



Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

Summary of Notification Recommendation

Under sections 95A(2) and 95A(3)(a) the application must be publicly notified as public notification has been requested by the applicant.

As the applicant has requested the application be publicly notified, no determination is required to be made as to the significance of adverse effects of the proposed activities.

The application

Applicant:	Te Rūnanga o Awarua, Department of Conservation, and Environment Southland
Application reference:	APP-20242456
New consent(s) for new activity(ies) (s88)	<input checked="" type="checkbox"/>
New consent(s) for existing activity(ies) (s88)	<input type="checkbox"/>

The Proposal

The application (reference APP-20242456) is for the periodic opening of the Waituna Lagoon, which includes the following activities:

- **Water and Discharge Permits** for:
 - The diversion and discharge of water and sediment from Waituna Lagoon to the Coastal Marine Area (CMA)
 - The diversion and discharge of seawater and sediment from the CMA into the Waituna Lagoon
- **Land Use and Coastal Permits** for:
 - Earthworks and disturbance of the bed of Waituna Lagoon and margins
 - Disturbance of the CMA
 - Incidental indigenous vegetation clearance

The purpose of the activities is to establish a regime for the management of water levels in the lagoon. The proposed regime utilises a combination of water level, ecological, water quality and fish passage triggers and thresholds over a 20-year term to guide lagoon openings.

Planning Framework

Resource Consents are required under the Southland Water and Land Plan (Partially Operative) (SWLP), by the following rules:

- Rule 4(a), for the discharge of coastal water and sediment to the lagoon, as a *Discretionary Activity*.
- Rule 49(d), for the abstraction and diversion of surface water from the lagoon to the coastal marina area, as a *Non-Complying Activity*.
- Rule 71, for the excavation and disturbance of the bed of a lake, as a *Discretionary Activity*.

- Rule 74(b), for the use of land within a wetland for the purpose of maintaining or enhancing the wetland, as a *Discretionary Activity*.

While the pSWLP is partially operative, all aspects of the pSWLP that are relevant to this application are partially operative and therefore have full legal effect. Therefore, there is no need to revert to the Operative Southland Water Plan.

Resource Consents are required under the Regional Coastal Plan (RCP), by the following rules:

- Rule 10.1.6, for the disturbance of the CMA, as a *Discretionary Activity*.
- Rules 7.4.2.2, 7.2.2.1 and 7.3.2.1, for discharges to the CMA, as a *Discretionary Activity*.
- Rule 10.5.3, for the removal of vegetation, as a *Discretionary Activity*.

Resource Consent is required under the RMA by sections 14 and 87B as a *Discretionary Activity*, for the diversion of water in the CMA, as this activity is not captured by the RCP.

Resource Consent is required under the National Environmental Standards for Freshwater (NES-F) by Regulation 39, for vegetation clearance, earthworks/land disturbance, the taking/damming/diversion of water and the discharge of water, within or within 10 – 100m of a natural inland wetland, where these activities are undertaken or the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity, as a *Restricted Discretionary Activity*.

Overall, the application is a **Non-Complying Activity**.

Actual and Potential Adverse Effects

The following actual and potential effects of the proposed activities are considered to relate to:

- Water Quality
- Impeded Drainage, Inundation and Flooding
- Ecological values
- Cultural values
- Archaeology and Historical Heritage
- Landscape and Natural Character
- Public Access to and along the Coast
- Recreational Values

As the applicant has requested public notification, no determination on the significance of effects is required as part of this report.

Public notification

Under sections 95A(2)(a) and 95A(3)(a) the application **must** be publicly notified as public notification has been requested by the applicant.

As part of the public notification, in accordance with section 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003, I consider that direct notice should be served to the relevant required authorities, groups identified by the Applicant who were previously consulted and in addition property landowners and lease holders (on Environment Southland owned land) in the following table.

Properties within 2km of the lagoon and 2km of the most upstream locations identified in the NIWA Report (<i>Waituna Lagoon level impacts on land drainage and inundation. Investigation Stages 1 and 2. Prepared for Department of Conservation, February 2016</i>).		
770 Lawson Road	267 Moffat Road	195 Talls Road
95 Marshall Road	380 Waituna Lagoon Road	997 Waituna Lagoon Road
746 Lawson Road	45 White Pine Road	650 Hanson Road
720 Lawson Road	339 Awarua Bay Road	670 Hanson Road
79 Waituna Lagoon Road	196 Miller Road	915 Waituna Lagoon Road
161 Waituna Lagoon Road	34 Waituna Lagoon Road	585 Marshall Road
108 Moffat Road	175 Miller Road	301 Waituna Gorge Road
182 Moffat Road	75 Miller Road	514 Marshall Road
621 Waituna Lagoon Road	358 Marshall Road	194 Talls Road
621 Waituna Lagoon Road	106 Buddle Road	200 Waituna Lagoon Road
213 Waituna Lagoon Road	427 Marshall Road	213 Waituna Lagoon Road
500 Clearwater Road	700 Marshall Road	525 Waituna Lagoon Road
150 Cook Road	72 Cook Road	220 Moffat Road
460 Waituna Lagoon Road	235 Waituna Lagoon Road	491 Waituna Gorge Road
900 Holz Road	535 Waituna Lagoon Road	500 Waituna Lagoon Road
890 Holz Road	433 Waituna Lagoon Road	837 Waituna Lagoon Road
900 Waituna Lagoon Road	358 Holz Road	600 Marshall Road
180 Marshall Road	961 Waituna Lagoon Road	332 Marshall Road
279 Marshall Road	1000 Waituna Lagoon Road	215 Waituna Lagoon Road
1015 Waituna Lagoon Road	1271 Tiwai Road	848 Lawson Road
593 Marshall Road	Lot 1 DP 334988	Lot 3 DP 557443
Section 32 Block XIV Oteramika HUN	Section 7 Block VII Toetoes SD	Section 13-20 Block VII Toetoes SD



Danielle Petricevich
Consultant Planner

Date: 2/08/2024

Delegated Authority Sign Off

The application will be publicly notified

This decision is made under delegated authority by:

Notification memorandum

A handwritten signature in black ink, appearing to be 'Lacey Bragg', enclosed within a hand-drawn oval.

Lacey Bragg
Consents Manager

Date: 5 August 2024