

Joint Witness Statement – RMA Planners

Hearing Topic: Waituna Lagoon Opening Consent Application

Resource Consent Reference: APP-20242456

Hearing Date: 29-31 August 2025

Location: Invercargill

Planners Participating:

- Danielle Petricevich, SLR Consulting for Environment Southland Consents
 - Lisa Thorne, Taylor Planning for the Joint Consent Applicants
 - Kate Sannazzaro, Federated Farmers NZ for Southland Federated Farmers
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1. Introduction

This Joint Witness Statement (JWS) has been prepared in accordance with the Environment Court's Practice Note and records the outcomes of expert conferencing held on 25 July 2025. The purpose of this statement is to identify areas of agreement and disagreement among the participating planners in relation to the resource consent application by Te Rūnanga o Awarua, Department of Conservation and Environment Southland (Joint Applicants).

Prior to the meeting of the planners, all parties had the opportunity to circulate the key issues/topics they wanted to address. These are listed below and are addressed within the following tables.

- Status of the Lagoon
- Reasons for Consent/Applicable Rules
- Application of Existing Environment
- Multiple Consents for Opening
 - Previous Applications
 - Application of s124
- Effects of the Activity
 - Water Quantity, Flooding, Inundation and Impeded Drainage
 - Water Quality
 - Ecological Values, including habitats, ecosystems, fish passage and indigenous biological diversity
 - Cultural Values
 - Historical Heritage
 - Natural Character, Natural Features and Landscapes, including Outstanding Natural Character and Features
 - Public Access, Recreational Values and Amenity, including that of the Coastal Environment
 - Positive Effects
 - Effects of the Activity – Assessment of Trigger Levels
 - Effects of the Activity – Additional Effects
- Flood Control Works

- Waituna Creek - definition and coverage under the Southland Flood Control and Drainage Management Bylaw 2020 (Bylaw)
 - Whether opening the lagoon is part of the operation and maintenance of the Waituna Creek
 - Regionally Significant Infrastructure (RSI) – Do Appendix 2 Bylaw drains meet the criteria to be RSI
 - Relevance to, and effect of Bylaw status on the application
 - Interaction between consent and other statutory duties of Council
 - S330 openings and interaction with Council functions and consent application
- Statutory Direction
 - Application of ki uta ki tai
 - Relevance of Freshwater Management Unit (FMU) process
- Section 104D
- Conditions of Consent
- Sufficient Information for Decision

2. Areas of Agreement

Topic / Issue	Summary of Agreement	Supporting Rationale / Evidence
Status of the Lagoon	Ms Petricevich and Ms Thorne agree that (at a minimum) the fringing areas of the lagoon are wetlands. See further detail in the 'Areas of Disagreement' table. All planners agree that the lagoon is also a lake under the RMA, which is more accurately described as an Intermittently Closed and Open Coastal Lake or Lagoon (ICOLL). All planners agree that it is possible for an area to be both a lake and wetland, and they are not necessarily mutually exclusive.	Planners are relying on the definitions under the Resource Management Act (RMA).
Reasons for Consent/Rules	Planners agree that resource consent is required under the rules set out in Section 2.5 of the s42A Report, other than those relating to Regulation 39 of the National Environmental Standards for Freshwater (NES-F). Planners also agree that Rule 49(d) is the primary rule, being diversion of water, and that the status of the bundled activities is therefore non-complying.	Planners have reviewed the planning framework and agree that the rules are the correct rules, other than wetland rules.
Application of Existing Environment	All Planners agree that technically the concept of the 'existing environment' under existing case law has been applied correctly. However, Ms Sannazzaro disagrees on the utility of existing case law and whether a different approach should be applied to the effects assessment and wider	Planners agree that the existing environment is a mandatory consideration that is defined by case law, and it is the environment at and beyond the site upon which a proposed activity might have effects. This includes the existing and reasonably foreseeable future state of the environment upon which effects will occur, including: a. the environment as it might be modified by the utilisation of rights to carry out permitted activities; and

	proposal given some of the unique aspects of this application.	b. the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.
Multiple Consents for Opening	Planners considered whether two consents could be granted to open the lagoon for different purposes, and note there would be potential issues in granting a second consent. An existing consent (e.g. this one if granted), would be considered as part of the existing environment. A second consent could derogate from this consent. All planners consider that the matter would benefit from legal advice, should the hearings panel consider this to be a relevant matter in the consideration of effects of this activity under s104(1).	This issue was raised by Ms Sannazzaro prior to planning conferencing, as it would address a concern expressed within her evidence. Ms Sannazzaro felt clarifying whether the granting of this application might prevent future applications (such as one by Environment Southland for flood control purposes), or the use of s330 emergency powers, might be helpful to the hearings panel in better understanding the effects of granting consent for this non-complying activity. To illustrate, should Environment Southland continue to open the lagoon as they historically have for flood management purposes under s330, at 2.2m, then the lake level would be unlikely to get to 2.5 m for this consent to be exercised.
Effects of the Activity – Additional Effects (Flood Control Works)	Planners agree that the Waituna Creek is identified in the Southland Flood Control and Drainage Management Bylaw 2020. Within the bylaw it is mapped as part of Councils Flood Protection Scheme, and is a modified watercourse (acting as a drain within the network) rather than an artificial waterbody. Ms Petricevich and Ms Sannazzaro also agree that through the RPS and SWLP definitions, the Flood Control Works are both ‘critical infrastructure’ and ‘regionally significant infrastructure’. Ms Thorne is yet to form a view on this matter.	Planners agree that the Appendix 2 Map M9 of the Bylaw Waituna Creek and its tributaries are identified as “ES Drainage Network”. Section 4 of the Bylaw defines a “drain” as “a channel, either artificially constructed or a modified watercourse, ...”. We concur it is a modified watercourse and not an artificial waterway or a constructed drainage channel. Ms Petricevich and Ms Sannazzaro agree that the RPS defines a ‘strategic facility’ as including “flood and drainage infrastructure managed by the Southland Regional Council”, which in turn is considered both ‘critical infrastructure’ and ‘regionally significant infrastructure’ by both the RPS and SWLP. Ms Thorne is yet to form a view on this matter.
Effects of the Activity – Addition	The Planners agree that: Environment Southland has functions and duties under other Acts, including under the Soil	Other Acts confer functions, duties and powers on the Council. Ms Sannazzaro considers Environment Southland’s non-RMA functions have not been identified or assessed in the application or

Effects (Other Council statutory functions)	Conservation and Rivers Control Act 1941, and the Local Government Act 2002 (LGA). • Council functions under other Acts apply whether the consent exists or not and whether the lagoon is open or not. • The Application is not for the purpose of managing flooding in accordance with other Acts. • The RMA still applies, regardless of Council functions, duties and powers in relevant flooding and drainage acts. • Should the Hearing Panel want to understand interactions between any specific functions, duties or powers, legal advice could be helpful.	s42A report, and these functions may be incompatible with this application. Ms Sannazzaro considers Environment Southland must provide clarification of their other functions and duties and how they may affect this proposal. Conversely, Environment Southland must clarify how this application could affect their other functions such as flood management and soil conservation.
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3. Areas of Disagreement

Topic / Issue	Position of Ms Danielle Petricevich	Position of Ms Lisa Thorne	Position of Ms Kate Sannazzaro	Reason for Disagreement
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Status of the Lagoon	The entire Waituna Lagoon is classified as a ‘Regionally Significant Wetland’ (and ‘Sensitive Waterbody’) within the SWLP, Appendix A. Note 1 within Appendix A states <i>“For wetlands, this appendix only identifies those which have been formally assessed and found to be of regional significance.”</i> Having reviewed the information in the application and the definitions within the RMA, I consider that parts of a Lagoon, at the very least, the fringing areas of the lagoon and shallow margins and areas would meet the definition of ‘wetland’ if they support wetland-adapted ecosystems. The deeper areas of the Lagoon are more likely to meet the definition of ‘lake’. The Applicant has adopted the status of wetland and natural inland wetland, taking a precautionary approach to the classification of the lagoon is appropriate given the more stringent planning regime for activities in proximity to and impacting wetlands. I consider that this is an appropriate approach to take.	The lagoon and its margins are classified as both a Regionally Significant Wetland and Sensitive Waterbody in Appendix A of the SWLP. As set out in Section 4 of the Application, as the lagoon and its margins have characteristics of both lakes and wetlands, and consent is sought in accordance with the rules that apply to both. No wetland delineation protocols were applied given the status in the SWLP, lagoon opening may feasibly occur anywhere along the bar (outlined further below), the precautionary approach taken to apply for consent in relation to the rules for both wetlands and lakes, the preapplication advice and further recent advice of the Consent Authority. As the Application seeks to open the lagoon along the bar (in accordance with a risk assessment condition having been satisfied), regardless of contrary view of Ms	I believe the status of the Lagoon as a ‘natural inland wetland’ as expressly applied using the NPS-FM to be uncertain, as demonstrated in Appendix 4 of my evidence. It is only mapped in the SWLP as a ‘sensitive water body’, and not as a regionally significant wetland. The NPS-FM clause 3.23(3) states that in case of uncertainty or dispute about the existence or extent of a natural inland wetland, a regional council must have regard to the Wetland Delineation Protocols (WDP). The regional council has not had regard to the WDP. I do not consider there to be merit in Ms Thorne’s position that the application seeks to open the lagoon along the entire bar. Rather it is three specific locations, presumably selected because the applicant favours opening where the gravel bar is dominant and plants and soils	Ms Petricevich and Ms Thorne consider there is enough evidence to reasonably define Waituna Lagoon as a wetland, however Ms Sannazzaro considers that the Wetland Delineation Protocol should be applied to confirm if the lagoon is a wetland.
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		Sannazzaro regarding the lake areas of the lagoon, consent would nonetheless be required for the activities due to the likely presence of fringing wetlands within 100m of an opening location.	are absent. The absence of plants and soils within the bar at the opening locations provides a strong indication that this bar area, where the opening is proposed, is not consistent with the WDP. This reinforces my view that the WDP must be carried out, given there is uncertainty and dispute. It is critical to establish if the lagoon is a 'natural inland wetland' because it impacts how the provisions of the NES-F apply.	
Reasons for Consent/Rules	Ms Petricevich and Ms Thorne consider there is enough evidence to conclude that the Lagoon is a wetland, and that all rules detailed in Section 4 of the application and Section 2.5 of the s42A Report apply to the activity. As above, taking a precautionary approach to the classification of the Lagoon as a wetland and applicable rule framework is appropriate, especially considering the flexibility in opening location applied for and likelihood of wetlands being within 100m of an opening location.		Currently, I believe there is insufficient evidence to conclude the lagoon, at the proposed opening locations on the gravel bar, is a 'natural inland wetland' when applying the requirements of the NPS-FM. Therefore, I have some reservations as to the applicability of Regulation 39 of the NES-F.	Ms Petricevich and Ms Thorne consider that it is appropriate to apply for resource consent under Rule 74(b) SWLP and Regulation 39 of the NES-F. Ms Sannazzaro considers that because the Wetland Delineation Protocol has not

				been applied, it is premature to conclude that the NES-F applies.
Application of Existing Environment	I remain of the opinion that the existing environment, is as I have set out in Section 2.4 of my s42A Report. Specifically, the Application is for the lowering of water levels and does not need to assess the effects of the “increase” in water level trigger from the level it was previously managed at under former resource consents (which are now expired). This is a standalone application that needs to be assessed under the environment as it exists at the time the application is being considered.	Paragraphs 29-31 of my evidence detail my position on the existing environment. This has not changed. As such, the Application is for the lowering of water levels of the lagoon. While the Application is for the lowering of levels and the effects are assessed on that basis, the applicant has still undertaken an assessment of inundation and drainage impediment, informed by technical assessments (NIWA Inundation Study and Science Advisory Report). The information gained from this was considered with the other ecological and cultural values of the lagoon to establish appropriate trigger levels. In response to Ms Sannazzaro’s position on this limiting community input, the application was publicly notified at the applicant’s request so that any person	While the application of the existing environment may be technically correct under existing case law, I consider it important to reflect on the relevance and utility of that case law in this context, given the unique characteristics of the catchment and its long history of lagoon interventions. The Waituna catchment is considered so unique through the SWLP development process, it was afforded its own FMU. By framing this proposal as simply lowering a naturally elevated water level, the full scope of potential effects is disregarded. This characterisation overlooks the historic norms of lagoon water levels that have been established over a century of active management by both the local the community and	Ms Petricevich and Ms Thorne agree on the existing environment and that this leads to assessing the effects of opening the lagoon/lowering water levels. Ms Sannazzaro considers the proposal's use of the 'existing environment' as established by case-law to date, ignores historical lagoon management that has shaped the lagoon, downplays potential effects and limits community input, thereby raising

		could have their say through a submission, the applicant has undertaken engagement prior to lodgement and post lodgement with stakeholders including the surrounding farming community. This consultation has led to the transitional approach to get to the 2.5masl/7 day water level trigger over time. Further adjustments to what was notified have also been made to provide a further transition within the conditions as a result of the pre-hearing meeting and consideration of the feedback from submitters.	Environment Southland. As a result, the proposal potentially enables water levels to be raised beyond historically accepted limits where a flood management response is then initiated, without appropriate scrutiny. Framing of this proposal as simply lowering a naturally elevated water level limits the ability of submitters to meaningfully challenge the proposal, and it constrains decision-makers in assessing the potential flooding and inundation effects on regionally significant infrastructure and neighbouring land. In my view, this raises a concern of natural justice, as it curtails the affected community's opportunity to engage with and contest the proposed water trigger levels and the role of lagoon opening for flood management purposes. The application of the 'existing environment' in	natural justice concerns.
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			this way disproportionately favours the applicant. In response to Ms Thorne's position that consultation through the consent process has allowed stakeholders to have their say, I remain of the view that long-term lagoon (lake level) management and associated community engagement should be developed through the FMU limit setting process, and not through a consent application.	
Effects of the Activity – Impact of Existing Environment of Assessment on Flooding/Inundation Assessment	I agree with the position of Ms Thorne on this matter and have no additional comment to make.	While the existing environment limits the assessment of effects to those associated with opening the lagoon/lowering the water levels, inundation and drainage impediment are assessed by NIWA, by the applicants' experts, and the Science Advisory Group (SAG) have considered the NIWA report in conjunction with the other values of the lagoon to determine appropriate trigger levels in the Science Advisory Report. This includes analysing six scenarios which	The application gives some consideration to the effects of high water levels on flooding and inundation; however as previously noted, the application did not identify or consider effects on Environment Southland's Flood Control Works, including any bank erosion effects. In any case, due to the way the 'existing environment' has been applied in this assessment (as described in above), these considerations	Ms Thorne and Ms Petricevich consider that the existing environment has been applied appropriately to the application, and that the assessment of effects undertaken is suitable for the proposed activities.

		consider various lagoon levels, impacts on the values of the lagoon and impacts on drainage.	are effectively rendered meaningless when assessing the environmental effects of the proposed activity. The lagoon has traditionally been opened at no higher than 2.2m, as this was the trigger level to avoid flooding, erosion, and inundation effects.	Ms Sannazzaro considers appropriate consideration has not been given to effects on the Flood Control Works, and that the proposal's use of the 'existing environment' as established by case-law to date, ignores historical lagoon management, downplays potential effects.
Effects of the Activity – Assessment of Trigger Levels	As part of our discussions Ms Sannazzaro has asked to clarify my position on the following statement within paragraph 1.2.4 of my s42A Report: <i>“As such, outside of assessing the effects of opening the lagoon as a result of the proposed triggers, this assessment does not comment on the appropriateness of the water level triggers.”</i> Having read back over my s42A Report, I consider that paragraph	The SAG Report looks at multiple scenarios (6) which considers various levels and impacts on values of the lagoon and impacts on drainage.	I consider that the s42A report should have undertaken a more rigorous assessment of whether the applicant’s preferred trigger levels are the most appropriate means of achieving the outcomes the application seeks to deliver, while avoiding, remedying or mitigating adverse effects. This assessment should have included a clear evaluation of the discretion retained by the applicant to delay or choose	Ms Thorne and Ms Petricevich consider that an appropriate assessment of effects relating to the trigger levels has been undertaken, and alternatives have been considered and detailed within the

	1.2.3 clarifies this position, in that the effects of opening the lagoon are assessed/audited, not the actual trigger level itself. The only time that this would be appropriate, is if there were unacceptable adverse effects associated with a particular trigger. It is noted that the Application undertakes an assessment of alternatives/the SAG Report considers six scenarios which contain various triggers and trigger levels.		not to act when a trigger level is reached. Ms Petricevich states “<i>The only time that this would be appropriate, is if there were unacceptable adverse effects associated with a particular trigger</i>”. This highlights my concern that framing the application as a lowering of water levels constrains the ability of submitters to meaningfully challenge the application. By presenting it in this way, the broader implications of setting specific water level triggers - particularly those that may lead to increased water levels or delayed lagoon openings (compared to historic levels) are not adequately exposed to scrutiny or debate.	Application and SAG Report. Ms Sannazzaro considers that a more rigorous assessment of the proposed trigger levels are appropriate to consider all effects on the Flood Control Works, erosion and inundation.
Effects of the Activity – Additional Effects	Ms Petricevich and Ms Thorne consider that the effects of the proposal have been accurately identified and adequately assessed. They do not consider that there are adverse effects on Flood Control Works/Infrastructure, nor will the consent impact on Councils ability to undertake their flood protection function. As the application is to lower water levels/open the lagoon, this does not result in an adverse effect on the Flood Control Works/Infrastructure. This conclusion is based on the effects		I remain concerned that this application for a non-complying activity has failed to identify and consider: • Effects on Environment Southland’s Flood Control Works. • Effects of Environment Southland exercising one	Ms Petricevich and Ms Thorne consider that the effects of the proposal have been accurately identified and adequately assessed.

	assessments undertaken relating to flooding/inundation, where the proposed activities result in a decrease in water level from opening the lagoon. Councils Flood Protection Works can be undertaken whether the consent is granted or not, and whether the lagoon is opened or remains closed.	function in a way that potentially undermines or neglects its other functions. It is my opinion that the application would have benefited from explanation and clarity regarding why Environment Southland was choosing to exercise only certain of its functions in making this application, and how they saw the fit of this application with their responsibilities to implement FMU requirements. It remains unclear how the applicants', including Environment Southland, can exercise this consent (if granted) and carry out its flood management functions. I believe this information is critical to understand the effects of the activity, and the consequences of granting this application. Understanding this dual relationship of Environment Southland, and effects of this activity on their regionally significant	Ms Sannazzaro believes the failure to identify the Flood Control Works to be a substantive omission from the application. Consequently, she cannot form a view as to the effects of the activity on the Flood Control Works in the absence of that information and analysis.
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			infrastructure, is critical to determine whether the application is contrary to the objectives and policies of the RPS and SLWP. There is evidence to suggest that delaying lagoon opening until water levels reach historic highs will exacerbate bank erosion. In my opinion, this has not been adequately assessed. A conclusion by Ms Petricevich and Ms Thorne that there are no adverse effects on the Flood Control Works nor on the Council's ability to undertake their flood protection function, without clear evaluation and evidence in the application, lacks rigour.	
Section 330 Works and Purpose of Application	I do not consider that the previous openings under s330 have any implications for the Application.	I do not consider that the previous openings under s330 have implications for the Application, nor does the application limit the ability for the Consent Authority to exercise s330 powers in the future.	This was not a matter discussed in any detail at Expert Conferencing. However, for clarity, this matter was raised in my evidence because I believe it demonstrates – in the absence of any information in	Ms Petricevich and Ms Thorne consider that the previous s330 openings do not have any implications for this Application.

