

Resource Consent submission

To: The Chief Executive
Environment Southland
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Date 01/09/2024 16:17
Online reference number RC240900196

Full name of submitter Lloyd McCallum
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Email

Applicant details

Name of applicant Lloyd McCallum
Activity location Waituna Lagoon
Application number Te Rūnanga o Awarua, Department of Conservation, and Environment Southland (APP-20242456)

Submission details

My submission relates to the whole application Yes
Submissions uploaded Lloyd McCallum who are you and why are you submitting.docx (29 kb)
Broadlands.docx (13 kb)
I am a trade competitor of the applicant (for the purposes of section 308B of the Resource Management Act 1991) No

For now
& our future



Outcome sought

I wish Environment Southland to make the following decision To oppose the application.
Why I wish Environment Southland to make this decision Against the application, and all comments are in my submission

Hearing details

I wish to be heard in support of my submission Yes
I would consider presenting a joint case if others make a similar submission Yes
I wish to be involved in any pre-hearing meeting that may be held for this application Yes

Confirmation

I have served a copy of my submission on the applicant and I confirm all of the above information is correct

For **now**
& **our future**



Submission by Lloyd McCallum

I became involved with Waituna area when I was a Share Holder Councilor with Fonterra and then was a councilor with Southland Regional Council (ES) for 9 years. In my role on ES, I was deputy chairman for 6 years, and Co-chaired both the Whakamana te Waituna Trust and the Te Wai Parera Trust , which was set up in 2019. I was on the Land purchase group that brought together the land purchases and agreements that we see around the Lagoon today.

Since leaving the ES Council I have worked with the community and have an interest in finishing the work I started at ES to work with the community and all other interested parties, to get workable consents in place so everyone can enjoy Waituna Lagoon and surrounding area whatever their interest.

I have farmed at Wilsons Crossing all my life apart from obtaining a Diploma in Agriculture and Farm Management at Lincoln College in 1979 - 1980

Thank you for the opportunity to submit on the Periodic Opening of the Waituna Lagoon to the sea.

After reading the consent application and supporting material, I seem to have more questions than comfort, to the management of this area for the benefit of all New Zealanders.

In your opening statement you say, "When the land and waters are well, so are the people." When I look over the condition of both land and water you have some long-term problems arising and getting worse by the day. The land is waterlogged and becoming un-farmable with no access either by road or bridge for long periods of time (months), also the water monitoring and results at these high levels are still unknown after the Emergency Opening earlier this year and its recovery.

When I align your application to what I see physically on the ground, in and around Waituna Lagoon, there seems to be a strong disconnect so I make the following comments.

1. Unless Department of Conservation (DOC) has given you in writing permission to access and dig through the bank or sea wall, as stated by the Reserves Act, then this hearing should stop until that permission is given. The written permission should be for any consent given both long and short term, for the term of the consent granted.
2. It is clear, that not all parties (DOC, iwi and ES) are aligned as stated in the documents provided, this hearing should ask that one party take this consent forward. I enclose a letter I wrote to both ES and Penny Simmons our local MP.
3. This consent application reads like a DOC application with the chairman of the Technical Advisory Group also a DOC staff member, this is an untenable position for all. There is NO independence here and it took over 2 weeks for DOC to realise the state of the lagoon and its trends before the Emergency Opening earlier this year, this work was led by ES.
4. The big question has not been clarified regarding whether under the NPSFWM is there a wetland/drainage issue as Fish and Game have stated and threatened court action to Waituna Control Association, which was dropped when their consent application was withdrawn. That leads on to where you can open to the sea, this application should have multiple options stated and anyone of them could be used depending on the Lagoon Health and time of year.
5. Is the 2.5m trigger level correct, or any other level, and the flow on effects of a high lagoon for a long period of time understood? The answer is NO, it is not. The correct level is 100mm below the level the Southland District Council (SDC) will close the access over the Waghorn bridge, that is about the 2m mark. Once at this height it must be let go.
6. We understand the sea wall is leaking 30% less lagoon water to the sea than modelled so is the modelling correct. Does the consent applicant understand the flow on effect at different times of the year?

7. If you stand back from this, nearly 3-years have passed from the last consent, with NO continuous rights no one seems to be working with any urgency. Overlay the current application over that time period, the Lagoon would not be opened at all and we have not reached the 2.5m mark yet. It was opened for Lagoon Health reasons under a stressful period of trying to convince other interested parties there was an urgent need to open the Lagoon.
8. This opening was done under Emergency Management for lagoon health reasons, but this was fought strongly by 2 of the 3 parties for some time. The lagoon health was highlighted to ES by a member of the public and not by testing and monitoring of the consent applicates. This is the second time a member of the public has told ES of the state of the lagoon.
9. There seems to be extraordinarily little science done regarding the Indigenes Vegetation loss, the hydraulic effect above any lagoon water level, water movements within the lagoon, effect of wind, bank erosion and sediment movement after long periods of a high lagoon.
10. The soil profile has a gravel layer to it that is not seen in other soils profiles around Southland that makes erosion a matter of concern for the whole lagoon area.
11. SDC needs to be very clear regarding its assets around the lagoon, namely roading and bridge access. This effects tourism, public access, landowner access, recreational use, heavy machine access, pine forest maintenance, and iwi to manage the land under its care.
12. Who will pay for the repairs to roading, bridge approaches, all tracks made to get around road being under water and bridge maintenance as it is waterlogged for long periods of time (months), this would include a health and safety concern for everyone entering the Waituna Lagoon area? As a ratepayer this cost should be paid for by ES, Iwi and DOC as they are responsible for this issue.

13. With the road closed, there seems to be no date or Lagoon height in the public arena stating, when the bridge will be opened again. This means that iwi or any other party cannot enter the lagoon infrastructure for any reason without breaking the law. Looking at the state of the roading we can see from across the bridge the water level will need to be lower for a long period of time, before the road can be brought back up to standard for safe travel by any vehicles.
14. SDC must state at what level they will close the road to the Waituna Lagoon lookout road and the level should be 100mm less than that, regardless of time of year and how long it stays there. The hydraulic effect is greater than I thought, I was of the option 500mm to 1m was the hydraulic effect (wetting effect above the water level) but it now looks like from field observations it could be closer to 1.5m or more because of the length of time the lagoon is at these high levels.
15. The communication plan should be done up front and not within 6 months of granting the consent. The general public wants to know the state of the lagoon at any time and who and where do they raise their concerns or comments and who will be responsible to release information to the public.
16. The application states several times “a shared interest in protecting and restoring its ecological health and cultural values” but what I see from looking around the Waituna Lagoon area now, is the opposite. How do you show case this to the world? The fact that it has taken so long to get to this point tells me the 3 parties don’t want to open the Lagoon again.
17. Earlier this year the Lagoon was opened under Emergency Management, but I do not see any understanding of the effects on Aquatic life or follow-up work to get an understanding of environmental effects of an algae bloom or whether the lagoon should be opened to the sea again sooner than a trigger level release.
18. Because of the way the consent applications played out, there is no continuous rights, so I urge you to either put a short term consent in place or put a 5 year consent in place while a number of matters are sorted. In my view this is not how you treat a New Zealand natural asset.

19. The last 120 years Waituna Lagoon has been opened to the sea, community assets have been put in, land has been bought and sold, livings have been made and Waituna Lagoon has been show cased to the world, but not now, this is the poorest state I have seen the Lagoon and a high water level for now months at a time, this is not sustainable in the long term. In my view you are now affecting the Property Rights of all the landowners around the lagoon.
20. It is very hard to manage, monitor and follow the lagoon health with testing being done once a month and getting results 3 weeks later, means you are about 6 to 8 weeks behind actuals. Then sharing with 3 parties and other groups is too slow if the lagoon needs extra testing or urgent action
21. There have been two occasions now with road closed signs up, that trucks have been going over the bridge to get balage out which was sold and stored in paddocks. SDC needs to be clear to all parties that either the road and bridge is open or closed, therefore I call on SDC to put their roading policy before all parties of this consent hearing, and to be considered with all other material.
22. In a flood the water levels are short term, 2 to 5 days, but in this case the lagoon goes up with weather events and is staying at these high levels for months, we have a carbon forest at the west end under water stress and dying, large areas of land water stressed and access blocked. The flow on effect of this is starting to really show its face now.
23. I farm using best practice techniques, sound management system with help from consultants and have shown our farm to many interested parties both local and international over time. But I do not want to show case Waituna Lagoon and surrounding area to visitors in this state.
24. Local farmer Ray McCrostie stated at a community meeting earlier this year "we are sick of talking to you, as you do not listen, so now the Lagoon will do the talking." We still do not know how much damage is being done until the Lagoon goes down.

25. When the Lagoon is ready to let go all but one party gets 24 – 48hr relief from the water level, but not Owen Kelly's old property on the north side of the concrete bridge, his water level only went down 100mm/day. This is because the little Waituna is blocked up with flax and DOC will not let anyone open up the channel, as has been done in the past. There is also an overflow by-pass that Ray Waghorn put in to take water around the flax on the west side but when we asked DOC to allow us to use it they said NO and told us to block it off, or they take will take court action against Ray Waghorn.

26. I read the following article

“Ex councillor wins battle over pines Tasman. “

Geoff Evans took the Marlborough District Council to the Environment Court in 2022 to stop the council taking over control of wilding pines on his family property Stronvar Station. The following words are to be put into the councils plan

“Over the duration of this plan, all pest conifers within Stronvar Retirement Area to be contained or reduced through a site-led programme to reduce adverse effects on the environment, enjoyment of the natural environment and economic wellbeing.” The last comments from the High Court, I thought would also apply to Waituna Lagoon as under lined.

27. As there is and was leakage through the sea wall, I believe you can put 6 – 10 pipes through the sea wall and set the levels so as the lagoon raises you can use gravity to let water to the sea. This happens naturally so to aid this process make sense to me. I do this on my own property, and it works very well. If we can float dairy sheds on peat then we can put pipes through gravel banks. I can give more detail later of how you do this with the outcome giving you more control over lagoon water levels then you have at present.

28. I understand that a number of pest control traps are under water, so who is paying for that work and will traps be effective after being under water for months or are they right offs?

29. We all must have open minds to try some of the ideas to open the lagoon at different heights, timing, fish passage, leakage pipes through sea wall, water movements in lagoon, science outcomes, results and testing turn around, to have a failure is still a positive outcome.
30. At the present time you are running a Very High Risk Policy around lagoon water levels, and if you follow the media reports of weather events around the world, major flooding, loss of access and stock losses by land owners are real. A weather event in the spring, like we had a few years ago, afforded major flooding because the lagoon was open to the sea, but a high lagoon as we have at present would see the worst flooding in years and unable to release the lagoon to the sea as all access would be lost and home owners stranded.
31. You can put up all the Acts of Parliament you like, all parts of the RMA, NPS's, NES's and local plans you can find, but I put it to you, go and have a real look around all parts of the lagoon over a couple of days. This is not the Waituna Lagoon we all signed up for and to show case how to manage areas like this for all national and inter-national interests. This is not how you treat a Ramsur site or a scientific reserve in my view.

Recommendations

32. The height of the Waituna Lagoon be set at 100mm below the level set by SDC that they will close the road and bridge access.
33. That one party holds the consent to open the Lagoon to the sea.
34. That putting pipes through the sea wall to aid leakage to the sea be seriously considered
35. The science programmes need to be clearly set out and communicated to all parties
36. The communication plan needs to be done before the consent is granted.
37. The lagoon needs to be released to the sea now.
38. The new consent should have multiple opening options and not just one.
39. DOC must give permission to travel and dig through sea wall before any hearing takes place, for any granting of a short or long-term consent
40. Only grant a 5-year consent as there are too many unknowns and 2 years would be better.
41. Need to get ruling on NPSFWM in relation to wetlands and where openings can occur.

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31 January 2024

Hon. Penny Simmonds

MP FOR INVERCARGILL

22 Kelvin street

Invercargill

Penny

Thankyou for your time at Edendale Crank Up Day.

The purpose of this Email is to ask that DOC (Department of Conservation) be removed from the consenting process to manage the Waituna Lagoon and allow ES (Environment Southland) to take full control.

I am making this request due to my involvement representing this community for many years first as Fonterra Shareholder Councillor 2001 to 2014 and then as elected ES councillor and deputy chairman E/S 2013 to 2022. During my time on E/S representing the Southern Ward I have held a number of roles including chairing Whakamana te Waituna Charitable Trust and Te Wai Parera Trust. After my role finished last election, I have continued to work in the Waituna Lagoon area with the community groups.

The reconsementing process has been held up with inter agency conflicts which have continued for many years and the present application is on hold. There is No consent in place to open the Lagoon either for a height trigger level release or for Ecological Health concerns and also there has been a loss of continuous rights from the last consent. It is my view that one agency should have this consent working with iwi and community , the same as Te Waihora (Lake Ellesmere) in Canterbury.

DOC in my view should sign over the right of access under the Reserves Act so all matters relating to the management of Waituna Lagoon is in one place.

ES need to create a forum for interested groups or individuals to share science, monitoring, and reports along-side the farming community, implement Waituna strategy and management plans.

I know that as of today 31/01/2024, ES has opened the Lagoon to the sea under Emergency Powers, because of an toxic algal bloom (cyanobacteria) and this has been a pain staking process dealing with DOC and Iwi. In the end it was opened after consulting the control association chair (Ewen Pirie) who held the last consent now lapsed for 2 years approximately.

I am happy to be contacted at any time to explain this letter further on

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Thankyou for your time

Lloyd McCallum

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