



Department of
Conservation
Te Papa Atawhai

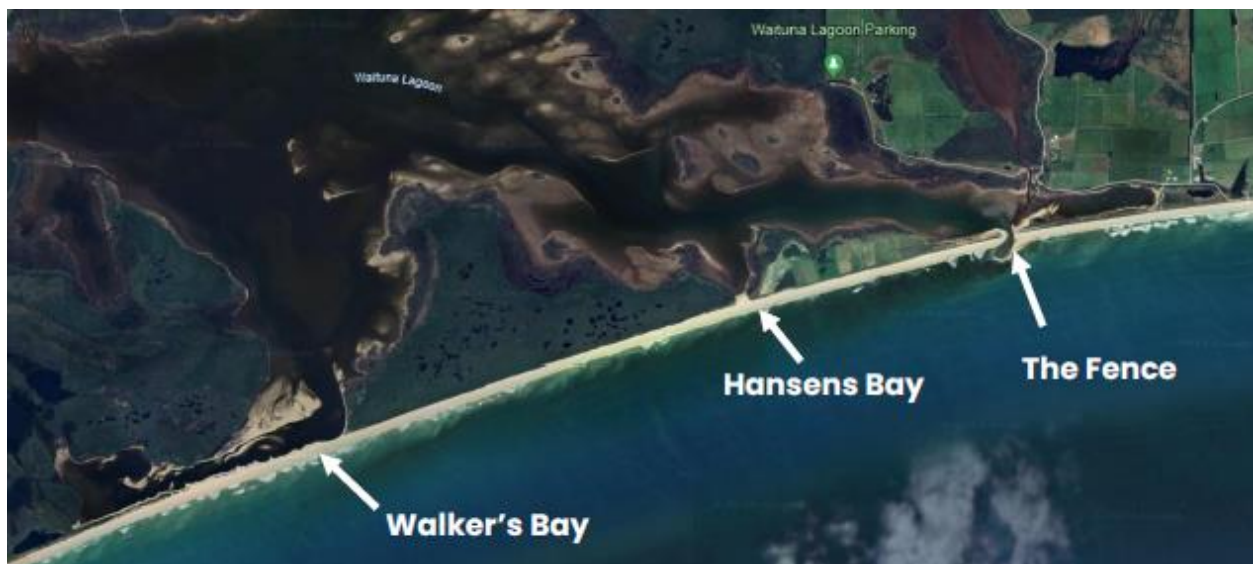
Minute 8 – Directions from the Hearing Panel, paragraph 3, requesting clarification about the Risk Assessment and proposed alternative opening locations:

3. *The Applicant is to provide clarification as to what the risk assessment is assessing and to what standards the alternative location/s are to be assessed, for the proposed alternative opening location/s anywhere along the coastal bar adjoining the lagoon. The Applicants are directed to provide that clarification to Ms Catherine Ongko (ResourceConsents@es.govt.nz), Hearing Administrator at Southland Regional Council (SRC), via email by 3pm on Tuesday 12 August 2025.*

Applicants' Response, Whakautu ki Nga Kaitono:

Opening Location Sought in Application

The site used most often for lagoon opening for at least the past 20 years has been Walker's Bay. The exceptions to this are one opening that occurred at Hansen's Bay and the emergency opening in the summer of 2024 at 'the Fence' near the eastern end of the Lagoon. All three sites are illustrated in the figure below.



The Application stated in Section 3 Proposal, 3.1 Proposed Lagoon Opening Regime:

Openings are recommended to continue at the long-term opening site at Walker's Bay based on the knowledge of effects at this location. However, a condition that relates specifically to opening location is proposed, so that alternative opening locations can be considered if a comprehensive risk assessment has been submitted and certified by the Consent Authority. This assessment would consider potential adverse effects on water quality, ecological, and cultural values.

