Draft Proposed Conditions of Consent

– s42A Version (Tracked Changes)

Amendments recommended in Evidence of Ms Thorne are in yellow highlight

1. This consent authorises the opening of the Waituna Lagoon (Lagoon) to the sea through the gravel bar~~rier in accordance with Conditions 5 to 7~~ at Walker's Bay between NZTM 1,262,340E 4,831,360 N and 1,261,460E 4,831,000 N, or ~~unless otherwise~~at another location certified by the Consent Authority in accordance with Conditions ~~19~~23 and 24.

2. The water level of the Lagoon will be measured at the Waghorn's Bridge gauge or if that gauge for any reason is not available an alternative gauge ~~approved~~ certified by the Consent Authority as being an appropriate alternative gauging location representative of the Lagoon water level. The measurement of water levels in the lagoon is to be in metres above sea level (masl).

3. In this consent a 'Lagoon opening' means the:

   a) use of excavators operating on the gravel bar and foreshore, starting from the landward side of the gravel bar (Lagoon side) through to the foreshore to remove gravel; and

   b) formation of a channel between the Lagoon and sea, with excavated material retained alongside or in front of the channel and levelled off.

Lagoon Opening ~~Conditions~~ – Water Level Transitional Regime

4. ~~Lagoon Opening – transitional regime~~The consent holder shall 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

5. The Lagoon may be opened to the sea at any time of the year when the water level in the lagoon is able to facilitate an opening, provided that:

~~5. Lagoon Opening – to protect water quality and ecosystem health:~~

~~a) The Lagoon may be opened to the sea at any time of the year when the water level in the lagoon is able to facilitate an opening, provided that:~~

a) One or more of the primary lagoon water quality and ecosystem health indicators in Appendix 1 have reached a Critical Indicator Level, or to prevent or mitigate an emergency situation where the ecological and cultural values of the lagoon are under imminent risk of significant decline, taking into account the indicators listed in **Appendix 1** and **Appendix 2**; and

b) The Science Advisory Group has considered the Primary Indicators in **Appendix 1**, and any other relevant scientific information, including habitat for threatened and at-risk bird species during critical life stages, and additional indicators of Ecosystem Health set out in **Appendix 2**, and recommend in writing to the consent holders that opening the lagoon to the sea is necessary to manage the risk of a significant adverse ecological effect on the lagoon~~; and taking into account~~.

~~c) Any request in writing from a member of the public to the Consent Authority or to the Consent Holders that the lagoon be opened to protect water quality and ecosystem health.~~

Note:
Science Advisory Group means the group established in accordance with ***Conditions ~~8~~13 and 14***.
Emergency Situation means an adverse effect or sudden event in accordance with s330(b)-(f) of the RMA.

Lagoon Opening – Fish Passage

6. The Lagoon may be opened to the sea to provide for passage of diadromous fish species, provided that:

~~6. Lagoon Opening – for the purpose of providing fish passage:~~

~~a) The Lagoon may be opened to the sea to provide for passage for diadromous fish species, provided that:~~

a) The opening takes place between 1 April and 30 November; and

b) The lagoon has not been opened in the previous 24 months, or if the lagoon was opened during the past 24 months, where the timing of the open period did not support upstream migration of threatened or at-risk fish species;~~,~~ and

c) The Science Advisory Group~~,~~ has considered the lagoon water quality and ecosystem health indicators listed in **Appendix 1** and **2**, and any other relevant scientific, ~~-~~including habitat for threatened and at-risk bird species during critical life stages, and cultural information, and has advised the Consent Holders and Consent authority that opening the lagoon to the sea is necessary to enable fish passage.

~~*Note: Science Advisory Group means the group established in accordance with **Condition 8**.*~~

Lagoon Opening Process

7. ~~Lagoon Opening Process~~The consent holders must undertake ~~:~~Lagoon openings ~~must be~~ in accordance with the Consent Implementation Plan in **Appendix 4**, and the lagoon opening notice required by **Condition 12**.

