

Draft Proposed Conditions of Consent

28.07.25

Discharge, Coastal and Water Permits and Land Use Consent

Under Sections 9, 12, 13, 14, 15, 104 and 104D of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to Te Rūnanga o Awarua, the Department of Conservation, and Environment Southland for:

- The diversion and discharge of water and water containing contaminants from Waituna Lagoon to the Coastal Marine Area
- The diversion and discharge of coastal water and water containing contaminants from the Coastal Marine Area into the Waituna Lagoon
- The disturbance of the bed of Waituna Lagoon
- The disturbance of the Coastal Marine Area
- Indigenous vegetation clearance
- The use of land within a wetland

Details of Permit

Purpose: To establish an opening regime to maintain and restore the ecological health and cultural values of the Waituna Lagoon ecosystem, by transitioning to a more ecologically optimal opening regime.

Location: Waituna Lagoon.

Expiry: 20 years after the date of the grant of this consent.

Lapse: 10 years after the date of the grant of this consent.

In the conditions of these resource consents the following terms and acronyms have the following meanings:

Term	Meaning
AMR	Annual Monitoring Report
CIMP	Consent Implementation Management Plan
CMP	Communications Management Plan
Consecutive day	A 24 hour period, starting at any time of the day
Consent Authority	Environment Southland (Southland Regional Council) as regulator of the resource consent
Consent Holder	Te Rūnanga o Awarua, Environment Southland in their capacity as Consent Holder, and Department of Conservation Te Papa Atawhai.
Emergency Situation	Means an adverse effect or sudden event in accordance with s330(b)-(f) of the RMA
Lagoon Opening	Means the opening of the Waituna Lagoon to the Coastal Marine Area (CMA) and all associated diversion, discharge and land use activities.
Management Plan	Means the management plans required under any one or more of the consent conditions, being the Consent Implementation Management Plan, Monitoring Plan, and Communications Management Plan.
masl	Metres above sea level (measured to NZ Vertical Datum 2016)
MOP	Monitoring Plan

OP	Opening Plan
Opening Site	Means the location of the Waituna Lagoon opening channel.
Restoration Plan	Means the restoration plan for natural inland wetlands in accordance with Regulation 39(6) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
Science Advisory Group	Means the group established in accordance with Conditions 17 through 21.
SQEP	Suitably qualified and experienced person(s) For the purpose of the Science Advisory Group, SQEP also means a person acting in accordance with the Environment Court Code of Conduct for Expert Witnesses, with qualifications in a scientific or related discipline related to coastal lagoon ecosystems (such as water quality, ecology, geomorphology, or freshwater or coastal processes), or a representative of Awarua Rūnanga with cultural knowledge.
Surface Water	Means water above the ground whether flowing or not, and includes fresh water and coastal water

1. This consent authorises the **Consent Holder** to open the Waituna Lagoon (**Lagoon Opening**) at Walker's Bay as shown on Consent Plan APP20242456-01 (**Appendix 1**) between NZTM 1,262,340E 4,831,360 N and 1,261,460E 4,831,000 N. Where the opening of the Waituna Lagoon has not occurred at Walker's Bay within the previous 5 years the **Lagoon Opening** must meet the requirements of **Condition 8**.
2. Subject to **Condition 7**, the **Consent Holder** may also open the Waituna Lagoon (**Lagoon Opening**) at the following locations:
 - (a) at Hansen's Bay as shown on Consent Plan APP20242456-02 (**Appendix 1**) between NZTM 1265267E 4832530N, and 1265448E 4832596N; or
 - (b) The Fence as shown on Consent Plan APP20242456-03 (**Appendix 1**) between NZTM 1266955E 4833037N, and 1237453E 4833232N.

3. The **Lagoon Opening** must be undertaken in accordance with the most recently certified version of the following:
 - (a) Consent Implementation Management Plan (**CIMP**);
 - (b) Communications Management Plan (**CMP**); and
 - (c) Monitoring Plan (**MOP**).

Where there is any conflict between conditions of consent and any details of a **Management Plan**, the consent conditions prevail.

4. The **Consent Holder** must comply with the **Restoration Plan (Appendix 2)**. Where there is any conflict between conditions of consent and any details of the **Restoration Plan**, the consent conditions prevail.
5. The water level of Waituna Lagoon must be measured at the Waghorn's Bridge gauge (at or about NZTM2000 1267505E 4833745N), and must be measured in **masl**.
6. If the Waghorn's Road Bridge gauge is removed or disestablished, the **Consent Holder** must install a new water level gauge as soon as possible and no later than [XX working days]. If the **Consent Holder** installs a new water level gauge, the **Consent Holder** must ensure that the type and location of gauge are certified by the **Consent Authority** as being able to provide accurate water level data that is representative of the average water level for the Waituna Lagoon.

Lagoon Opening Location

7. Before a **Lagoon Opening** at an alternative location to Walkers Bay, identified in **Condition 2**, the **Consent Holder** must provide a report prepared by a **SQEP** to the **Consent Authority** for certification confirming that the effects on the ecological and cultural attributes set out in **Table A** below are the same or less than if the **Lagoon Opening** had occurred at Walkers Bay.