The Application further stated in Section 3 Proposal, 3.2 How Openings will Occur:

*Openings of the lagoon will occur at the long-term opening site at Walker's Bay in the south-west corner of Waituna Lagoon, unless an alternative location is certified by the Consent Authority. A map of the opening location is provided at **Appendix D**...*

*The alternative opening locations if a future risk assessment deems them appropriate for use may include Hansens Bay or The Fence. These locations are also illustrated on the **Appendix D** map.*

The Application stated in Section 3 Proposal, 3.3.7 Opening Location:

Proposed Condition 1 outlines that the lagoon will be opened at Walker's Bay between NZTM 1,262,340E 4,831,360 N and 1,261,460E 4,831,000 N or unless otherwise certified by the Consent Authority in accordance with Condition 19. Proposed Condition 19 sets out that should the Consent Holder seek to open the lagoon at an alternative location to Walker's Bay, a risk assessment must be submitted to the Consent Authority, which must assess:

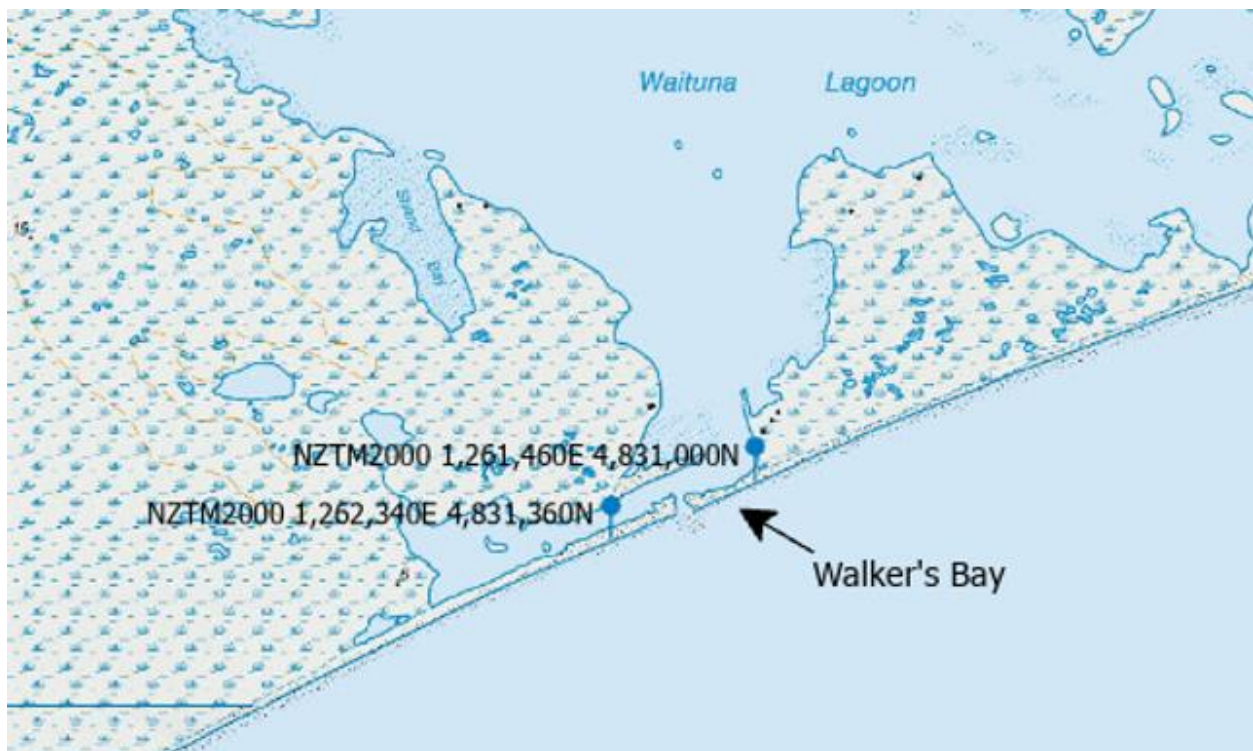
- *The risk to ecological and cultural values of the Lagoon, including: habitat for submerged and emergent aquatic plants, habitat and migration pathways for fish species, and fringing wetlands,*
- *The suitability of the location for managing poor water quality, and protecting the ecological and cultural values of Lagoon, and*
- *The overall environmental benefits of the proposed location, relative to Walker's Bay, and taking into account the recommendations of the Science Advisory Group.*
- *If the Consent Authority certifies the alternative location, then the lagoon may be opened at that location.*

The proposed conditions, updated through conferencing with the S42A author and attached as Appendix 1B of Ms Thorne's planning evidence, are as follows:

1. *This consent authorises the opening of the Waituna Lagoon (Lagoon) to the sea through the gravel bar at Walker's Bay between NZTM 1,262,340E 4,831,360 N and 1,261,460E 4,831,000 N, or at another location certified by the Consent Authority in accordance with **Conditions 23 and 24** [sic – correct reference is to conditions 26 and 27].*
...
26. *Should the consent holders seek to open the lagoon at an alternative location to Walkers Bay, or if an opening at Walkers Bay has not been undertaken within the preceding 5 years, a risk assessment must be submitted to the Consent Authority, for certification and must assess as a minimum:*
 - a. *The risk to ecological and cultural values of the Lagoon, including: habitat for submerged and emergent aquatic plants, habitat and migration pathways for fish species and fringing wetlands,*

- b. *The risk of water quality effects from erosion and sedimentation during opening of the lagoon and any measures required to mitigate these effects, including the consideration of erosion and sedimentation controls,*
 - c. *The suitability of the location for managing poor water quality, and protecting the ecological and cultural values of Lagoon,*
 - d. *The suitability of the site in relation to the time of the year/season, the potential for the opening site to remain open for an extended duration, and any measures that could be employed to reduce the duration the lagoon remains open, and*
 - e. *The overall environmental benefits of the proposed location, relative to other potential opening locations, and taking into account the recommendations of the Science Advisory Group.*
27. *The opening of the lagoon must not occur until written certification of the risk assessment has been received from the Consent Authority. Certification is to ensure that the risk assessment has been undertaken in accordance with **Condition 26**.*

The Walker's Bay location referenced in proposed Condition 1 is shown at Appendix D to the Application, and is illustrated below.



In effect, the proposed conditions require:

- lagoon openings take place at Walker's Bay between NZTM 1,262,340E 4,831,360 N and 1,261,460E 4,831,000 N, or
- at another location along the bar which may include Hansens Bay or the Fence, only where the ecological risks and the environmental benefits of the alternative location are considered and the alternative location is certified by the consent authority.

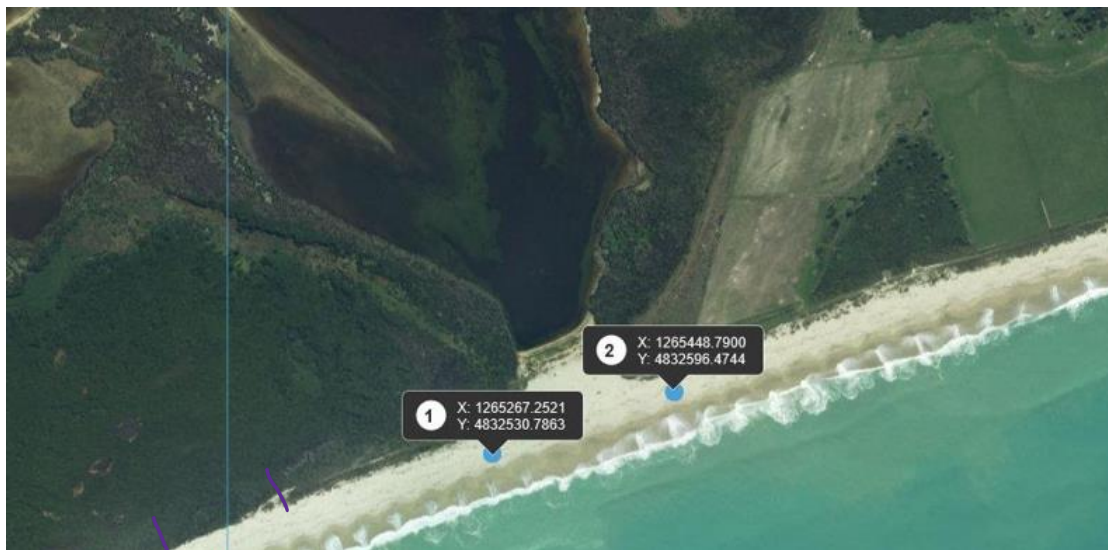
It is the intention of the applicants that the alternative locations:

- only occur along the gravel bar (i.e. that there is no disturbance or discharges to land or areas dominated by wetland vegetation), where the distance between the lagoon and CMA is narrow, and
- an alternative location is only certified if it will have the same or less effects than opening at Walker's Bay.