Consent Implementation Plan

8. The consent holder must have and implement a **Consent Implementation Plan (CIP)** for the duration of the consent. The purpose of the CIP is to set out how the consent holders will work together to implement the consent, including their decision making process.

~~8.~~9. The ~~opening notice in the **Consent Implementation Plan**~~**CIP** must include the requirement for an 'Opening notice' which details:

a) The proposed date of the opening;

b) The purpose of the opening in accordance with **Conditions 4, 5 or 6**;

c) The current water level at the Lagoon and average daily water levels for the previous seven days;

d) The opening location and methodology, having considered the purpose of the opening, forecast weather conditions, and coastal environment; and

e) ~~a note of t~~The prevailing wind conditions (direction and strength), and comment whether or not there is any reason to suspect that the water level is only temporarily raised at the gauge board by strong wind conditions; and

f) ~~any~~ Any lagoon monitoring information necessary to show compliance with the opening criteria specified in **Conditions 4, 5, or 6**. This must include a copy of the written advice from the Science Advisory Group of the reason for the opening.~~:~~

10. The **CIP** must detail how and when the Science Advisory Group advises the consent holders whether opening the lagoon to the sea is recommended to manage the risk of a significant adverse ecological effect on the lagoon and/or fish passage.

11. The **CIP** must detail how all representatives of the Science Advisory Group are to be compensated for their time.

~~a copy of the written advice from the Science Advisory Group of the reason for opening as specified in **Condition 5** if the opening is in accordance with **Condition 5**;~~

~~i. A copy of the written advice from the Science Advisory Group of the reason for opening as specified in **Condition 6** if the opening is in accordance with **Condition 6**.~~

12. Within 6 months of the commencement of consent, the Consent Holder must review and update the CIP, if required, to ensure that it complies with the conditions of this consent. If the CIP is updated, the updated version must be submitted to the Consent Authority.

Opening Notice

13. The consent holder must, no later than 24 hours prior to the proposed opening of the lagoon, notify:

    a) The Waituna Catchment via a public notice; and

    b) The Consent Authority via written notice to escompliance@es.govt.nz,

    that the lagoon is to be opened. This notice must include the details required by condition 9.

Note:
Public notice to the Waituna Catchment may include public notice in the newspaper, and/or on the Environment Southland Website.

Science Advisory Group

~~9.~~14. The consent holders shall establish a Science Advisory Group within 60 working days of the grant of this consent, and prior to the exercise of this consent. The purpose of the Science Advisory Group is to:

~~a)~~c) Act as an advisory group to the consent holders; and

~~b)~~d) Make recommendations to the consent holders under **Conditions 5 and 6**.

15. The Science Advisory Group:

a) ~~m~~Must include suitably qualified expert representatives of:

i. the Director-General of Conservation;

ii. Awarua Rūnaka;

iii. Environment Southland; and

b) Must include a suitably qualified expert Chair, from an organisation independent of the Consent Holders and Waituna Catchment community.

Prior to the appointment of the Chair, the nomination must be submitted by the Consent Holders to the Consent Authority for certification of the Chair's independence.

c) May include:

i. A suitably qualified expert representative of the Waituna Catchment community with scientific knowledge of coastal lagoon ecosystems, if one is nominated by the Waituna Catchment community.

The consent holders must provide the Waituna Catchment community an opportunity to nominate a representative on the Science Advisory Group and accept the nominee, provided the nominee is a suitably qualified expert; and

ii. Other suitably qualified experts with scientific or cultural knowledge of coastal lagoon ecosystems approved by the consent holders.

Note:
A suitably qualified expert 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 Rūnaka with cultural knowledge.

~~10.~~16. Decisions of the Science Advisory Group must be made ~~unanimously or if a decision cannot be made unanimously~~ by majority.