TABLE A:

Attribute	Standard relative to Walkers Bay
Submerged and aquatic plants	Disturbance of established beds of submerged and aquatic plants
Habitat and migration pathways for fish species	Disturbance of fish habitat and adversely affecting migration pathways for fish species

Attribute	Standard relative to Walkers Bay
Fringing wetlands, including rare and threatened plant species	Disturbance of wetland habitat at the opening location, including rare and threatened plant species
Bird nesting, including rare and threatened bird species	Disturbance of known bird nesting at the opening location, including for rare and threatened bird species
Water quality in the lagoon	That increased water flow/movement towards the opening location will adversely affect water quality in the lagoon
Sites of cultural importance (Wāhi Taonga/Tapu)	Disturbance of sites of cultural importance

8. If an opening at Walkers Bay has not been undertaken within the preceding five years, the **Consent Holder** must provide a report prepared by a **SQEP** to the **Consent Authority** for certification confirming that the effects on the ecological and cultural attributes set out in **Table A** are the same or less than if the **Lagoon Opening** occurs at either of the alternative locations identified in **Condition 2**.
9. Before a **Lagoon Opening** certified under **Condition 7 or 8**, the **Consent Holder** must consider:
 - (a) the potential for the **Opening Site** to remain open for an extended duration of more than three months, and any measures that could be employed to reduce the duration of opening; and
 - (b) the practical feasibility of the opening location site, including in respect of health & safety.
10. A **Lagoon Opening** undertaken in accordance with **Condition 7 or 8** must not occur until written certification of the report addressing the matters in **Table A** required under those conditions has been received from the **Consent Authority**.

Lagoon Opening – Water Level Transitional Regime

11. Except where **Conditions 12 or 13** apply, the **Consent Holder** must only undertake **Lagoon Openings** as follows:
 - (a) for the first five years from the grant of consent (years 1–5), being to [day month year]:
 - i. summer openings (1 September to 30 April) may occur if water levels are at or above 2.4masl for three **consecutive days**; and

- ii. winter openings (1 May to 30 August) may occur if water levels are at or above 2.3masl for seven **consecutive days**;
- (b) for the next five years of the consent (years 6-10), being from [day month year] to [day month year], openings may occur if water levels are at or above 2.4masl for three **consecutive days**; and
- (c) for the next five years of the consent (years 11-15), being from [day month year] to [day month year], openings may occur if water levels are at or above 2.5masl for three **consecutive days**; and
- (d) for the final five years of the consent (years 16-20), being from [day month year] to [day month year] openings may occur if water levels are at or above 2.5masl for seven **consecutive days**.

Lagoon Opening – Water Quality and Ecosystem Health

12. Where a **Lagoon Opening** is for the purpose of water quality and ecosystem health, the **Consent Holder** must only undertake a **Lagoon Opening** when:
- (a) One or more of the primary lagoon water quality and ecosystem health indicators in **Table B** have reached a Critical Indicator Level, or
 - (b) One or more of the primary or secondary lagoon water quality and ecosystem health indicators in **Table B and C** have reached a Warning Indicator Level, and action is necessary to prevent or mitigate an **Emergency Situation**; and
 - (c) The **Consent Holder** has received a written recommendation from the **Science Advisory Group** that a **Lagoon Opening** is necessary to manage the risk of a significant adverse ecological effect on Waituna Lagoon having regard to the Primary and Secondary Indicators in **Table B and C**, and any other relevant scientific information, including habitat for threatened and at-risk bird species during critical life stages. .

TABLE B:

Primary Indicators Levels for Waituna Lagoon

	Water quality, biosecurity or ecosystem health indicator	Warning indicator level	Critical indicator level
PRIMARY indicators	Chlorophyll-a (a sustained visible algal bloom* over a period of 14 days or longer)	0.012 - 0.06 mg/L	≥ 0.06 mg/L
	Cyanobacteria	Biovolume great than 5mm ³ /L (and more than 50% of phytoplankton biovolume present as toxic or potentially toxic cyanobacteria)	Biovolume greater than 10mm ³ /L (and more than 80% of phytoplankton biovolume present as toxic or potentially toxic cyanobacteria)
	Bottom water dissolved	< 2 and ≥ 0.5 mg/L	< 0.5 mg/L

	oxygen concentration		
	Incursion of a new non-native species that is a significant biosecurity risk	Incursion of worrisome species but low risk of proliferation	High risk species incursion (eDNA or positive sighting or capture of new non-native species)
Interpretation	* A “visible algal bloom” must be identified by: (i) A chlorophyll-a concentration and/or (ii) An observations by an appropriately qualified and experienced person. These observations must include the location and approximate extent and intensity of the visible algal bloom on each day of observation.		

TABLE C:

Secondary Indicators Levels for Waituna Lagoon

	Water quality or ecosystem health indicator	Warning indicator level	Critical indicator level
SECONDARY indicators	Total phosphorus concentration	≥ 0.05 and < 0.1 mg/L	≥ 0.1 mg/L
	Total nitrogen concentration	≥ 0.75 and < 1.5 mg/L	≥ 1.5 mg/L
	Water clarity (Secchi disc depth)	≥ 0.5 m and < 1 m	< 0.5 m
	Nuisance epiphytes or benthic algae**	>10% cover	>30% cover
	Macrophytes**	<30% lagoon wide cover abundance	<20% lagoon wide cover abundance
	Ruppia megacarpa**	Present at <20% of lagoon monitoring sites	Present at <10% of lagoon monitoring sites
	Diadromous fish (īnanga, lamprey/kanakana, eel/tuna) density (Waituna Creek)	Declines in diadromous fish populations (density and/or biomass)	Substantial declines in diadromous fish populations (density and/or biomass)
	Toxins/pathogens	Cyanotoxin producing genes in cyanobacteria present, but no cyanotoxins detected. Prolonged level of E. coli >260 cfu/100ml and not human source	Cyanotoxins detected across lagoon E. coli prolonged level above 1200 cfu/100ml

** Based on the results from annual surveys undertaken in late summer.

Lagoon Opening – Fish Passage

13. Where a **Lagoon Opening** is for the purpose of providing for diadromous fish species, the **Consent Holder** must only undertake a **Lagoon Opening** if:
- (a) The opening takes place between 1 April and 30 November; and
 - (b) Waituna Lagoon has not been opened in the previous 24 months, or
 - (c) Waituna Lagoon was opened during the past 24 months, but the timing of

the open period did not support upstream migration of threatened or at-risk fish species; and

- (d) The **Consent Holder** has received a written recommendation from the **Science Advisory Group** that a **Lagoon Opening** is necessary to enable fish passage having regard to the Primary and Secondary Indicators in **Table B and C** and any other relevant scientific information, including habitat for threatened and at-risk bird species during critical life stages and cultural information.

