

# Resource Consent submission

To: The Chief Executive  
Environment Southland  
Private Bag 90116  
DX20175  
Invercargill

**Date** 03/09/2024 03:41  
**Online reference number** RC240904094

**Full name of submitter**  
**Postal address**  
**Contact phone number**  
**Email**

Raewyn van Gool

Section 53

## Applicant details

**Name of applicant** Te Rūnanga o Awarua, Department of Conservation, and Environment Southland (APP-20242456)  
**Activity location** lisa.thorne@taylorplanning.co.nz  
**Application number** APP-20242456

## Submission details

**My submission relates to the whole application** Yes

**Details of my submission** I do not support the application.  
Length of consent applied for While Resource Management (National Environmental Standards for Freshwater) Regulations 2020 are currently in force and this application needs to be considered under them, I believe that the length of time this application is applied for is too long. The current government has now

For now  
& our future



introduced to Parliament, The Resource Management (Freshwater and Other Matters) Amendment Bill (the Bill) and it is currently before the select committee. A lot can change in 20 years and the consent period needs to be shorter to allow for changes in legislation.

#### Fit and Proper Applicants?

Two of the applicants have not been involved in managing an opening consent – ever.

I believe that one of the applicants is heavily conflicted in being part of this application. Department of Conservation is a body of the Government of New Zealand. It is only an advisor to the Whakamana te Waituna Trust – it could potentially be conflicted if it were to vote on decisions. It is also the organisation responsible for administration of Ramsar in NZ. Ramsar uses the term 'Wise use' in reference to wetlands.

<https://www.ramsar.org/sites/default/files/documents/library/info2007-07-e.pdf>

With regard to the fifth Ramsar Strategic Plan, the COP, among others:

- 
- encourages the new Working Group to keep the goals of the fourth Strategic Plan in the fifth Strategic Plan to maintain consistency and continuity in reporting; and
- recognizes the important role that stakeholders can play and the need to enable contributions, in particular of Indigenous Peoples, youth, women and girls, local communities, and the business sector in conserving, restoring, and wisely using wetlands and providing solutions to global environmental, social, and economic challenges.

<https://enb.iisd.org/convention-wetlands-ramsar-cop14-summary>

There is nothing in this application which provides any context for the social and economic challenges on the local catchment community – therefore DoC is failing a strategic Ramsar Guideline.

Te Waihora/Lake Ellesmere is a similar situation to Waituna Lagoon in that it is opened to the sea mechanically when deemed necessary. The consents for that are held by iwi and ECan.

"The application gives effect to Te Mana o te Wai, and puts the health of the lagoon first, whilst also considering the social and economic needs within the proposed opening regime through a transitional approach.

Objective 2 requires that the mauri of water provides for te hauora o te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the waterbody) and te hauora o te tangata (health and mauri of the people). The SWLP includes various relevant policies to implement these objectives. The proposed activity provides for te hauora o te taiao, te hauora o te wai and te hauora o te tangata, and recognises the connectivity between freshwater, the land and coast. The application takes an integrated management approach to lagoon openings, which has considered the impacts on the values for the wider catchment, freshwater, wetland, and coastal environments in determining the thresholds for opening."

A transitional approach in which the recommended 2.5m limit (and potentially higher) is going to be used in Yr1 is not considering the social and economic needs of the catchment community. I would suggest that the applicants have no idea of what the social and economic needs of the community under this scenario are.

The Technical Report refers to 2.5m as being the maximum, yet the applicants refer to '2.5m or above' in various sections of their application. Therefore, they are comfortable in exceeding the

For now  
& our future



maximum recommended by the Technical Advisory Group. What is their reason for believing they know better? Is this an example of their naivety? It takes time for the decision to be made to open/organise due to the processes involved (including getting DoC consent/concessions to access the lagoon, diggers etc) If the limit is set at 2.3m then it gives the applicant freeboard of .2m before it reaches the TAG max of 2.5m. This limit could be reached over the time it takes to organise an opening – especially if it is to be sorted during a weekend or summer holiday period.

