

Our reference: IRIS ID: APP-20171214-01-V2  
Enquiries to: [adele@incite.co.nz](mailto:adele@incite.co.nz)  
[resourceconsents@es.govt.nz](mailto:resourceconsents@es.govt.nz)



17 July 2018

Wilson Contractors on Behalf of Southland District Council  
C/- Bridgett Aitken  
Bonisch Environmental  
PO Box 1262  
Invercargill 9840

Dear Bridgett,

***Request for Further Information under Section 92(1) of the Resource Management Act 1991 -  
Application to vary AUTH-20171214-01-V1***

***Response required by: Tuesday 7<sup>th</sup> August 2018***

Thank you for lodging an application on behalf of Wilson Contractors to vary AUTH-20171214-01-v1.

I have been processing your consent application on behalf of Environment Southland and require further information before a determination can be made on your application.

Please provide<sup>1</sup>, in accordance with Section 92(1) of the Resource Management Act, the following information:

**Fish passage**

Environment Southland Technical Specialist – Environment Scientist Surface Water Quality has reviewed the application and assessment of effects and considers that the culvert as installed could be a barrier to fish passage. This is on the basis that insufficient evidence has been provided to demonstrate that a ‘backwater’ effect occurs at the site of the culvert and that this will remain the case following the expiry of the consent. Even if there is a ‘backwater’ effect occurring, this cannot be maintained by the Applicant and therefore cannot be relied upon to ensure fish passage is continuously provided.

Further mitigation measures or evidence about what is proposed is required to demonstrate that fish passage will be provided for following the expiry of the consent. You may wish to consider further

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<sup>1</sup> Under Section 92(1) of the Resource Management Act 1991 (RMA) the Council may, at any time before the hearing of an application, or if no hearing is to be held, before the decision to grant or refuse the application is made, request in writing that the applicant provide further information relating to the application

instream works to provide fish passage such as a fish ramp. Such mitigation will need to consider the species present in the stream. You may also wish to consult with Fish and Game and Environment Southland when considering suitable mitigation options.

### **Flood risk**

The application states that *“the culvert is large enough not to restrict flows, the crux of the issue in the installation was not at the specified 300mm below bed level to provide for fish passage.”*

As the culvert has been installed 240mm above the bed level, the culvert may present an impediment to flood flows and therefore exacerbate flood risk. Please provide further evidence to demonstrate that the placement of the culvert will not increase flood risks to neighbouring properties.

### **On-going use of the culvert**

Please provide an assessment of the proposed activity against Rule 59(c) of the proposed Southland Water and Land Regional Plan and Rule 28(c) of the Regional Water Plan to demonstrate that the on-going use of the culvert is permitted. If the permitted activity conditions cannot be complied with, a new resource consent application will be necessary.

The determination of your application is postponed until receipt of this information.

Under Section 92A of the RMA you have until 15 working days from the date of this request, which we calculate to be **Tuesday 7<sup>th</sup> August 2018**, to either provide the information, tell the Council, in writing, whether you agree to provide the information, or that you refuse to provide the information.

If you refuse to provide the information requested, or if you do not respond to this request, the Council may decline the application on the grounds that it has inadequate information to determine the application.

If you would like to discuss any of this request in more detail, please don't hesitate to contact me via email at [adele@incite.co.nz](mailto:adele@incite.co.nz) or phone 027 861 8846.

Yours sincerely



Adele Dawson  
**Consultant Consents Officer**

**cc:** **Wilson Contractors Ltd**  
C/- Darcy Pine  
22 Onslow Street  
Invercargill 9812