Cultural Values

- 14. The **Consent Holder** must provide for the ongoing exercise of kaitiakitanga of Awarua Rūnanga through the following (as a minimum):

- (a) Invitation to undertake cultural health monitoring; and
- (b) Invitation to undertake **Lagoon Opening** monitoring.

Opening Notice

- 15. The **Consent Holder** must, no later than 24 hours prior to the **Lagoon Opening**, notify the parties in **Condition 16(b)** that Waituna Lagoon is to be opened. The notice must include:

- (a) The **Opening Plan** for the **Lagoon Opening**, required by **Condition 50**.
- (b) The reason for the opening by reference to **Conditions 11 to 13**, and
- (c) The current water level at Waituna Lagoon and average daily water levels for the previous seven days, where the opening is undertaken in accordance with **Condition 12**.

- 16. The notice required by **Condition 15** must be:

- (a) Published on the Environment Southland Website and/or in the newspaper; and
- (b) Provided to:
 - i. the Waituna Catchment Committee;
 - ii. any stakeholders identified in a **CMP**; and
 - iii. the **Consent Authority**.

Science Advisory Group

- 17. The **Consent Holder** must establish a **Science Advisory Group** within 20 working days of the grant of this consent.

18. The purpose of the **Science Advisory Group** is to:
- (a) Act as an advisory group to the **Consent Holder**; and
 - (b) Provide recommendations to the **Consent Holder** under **Conditions 12 and 13**.
19. The **Science Advisory Group** must include a minimum of four members comprising:
- (a) **SQEP** representatives of:
 - i. the Director-General of Conservation;
 - ii. Awarua Rūnanga;
 - iii. Environment Southland;
 - iv. Waituna Catchment Committee (if nominated in accordance with **Condition 21**), and
 - v. Any other **SQEP** appointed by the **Consent Holder**.
 - (b) A **SQEP** to Chair, from an organisation independent of the **Consent Holder** and Waituna Catchment Committee.
20. The Chair's independence must be certified by the **Consent Authority**, prior to appointment to the **Science Advisory Group**.
21. Within 5 working days of the grant of the consent, the **Consent Holder** must invite the Waituna Catchment Committee to nominate a representative on the **Science Advisory Group** and accept the nominee, provided the nominee is a **SQEP**.
22. The **Consent Holder** must fund all actual and reasonable expenses of any **SQEP** nominated by the Waituna Catchment Committee.
23. The **Consent Holder** must ensure that any recommendation provided by the **Science Advisory Group** is in writing and records the views of all members.

Accidental Discovery

24. In the event that a **Lagoon Opening** results in the discovery or disturbance of an archaeological site, kōiwi tangata, wāhi tapu or wāhi taonga, the **Consent Holder** must cease disturbance activities in the immediate vicinity of the accidental discovery and inform:
- (a) Te Ao Mārama,

- (b) Heritage New Zealand Pouhere Taonga,
- (c) The **Consent Authority**, and
- (d) In the event of Kōiwi tangata being discovered, the New Zealand Police.

25. Disturbance activities in the immediate vicinity of the discovery or disturbance must be suspended until the **Consent Holder** has been advised in writing that the discovery or disturbance is not of an archaeological site, kōiwi tangata, wāhi tapu or wāhi taonga, or work can otherwise recommence by the parties set out in **Condition 24**.

26. In addition to **Conditions 24 and 25**, the protocol in **Appendix 3** must be followed. Where there is any conflict between conditions of consent and any details of the protocol in **Appendix 3**, the consent conditions prevail.

Biosecurity and Spill Prevention

- 27. Prior to any machinery or equipment entering the foreshore, the **Consent Holder** must ensure that all vehicles and equipment are free of any unwanted organisms or pest species.
- 28. All machinery must be operated to ensure that spillages of fuel and other hazardous substances are prevented.
- 29. The **Consent Holder** must not store fuel and other hazardous substances or undertake refuelling of machinery within 20m of **Surface Water** and not on pea gravel.
- 30. The **Consent Holder** must contain any accidental spills as soon as possible and notify without undue delay, the **Consent Authority** and the Operations Manager (Murihiku) of the Department of Conservation.

Bird Nesting

- 31. The **Consent Holder** must establish a single and clearly identified route for the movement of vehicles and machinery on and off the **Opening Site** at all times between 1 August and 31 January, to minimise disturbance of threatened or at-risk bird roosting, nesting and feeding areas.
- 32. Within 10 working days prior to each **Lagoon Opening**, a **SQEP** must walk over the

Opening Site(s) on foot to determine whether there is any threatened or at-risk bird nesting in the vicinity. The **Consent Holder** must complete a record following the walkover which must:

- (a) Include, but not be limited to, the following:
 - i. date and time of walk over;
 - ii. names of attendees;
 - iii. a map or plan showing the area of the walk over; and the location of any threatened or at-risk bird nests identified; and
 - iv. photographs of the walk over area; and
- (b) Be provided to the **Consent Authority**.

33. Where a nest is identified by the walkover required by **Condition 32**, or at any time during **Lagoon Opening**, the **Consent Holder** must establish a 50m radius exclusion zone, measured from the nest, within which the **Consent Holder** and its representatives, vehicles or machinery may not enter, until the chicks have fledged or the nest has failed or otherwise has been naturally abandoned.

Management Plans

34. All **Management Plans** must be prepared by a **SQEP** with expertise in a field related to the relevant **Management Plan**.

