If the assessment is not restricted to the 6-8 months of works, we would like to understand the longer term effects on marine mammals. I am requesting this information because it is not clear if the assessment considers the potential to exercise the consents on multiple occasions over 10 years.

8. Deemed Coastal Permit. s.384A(2) RMA sets an expiry of exercising the Deemed Coastal Permit on 30 September 2026. Can you please advise that you will not have any need to exercise the Deemed Coastal Permit after 30 September 2026, in the event that you are granted consent beyond 2026. The reason this information is sought, is to understand what additional consents you might need if you can no longer rely on the deemed coastal permit.

9. The maximum volume of 120,000 m³ of sediment and 40,000 m³ of rock is proposed to be dredged from the harbour and deposited offshore from Tiwai Peninsula. Is this maximum volume over the 10 years or for the 7 (or 8) months. Or, is this the maximum for any campaign of dredging?

Ecological Effects

10. In section 5.4.6 of the application; states that disposal of rock on a sandy seabed will create stable rocky reef habitat which will be colonized by algae, will become a nursery area for fish and other marine organisms and will be an ecological benefit to the location over the existing habitat. Can you please provide evidence to support the assertion and show that such ecological benefit is likely to accrue as a result of rock deposition, e.g. documented studies that show ecological benefit as a result of the placement of rocky reef structures in similar sandy seabed environments?.

Noise Effects

11. With reference to the noise Assessments, through AEE and Styles Reports (Appendices 24 and 25). Additional to this information in the application please provide an assessment of s.16 RMA (duty to avoid unreasonable noise). Section 16 seeks that the applicant *shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level*. Please clarify if this assessment is in the application, and if not, to provide an assessment, such as to what noise effects could be inferred on aquatic, bird and human life. What could be referred from this on aquatic life and human life? And, what measures are proposed to minimize noise effects of drilling, rock breaking and blasting?

12. With reference noise Assessments – Styles Report (Appendix 24 and 15). It appears there is a reliance on construction noise in accordance with NZS 6803, but there does not appear to be an assessment under s.326 (326 Meaning of excessive noise). Please provide an assessment under s.326 RMA, and how South Port would respond to complaints about “excessive noise”.

13. Appendix 1 provides the proposed conditions of consent, including conditions 34-37 which sets noise levels limits, at residential and rural receivers. Can you clarify if you mean residential and rural zones? Also, can you outline why the Business 2 zone has been omitted, or if that is to be included what the likely effects are also on that Business 2 zone? Additional to conditions 34-37, we note there is no noise limits set as conditions between 6pm and 8pm, and between 6.30am and 7.30am which we would like to understand what the likely effects are during those hours omitted in the conditions 34-35? Can you please provide answers to assist our evaluation of the effects and your answers will provide clarity as to what is intended by the current proposed conditions.

14. On page 942 (Noise Level Predictions) we would like some clarification; Will this rock breaker operate for 12 hours per day? Or, what specified hours? This clarification is sought because, it can only be assumed that Styles Group has modelled this noise attenuation from rock breaking, noting the noise level predictions are greatest of 58 dB LAeq at any residential receiver.

15. On page 671 (Appendix 12 – Airborne Noise Assessment); we would like some clarification or justification about what noise is generated from the backhoe operations. Why, or what justification does Styles Group have given they have decided to deviate further from the NZS 6803 Standards that the night-time noise limit for harbour channel dredging works is proposed to be increased by 5dB, from 45dB LAeq to 50dB LAeq?

Proposed Conditions of Consent

The following questions on proposed conditions (Appendix 1 of the application) are necessary for our understanding of mitigation, monitoring and reporting of actual and potential effects, as the AEE (Section 5 of the application) relies heavily upon the proposed conditions to support the conclusions within the AEE.

16. Condition 38 sets a three month reporting period on the Soft Sediment Benthic Monitoring condition, which requires some rewording of the condition to make it clear it is sampling, sending to labs and then reporting. Please provide additional information so that we can evaluate why three months is appropriate for the sampling after the works is complete, because to understand the actual and potential effects of heavy metals, polycyclic aromatic hydrocarbons, phosphorus, tributyltin, sulphate, and sediment particle size, it would be prudent to monitor much more quickly after the dredging and then a stipulated period when the seabed has settled (i.e., when effects are stabilised to more of a natural environment).