~~11. All organisations represented in the Science Advisory Group will bear their own cost of their representative. The actual and reasonable costs of additional experts in **(c)** is to be shared by the consent holders.~~

~~12.1. The Science Advisory Group:~~

~~(a) must include suitably qualified expert representatives of:~~

~~i. the Director-General of Conservation;~~

~~ii.~~i. ~~Awarua Rūnaka;~~

~~iii.~~i. ~~Environment Southland; and~~

~~b)~~a) ~~Must include a suitably qualified expert Chair, from an organisation independent of the Consent Holders and Waituna Catchment community.~~

~~Prior to the appointment of the Chair, the nomination must be submitted by the Consent Holders to the Consent Authority for certification of the Chair's independence.~~

~~c)~~a) ~~May include:~~

~~i. A suitably qualified expert representative of the Waituna Catchment community with scientific knowledge of coastal lagoon ecosystems, if one is nominated by the Waituna Catchment community.~~

~~The consent holders must provide the Waituna Catchment community an opportunity to nominate a representative on the Science Advisory Group and accept the nominee, provided the nominee is a suitably qualified expert; and~~

~~ii.~~i. ~~Other suitably qualified experts with scientific or cultural knowledge of coastal lagoon ecosystems approved by the consent holders.~~

~~*Note:*~~
~~*A suitably qualified expert 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 Rūnaka with cultural knowledge.*~~

~~13. The Science Advisory Group must advise the consent holders in writing whether opening the lagoon to the sea is recommended to manage the risk of a significant adverse ecological effect on the lagoon. This must occur as soon as reasonably practicable but not later than five working days of the consent holders notifying the Science Advisory Group that monitoring in accordance with **Condition 14** demonstrates that one or more of the Primary lagoon water quality and ecosystem health indicators has reached its Critical Indicator Level.~~

Communications

17. The consent holder must ~~be~~ exercise the consent~~d~~ in accordance with the **Communications Management Plan (CMP)** dated 6 May 2025. ~~:~~ The purpose of the CMP is to set out how:

a) The consent holder~~s~~ will make matters related to the exercise of the consent publicly available and accessible, including but not limited to lagoon openings and monitoring information;

b) interested parties are to be informed of the matters related to the exercise of the consent in (i) above;~~; and~~ and

c) interested parties can make enquiries or raise concerns to the consent holders regarding the health of the lagoon or the exercise of the consent, and how these matters will be responded to.

18. The consent holder must review the CMP in consultation with the Waituna ~~catchment~~ Catchment community, within 12 months ~~from~~ of the commencement of this consent ~~approval~~, and ~~thereafter~~ at 5 yearly intervals thereafter.~~starting at year 5,~~

~~14.~~19. The Consent Holder ~~and~~ must provide the updated CMP to the consent authority for certification, within 1 month of the update being made. Certification is limited to ensuring the CMP meets the requirements of this consent~~,~~.

~~a) The purpose of the CMP is to set out how:~~

~~i. The consent holders will make matters related to the exercise of the consent publicly available and accessible, including but not limited to lagoon openings and monitoring information;~~

~~ii.~~i. ~~interested parties are to be informed of the matters related to the exercise of the consent in (i) above; and~~

~~iii. interested parties can make enquiries or raise concerns to the consent holders regarding the health of the lagoon or the exercise of the consent, and how these matters will be responded to.~~

Monitoring and Reporting Conditions

20. The consent holders must engage a suitably qualified expert(s) to prepare a Monitoring Plan. The Monitoring Plan must be submitted to the Consent Authority for ~~C~~certification no later than 60 working days following the grant of resource consent, and prior to the exercise of the consent. The purpose of the Monitoring Plan is to direct the parameters to be monitored and the frequency of monitoring. The Monitoring Plan must include:~~ of~~:

a) How the water level, location and timing of openings will be recorded, how long the lagoon is open to the sea, when it closes (to the nearest week~~), and observations/information learned from the opening~~; and

b) How records will be kept following each opening to provide:

a. Comment as to whether the opening location and methodology were effective in responding to the purpose of the opening; and

b. Comment on whether any changes to the opening location and methodology are necessary for future openings to better protect lagoon and ecosystem health and cultural values;

~~; and~~

c) ~~Information~~The monitoring of parameters to demonstrate compliance with the ~~opening~~ **Conditions 4, 5, and/or 6**; and

d) Monitoring of the primary and secondary indicators of lagoon water quality and ecosystem health in **Appendix 1 and Appendix 2**; and

e) Details of the frequency of monitoring for the parameters and indicators listed in (~~a~~b) and (~~c~~b) above, that is suitable to ensure they are monitored frequently enough to make robust decisions on opening the Lagoon and to understand the effects of opening the Lagoon, and

f) Monitoring of fringing wetland vegetation:

i. Within 6 months of the commencement of the consent and prior to opening the lagoon under this consent,
ii. In year~~s 2 and~~ 5 of this consent, and
iii. Every 5 years following the 'Year 5' monitoring event required by **Condition 20~~17~~(e)(ii).**

~~g) Monitoring of fish strandings within the first 48 hours of the lagoon being opened, including the location of standings, identification of the species, and approximate number of fish that have become stranded.~~

~~:~~

~~The Monitoring Plan must include as a minimum:~~

~~How the location of openings will be recorded;~~

~~The timing, location and methods of monitoring:~~

~~the transitional regime water levels as specified in **Condition 4**;~~

~~to protect water quality and ecosystem health as specified in **Condition 5**;~~

~~for the purpose of provide fish passage as specified in **Condition 6**; and~~

~~a. The timing, method, and location of monitoring of all primary and secondary indicators of lagoon water quality and ecosystem health in **Appendix 1 and Appendix 2**.~~

~~15.~~21. The consent holders must monitor ~~and record the following information:~~the consent in accordance with the Monitoring Plan.

~~a) changes in the primary and secondary indicators of lagoon water quality and ecosystem health in **Appendix 1 and Appendix 2 in accordance with the Monitoring Plan**;~~

~~a) when and where the lagoon is opened to the sea;~~

~~b) the water level in the lagoon at the time it was opened;~~

~~c) information to demonstrate compliance with the opening **Conditions 4, 5, and/or 6 in accordance with the Monitoring Plan**;~~

~~d) how long the lagoon is open to the sea, when it closes (to the nearest week), and observations/information learned from the opening.~~

~~16.~~1. ~~The consent holders must engage a suitably qualified expert(s) to prepare a Monitoring Plan. The Monitoring Plan must be submitted to the Consent Authority for Certification no later than 60 working days following the grant of resource consent, and prior to the exercise of the consent. The purpose of the Monitoring Plan is to direct the parameters to be monitored and the frequency of monitoring of:~~

- ~~information to demonstrate compliance with the opening **Conditions 4, 5, and/or 6**; and~~
- ~~the primary and secondary indicators of lagoon water quality and ecosystem health in **Appendix 1 and Appendix 2.**~~

~~The Monitoring Plan must include as a minimum:~~

~~17.~~1. ~~How the location of openings will be recorded;~~
~~18.~~1. ~~The timing, location and methods of monitoring:~~
   ~~(a) the transitional regime water levels as specified in Condition 4;~~
   ~~(b)~~(a) ~~to protect water quality and ecosystem health as specified in Condition 5;~~
   ~~(c)~~(a) ~~for the purpose of provide fish passage as specified in Condition 6; and~~
~~The timing, method, and location of monitoring of all primary and secondary indicators of lagoon water quality and ecosystem health in **Appendix 1 and Appendix 2.**~~

~~19.~~22. Information gathered under **Condition ~~14~~ ~~18~~21** shall be provided in writing to the Consent Authority:

a) Annually on [insert date]; and

b) on request.

