

Land Use Consent

Under Section 104B of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to **Titipua Limited Partnership** of **354 Hedgehope Block Road, Hedgehope 9872** from **21 April 2022**.

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:	To construct, maintain, and use a herd home bunker for the storage of agricultural effluent
Location	- site locality - map reference - groundwater zone - physiographic zone - catchment
	Hedgehope Block Road NZTM2000 1257658E 4869494N Makarewa Lignite Marine Terraces Titipua Stream
Legal description of land at the site:	Lot 3 DP 1494
Expiry date:	31 May 2032

Schedule of Conditions

General Conditions

1. This consent authorises the construction, maintenance, and use, in accordance with the application for resource consent dated 6 December 2021¹, of an effluent storage herd home bunker with capacity to store no more than 834 cubic metres of effluent.

Operational Requirements and Limitations

2. This Resource Consent shall be exercised in conjunction with Land Use Consent AUTH-20211092-03.

¹ Environment Southland Document ID: A723636

3. There must be no overland or lateral flow, or overtopping or overflowing of agricultural effluent from or outside of, or visible or noticeable leakage from, the structures authorised by this consent, during the use and maintenance of the structures.

Construction

4.
 - (a) The effluent storage bunker must be designed, and the construction supervised, by a suitably qualified person. The bunker shall be constructed of suitable materials, and shall be designed and constructed in such a manner that it is structurally sound and will not leak.
 - (b) The supervising suitably qualified person shall, upon completion of the construction, provide to the Consent Authority (escompliance@es.govt.nz):
 - (i) confirmation in writing that the bunker has been designed and constructed in accordance with the conditions of this consent and the "IPENZ Practice Note 21 "Farm Dairy Effluent Ponds" 2017;
 - (ii) the Producer Statement;
 - (iii) results from compaction testing undertaken following completion of the earthworks; and
 - (iv) reports and photographs from each installation progress inspection undertaken by the suitably qualified person, or by any other supervising person acting on their behalf.
 - (c) No effluent may be stored/treated in the bunker until the confirmation required by condition 4(b) is received by the Consent Authority.
 - (d) The confirmation required by condition 4(b) shall be provided to the Consent Authority no later than 1 May 2023.
5. The effluent bunker shall not be constructed within:
 - (a) 50 metres of any surface watercourse;
 - (b) 100 metres of any water abstraction point;
 - (c) 50 metres of any other property boundary;
 - (d) 200 metres of any residential dwelling, other than residential dwellings on the property.

Inspections and monitoring

6.
 - (a) At least once each milking season, the consent holder shall:
 - (i) inspect the bunker while it is empty to check for cracks, holes, or defects; and
 - (ii) take photographs of the empty bunker which show all aspects of the structure.
 - (b) The consent holder shall maintain a record of the inspections and photographs taken under condition 6(a) and shall provide the record to the Consent Authority upon request.
7.
 - (a) By 30 June 2031 the consent holder shall obtain written confirmation from a Suitably Qualified person that the bunker has no visible cracks, holes or defects that would allow effluent to leak from the structure.

- (b) The certification required by condition 7(a) shall be accompanied by photographs of the structures (date stamped) and be supplied to the Consent Authority within one month of receiving the certification.
8. The Consent Holder shall notify the Consent Authority within 48 hours if the inspections required by condition 6, the certification required by condition 7, or any other inspection or testing identifies that:
- (a) the bunker is not structurally sound (which may be identified through the presence of slumping, hollows, bulges, or defects on either the inside or outside walls of the structure); or
 - (b) the structure has visible cracks, holes or defects that would allow effluent to leak from the structure.
9. Within one week of notifying the Consent Authority under condition 8, the Consent Holder shall advise the Consent Authority in writing of the steps that will be taken to ensure that the structure is made suitable for ongoing use, including:
- (a) any additional testing to be undertaken;
 - (b) an outline of the proposed works to be undertaken to remediate the structure;
 - (c) the timeframe for completion, which shall be no longer than three months;
 - (d) identification of whether the works will require consent for reconstruction of the bunker (rather than the maintenance authorised by this consent);
 - (e) the additional mitigation measures that will be employed to minimise the adverse effects of the leaking structure prior to remediation being undertaken; and
 - (f) testing, certification, or inspections to be completed following the works to demonstrate that the structure is able to comply with the conditions of this consent.

Operational Management Plan

10. Within six months of the exercise of this consent, the consent holder shall prepare and submit to the Consent Authority an Operational Management Plan for the herd home bunker authorised by this consent. The Operational Management Plan may be combined with the Collected Agricultural Effluent Management Plan required by AUTH-20211092-01 (the relevant discharge permit) or any subsequent replacement, and shall include:
- (a) operational procedures relating to the bunker;
 - (b) emergency responses;
 - (c) monitoring and reporting requirements;
 - (d) the undertaking of visual inspections;
 - (e) a record of any maintenance work undertaken; and
 - (f) the installation of monitoring devices.
11. The Operational Management Plan required by condition 10 shall be reviewed at least once each milking season, with the outcome of the review provided to the Consent Authority within one month.

12. If an event (such as effluent overflow to water or collapse of the structure) occurs that may have significant adverse effect on water quality, particularly at the abstraction point of a registered drinking-water supply, the consent holder shall notify, as soon as reasonably practicable, the following:
- (a) the Consent Authority (ph 03 211 5115 or 03 211 5225 after hours);
 - (b) Southland District Council (ph 0800 732 732).

Accidental Discovery

13. In the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu) during the effluent bunker 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.

for the **Southland Regional Council**



Allan Cubitt
Independent Hearing Commissioner

Note:

1. *The consent holder shall pay an annual administration and monitoring charge to the Consent Authority, payable on invoice. This charge may include the costs of inspecting the operation of this resource consent.*

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. (Ngāi 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
PO 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/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 Runanga 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 Runanga o Ngāi Tahu staff as soon as is reasonably practicable. Te Runanga o Ngāi 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, PO Box 13-046, Otautahi/Christchurch 8021
Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz