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## **Draft Coastal Permit**

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to **E R Pirie, 389 Kapuka North Road, RD 3, Wyndham 9893**, on behalf of the Lake Waituna Control Association, care of from [Date].

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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 periodically open Lake Waituna to the sea

Location - site locality Walker's Bay and Hansen's Bay, Lake Waituna  
- map reference

At:  
the gravel barrier at Walker's Bay between NZTM 1262291E, 4831330N and 1261460E, 4831000N; or  
the gravel barrier at Hansen's Bay between NZTM 1265305E, 4832570N and 1265405E, 4832605N; or  
the gravel barrier on the coast opposite Waghorns Bridge between NZTM 1267033E, 4833144N and 1267421E, 4833249N; or  
the gravel barrier at the eastern end of the lagoon between NZTM 1267791E, 4833340N and 1268092E, 4833413N

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Legal description at the site: Section 29 Block XIII Oteramika Hundred and Crown Land (seabed)

Expiry date: [Date]

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### **Schedule of Conditions**

1. This consent authorises the opening of the Waituna Lagoon to the sea through the gravel barrier at either:
- (a) Walker's Bay between NZTM 1,262,340E 4,831,360 N and 1,261,460E 4,831,000N; or
  - (b) Hansen's Bay, between NZTM 1,265,305E 4,832,570N and 1,265,405E 4,832,605N; or
  - (c) the gravel barrier on the coast opposite Waghorns Bridge between NZTM 1267033E, 4833144N and 1267421E, 4833249N; or
  - (d) the gravel barrier at the eastern end of the lagoon between NZTM 1267791E, 4833340N and 1268092E, 4833413N.

2. Except as specified in Condition 6, the openings authorised by this resource consent shall be at the Walker's Bay site specified in Condition 1(a). If an alternate site is requested in accordance with Condition 6(b), it shall only be one of the sites specified in Condition 1.

3. (a) Immediately prior to lagoon opening, the consent holder must notify the Consent Authority (email: [escompliance@es.govt.nz](mailto:escompliance@es.govt.nz)), the Kaipapa Taiao Manager at Te Ao Marama Inc, Operations Manager (Murihiku) of the Department of Conservation and the private landowners adjacent to Waituna Lagoon, as listed in Appendix 4, about the proposed opening location. The notification shall be in writing, including by email, and shall include:

- (i) the current water level at the Waghorn's Road bridge gauge board<sup>1</sup> and average daily water levels for the previous seven days; and
- (ii) note of the prevailing wind conditions (direction and strength)<sup>2</sup>, 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
- (iii) any lagoon monitoring information necessary to show compliance with the opening criteria specified in Conditions **4, 5 or 6**.

***Lagoon Opening May to September inclusive***

4. (a) During the months from 1 May to, and including, 31 August the lagoon may be opened to the sea when water level in the lagoon reaches 2.0 metres, as measured on the Waghorn's Road bridge gauge board.
- (b) During the period 1 September to 19 September the lagoon may be opened to the sea when water level in the lagoon reaches 2.0 metres, as measured on the Waghorn's Road bridge gauge board once the lagoon has been above that level for 7 days out of a continuous period of ten days.
- (c) During the month of July the lagoon may be opened when water level in the lagoon reaches 1.8 metres as measured on the Waghorn's Road bridge gauge board, if the lagoon has not been opened in the previous 12 month period.

<sup>1</sup> Continuous water level readings are available at: [http://www.es.govt.nz/rivers-and-rainfall/graph/?site=Waituna-Lagoon-at-Waghorns-Road&measurement=river level&start=12-May-2016&end=19-May-2016&owner=0](http://www.es.govt.nz/rivers-and-rainfall/graph/?site=Waituna-Lagoon-at-Waghorns-Road&measurement=river%20level&start=12-May-2016&end=19-May-2016&owner=0)

<sup>2</sup> Wind conditions at Invercargill airport can be viewed at: <http://www.metservice.com/towns-cities/invercargill?pcid=CJuf6z1gM8CFQGavAod19kAsA#/your-weather>

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(i) Openings under Condition 6 may be at any of the sites, dependent upon the recommendation of the technical advisory group as described in Condition 6(b).