17. Condition 43 (Appendix 1) is an ultra vires condition, as it relies on a third party. Please remove this condition, or if it is volunteered then state this, and it could only be assumed that Te Rūnanga o Awarua will need to submit in the notified process outlining what they wish to achieve from condition 43. Furthermore, that condition is restricted to *within the proposed site during dredging and a post-dredging assessment*, but that may not report on the wider impact on Motupōhue Mātaitai. Can you provide an assessment as to why three months is appropriate as the final assessment of the impacts, when we need to assess the actual and potential effects, including those within three months of the works. Can you please remove or revise condition 43, and provide a supporting assessment to what the effects are in the absence of a condition that gives certainty to measure compliance by Environment Southland.

18. Further to the questions under point 16 and 17 (above), please advise why you have not recommended monitoring during the works, as this is when actual impacts occur? In relation to this question and also in the case of condition 43, it would be beneficial for us to understand what you consider as “health status monitoring” over time from when the works commence to a specified period after works cease. We would like to know what it is that South Port are proposing to measure or how it might be of benefit to managing the actual and potential effects of the proposed works?

19. Condition 45 (Appendix 1). Please advise why you have omitted occupiers of properties, and why notification shall only occur “*predominately on Marine Parade*”. Acoustic modelling may prove that noise lifts and owners or occupiers could be effected by noise levels beyond Marine Parade. This information is required for us to evaluate the noise effects on all potential receiving environments.

20. In respect to Condition 12 (Appendix 1) which states “The final placement of the turbidity meters shall be subject to consultation and confirmation from Te Rūnanga o Awarua”. Condition 12 is ultra vires (reliant on a third party), and it should be ES that determine where the turbidity meters should be placed. Should South Port chose to also have additional turbidity metres placed to satisfy Runanga, then that could be done as a side agreement. However, in stating that we would appreciate your advice on where you propose to install turbidity meters in your response to this s.92 letter.

21. In respect to Condition 14 (Appendix 1); How long after the blasting will marine mammal observation be in place? 60min before and how long afterwards? After the blasting some marine mammals may be “drawn into the zone” or attracted to the zone sue to the noise, and we would like to know how those marine mammal effects will be mitigated.

22. In respect to Condition 17 (Appendix 1), Condition 17 Recording marine mammal sightings (date and time) without a reference of the blasting and GPS of the marine mammal. How will that information be collected, and how do you propose Environment Southland to evaluate the effectiveness of marine monitoring in the absence of GPS or other references?

23. In the conditions (Appendix 1) where there is references to 25kg charges, what conditions would you recommend where the charge is less than 25kg, or no condition is required what the environmental effects are?
24. In respect to Condition 39 (Appendix 1), Seagrass monitoring; the condition states there will be fixed quadrats with monitoring for percentage cover, water clarity, sediment grain size, sediment quality. Can you advise how many quadrats will there be? What is the sampling design? What kind of statistical analyses will be undertaken to demonstrate effects and at what level of significance?
25. In respect to Condition 40 (Appendix 1); Bluff Harbour Entrance Channel Monitoring; the condition requires quantitative benthic monitoring using fixed quadrats for epifauna and algal cover. Includes photographic quadrats. Following completion monitoring will include baseline, 3 months, 12 months and 36 months, how many quadrats will there be? How many photographic quadrats and how will they be analysed? What is the sampling design? What kind of statistical analyses will be undertaken to demonstrate effects and at what level of significance?
26. In respect to Condition 41 (Appendix 1) Rock Disposal Site; the condition expects quantitative benthic monitoring using fixed quadrats testing for infauna, epifauna and algal cover using transects and quadrats. Following completion monitoring will include 3 months, 12 months 36 months and 60 months, how many transects and quadrats will there be? What is the sampling design? What kind of statistical analyses will be undertaken to demonstrate effects and at what level of significance?
27. In respect to Condition 43 (Appendix 1) Mataitai Monitoring; the condition seeks baseline monitoring of the health of paua beds and rocky reef habitat, and monitoring will occur 3 months prior to works. The methods and sites to be stipulated by Te Rūnanga o Awarua. We would like to know what this means and what it is likely to produce, so would appreciate your advice. The “health of paua beds and rocky reef habitat” doesn’t really mean anything specific and we would like to know if it is contaminant loads in paua? Numbers of paua present? Size frequencies? Numbers of harvestable paua? What exactly is to be measured regarding rocky reef habitat? Where? What will this information do in terms of managing the effects of the proposed works?

