

**BEFORE A COMMISSIONER APPOINTED  
BY THE SOUTHLAND REGIONAL COUNCIL**

**IN THE MATTER**      the Resource Management Act 1991

**AND**

**IN THE MATTER**      of resource consents to occupy the Coastal Marine Area  
with a tide gate and weir and to dam and divert water

**AND**

**IN THE MATTER**      of an application by **SOUTHLAND REGIONAL  
COUNCIL**

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**MEMORANDUM OF COUNSEL FOR THE APPLICANT IN RESPONSE TO  
QUESTIONS FROM COMMISSIONER  
8 OCTOBER 2024**

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**MAY IT PLEASE THE COMMISSIONER**

1. By minute dated 2 September 2024 the Commissioner asked the Applicant four questions. It is understood the answers to these questions are intended to assist the directed expert conferencing.
2. Accompanying this memorandum are responses to the questions from Mr Gardener and Ms Drummond. Mr Gardener has provided answers to questions 2(a), (b) and, in part, (d). Ms Drummond has provided an answer to question (2)(c) and substantively answered (2)(d).
3. In the meantime, my client can advise that it has sought advice from Mr Gardener on the potential of increased drain inundation if a fish passage letterbox is installed on one gate. It is comfortable that a letterbox with similar dimensions to the example at Taranaki Stream in Canterbury (approximately 400 mm high and 150 mm wide) could be installed in the existing gates within an acceptable tolerance to it.
4. Environment Southland is presently considering the final design of the letterbox, along with a detailed monitoring plan. That information is intended to be provided directly to the parties in advance of presenting it to the Commissioner and expert conferencing. I have therefore been instructed to indicate my client intends on engaging directly with submitters over the coming weeks. No assistance is sought from the Commissioner with the direct engagement at this time.



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CP Thomsen  
Counsel for the Applicant  
8 October 2024