

Land Use Consent

Pursuant to Section 104A of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to **Fiordland Trails Trust at Leg 6 of the Lake 2 Lake Trail, Fiordland** from **xx September 2019**

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted:	Wetland modification to enable construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail
Location	- site locality - map reference - catchment
Legal description of land at the site:	Public Land, owned by the Crown
Expiry date:	xx September 2044

Schedule of Conditions

1. This consent authorises wetland modification to enable the construction of 35 metres of the Lake 2 Lake trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake at the location specified above, as described in the application for resource consent dated 18 February 2019 and further information provided on 1 and 11 April 2019.
2. The culverts shall be sized and constructed as detailed in the application and located within the areas as identified and described in the application.
3. The Consent Holder shall infill the excavated ditch back to the ground level of the wetland by 31 December 2019. The consent holder shall notify the Consent Authority in writing (escompliance@es.govt.nz) on commencement and upon completion of the works.

4. The Consent Holder shall undertake three monitoring site visits involving walk-over assessments and photographic evidence shall be obtained during each assessment along with an assessment documenting each site visit completed which shall be provided to the Consent Authority in writing (escompliance@es.govt.nz). The Consent Holder shall:
 - a) Undertake the first monitoring site visit assessment immediately after the remedial works required in condition 3 have been implemented, to demonstrate the remediated ground level;
 - b) Undertake the second monitoring site visit assessment by March 2020 to assess whether there has been any settling. The applicant shall undertake additional infilling back to the ground level of the wetland if there has been settling; and
 - c) Undertake the third monitoring site visit assessment by 1 October 2020 to confirm if rautahi has colonised the infilled area. The third assessment will also provide a recommendation as to the need for any further monitoring if rautahi has not colonised the infilled area.
5. The consent holder shall ensure that:
 - a) contaminants, other than sediment, but including cement and oil are prevented from entering the waterway during the construction works;
 - b) all reasonable steps shall be taken to minimise the release of sediment to water;
 - c) the structure and approaches are constructed so that run-off from the structure is discharged to land rather than directly to the stream/river;
 - d) fish passage is not impeded as a result of the works;
 - e) all construction equipment, machinery, plant, and debris are removed from the site on completion of the works;
 - f) silt disturbance and instream works are kept to a minimum;
 - g) no washing of equipment occurs in the stream/river;
 - h) the batters of the cycle trail shall be resown upon completion of the works;
 - i) works shall, as far as practicable, be undertaken when flows in the watercourse are low.
6. The consent holder shall ensure that the culverts authorised by this consent do not cause any flooding, erosion, scouring, land instability or property damage.
7. The consent holder shall visually inspect the culvert and trail authorised by this consent every two months to check for any indication of scour erosion at the culvert outlets and to ensure they are maintained in sound structural condition.
8. In the event of any contamination of the watercourse the consent holder shall remove the contaminants immediately from the site and notify, without undue delay, the Consent Authority.
9. There shall be no disturbance of the roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel, or the feeding areas of the banded and black fronted dotterel, as a result of the exercise of this consent.
10. The consent holder shall take all reasonable precautions to minimise the spread of pest plants and aquatic weeds. In particular, the consent holder shall:
 - a) remove any vegetation caught on the machinery;
 - b) where necessary, clear vegetation from the site;
 - c) avoid working in areas where aquatic weeds such as *Lagarosiphon major* are known to be present (for information, contact Environment Southland); and

- d) to avoid the spread of the *didymosphenia geminata* or any other pest plant, do not use machinery that has been used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless it has been thoroughly cleansed.
11. The consent holder shall have in place at all times, an active noxious weed management programme to eradicate noxious weeds, covering an area of up to 2,000m² within the wetland immediately upstream of from the trail edge, as described in the application for resource consent dated 18 February 2019 and further information provided on 1 and 11 April 2019.
 12. The consent holder shall pay an annual administration and monitoring charge to the Consent Authority, collected in accordance with Section 36 of the Resource Management Act, 1991. This charge may include the costs of inspecting the site upon completion of the works (or otherwise as set by the Consent Authority's Annual Plan).
 13. In the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu) during the construction, the consent holder shall immediately cease operations in that location and inform the local iwi authority (Te Ao Marama Inc, phone 03 931 1242). Operations 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 A to this consent outlines the process that is to be followed in the event of such a discovery.
 14. 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 during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purposes of:
 - a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit;
 - 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 to be undertaken; or
 - d) adding or adjusting compliance limits.

for the **Southland Regional Council**

Michael Durand
Consents Manager

Notes:

1. *Avoid spreading Didymo – Environment Southland strongly recommends that the consent holder, and any person or contractor engaged by the consent holder to carry out the works authorised by this consent, use the “check, clean, dry” management approach as set out in the Biosecurity Management Guidelines (available at www.biosecurity.govt.nz or from Environment Southland) when entering and leaving the river environs.*

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Appendix A: 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
Murihiku Marae, 408 Tramway Road, Invercargill
P O Box 7078, South Invercargill 9844
Phone: (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/- Dr M Schmidt, Regional Archaeologist Otago/Southland
PO Box 5467, Dunedin 9058
Phone: (03) 470 2364 Mobile 027 240 8715 mschmidt@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 Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. Ngai Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Runanga o Ngai Tahu staff as soon as is reasonably practicable. Te Runanga o Ngai Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Runanga;
- 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 Programme Leader – Ohanga, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

Te Rūnanga o Ngāi Tahu
C/- Programme Leader - Ohanga
Te Whare o Te Wai Pounamu
15 Show Place, P O Box 13-046, Otautahi/Christchurch 8021
Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz

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