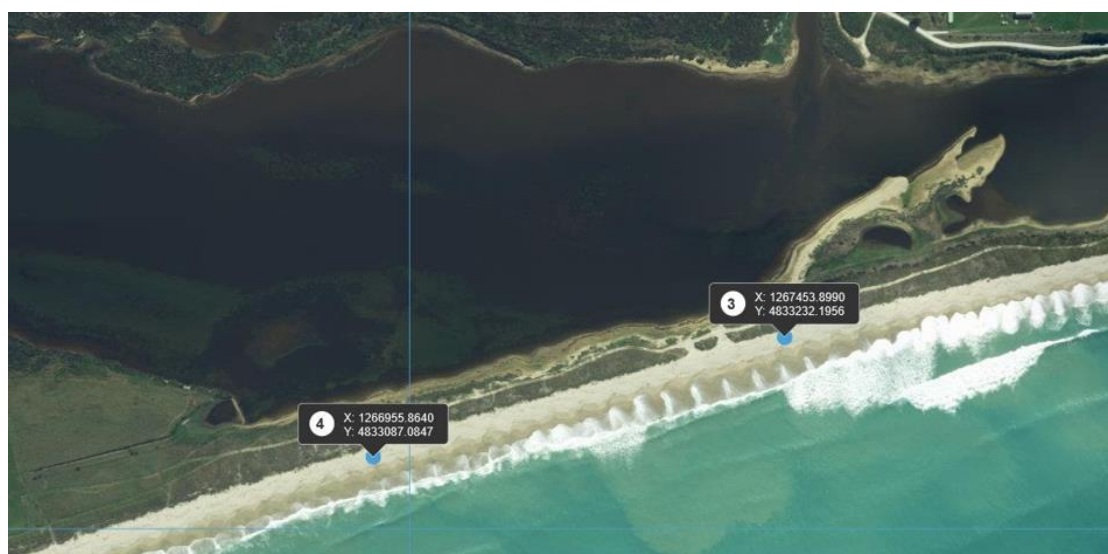
The applicants understand and agree that the wording of proposed Condition 1 is broader than was intended by the application, the scope of the location of alternatives can be narrowed, and the conditions relating to certification should be made clearer.

Alternative Locations to Walker's Bay

The applicants propose to amend Condition 1 to narrow the location of alternative opening sites (in addition to Walker's Bay) to the following coordinates for Hansens Bay and the Fence:



Hansens Bay – between 1. X: 1265267.2521 Y: 4832530.7863, and 2. X: 1265448.7900 Y: 4832596.4744



The Fence – between 4. X: 1266955.8640 Y: 4833037.0847, and 3. X: 1237453.8990 Y: 4833232.1956

Why is a certification process for an alternative location proposed

Walker's Bay is the preferred location, however, operational flexibility may be required to open at either of the two alternative locations now specified during the term of the consent, specifically to:

- minimise adverse environmental effects due to changing environmental conditions. Ecological attributes have potential to change in distribution and physical conditions at Walker's Bay and at alternative sites. Alternative opening sites provide operational flexibility to identify an opening site that further reduces effects on the environment compared to Walker's Bay.
- ensure the safety of staff and contractors undertaking the works and support management of public movements. Safety is of paramount importance. If physical conditions render Walker's Bay less safe, but an opening was needed with urgency, alternative opening locations would facilitate operational flexibility for health and safety.
- minimise site disturbance. To ensure the required machinery and support equipment can undertake physical works with minimum disturbance to the environment.
- facilitate an effective opening. Hydraulic and physical conditions (e.g. water depth at site, tidal conditions, volume of gravel) may vary at different locations and may influence the duration and flow rate of the opening event. Alternative sites may provide opportunity to facilitate either shorter or longer opening events. Community members involved in previous historic openings also highlighted the value of alternative locations.

If an alternative location is certified as having the same, or a more positive outcome than Walker's Bay, then opening at that location for the reasons listed above should be enabled in the conditions.

The Science Advisory Report attached as Appendix B to the Application (*Technical review of conditions for opening Waituna Lagoon*) (Report) provided an assessment in Section 6.8 of the effects of different opening locations on lagoon health.