			the application - that lagoon opening may be a necessary part of Environment Southland's Flood Control Works operation and maintenance, to manage adverse effects on the receiving environment. I believe such an understanding is necessary when considering is any potential adverse effect associated with Environment Southland making this application to exercise one function in a way that potentially undermines or neglects another function under s104(1). If lagoon openings are necessary and occur regularly, it is my opinion that a responsible operator would ensure they have a resource consent in place, rather than rely on the emergency provisions of the RMA. This may not be possible, if this application is granted.	Ms Sannazzaro considers the ability of Environment Southland to open the lagoon outside of this consent application if granted, to give effect to its other statutory functions and duties to be a relevant effect that the hearings panel can consider under s104(1).
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Effects of the Activity – Additional Effects and Statutory Framework – Freshwater Management Units and Ki Uta Ki Tai	Ms Petricevich and Ms Thorne agree with Ms Sannazzaro that the FMU process is relevant to consideration of the consent term. However, consider that limited weight should be given to this matter given this timeframe is not achievable, there are no clear dates for the FMU process, and it is only an indication. The timeframe is not achievable given the recent government direction to cease all plan changes. For these reasons, Ms Petricevich and Ms Thorne also consider the policy direction regarding FMUs hold little weight. There is also very little direction to consider in this application as the policies generally provide direction for the future planning processes to establish FMU values and limits rather than consent applications. Ms Petricevich and Ms Thorne consider that the application does give effect to a Ki Uta Ki Tai approach, given the applicant has considered the land uses occurring within the catchment and impacts on the lagoon, the lagoon values and ways to maintain and improve these values until the FMU process (or similar) takes effect. Additionally, the Application and decision can only consider the proposal in light of the existing planning framework. We cannot anticipate the values and limits that would be established through a future planning process. The Application contains a review clause, in which the consent triggers could be amended to align with any set values/limits resulting from a future planning process.	I am concerned by the limited weight given by Ms Petricevich and Ms Thorne to the Waituna FMU process. Their preference for relying solely on the current planning framework appears to overlook the intention and significance of the FMU approach, as well as the guidance set out in the SWLP. Notably, the application itself gives little regard to the FMU process and fails to identify Environment Southland's own Flood Control Works - regionally significant infrastructure - which suggests that a genuine ki uta ki tai (mountains to sea) perspective has not been taken in this application. The opening of the lagoon is not a minor or isolated activity. It represents the management of a unique, receiving environment into which the entire Waituna catchment drains. The Planners acknowledge that only one consent can be held	See comments
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		for lagoon opening, meaning that the holder of this consent has effective control over a critical aspect of catchment management - affecting flood control, land drainage, and the timing and purpose of lagoon openings. This has implications for other values beyond those prioritised by the applicant. Granting this consent, particularly for a 20-year term and based solely on the applicant's values, risks undermining the broader FMU limit-setting process and the integrated management intent of the SWLP, including its ki uta ki tai philosophy. Ms Petricevich and Ms Thorne state that "<i>limited weight should be given to this [FMU] matter given this timeframe is not achievable, there are no clear dates for the FMU process, and it is only an indication.</i>" This appears inconsistent with their position that the proposal must be assessed strictly	
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		within the existing planning framework. However, the SWLP introduction clearly states the intention to complete the FMU limit-setting programme by December 2025. While recent amendments to the RMA -specifically the addition of section 80A(4A) - pause notification of such plans until either a revised NPS-FM is issued or until 31 December 2025, there has been no indication from the Government of a wholesale departure from the FMU approach. In fact, consultation on a revised NPS-FM is currently underway, with a focus on rebalancing Te Mana o te Wai and providing more flexibility in the National Objectives Framework. In her evidence, Ms Petricevich acknowledges that <i>“the SWLP does not provide fulsome coverage of this proposal as a unique activity,”</i> yet she recommends	
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		a 20-year term and appears unconcerned about the future management processes clearly signalled in the plan. Neither Ms Petricevich nor Ms Thorne have addressed how the application and the section 42A report have considered the fit of this non-complying activity with the overall philosophy and key objectives of the SWLP. Specifically: • Policy 40 requires that the timing of FMU development be taken into account when considering consent durations, particularly whether shorter terms may better support implementation of revised FMU frameworks. • Policy 39A directs decision-makers to consider cumulative effects across whole catchments and improve integrated management of freshwater and	
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		associated ecosystems, including estuaries and coastal areas. • RPS Method WQUAN.1(g) allows for the setting of minimum lake levels to manage effects on adjacent land and wetlands. Ms Petricevich and Ms Thorne conclude that “<i>we cannot anticipate the values and limits that would be established through a future planning process.</i>” However, that is precisely the rationale behind Policy 40 - to provide for consent durations that do not prejudice the implementation of future planning frameworks. In my opinion, granting a 20-year consent that enshrines the applicant’s specific values and operational limits risks conflicting with the values and limits that may be developed through the FMU process.	
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		The granting of a longer term of consent subject to review conditions should not be used in lieu of an appropriate consent term. A condition to review consent conditions in the future cannot prevent the consent from being implemented for its intended purpose or duration.	
S104D	Ms Petricevich and Ms Thorne agree a S104D assessment is required, and remain of the view that the proposal passes the gateway test, which enables the decision-makers to make a decision on the Application.	I agree that a s104D assessment is required. If this application was framed as a raising of the water levels, the effects may be more than minor, and as such the Application may not pass the gateway test. Further, I believe key omissions from the application and subsequent assessment – in particular how this application may affect the upcoming FMU process, and affect regionally significant infrastructure - mean I am unable to conclude that the application is not contrary to the objectives and policies of the plan.	Ms Petricevich and Ms Thorne remain of the view that the proposal passes the s104D gateway test. Ms Sannazzaro cannot take a position on whether the Application meets the gateway test, because key information has not been provided.

Conditions of Consent	Ms Petricevich and Ms Thorne consider that conditions of consent are appropriate to manage and monitor the effects of the activity. The consent conditions and review clause provide sufficient coverage to enable the consent duration applied for. An updated agreed set of conditions between Ms Petricevich and Ms Thorne is attached as Appendix 1, and adopts the amendments to conditions recommended in Ms Thorne's evidence.	In my view, the application and associated assessments are fundamentally deficient. They fail to identify Environment Southland's regionally significant Flood Control Works or acknowledge the Council's related functions and statutory responsibilities. Additionally, there is no assessment of how this proposal might affect, or be influenced by, the future FMU process. Given these omissions, I consider it premature to comment meaningfully on the draft consent conditions until these matters are properly addressed. The granting of a longer term of consent subject to review conditions should not be used in lieu of an appropriate consent term. A condition to review consent conditions in the future cannot prevent the consent from being implemented for its intended purpose or duration.	See comments
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Sufficient Information for Decision	Ms Petricevich and Ms Thorne agree the Application undertakes a fulsome assessment of effects and that there is sufficient information for the decision-makers to decide on the Application. We remain of the opinion that the Application can be granted.	In my view, the application and supporting assessments are fundamentally flawed. They fail to identify Environment Southland's regionally significant Flood Control Works, or to acknowledge the Council's associated functions and statutory responsibilities. Furthermore, there is no assessment of how the proposal may influence or be influenced by the future FMU process. This information is critical to understanding the full effects of the activity and to ensuring the proposal is not contrary to the objectives and policies of the RPS and SWLP. S88(2)(b) states an application must "<i>include the information relating to the activity, including an assessment of the activity's effects on the environment</i>". In my opinion, some key effects have not been identified or assessed.	See comments
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4. Signatures

Signed by the participating planners:



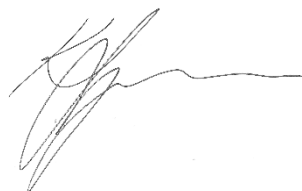
Ms Danielle Petricevich

Date: 28/07/2025



Ms Lisa Thorne

Date: 28/07/2025



Ms Kate Sannazzaro

Date: 28/07/2025