Cultural Effects

28. Appendix 23 provides a letter from Letter from Te Ao Marama Inc for Awarua Rūnanga with a statement with their “unconditional written approval to the application” to the Capital Dredging Works”. However, under s.95E and consideration of cultural effects this letter is not accepted as formal written approval, and as such we need to rely heavily on our evaluation of the CIA. Page 816 (CIA Appendix 16) still outlines that “Dredging, blasting of soft and rocky habitat has the potential for **significant effects** on mana whenua values, rights, and interests.” To evaluate the cultural effects can you please provide an updated CIA that reflects the rock breaking activity? Additionally, the CIA outlines the cultural concepts, activities, places, items (such as archaeology), and landscape, and within the assessment (page 843) but does not actually assess cultural effects (or impacts) but provides recommendations as to what Te Rūnanga o Awarua wants to achieve, or want to achieve in partnership or agreement with South Port Limited. While the Appendix 23 is helpful to appreciate concepts, it does not actually assess the cultural effects. Please provide and updated CIA with the cultural effects from Te Ao Marama Inc on behalf of Te Rūnanga o Awarua? This information is necessary to evaluate what the actual and potential significant cultural effects are.

Ecology

29. On page 42, Table 4-1 [Disturbance of the seabed or foreshore] it states “*natural recolonisation of the affected area is expected to be rapid.*” Also, on page 104 under Objective 101.1.1 (disturbance to the seabed or foreshore) it states “the affected area of the entrance channel will, **over time**, be recolonised by seaweed and sessile and mobile species such as sea tulips, sponges, anemones, invertebrates and fish species such as greenbone and blue cod.” E3S Appendix has identified that they really don’t know what timeframe recolonization will occur, and have suggested a colonisation study as part of the proposed works – a so-called “reef ball” study. E3S have packaged this as a “community science” project and say that it will indicate the rate of colonisation of fresh rock faces. They have also proposed monitoring of the new rocky reef at various intervals (baseline, 3 month, 12 month and 36 month) to document recolonisation. Can you respond with confirmation that “rapid” and “over time”, worse case is connected to the 36 months period of monitoring, and if so, how you constitute that 36 months is “rapid”. Additional to this, please advise if you have considered any offset mitigation in the form of habitat remediation or improvement elsewhere?

30. In relation/ extension to question 29, can South Port offer a timeline for rehabilitation and / or potential offset measures if they are forthcoming from Question 29. This information is required for us to understand the environmental effects.

Policy

31. On the same topic as points 21-22, Objective 10.1.1 under the Regional Coastal Plan seeks to avoid, remedy or mitigate, which the natural recolonization approach in the AEE does not actively seek the requirements of “avoid, reedy or mitigate”. Please revisit and amend your assessment of Objective 10.1.1 to demonstrate your conclusion?

32. Further to question 23, Policy 10.1.3 of the Regional Coastal Plan has your assessment which also states “over time” recolonization by seaweed, sessile and mobile species. In light of your answer to questions 21 to 23, please revisit and amend your assessment of Policy 10.1.3 to demonstrate your conclusion?