Table 9 of the Report summarised the implications of alternative lagoon opening locations. It concluded:

"[the] recommendation is to continue to use the Walker's Bay location for opening events, given the proximity to Waituna Creek (the primary source of contaminants to the lagoon) and as the site is further away from regions of the lagoon with established macrophyte beds. Alternative locations may also be considered if the location does not have an impact on established macrophytes beds or other lagoon values. It is advised to complete a comprehensive risk assessment on potential adverse effects on ecological and cultural values, including water quality management for alternative locations."

There is a long history of opening events at Walker's Bay and the environmental response of the lagoon to opening events at this location has been observed and monitored on many occasions. However, having the ability to use other locations in future provides flexibility to manage and minimise environmental effects (if lagoon conditions change) and to ensure health and safety. At present there is insufficient information to include alternative opening sites along with Walker's Bay within Condition 1 without certification to confirm these alternatives would have the same or lesser effects than an opening at Walker's Bay.

Table 9. Alternative opening locations and environmental implications from Science Advisory Report.

Value	Walkers Bay	Hansens Bay	The fence
Ecological and cultural values	Historical opening site that is further away from areas of lagoon that regularly supports	Site is close in proximity to eastern end of lagoon that often supports healthy beds of submerged plants	Site is close in proximity to eastern end of lagoon that often

Value	Walkers Bay	Hansens Bay	The fence
	healthy beds of submerged plants		supports healthy beds of submerged plants
	No direct effects on birds Maintains fish populations in Waituna Creek	No direct effects on birds. Potential indirect effects on stream fish populations and plant community.	No direct effects on birds. Potential indirect effects on stream fish populations and plant community.
Suitability for managing poor water quality	Site is closer in location to Waituna Creek, the sub-catchment that provides highest contaminant loads Previous opening events have improved water quality	Site is considerably further away from Waituna Creek, the sub-catchment that provides highest contaminant loads Previous opening events have improved water quality	Site is considerably further away from Waituna Creek, the sub-catchment that provides highest contaminant loads Previous opening events have improved water quality
Suitability for providing fish passage	No expected difference between sites in terms of fish passage into the lagoon		
Potential for managed closure at the opening site	No expected difference between sites in terms of potential for managed closure, although further assessment may be necessary		
Overall	Preferred opening location based on current information	Not advised to use location until further risk assessment undertaken	Not advised to use location until further risk assessment undertaken

What the risk assessment is assessing and to what standards are the alternative location/s to be assessed

The risk assessment is primarily focused on ensuring the risk to ecological and cultural values of the lagoon is no greater than opening at Walker's Bay. That is, to consider the anticipated impact of the opening location, relative to the Walker's Bay location, based on the attributes and standards identified in Table A below, to certify that the alternative location has the same or lesser effect.

Table A: Proposed attributes and standards for consideration of opening locations specified in Condition 1:

Attribute	Standard relative to Walkers Bay
Submerged and aquatic plants	The risk of disturbing established beds of submerged and aquatic plants
Habitat and migration pathways for fish species	The risk of disturbing fish habitat and adversely affecting migration pathways for fish species
Fringing wetlands, including rare and threatened plant species	The risk of disturbing wetland habitat at the opening location, including rare and threatened plant species
Bird nesting, including rare and threatened bird species	The risk of disturbing known bird nesting at the opening location, including for rare and threatened bird species
Water quality in the lagoon	The risk that increased water flow/movement towards the opening location will adversely affect water quality in the lagoon
Sites of cultural importance (Wāhi Taonga/Tapu)	The risk of disturbing sites of cultural importance

Having considered the Table A standards and where in order had the alternative site certified by the Council, the applicants would then consider:

- the potential for the opening site to remain open for an extended duration, and any measures that could be employed to reduce the duration of opening; and
- the practical feasibility of the opening location site, including in respect of health & safety.

The applicants propose that changes to Conditions 1, 26 and 27 (to spatially narrow the alternatives to Hansens Bay and the Fence in accordance with the figures and coordinates provided above, and to amend the risk assessment conditions to include certification of clearer performance standards) are addressed through the upcoming conferencing between the planners.