35. All **Management Plans** must be certified as follows:

- (a) the **Management Plan** must be developed in consultation with Te Ao Mārama Inc, and any feedback of Te Ao Mārama Inc must be provided to the **Consent Authority**;
- (b) the **Management Plan** must be provided to the **Consent Authority** no less than 90 working days following the grant of the resource consent and 20 working days prior to the first **Lagoon Opening**, whichever is sooner;
- (c) the certification process must be confined to confirming that the relevant **Management Plan** complies with the requirements of the relevant condition(s);
- (d) If the **Management Plan** is not certified by the **Consent Authority** within 20 working days of the **Management Plan** being provided, the **Consent Holder** must request reasons and recommendations be provided by the **Consent Authority** as to why certification has not been provided, and where necessary, resubmit an amended **Management Plan** for certification.

36. Any **Management Plan** may be amended at any time by the **Consent Holder**. Any amendments to a **Management Plan** must be submitted by the **Consent Holder** to the **Consent Authority** for certification, and the certification process under **Condition 35** must be followed.

Consent Implementation Management Plan

37. A **Consent Implementation Management Plan (CIMP)** must be prepared and certified in accordance with **Condition 35**. The objective of the **CIMP** is to set out how the **Consent Holder** will work to implement the consent, including the decision-making process for **Lagoon Openings**.
38. The **CIMP** must contain the following, as a minimum:
- (a) Confirmation of the roles and responsibilities of the **Consent Holder** and the **Science Advisory Group**, including the appointment of a relationship manager for each of the three **Consent Holder** parties;
 - (b) A nominated primary point of contact for the **Consent Holder**;
 - (c) Timing and details concerning actions to be undertaken by the **Consent Holder** and **Science Advisory Group** in carrying out responsibilities under the conditions relating to opening and closing of Waituna Lagoon. This must include the process and timing for the **Science Advisory Group** providing its recommendations to the **Consent Holder** as to the opening of the Waituna Lagoon;
 - (d) A decision making process for the **Consent Holder** when considering a **Lagoon Opening** and any recommendation of the **Science Advisory Group**; and
 - (e) A process for coordinating implementation of consent conditions between each of the three **Consent Holder** parties and to ensure that all obligations under the consents are met.

Communications

39. A register of complaints must be maintained by the **Consent Holder** of any complaint alleging adverse effects from exercise of the consent and any response of the **Consent Holder**. The complaints register must be provided to the **Consent Authority** upon request.
40. A **Communications Management Plan (CMP)** must be prepared and certified in accordance with **Condition 35**. The objective of the **CMP** is to detail:
- (a) The channels and methods that must be used to make information related to the exercise of the consent publicly available and accessible.

- (b) How interested parties will be kept informed of the information related to the exercise of the consent in (a) above, and the frequency of updates.
- (c) The channels available for interested parties to make enquiries or raise concerns to the **Consent Holder**, and timeframes for responses.

41. The **CMP** must contain the following, as a minimum:

- (a) An identified communications liaison person on behalf of the **Consent Holder**;
- (b) Frequency of communication (which must be no less than quarterly email updates and annual in-person meetings);
- (c) A list of key stakeholders, organisations and members of the public who will be communicated with;
- (d) Topics of communication including but not limited to updates as to any **Lagoon Opening**, and annual and five-yearly monitoring reporting;
- (e) Channels and methods that must be used to make information related to the exercise of the consent publicly available and accessible.
- (f) The channels available for interested parties to make enquiries or raise concerns to the **Consent Holder**, and timeframes for responses.

42. The **Consent Holder** must develop and review the **CMP** in consultation with the Waituna Catchment Committee.

Monitoring

43. The **Consent Holder** must develop a Monitoring Plan (**MOP**). The **MOP** must be prepared and certified in accordance with **Condition 35**.

44. The objective of the **MOP** is to ensure that the **Consent Holder** is effectively monitoring:

- (a) The water level of Waituna Lagoon and the indicators listed in **Table B and C**;
- (b) The effects of opening Waituna Lagoon on the indicators listed in **Table B and C**, and
- (c) The health of indigenous fringing wetland and terrestrial vegetation.

45. The **MOP** must include, but not be limited to:

- (a) Parameters to be monitored, which must include, the indicators set out in **Table B and C**, indigenous fringing wetland and terrestrial vegetation, and

the Waituna Lagoon water level;

- (b) The location of monitoring sites, ensuring representative samples and measurements are taken and account for locations that are of higher risk to ensure that the Waituna Lagoon health is effectively monitored when Waituna Lagoon is open and closed;
- (c) Minimum frequency to meet the requirements of **Table D**; and
- (d) The frequency and/or timing and method of monitoring, to ensure that the Waituna Lagoon health is effectively monitored when Waituna Lagoon is open and closed.
- (e) How the water level, location and timing of openings will be recorded, how long the Waituna Lagoon is open to the sea, when it closes (to the nearest week).

46. The **Consent Holder** must review the **MOP** every five years and update the **MOP**, if required. The purpose of the review is to ensure that the **MOP** remains relevant for the duration of the resource consent, while providing for continuity of monitoring information, and may include to:

- (a) Move, remove or add monitoring locations to ensure monitoring locations are representative;
- (b) Remove or add monitoring parameters and/or amend frequencies/timings where it is demonstrated that continued monitoring is not required, or additional monitoring is required;
- (c) Respond to changes in monitoring approaches and parameters where these have been adopted in national or regional planning instruments.

47. The **Consent Holder** must monitor indicators of lagoon water quality and ecosystem health in **Table B and C**. For each indicator this must, at a minimum, be undertaken at the frequency set out in **Table D**.