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***Lagoon Opening 20 September to April inclusive***

5. (a) During the months from 20 September to, and including, 30 April the lagoon may be opened to the sea when the water level in the lagoon reaches 2.2 metres, as measured on the Waghorn's Road bridge gauge board;
- (b) During the months from 20 September to, and including, 30 April the lagoon may be opened to the sea when the water level exceeds 2.0 metres, as measured on the Waghorn's Road bridge gauge board, provided that:
- (i) the lagoon has been above that level for 14 days out of a continuous period of twenty days; and
  - (ii) the mean aquatic plant (macrophyte) cover in the lagoon has exceeded 30 percent for the previous three years, as determined by annual summer surveys or monitoring by a suitably qualified person

***Lagoon Opening in the case of poor water quality events***

6. (a) Notwithstanding conditions 4-5 of this consent, the lagoon may be opened to the sea when water level in the lagoon is above 1.5 metres, as measured on the Waghorn's Road bridge gauge board, provided that:
- (i) One or both Water Quality (Primary) Indicators set out in Appendix 1 has reached its Critical Indicator Level; and
  - (ii) a technical advisory group, convened jointly by Environment Southland, Te Ao Marama Inc and the Department of Conservation, with scientific knowledge of coastal lagoon ecosystems, has considered the Primary Indicators in Appendix 1, and any other relevant scientific information, including additional indicators of Ecosystem Health set out in Appendix 2, and has advised the consent holder and Consent Authority in writing that opening the lagoon to the sea is advisable to disrupt an actual or probable algal bloom in order to avoid a significant adverse ecological effect on the lagoon,
- (b) If the technical advisory group required by Condition 6(a)(ii) specifies a preference (in writing) for the opening to occur at one or the other of the locations specified in Condition 1, the opening in accordance with this condition shall only occur at that location.
- (c) In the event that the lagoon is opened to the sea in accordance with condition 6(a), the consent holder shall notify the parties specified in Condition 3(a) that a Water Quality Indicator has reached its Critical Indicator Level and that opening the lagoon to the sea has been recommended. The notification shall include evidence that Critical Indicator Level has been reached and a copy of the written advice from the technical advisory group specified in condition 6(a).

***Lagoon Opening for the purpose of providing fish passage***

7. (a) Notwithstanding conditions 4 and 6 of this consent, the lagoon may be opened to the sea to provide for passage for diadromous fish species when the water level in the lagoon is above 1.5 metres, as measured on the Waghorn's Road bridge gauge board, during the period 1 April to 30 November, provided that:
- (i) The lagoon has not been opened in the previous 12 months, and

- (ii) The Technical Advisory Group has considered the lagoon water quality and ecosystem health indicators listed in Appendix 1 and Appendix 2, and any other relevant scientific information, and has advised the consent holder and Consent Authority (in writing) that opening the lagoon to the sea is recommended to enable fish passage.
- (b) If the Technical Advisory Group specifies a preference (in writing) for the opening to occur at one or the other of the four locations specified in condition 1, the opening in accordance with this condition shall only occur at that location.
- (c) In the event that the lagoon is opened to the sea in accordance with Condition 7(a), the consent holder shall notify the parties specified in Condition 3(a) that an opening of the lagoon to the sea to provide for fish passage has been recommended. The notification shall include evidence that the lagoon has not been open to the sea in the previous 12 months and a copy of the written advice from the Technical Advisory Group specified in Condition 7(a)(ii).

***Responses to disturbance of artefacts or fuel spills***

8. In the event of:
- (a) the discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu), the consent holder shall immediately cease operations in that location and inform the local Iwi authority (Te Ao Marama Inc) and the Consent Authority. 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 2 to this consent outlines the process that is to be followed in the event of such a discovery.
  - (b) contamination of the lagoon or foreshore, such as with fuel or oil spilt from the digger during the lagoon opening, the consent holder shall remove the contaminants immediately from the site and notify, without undue delay, the Consent Authority (email: [compliance@es.govt.nz](mailto:compliance@es.govt.nz) or phone 03 211 5115) and the Area Manager (Murihiku) of the Department of Conservation.

***Information Gathering Requirements***

9. The consent holder shall record the following information:
- (a) changes in the Primary, Secondary and Tertiary indicators of lagoon Water Quality and Ecosystem Health set out in Appendix 1 and Appendix 2, as advised by the Technical Advisory Group;
  - (b) when and where the lagoon is opened to the sea;
  - (c) the water level in the lagoon at the time it was opened;
  - (d) information to show compliance with the opening criteria specified in Conditions ~~4 - 7~~;
  - (e) how long the lagoon is open to the sea and when it closes (to the nearest week).
10. The consent holder shall provide the information specified in condition 9, to the Consent Authority, the Operations Manager (Murihiku) of the Department of Conservation and the

Technical Advisory Group within one month of the opening of the lagoon to the sea, and without undue delay following closure of the channel to the sea.

#### **Consent Review and Council Charges**

11. 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.

*Note: Under s127 of the Resource Management Act the Consent Holder can apply for a change or cancellation of a resource consent condition (other than the consent duration) at any time during the consent period.*

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.

#### **Meetings**

13. The consent holder shall hold liaison meetings, at least once each year, to report and discuss available monitoring information recorded in accordance with Condition 9.
- (a) The consent holder shall invite the following to the liaison meetings:
    - (i) representatives of each of the organisations in Section 3.1 of Appendix 3; and
    - (ii) each of the individuals (or their representatives) in Section 3.2 of Appendix 3
    - (iii) Any other person or group at the discretion of the applicant. [To be confirmed]
  - (b) The consent holder shall record a summary of the attendees and discussion at each meeting, and report the summary to the consent authority within 20 working days of the meeting.
  - (c) In the event that contact details for any of the individuals or organisations in Appendix 3 becomes outdated, and the consent holder has not been notified of updated contact details, the consent holder may omit invitation of that individual or organisation to the meeting.

for the **Southland Regional Council**

Vin Smith  
**Director of Policy, Planning & Regulatory Services**

**Appendix 1**  
**Indicators**

<b>Primary Indicator</b>	<b>Critical Trigger</b>
Chlorophyll <i>a</i>	a sustained visible algal bloom* over a period of 14 days or longer.
<u>Cyano-bacteria</u>	<u>≥ 500 cells/mL, or ≥ 0.5 mm<sup>3</sup>/L biovolume of potentially toxin producing species.</u>
<b><u>Interpretation</u></b>  * A “visible algal bloom” shall be identified by:  (i) <u>A chlorophyll-<i>a</i> concentration of ≥ 0.012 mg/L (or other figure identified in writing by the Technical Advisory Group referred to in condition 6; and/or</u>  (ii) <u>The observations of an appropriately qualified person. These observations shall include the location and approximate scale and intensity of the visible algal bloom on each day of observation.</u>	

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**Appendix 3**

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

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**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/o 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](http://www.ngaitahu.iwi.nz)

**Appendix 4**  
**Contact details for persons identified in conditions**  
**[To be confirmed]**

- a) The following lists identify the organisations and persons to be invited to the liaison meetings.
- b) The postal and email addresses are based on information in the submissions to the application but could become outdated during the term of the resource consent.