Much is made in the application of ‘restoring’ the lagoon from it’s degraded state. But is it really ‘degraded’? Monitoring shows that its nutrient status is variable – often depending on weather and opening to the sea. E.g. In August 2023 Fish and Game were singing its praises in the media for how healthy the lagoon was and in Nov/Dec there were signs the lagoon was switching to an algal state. “Waituna Lagoon is a very popular trout fishing destination with ‘the lake’ receiving about 2,240 angler visits a year.

Fish & Game also capture more than 100 trout annually from the spawning migration to assess their overall health and condition. There has been no significant change in size or condition of trout over the last decade.”

<https://www.waituna.org.nz/waituna-workstreams/annual-spawning-surveys-of-waituna-tributaries>

If the lagoon is popular and there has been no significant change in size or condition of trout over the last 10years, is it correct to say that the lagoon is degraded and needs ‘restoring’.

The lagoon has being a modified waterbody due to opening for over a century. It has proven to be adaptable. In that time the ecology of the lagoon has adapted to low lagoon levels and regular openings over the last 120 years, so by suddenly increasing the level could that cause large/unexpected changes to the ecology that has not been modelled in the technical report?

The applicants state that they couldn’t agree with the local community reps LWCA re opening measures nor it appears anything else. The applicants talk about ‘transition’ but are still referring to the max height of 2.5m starting in Y1.

Te Waihora/Lake Ellesmere is a similar situation to Waituna Lagoon in that it is opened to the sea mechanically when deemed necessary. The consents for that is held by iwi and ECan.

It appears there is data missing from the technical report. At no time does it refer to the legacy sediment sitting in the bottom of the lagoon – either as to the contaminants coming out of that, nor what the levels of those contaminants are. Lake Rotorua guardians have always acknowledged the legacy contaminants, yet here they are not even mentioned in the technical report in any detail.

DoC need to give consent(s)/concession(s) to access the lagoon to open it but this application is silent on this point.

**Submission uploaded** No  
**I am a trade competitor of the applicant (for the purposes of section 308B of the Resource Management Act 1991)** No

Outcome sought

For now  
& our future



**I wish Environment Southland to make the following decision**

**Why I wish Environment Southland to make this decision**

To oppose the application.

Decline the application due to DOC having conflicts or have DOC remove themselves

or

Approve the application subject to the following conditions:

\*Consent is for a max of 5years. Neither DOC nor iwi have managed the Waituna Opening consent before and therefore have no proven experience of being able to do so.

Remembering that DOC staff come and go. A short initial consent will help understand the effects of the higher lagoon levels on the ecology of the area, local economy, cultural access to the area. It will also give time for the effects of climate change happening in the area to be monitored and reflect on how it may impact the operation of the opening consent.

Also there are likely to be changes in legislation made and anything more than five years means that consent conditions could be in conflict with legislation.

\*Applicants clearly set out the process for deciding to open the lagoon and a timeframe for how long they would expect it to be from notification of a potential need to open, to diggers actually starting to open it, and notify the local catchment community of the process and timeline. (ES was made aware in Dec 2022 that the lagoon needed opening but it was end of January 2023 before they could get it opened.

\*The high water limit for opening the lagoon is set at 2.3m. This allows for it to rise 0.2m to 2.5 while organising an opening. 2.5m is the maximum recommendation from the Technical Advisory Group (TAG). It is concerning to see 2.5m or above being used in various sections of the application.

\*Monitoring to include weather reports. A yearly summary of weather (could be seasonal summary e.g. autumn/winter/spring/summer and lagoon conditions to be provided to the community. First report due from consent start date to 31 May 2025. To be report no later than 1 August 2025. The TAG report is full of scientific data but doesn't include what happened re weather conditions e.g. hotter than usual summer. Currently a lot of the historical opening information resides in the minds of local catchment farmers. With the local catchment community being sidelined by the applicants it will be important to have this information as a matter of public record for all to have some context around the data and future record

\*A clearly defined process for how consent could be amended/alterd. The application states this could happen, but the process isn't defined.

\*A clearly defined process and timeline for the review of the consent starting 4yrs 6mths in to the consent.

For now  
& our future



## Hearing details

- |   |     |
|---|-----|
| <b>I wish to be heard in support of my submission</b>   | Yes |
| <b>I would consider presenting a joint case if others make a similar submission</b>           | No  |
| <b>I wish to be involved in any pre-hearing meeting that may be held for this application</b> | Yes |

## Confirmation

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

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