TABLE D:

Indicator (unit)	Timing
Chlorophyll-a (mg/L)	Monthly (Increasing frequency if bloom detected)
Cyanobacteria (biovolume, mm ³ /L)	Monthly (Increasing frequency if bloom

	detected)
Bottom water dissolved oxygen concentration (mg/L)	Continuous / Monthly (May increase if cyanobacterial bloom detected)
Incursion of a new non-native species that is a significant biosecurity risk	6-monthly
Total phosphorus (TP) and Total nitrogen (TN) concentration (mg/L)	Monthly
Water clarity (m)	Monthly
Nuisance epiphytes / benthic algae (% cover abundance)	Annual
Macrophytes (% cover abundance)	Annual
Ruppia megacarpa presence	Annual
Diadromous fish (īnanga, lamprey/kanakana, eel/tuna, and kokopu) density**	Annual for the first 3 years, 5 yearly thereafter, on or before 30 April.
Toxins/pathogens	Samples: monthly Toxin assessment: If bloom detected

48. The **Consent Holder** must undertake monitoring of indigenous fringing wetland and terrestrial vegetation:

- (a) Prior to the first opening of Waituna Lagoon undertaken in accordance with this consent, but no later than 30 April 2026;
- (b) In year 5 of this consent on or before 30 April 2030; and
- (c) Every 5 years thereafter on or before 30 April.

49. The **Consent Holder** must report to the **Consent Authority** any observed fish strandings (including fish species, number and location) at the **Opening Site** during **Lagoon Opening** works, within 5 working days of the observation of any fish stranding.

Opening Plan

50. An Opening Plan (**OP**) must be prepared and submitted to the **Consent Authority** for information purposes, prior to each **Lagoon Opening**. The **OP** must set out how the **Consent Holder** will manage the **Lagoon Opening** to minimise the adverse effects of the **Lagoon Opening** disturbance works. The **OP** must include:

- (a) The reason for opening;
- (b) Details of the proposed opening methodology, including any necessary erosion and sediment control methods;
- (c) The proposed opening location;
- (d) Likely duration of works;
- (e) A description of the methods to be implemented to ensure compliance with conditions of this consent;
- (f) Implementation of any relevant mitigation measures specific to the opening location, timing and duration.
- (g) Signage detailing access and human health and safety considerations;
- (h) Any restrictions on public access for health and safety purposes;
- (i) Emergency contacts; and
- (j) A nominated **Consent Holder** representative to be on site during the **Lagoon Opening** works.

Reporting

51. The **Consent Holder** must prepare an Annual Monitoring Report (**AMR**) and provide it to the **Consent Authority**, Te Ao Mārama Inc. and the Waituna Catchment Committee by 30 June each year. The **AMR** must contain the following information, for the previous 12 months up until 30 April, as a minimum:

- (a) The results of any cultural health monitoring undertaken by **Awarua Rūnanga**;
- (b) The results of monitoring undertaken in accordance with **Conditions 47, 48 and 49** and the **MOP**;
- (c) The results of the bird nesting walkovers, as required by **Condition 32**;
- (d) A summary of compliance with the conditions and any measures undertaken to resolve any non-compliances;
- (e) A summary of any feedback received by the **Consent Holder** in accordance of the requirements of the **CMP** and any response;
- (f) Any steps taken by the **Consent Holder** in response to monitoring, including any amendments to **Management Plans**; and

- (g) A summary of any **Lagoon Opening**/s, including:
 - i. Where the **Lagoon Opening** took place, including the reasons for the use of any alternative location;
 - ii. When the Waituna Lagoon was opened;
 - iii. The opening methodology and timeline
 - iv. How long the Waituna Lagoon was open for, including the approximate date it closed;
 - v. The purpose of opening the Waituna Lagoon;
 - vi. Any information / data that informed a **Lagoon Opening**, including any recommendations of the **Science Advisory Group**;
- (h) A summary of when opening triggers were met, and whether the Waituna Lagoon was opened or not and why. This must include:
 - i. For a water level trigger specified in **Condition 11**, details on the prevailing wind conditions (direction and strength), and comment whether it was considered that the wind conditions were influencing water levels at the time; and
 - ii. Any lagoon monitoring information necessary to show compliance with the opening criteria specified in **Conditions 11, 12 and 13**. This must include a copy of the written recommendations from the **Science Advisory Group** of the reason for opening or not.
- (i) Any recommended changes to the **Opening Location**, timing and methodology for future openings to better protect lagoon and ecosystem health and cultural values.
- (j) Recommendations on any amendments necessary to a certified **Management Plan** required by the conditions of this resource consent.

52. The **Consent Holder** must prepare a five-yearly monitoring report and provide it to the **Consent Authority**, Te Ao Mārama Inc. and the Waituna Catchment Committee by 30 June 2030, 2035 and 2040. The five-yearly monitoring report must provide the following information, as a minimum:

- (a) The aggregated five-yearly results and a summary of trends from any cultural health monitoring by **Awarua Rūnanga**;
- (b) The aggregated five-yearly results and a summary of trends from monitoring and reporting in accordance with **Conditions 47, 48 and 49** and the **MOP**;
- (c) A summary of any statistically significant trends;
- (d) Any steps taken by the **Consent Holder** in response to monitoring and any previous 5-yearly trend, including any amendments to **Management Plans**; and

- (e) A summary of the overall performance of any **Lagoon Opening**/s over the aggregated five-yearly reporting period, including:
 - i. Where and when the Waituna Lagoon was opened;
 - ii. The opening methodology and timeline
 - iii. How long the Waituna Lagoon was open for, including the approximate date it closed;
 - iv. The purpose of opening the Waituna Lagoon;
- (f) A summary of when opening triggers were met, and whether the Waituna Lagoon was opened or not and why. This must include:
 - i. For a water level trigger specified in **Condition 11**, details on the prevailing wind conditions (direction and strength), and comment whether it was considered that the wind conditions were influencing water levels at the time; and
 - ii. Any lagoon monitoring information necessary to show compliance with the opening criteria specified in **Conditions 11, 12 and 13**. This must include a copy of the written advice from the **Science Advisory Group** of the reason for opening or not.
- (g) Any recommended changes to the **Opening Location**, timing and methodology for future openings to better protect lagoon and ecosystem health and cultural values.