33. On page 107 regarding Policy 10.2.4, there is a statement about deposit/dispose dredging material from the coastal marine area onto similar materials. A revisit of your assessment needs to recognizes the rock disposal onto shell hash seabed is not aligned with this Policy 10.2.4; please provide a revised assessment? Also, the application asserts that depositing rock on a sandy seabed environment is ecological improvement. Evidence as to the rationale of this assessment is needed; please provide that evidence. The reason for this information being sought is because by extension, this argument would suggest that dumping rock over all sandy seabed habitat to improve it. We would appreciate evidential and defensible data to suggest/support that there is likely to be an improvement in biodiversity, productivity, etc. in order to justify the claim that this represents an improvement.

34. Please provide comment, further to your assessment on page 105; which under Policy 10.1.1 (dredging and excavation) the policy is enabling, and recognizes that the deposition effects includes “the continuance of current uses and activities”. It could be assumed from this that the draught of ships will remain constant. Can you please provide an assessment as to whether you consider the draught of ships will remain constant, or that South Port is likely going to need further dredging over time (the course of 10 years being sought)?

RMA

35. On page 112 – Section 9.5.2, and in relation to Section 105 RMA; The assessment states “*Monitoring of the sediment disposal site by South Port has not demonstrated any significant*

adverse effects on infaunal.....". The key to this paragraph is there has been limited monitoring from previous blasting and dredging operations. The monitoring (E3) has focused on the disposal site, rather than the discharges that occur from blasting, **breaking** and dredging, yet s.107 of the RMA (Section 9.5.3) assessment only addresses the discharges from dredging and disposal. Can you add to your assessment to include all the activities (breaking, blasting and all discharges, and disposal)?

36. Regarding the risk matrix. The effects of drilling and blasting on seabirds recognises the risks to bird life, and describes the risk by timing the works between mid April to late August is mostly outside of the breeding season for little penguin, shore birds, gulls and cormorants/shags. Given the policy 6 of the NZCPS direction is to "maintain and enhance ecology", what level of mortality is acceptable from the drilling and blasting that aligns to the conclusions you have drawn in the AEE? How will Environment Southland know those effects when birds may exit the environment (head out to sea) early and die prematurely? This information is necessary for us to evaluate the effects of the proposal on bird life.

Bond

37. Can you please provide an assessment of what potential bond for this work might be appropriate given the ability to reverse effects on the environment is very complex and requiring some certainty? This information is sought to assist what might be appropriate as a safeguard to managing environmental effects that might not be envisaged by the current AEE.

Geotechnical/Geology

38. Please provide evidence from OCEL that the geological findings, notably the unconfined compressive strength, fracture persistence, spacings and orientations given in the Geosolve Geotechnical Assessment Report dated 21 July 2021 have been considered by updating their original assessments including the Drilling, Blasting and Dredging Methodology (Rev3) and Effects of Underwater Explosions, Shockwaves, Vibration & Noise both provided by OCEL. Any changes in the OCEL reports must be carried through to relevant assessment of effect reports.

39. The Styles Group Report dated 27 August 2021 recommends the use of hydro-hammer rock breaker as an alternative method, or supplementary to the proposed drill and blast method. Please provide confirmation from OCEL that they have reviewed the suitability of using a hydro-hammer rock breaker for the proposed works whilst considering additional information in the Geosolve Geotechnical Assessment report, confirmation should be provided in updated revisions of their original reports. If hydro-hammer rock breaking methods are adopted then all relevant supporting reports must be updated with associated assessments to accommodate these changes. Also for clarification of our understanding of the hydro hammer (rock breaking), we understand spuds are to be used for the pontoon to position itself, but how is the actual hydro hammer positioned on the targeted rock?

40. Please confirm that an engineering geologist will be engaged to monitor the drilling, blasting and breaking operations to ensure that the actual ground conditions and geological properties encountered during the works are as outlined in the Geosolve Report. This provision is required to ensure any significant deviations in expected geology and the resultant changes to the final drilling and blasting methodology are recorded.

41. Borehole logs contained within the Geosolve report note anthropogenic materials such as metal, timber and rope in shallow sediments around the wharf. As anthropogenic materials are likely within the proposed dredge area please provide further information on the methodology to extract, and or dump these anthropogenic materials and any environmental impacts these materials may have on the marine disposal site.