Review of Monitorng, Effectiveness and Effects

~~20.~~23. ~~No later than [insert date –~~Within 5 years ~~from of grant~~commencement of this consent~~]~~, and thereafter at 5-yearly intervals, ~~and within 6 months of any opening event,~~ the Consent Holders must submit ~~a review of effectiveness, with the 5 yearly review being a 5-year~~ review of the effectiveness of the consent (a Consent Review) in protecting lagoon health, to the Consent Authority, which as a minimum must assess:

a) whether any amendments to the consent are required to better protect lagoon and ecosystem health and cultural values;

~~any adverse effects caused by the activity, based on the results of monitoring conducted in accordance with the Monitoring Plan, and any measures that could be undertaken to avoid, remedy, or mitigate these effects;~~

~~a)~~b) whether the opening location(s) and methodology are the most appropriate to deal with the effects outlined (c) below;

~~b)~~c) whether the conditions of the consent are adequate to deal with any 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 commencement of the consent, including effects on fish populations, and the effects of climate change, or any other adverse effects based on the results of monitoring conducted in accordance with the Monitoring Plan;

~~c)~~d) the efficiency and effectiveness of the Monitoring Plan to inform the exercise of the consent;

~~d)~~e) the implementation and effectiveness of the CMP in keeping the community engaged and informed about the exercise of the consent;

~~e)~~f) the efficiency and effectiveness of the Consent Holder reporting to the Science Advisory Group, of Science Advisory Group recommendations regarding opening, and the Consent Holder opening the lagoon; and

~~f)~~g) whether any amendments to the lagoon water quality and ecosystem health indicators are necessary.

Accidental Discovery and Spill Response Conditions

~~21.~~24. In the event of the discovery, or suspected discovery, of a site of cultural importance (Wāhi Taonga/Tapu), the consent holders must immediately cease works in that location and inform Te Ao Marama Inc and the Consent Authority. Works may recommence at a time as agreed upon in writing with the Consent Authority. The discovery of Koiwi (human skeletal remains) or Taonga or artefact material (e.g. pounamu/greenstone) would indicate a site of cultural importance. **Appendix 3** to this consent outlines the process that must be followed in the event of such a discovery. Note the consent holder is agreeable to use Environment Southlands standard condition in replacement of this condition.

~~22.~~25. In the event of an accidental spill of contaminants, such as fuel or oil spilt from the digger during the lagoon opening, the consent holders shall remove the contaminants immediately from the site and notify, without undue delay, the Consent Authority (email: escompliance@es.govt.nz ~~or~~ and phone 0800 76 88 45~~03 211 5115~~) and the Operations Manager (Murihiku) of the Department of Conservation. Note the consent holder is agreeable to use Environment Southlands standard condition in replacement of this condition.

Lagoon Opening Location

~~23.~~26. Should the consent holders seek to open the lagoon at an alternative location to Walkers Bay, or if an opening at Walkers Bay has not been undertaken within the preceding 5 years, a risk assessment must be submitted to the Consent Authority~~, no less than 24 hours prior to opening,~~ for certification and must assess as a minimum:

a) The risk to ecological and cultural values of the Lagoon, including: habitat for submerged and emergent aquatic plants, habitat and migration pathways for fish species~~, the potential for fish strandings,~~ and fringing wetlands,

b) The risk of water quality effects from erosion and sedimentation during opening of the lagoon and any measures required to mitigate these effects, including the consideration of erosion and sedimentation controls,

c) The suitability of the location for managing poor water quality, and protecting the ecological and cultural values of Lagoon,

~~b)~~d) The suitability of the site in relation to the time of the year/season, the potential for the opening site to remain open for an extended duration, and any measures that could be employed to reduce the duration the lagoon remains open, and

e) ~~If the opening is not proposed to occur at Walkers Bay, T~~the overall environmental benefits of the proposed location, relative to ~~Walker's Bay~~ other potential opening locations, and taking into account the recommendations of the Science Advisory Group.

~~24.~~27. The opening of the lagoon must not occur until written certification of the risk assessment has been received from the Consent Authority. Certification is to ensure that the risk assessment has been undertaken in accordance with **Condition 26~~3~~**.

Consent Review

~~25.~~28. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holders of its intention to review the conditions of this consent on [insert date], or on receiving annual monitoring results or the 5-yearly Consent Review ~~(required by **Condition 16**)~~, 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 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 commencement 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) Amending the monitoring programme.

Consent Lapse

29. This consent shall lapse 10 years after the date of the commencement of this consent.

Consent Term

~~26.~~30. This consent shall expire 20 years after the date of the commencement of this consent.

Appendix 1

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 5mm3/L (and more than 50% of phytoplankton biovolume present as toxic or potentially toxic cyanobacteria	Biovolume greater than 10mm3/L (and more than 80% of phytoplankton biovolume present as toxic or potentially toxic cyanobacteria)
	Bottom water dissolved oxygen concentration	< 2 and ≥ 0.5 mg/L	< 0.5 mg/L
	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" shall be identified by: (i) A chlorophyll-a concentration and/or (ii) An observations by an appropriately qualified and experienced person. These observations shall include the location and approximate extent and intensity of the visible algal bloom on each day of observation.		

Appendix 2

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.

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 Marama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for Te Ao Marama Inc are as follows:

Te Ao Marama Inc

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

Te Ao Marama 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 Marama 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 Marama 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 Ngai 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

Appendix 4 – Consent Implementation Plan

Consent Holders

1. The Consent Holders will implement the consent in accordance with the following principles:
   a. Collaboration: The Consent Holders are committed to working together in good faith toward a shared outcome that improves the environment and mana of the Waituna Lagoon. Each party's expertise is valued and utilised, and Te Rūnaka o Awarua interests will form a critical part of the collective aspiration.
   b. Trust: Trust will be built through demonstrating integrity by communicating openly and honestly, early and often; and by operating transparently.
   c. Collective integrated decision making: the Consent Holders will take a collaborative approach to decision-making while acknowledging their distinct roles and recognising each party may have different views from the others. Decision making and implementation will involve integrated approaches to enable complex social, natural and political processes to be navigated effectively.
2. The Consent holders will establish a Steering Group. The Steering Group will comprise representatives of the Consent holder organisations being Southland Regional Council, the Director-General of Conservation and Te Rūnaka o Awarua, and each of the three organisations will appoint a Relationship Manager for decision making on their behalf.
3. The Steering Group of the Consent Holders will meet at 6 monthly intervals at a minimum to oversee the exercise of the consent.
4. The Steering Group of the Consent Holders will meet more frequently if required where lagoon opening triggers are met or are anticipated to be met in accordance with the Decision Tree attached.

Decision Making

5. Decision making of the Consent Holders regarding lagoon openings will be in accordance with the Decision Tree attached as Schedule 1.
6. Decision making by the Consent Holders will be by consensus, or if consensus cannot be reached, by majority, in accordance with the principles above.

Lagoon Opening Location and Methodology

7. Decisions made regarding the lagoon opening location and methodology will take into account advice of the Science Advisory Group, and will be in accordance with the requirements of Conditions 19 (regarding opening location) and Condition 7 (regarding opening methodology).

Reserves Act Authority

8. The Consent holders will apply for an Authority under the Reserves Act 1977 to facilitate the exercise of the consent within the scientific reserve, within 3 months of the grant of the consent[1].

[1] Note: An approval under the Reserves Act cannot be a condition of consent.

Appendix 4: Consent Implementation Plan - Schedule 1: Decision Tree

Fish Passage Trigger (Condition 6) **Water Level Triggers (Condition 4)** **Water Quality and Ecosystem Health Triggers (Condition 5)**