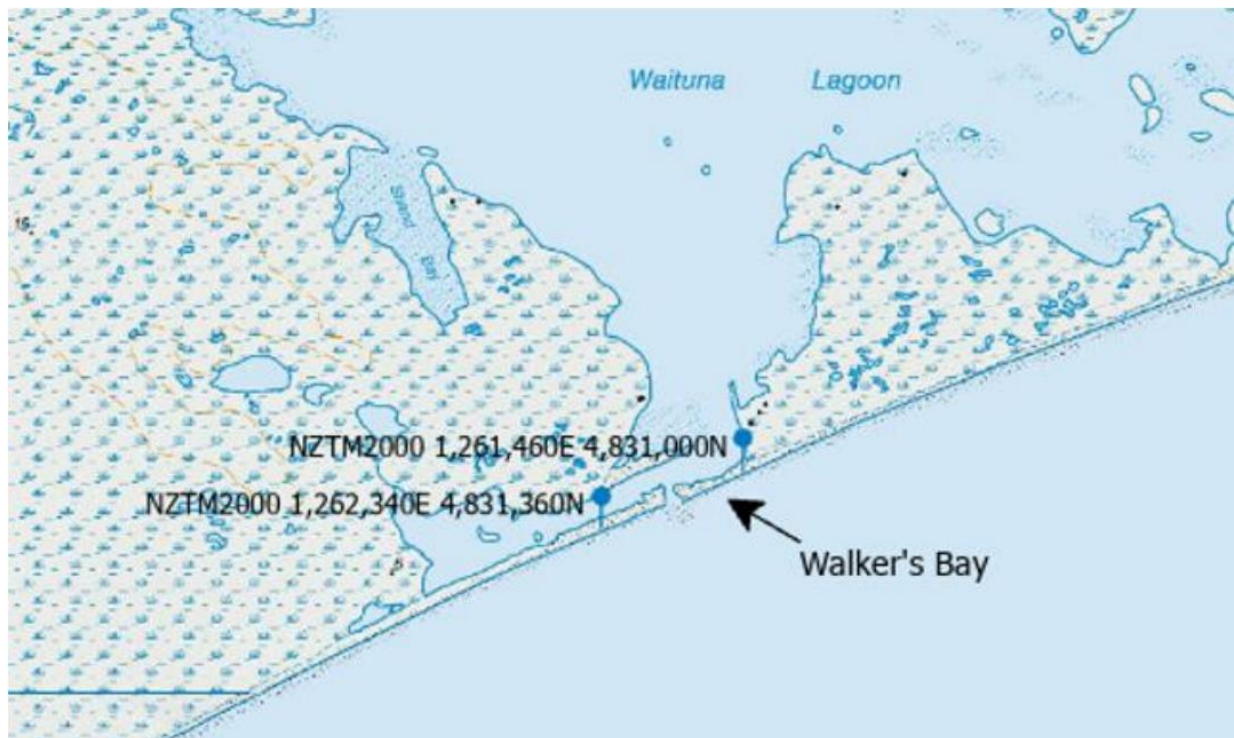
Consent Review

53. The **Consent Authority** may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the **Consent Holder** of its intention to review the conditions of this consent on or before 31 August 2026, or within two months of any enforcement action being taken by the **Consent Authority** in relation to the exercise of this consent for the purposes of:

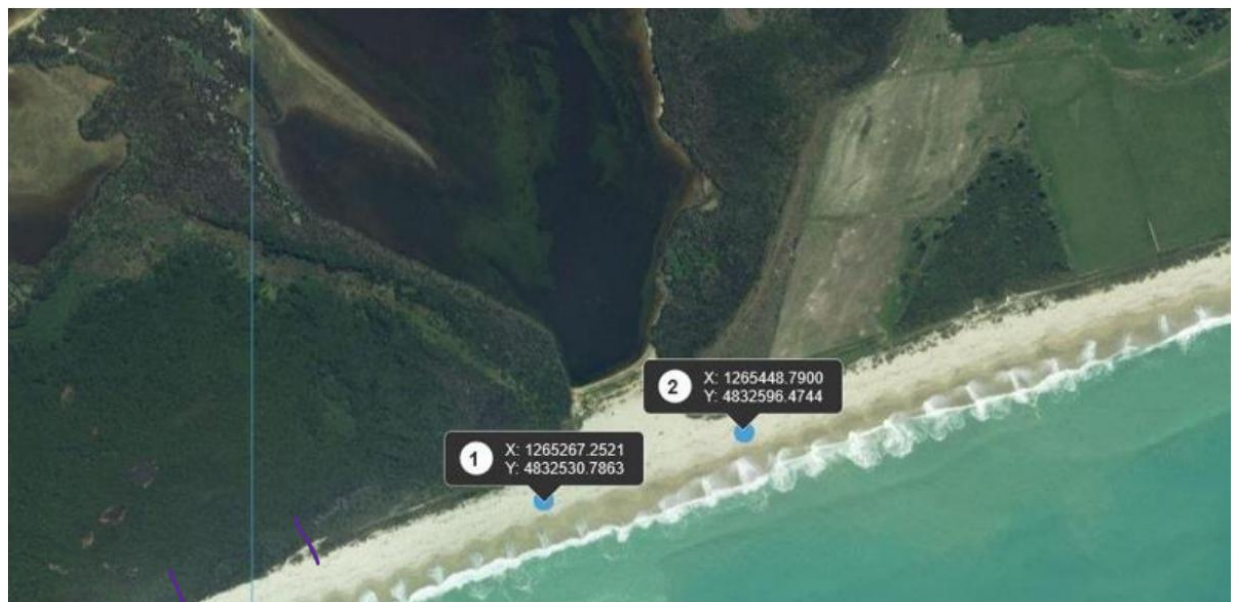
- (a) Determining whether the conditions of this consent are adequate to deal with any unanticipated adverse effect on the environment, including cumulative effects, which may arise from the exercise of the consent, and which it is appropriate to deal with at a later stage, or which become evident after the date of granting of the consent, including the effects of climate change.
- (b) Ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement.
- (c) Assess the need for, and where necessary require, changes to monitoring or the monitoring regime to better understand the adverse effects of the activity.

Appendix 1

Consent Plan APP20242456-01: Walkers Bay Opening Location



Consent Plan APP20242456-02: Hansens Bay Opening Location



Consent Plan APP20242456-03: The Fence Opening Location



Appendix 2

Restoration Plan

Clauses 39(5) and (6), set out that an application for a restricted discretionary activity must include a restoration plan that includes the information set out in Schedule 2 of the NESFW, and must impose a condition that requires compliance with the restoration plan.

The applicant considers these matters have been addressed through the Resource Consent Application, parts of this plan refer to the consent application and associated technical documents.

Note. not all requirements of this plan are required for this activity.

1 Details of activity site and natural inland wetland

The following information:

a) the physical address of the site of the activity:

The physical address of the site, being Waituna Bar and the possible opening site.

b) the names of the owners of the site:

His Majesty the King, with the scientific reserve administered by the Department of Conservation on behalf of the Crown.

c) the contact details for the owners:

Operations Manger C/- Department of Conservation, Murihiku District Office, 7th floor, CUE on Don, 33 Don Street, Invercargill, P O Box 743, Invercargill 9840

d) the legal description of the site, including the estate or interest held by the owners and any legal status or designation that applies to the site:

Legal description of the site: Waituna Wetlands Scientific Reserve, Crown Land, section 29 Block XIII Oteramika HUN

e) a map showing the location and boundaries of the natural inland wetland:

This is included on Page 34 (Figure 5) of the Resource Consent Application.

f) the details of the legal status of the natural inland wetland under any enactment or plan:

Scientific reserve under the Reserves Act 1977, part of a scheduled Ramsar site, Statutory Acknowledgement site under the Ngāi Tahu Claims Settlement Act 1998, Outstanding Natural Landscape or feature under the Southland District Plan.

- g) the details of any management partners, including tangata whenua or key stakeholders, involved in the restoration plan.*

The management partners are the co-applicants, being Awarua Rūnanga, DOC and Environment Southland.

2 Features and values of natural inland wetland

A description of the features and values of the natural inland wetland that are relevant to a restoration plan, including the following information:

- a) the type of natural inland wetland:*

See section 4 of Appendix B to the Resource Consent Application- Technical review of Conditions for Opening Waituna Lagoon.

- b) the vegetation in the natural inland wetland, including the dominant types of vegetation and any species of note (for example, rare species, invasive weeds, or unusual plant communities):*

See section 4 (Table 1) of Appendix B to the Resource Consent Application- Technical review of Conditions for Opening Waituna Lagoon

- c) the hydrology of the natural inland wetland, including—*

- i. its water sources and flows (for example, streams, rivers, seeps, or solely rain):*
- ii. its water levels (for example, permanent open water of more than 1 m depth, shallow water of 5 cm to 1 m depth, or conditions of being saturated with water of -5 to +5 cm depth, seasonally saturated, generally dry, or dry):*
- iii. any modifications (for example, drains, weirs, culverts, canals, or stop banks):*

For Water Quality, See Section 5.2 of Appendix B to the Resource Consent Application- Technical review of Conditions for Opening Waituna Lagoon.
For Water levels and Hydrology see section 5.2.3 of the Resource Consent Application.

- d) the types of soil in the natural inland wetland:*

The soil orders within the Waituna Catchment include Brown Soils predominantly in the north of the catchment and gley, podzol, and organic soils predominantly in the

south with minor recent soils close to the coast. Variability in the soil orders reflect different parent materials, landform ages and wetness.

The proportion of slowly permeable soils in the Waituna Catchment is 36% with an additional 61% of the catchment with moderate over slow drainage.

- e) *any artificial features in the natural inland wetland (for example, roads, electricity lines, buildings, and access points):*

These include Waghorn Road and Bridge, associated boat ramp, the Waituna Lagoon loop track and viewing platform, and approximately 15–20 recreational structures.

- f) *any fauna known to use the natural inland wetland or its surrounding area:*

See section 5.2 of the Resource Consent application.

- g) *any special features of the natural inland wetland (for example, sites of cultural significance such as archaeological features, areas of cultural harvest, historic sites, or recreational areas).*

See Cultural Values Report Appendix G to the Resource Consent Application.

3 Issues with natural inland wetland

The following information:

- a) *a description of the current state or condition of the features and values of the natural inland wetland:*

See section 4 of Appendix B to the Resource Consent Application– Technical review of Conditions for Opening Waituna Lagoon.

- b) *a discussion of the threats to the natural inland wetland and the opportunities for restoring its features and values.*

See section 5.2 of the Resource Consent Application. The application and associated SAR report describe the current state and condition of the lagoon and discusses the threats and opportunities for restoring its features and values.

4 Management objectives for natural inland wetland

The specific objectives for managing the natural inland wetland based on its features, values, and issues, and taking into account—

- a) *its legal status under any enactment or plan; and*
b) *any existing or required resource consents or agreements with landowners or other relevant persons.*

This application is for a new lagoon opening regime to maintain and restore the ecological health and cultural values of the lagoon ecosystem in accordance with Te Mana o te Wai, and the purpose of wetland restoration and maintenance under the National Policy Statement for Freshwater Management 2020.

