

Before the Independent Hearing Panel
Appointed by the Southland Regional Council

Under the Resource Management Act 1991 (**RMA**)

In the matter of an application by **South Port NZ Limited** to dredge parts of
the Bluff Harbour

Supplementary statement of evidence of Simon Beale

7 July 2022

Applicant's solicitor:

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**anderson
lloyd.**

Qualifications and experience

- 1 My name is Simon Beale.
- 2 I have prepared a statement of evidence dated 29 March 2022. My qualifications and experience are set out in that statement. I confirm that this supplementary evidence is also prepared in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014.
- 3 This statement addresses the proposed consent conditions to the application.
- 4 Since adjournment of the hearing the conditions have been updated with input from South Port's technical experts to address issues raised by the Commissioners at the hearing and resulting from conferencing with Mr Peacock from Pattle Delamore Partners (PDP) and Ms Williamson, Senior Resource Management Officer – Technical, Environment Southland on 14 June 2022.
- 5 All the changes to the conditions since the hearing, including following conferencing are set out as track changes while explanatory notes are provided against certain conditions. Explanations provided as to the retention of any conditions that are at variance to the wording of Mr Peacock are provided as explanatory notes.
- 6 The updated conditions include the provision of maps and plans to assist in the interpretation of the relevant conditions.
- 7 Comments received from Mr Peacock post conference are set in the proposed consent conditions dated 27 June 2022. Responses by the Applicant are provided below each of Mr Peacock's comments in highlighted mode. These responses form Attachment 1 to my evidence.
- 8 The proposed consent conditions incorporating all changes made since the hearing is dated 7 July 2022 and forms Attachment 2 to my evidence. Explanatory comments are provided against some of the conditions. I confirm I support the imposition of these conditions on a consent and consider them appropriate from a planning point of view.
- 9 The key changes to note are:
 - (a) Condition 17 concerning the use of the green valve on the trailer suction hopper dredge has been deleted. The reason for the deletion centres on the application stating the green valve will be used during the operation of the trailer hopper suction dredge. Operation of the green valve requires the vessel to be filled with water which can in certain circumstances, such as when the cross current is strong affect the stability of the vessel. The person operating the vessel is therefore in the best position to determine when it is safe or unsafe to use the green valve during dredging, based on proven experience and expertise, and the need to maintain vessel safety. Mr Peacock has questioned if this condition is sufficiently certain to

be a condition of consent because it involves judgement of a vessel operator. I accept that, and have deleted this as a condition, but rely on the application itself.

- (b) Condition 50 which addresses the potential residual adverse effects of the capital dredging activities on little penguin has been offered by the Applicant. A letter from the CEO of South Port to the Bluff Hill Motupōhue Environment Trust confirms donations that will be made to the Trust to be put towards predator control and enhancing penguin habitat. A copy of the letter forms Attachment 3 to my evidence.

Simon Beale

7 July 2022

Attachment 1: Proposed Consent Conditions, dated 27 June 2022 with PDP comments and South Port responses

Attachment 2: Proposed Consent Conditions, dated 6 July 2022

Attachment 3: Letter from Bluff Hill Motupōhue Environment Trust