42. Figure 1a given in the Geosolve Report indicates 3 m rock cut in close proximity to the existing wharf structure, please provide a structural assessment showing that a 3 m cut will not destabilize the existing structure through loss of passive ground support to the wharf piles.

Birds

43. In respect to noise impacts from drilling and blasting (and we assume rock breaking) on birdlife and penguins that swim, addressed in Appendix 13 (Bird Survey Report), Page 772 has an addendum to Appendix 13, which address the acoustic effects on birds during construction. Penguin effects is addressed in terms of breeding birds, but please provide an assessment of effects on birds feeding (in the water). This information is necessary for us to evaluate the effects of the proposal on bird life.

44. There is discussion in the bird report about requiring observers during blasting operations and a halt to the works if little blue penguins or shag species are in the defined area of potential harm – measures to avoid adverse effects on penguins and shags. This should be included in conditions of consent.

45. Cond 7 says that drilling, blasting, dredging and deposition will be limited annually (which suggests multiple years) to a period from 1 March to 31 October. Cond 8 says that soft sediment dredging will occur from 1 April to 31 July to avoid little blue penguin breeding period and seagrass flowering season. While condition 7 states that drilling, blasting, dredging and deposition will be limited annually (which suggests multiple years) to a period from 1 March to 31 October, and condition states that soft sediment dredging will occur from 1 April to 31 July to avoid little blue penguin breeding period and seagrass flowering season; what is the effects of drilling and blasting (and rock breaking) straying into each end of the little blue penguin breeding season as defined by their bird expert (report says breeding is September to March)?

46. Drilling and blasting will stray into each end of the little blue penguin breeding season as defined by their bird expert (report says breeding is September to March). Please provide an assessment of the effects that occurs as a result of those works occurring at each end of the breeding season, so that we can evaluate the effects?

Biofouling

47. In respect to the Biofouling Management Plan, associated assessments (Appendices 14 and 15) and conditions (Appendix 1); Condition 30 states that there will be inspection of vessels, but we would like to know if this is from somebody who is suitably trained or qualified inspectors who could actually recognize unwanted species? Also, how long prior to vessels arrival do these inspections occur? To assist our evaluation, we would appreciate a statement about vessels and equipment having no more than light fouling – defined as small patches (up to 100mm diameter) of visible fouling totalling <5% of the hull and niche areas. A slime layer and/or any species of barnacles are allowable fouling?

48. My preference would be for a dedicated Biosecurity Management Plan to be submitted and approved by ES prior to ships and equipment being brought in from overseas or any other area that could facilitate the spread of unwanted organisms (e.g. Lyttleton has Mediterranean fan worm).

Coastal Process(es)

49. Appendix 5 (OCEL -coastal processes assessment) and application section 5.4.5 states that *“The seabed levels at the disposal location have remained stable and have not changed*

significantly over time – as is evident from a comparison of the bathymetry between the initial RWMA/OCEL survey in 1984 and the most recent marine chart - so the sediment dropped on the location has been completely dispersed in the period between hydrographic surveys and the seabed has returned to a state of equilibrium.” However, my reading of the of the Marine Charts (6721 & 6821) is that the survey for the chart is dated 1983 / 1984, so is the same time as the RWMA/OCEL survey, and hence not evidence of transport away from deposition site. Therefore, further information, such as a recent bathymetric survey is required to confirm that *“the seabed levels at the disposal location have remained stable and have not changed significantly over time.”*

50. Further information is required to confirm the statement in Section 5.3.2 of the application that *“The heavier sandy components of the sediment deposited at the disposal site will be easily mobilised due to the shallowness of the site allowing for sediment to be easily mobilised by wave action and currents”*, and the statement from the executive summary Appendix 5 (OCEL -coastal processes assessment) that *“The existing coastal processes will deal with the higher volumes to be dumped, the mobilisation of the sand by waves will increase because of temporary shallowing and the rate of sand movement away from the disposal site will increase because of the greater volumes of sand mobilised and available to be moved.”* This additional information is required as the information presented in Section 3.3 does not address the fact that it is wave period (rather than wave height) which is critical for the movement of seabed sediment under wave action. The information required is the critical wave period to initiate mobilisation at the water depth of the deposition zone, and from the wave hindcast data the frequency that this critical wave period is exceeded and the wave heights associated with these periods.