A history of artificial lagoon openings and nutrient and sediment inputs associated with land use in the catchment have affected the lagoon's ecology and water quality. Awarua Rūnanga, DOC, and Environment Southland seek to transition the management of water levels within the lagoon to a more ecologically optimal opening regime which supports ecological and cultural values,

The proposed consent conditions (check) set management objectives for Waituna Lagoon and take into account its legal status. There are no existing resource consents for this activity, and those required are addressed by the application. Agreements with some landowners (e.g. Te Wai Pārera Trust) are addressed in supporting letters. Other landowners have been consulted as part of the application process as members of the Lake Waituna Control Association.

5 Operational details for achieving management objectives

An outline of the activities that will be carried out to achieve the objectives for managing the natural inland wetland, including the following:

- a) the timelines for the activities and the persons responsible for resourcing and delivering them:*

The Resource Consent Application is for a 20 year term, with a transitional regime to higher lagoon levels. The lagoon will be periodically opened depending on the condition of the lagoon. Therefore, a timeline of work cannot be accurately provided.

In terms of resourcing and delivery, this will be the co-applicants, being Awarua Rūnanga, DOC and Environment Southland.

- b) scale plans showing the operational areas:*

This is included on Page 60 (Figure 16) of the Resource Consent Application.

- c) the planting to be done, including—*

- i. a diagram showing the general areas for planting:*
- ii. the species to be used within specific areas (for example, areas of standing water, wetter margin areas, or drier areas):*
- iii. the spacing of the plants:*
- iv. the sources of the plants (for example, local native plant nurseries or locally-sourced seed):*

- v. *the approach to releasing the plants (including how often, for how many years, and by what method weeding will be done around the plants):*

Not applicable. No planting is to take place under this resource consent.

- d) *any vegetation to be removed, including species and methods of removal (for example, cutting, digging, or spraying):*

We expect some vegetation to be removed when the lagoon is opened. However this is not the purpose of the application, this will be a secondary outcome of the lagoon being mechanically opened.

- e) *any machinery to be used and the purpose of its use:*
- f) *a description of the approach to water management, including—*
 - i. *any changes to water levels or movement of water during and after the restoration works:*
 - ii. *if water will be dammed or diverted,—*

See section 3.2 of the Resource Consent Application for an outline of how the works will be carried out, it is worth noting that the activity itself will result in the levels of the wetland changing, this is the purpose of opening the lagoon. There will also be a diversion of water.

- a) *how that will restore or enhance the natural inland wetland:*
- b) *any structures that will be installed:*
- c) *the time of year when the works will be carried out:*
- d) *the methods to be used to minimise effects on flora and fauna*
- e) *the approach to managing erosion and sediment to be used during all of the works:*
- f) *any animal pest control to be carried out, including—*
 - i. *which animal pests are present:*
 - ii. *how often, and for how many years, the animal pest control will be carried out:*
 - iii. *the method by which the animal pest control will be carried out:*
 - iv. *a description of the actions to be taken to minimise any adverse effects on fauna or to enhance values for fauna.*

See section 3.2 of the Resource Consent application for an outline of how the works will be carried out. There will be no structures placed. There will be no pest control carried out as part of this consent process. The application includes the diversion and discharge of water and sediment from Waituna Lagoon to the sea, the discharge of seawater and sediment to the lagoon.

6 Review and reporting

A description of the approach for assessing progress against the restoration plan and reporting that progress to the consent authority, including—

- a) *timelines for reporting progress; and*

b) how any requirement to report under a resource consent will be met.

See section 3 of the Resource Consent application for information related to the Monitoring of the lagoon, noted also that whilst not directly part of this consent there are several organisations that also undertake monitoring of the lagoon regularly.

Appendix 3

Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)

1. Kōiwi tangata accidental discovery

If Kōiwi tangata (human skeletal remains) are discovered, then work shall stop immediately and the New Zealand Police, Heritage New Zealand (details below) and Te Ao Mārama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for Te Ao Mārama Inc are as follows:

Te Ao Mārama Inc

98 Yarrow Street, Invercargill, 9810 Phone: (03) 931 1242

Te Ao Mārama Inc will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine how the situation will need to be managed in accordance with tikanga māori.

2. Archaeological Sites

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed.

Not all archaeological sites are known or recorded precisely. Where an archaeological site is inadvertently disturbed or discovered, further disturbance must cease until approval to continue is obtained from Heritage New Zealand. As stated above, the New Zealand Police and Te Ao Mārama Inc also need to be advised if the discovery includes kōiwi tangata /human remains.

Heritage New Zealand c/o Regional Archaeologist Otago/Southland

PO Box 5467, Dunedin

Phone: (03) 477 9871 Mobile 027 240 8715 infodeepsouth@heritage.org.nz

3. Taonga or artefact accidental discovery

If taonga or artefact material (e.g. pounamu/greenstone artefacts) other than kōiwi tangata is discovered, disturbance of the site shall cease immediately and Southland Museum and Te Ao Mārama Inc. shall be notified of the discovery by the finder or site archaeologist in accordance with the Protected Objects Act 1975. All taonga tuturu are important for their cultural, historical and technical value and are the property of the Crown until ownership is resolved.

4. *In-situ (natural state) pounamu/greenstone accidental discovery*

Pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngāi Tahu tribal area is owned by Te Rūnanga o Ngāi Tahu. Ngāi Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Rūnanga o Ngāi Tahu staff as soon as is reasonably practicable. Te Rūnanga o Ngāi Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Rūnanga;
- in the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground.

The find should then be notified immediately to the Group Head – Strategy and Environment, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

Te Rūnanga o Ngāi Tahu, c/o Group Head – Strategy and Environment

Te Whare o Te Wai Pounamu

15 Show Place, P O Box 13-046, Ōtautahi/Christchurch 8021

Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz

