

Catherine Ongko

From: Stephen West
Sent: Friday, 19 March 2021 4:08 pm
To: 'luke.mcsoriley@wsp.com'
Subject: Request for further information s92(1) - Titiroa ride gates - APP-20211135

Tēnā koe Luke,

Thank you for applying on behalf of Environment Southland's Catchment Management Division for resource consents to occupy part of the coastal marine area with structures, and to dam and divert water, for the Titiroa tide gate structure. 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.**

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.

1. Please identify the specific management arrangements of the Titiroa Wetland Reserve which mitigate or have mitigated, the adverse effects of the tidegates on inanga spawning migrations. I understand that this is to be through restoration and enhancement of the inanga spawning habitat within the reserve. However the High Value Area assessment report included in the application does not directly refer to inanga spawning habitat.
2. Please quantify the scale of mitigation compared to the scale of the adverse effect of the tidegates. In particular, is the scale of restoration and enhancement of habitat likely to be significantly larger than the adverse effect of the tidegates?
3. Of the management recommendations from the High Value Area assessment report, what specific measures are being implemented that would restore inanga spawning habitat, and what is the timeframe for implementation?
4. Please assess whether the recommendation in the High Value Area assessment report harm or enhance inanga habitat. If it would be harmful, would that action be removed from the recommended actions for the reserve?
5. If it cannot be shown that the restoration of inanga spawning habitat is greater than the adverse effect of the tidegates on inanga spawning, what additional measures are proposed or being considered? Would, for example, seeking change to the whitebait fishing regulations to exclude a greater area around the tidegates be helpful mitigation? Or could the applicant carry out or contribute to sufficient mitigation of inanga habitat elsewhere around Toetoes harbour or the lower Maitai to offset the adverse effect?
6. How will the effectiveness of mitigation be monitored?
7. Please assess the ecological effects of the tide gates on species other than fish, in particular remnant bush blocks and wading bird populations/feeding areas.
8. Please assess the amount of private land (not owned by the applicant) protected by the tidegates. I wish to understand whether only land occupied by the applicant benefits from the tidegates. If that were the case, it raises questions about whether the current use of land by the applicant is appropriate and the need for the tidegates.

I am seeking this information because:

- The PDP report identifies that the tidegates "probably have a significant and detrimental effect on spawning migrations of inanga in the Titiroa River". The report also states that "it may be possible to mitigate the effects of the tidegates on inanga spawning by restoring and/or enhancing inanga spawning habitat in other nearby environments". The application states that the Titiroa Wetland Reserve is being managed to maintain and enhance the margins of the stream and inanga spawning habitat. However the specific mitigations measures are not identified, nor is the scale confirmed as sufficient to fully mitigate or offset the adverse effect of the tidegates on inanga spawning.
- The assessment of effects on the environment is largely focused on the ecological effects on fish and, to some extent, effects on properties protected by the tidegates. That leaves questions about other ecological effects. For example, are the tide gates having an adverse effect on flood plain forest in the area?

- I understand the tidegates affect or protect 11,500 hectares of land. I assume that most of this is private land, but it would be helpful if that was confirmed. If this area was largely land owned by the applicant, then, given the applicant’s purposes as an organization, an alternative to the tidegates would be to consider alternative uses for the land.

You must, by **9 April 2021**, 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 by phone at Environment Southland Monday-Friday 8.00–4.30 on 0800 76 88 45 or this email address. Otherwise, if you need more information:

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

Ngā mihi