51. In relation to question 45, it is unclear from the proposed monitoring conditions how ES would have certainty that *“the existing coastal processes will deal with the higher volumes (of sand) to be dumped”*. Can you address this via a pre and post dredging campaign bathymetric survey being added to the monitoring conditions in your response? This will enable us to understand how and what commitment the proposal has to monitor and report the coastal processes.

52. Discussions in Appendix 5 (OCEL -coastal processes assessment) on littoral drift directions in different wave approach directions (section 2.2) and the potential positive effect of the sand deposition as a source of beach renourishment material (section 4.1) requires further information on the frequency of wave approach direction to understand how relevant and important the wave directions are for sediment transport. This information should be available from the wave hindcast study referred to in the coastal processes assessment.

53. Section 8.2 of the application notes that the option of using the rock as an offshore breakwater /reef to further reduce sea level induced erosion effects on Tiwai Peninsula has been discounted by OCEL as the fragmented rock from blasting will be too small for this purpose. Further information is required on the analysis that formed this opinion as there is not reference to this analysis in the OCEL coastal processes assessment (Application Appendix 5).

General Questions

54. As a result of the works, please provide an assessment what the effects of use of the harbour (frequency and intensity of vessels) on all harbour users as a result of the dredged and deeper draught in the harbour, and how those effects will be managed by South Port? This information is necessary to understand the consequential operational effects on other users of the harbour.

55. **As a general observation**, our marine ecologist would like to gain clarity on timing of the works, as they have picked up from their review that there appear to be some inconsistencies in the timing of the works and how that will be managed to avoid adverse effects on little blue penguin moulting and breeding and seagrass flowering in particular. Works periods don't seem to match with the recommendations of the bird expert. Marine mammal report says that Foveaux Strait area is utilized by Southern Right Whales in winter and early spring as breeding habitat. While the report says that habitat exclusion of MM resulting from the blasting would be more than minor and that there is considerable uncertainty about the extent of the area affected (pg 32). Page 45 says that any exclusion effects are unlikely to be biologically significant on individuals or populations. The report also talks about mitigation actions to reduce impacts (which isn't mitigation at all Its effect reduction). Having an exclusion zone and observers to prevent blasting while MM are in the zone should avoid acute adverse effects on MM and bring the impacts down to minor. The MM Management Plan (pg 16) says that MM use of the area is highly seasonal and blasting activities should not be timed to occur over successive seasons (e.g. back to back summers).

Potentially the answers to the initial s.92 questions/points of clarity sought on programme and timing may assist on question 55.

You must, by **22 October** either:

- Provide the information, or
- Agree to provide the information, or
- Refuse to provide the information.

Please consider what to do carefully. Your decision is important because:

- If you provide the information we will proceed with processing your application.
- If you agree to provide the information we will set a reasonable timeframe for you to provide the information by.
- If you refuse, or do not provide the information before the agreed timeframe we must publicly notify the application. Public notification means the public may make submissions on the application and there may be a hearing to determine it. Additional payments are required for notified applications.
- We can decline the application if we have insufficient information to grant it.

The time taken between this email and our receipt of the information will not be included in our total processing timeframes for the application.

Please contact me if you have any questions. I can be contacted on 021 314 996, or via email on hamish.peacock@pdp.co.nz.

Alternatively, Environment Southland staff can be contacted Monday-Friday 8.00–4.30 on 0800 76 88 45 or this email address. Otherwise, if you need more information:

- go to or
- go to mfe.govt.nz/rma/rma-processes-and-how-get-involved/resource-consent-processes

Ngā mihi



Hamish Peacock

External Processing Officer

**CC: Beale Consultants Limited, PO Box 113, Queenstown 9348
(simon@bealeconsultants.co.nz)**