**3.1 Organisations:**

- Te Runanga o Awarua, C/- Te Ao Marama Inc, PO Box 7078, South Invercargill 9844 [dean.waanga@teaomarama.maori.nz](mailto:dean.waanga@teaomarama.maori.nz)
- Department of Conservation, Private Bag 4715, Christchurch Mail Centre 8140. Attn: G Deavoll [gdeavoll@doc.govt.nz](mailto:gdeavoll@doc.govt.nz)
- Fish & Game New Zealand, P O Box 159, Invercargill 9840 [zane@southlandfishgame.co.nz](mailto:zane@southlandfishgame.co.nz)
- Royal Forest & Bird Protection Society, PO Box 6230, Dunedin North 9059 [s.maturin@forestandbird.org.nz](mailto:s.maturin@forestandbird.org.nz)
- Waituna Affected Farmers, C/- J Crack, 108 Moffat Road, RD 5, Invercargill 9875 [jo@farmnews.co.nz](mailto:jo@farmnews.co.nz)
- Waituna Recreational Users Group, C/- B McNaughton, 502 Elles Road, Kingswell, Invercargill 9812 [bevan@ocs.net.nz](mailto:bevan@ocs.net.nz)
- Federated Farmers New Zealand, PO Box 176, Invercargill 9840. Attn: Tanith Robb [trobb@fedfarm.org.nz](mailto:trobb@fedfarm.org.nz)
- Dairy New Zealand, Private Bag 3221, Hamilton 3240 [David.burger@dairynz.co.nz](mailto:David.burger@dairynz.co.nz)
- Stagger Inn Hunting Group, C/- Craig Booth, 11 Judge Road, Tisbury, Invercargill 9812

**3.2 Individuals:**

- S Carston, 5 /3 Fortuna Place, Gold Coast, Queensland, Australia [ycats7@gmail.com](mailto:ycats7@gmail.com)
- J & D Crack, 108 Moffat Road, RD 5, Mokotua, Invercargill 9875 [jo@farmnews.co.nz](mailto:jo@farmnews.co.nz)
- O Kelly, 433 Waituna Lagoon Road, RD 5, Invercargill 9875 [oakelly@netspeed.nz](mailto:oakelly@netspeed.nz)
- L McCallum, 1100 Wilsons Crossing Road, RD 1, Winton 9781 [lloyd.kathy@xtra.co.nz](mailto:lloyd.kathy@xtra.co.nz)
- G McKenzie, 32 Bungalow Hill Road, RD 1, Riverton 9881 [Graeme@orakafarms.co.nz](mailto:Graeme@orakafarms.co.nz)
- B J McNaughton, 502 Elles Road, Kingswell, Invercargill 9812 [bevan@ocs.net.nz](mailto:bevan@ocs.net.nz)
- R McNaughton, 168 Walker Road, RD 1, Woodlands, Invercargill 9871 [roger@ocs.net.nz](mailto:roger@ocs.net.nz)
- A Owen, 275 Waimatuku Township Road, RD 4, Invercargill 9874 [aowen444@gmail.com](mailto:aowen444@gmail.com)
- L Paddon, 19 Manapouri Street, Invercargill 9812
- J Pannett, 113 Chelmsford Street, Invercargill 9810 [john.chick@xtra.co.nz](mailto:john.chick@xtra.co.nz)
- S Perriam, 904 Rimu Seaward Downs Road, RD 1, Waituna, Invercargill 9871 [jane.shayne@woosh.co.nz](mailto:jane.shayne@woosh.co.nz)
- B Pirie, 206 Drakes Hill Road, RD 1, Invercargill 9871 [drakeshillfarming@woosh.co.nz](mailto:drakeshillfarming@woosh.co.nz)
- D J Simms, 54 Awatea Gardens, Wigram, Christchurch 8042 [Don.simms@xtra.co.nz](mailto:Don.simms@xtra.co.nz)
- R W Simms, 6 /58 Douglas Street, Frankton, Queenstown 9300 [sue\\_raysimms@xtra.co.nz](mailto:sue_raysimms@xtra.co.nz)
- S R Simms, 50A Bantry Street, Alexandra 9320
- R van Gool, 90 Smiths' Way, RD 3, Cromwell 9383 [townyn@vodafone.co.nz](mailto:townyn@vodafone.co.nz)
- M J Waghorn, 961 Waituna Lagoon Road, RD 5, Invercargill 9875 [murraywaghorn@hotmail.com](mailto:murraywaghorn@hotmail.com)
- R C Waghorn, 837 Waituna Lagoon Road, RD 5, Invercargill 9875 [rcwaghorn@gmail.com](mailto:rcwaghorn@gmail.com)
- J Watson, 2132 Winton Lorneville Highway, RD 6, Invercargill 9876 [jim.watson@xtra.co.nz](mailto:jim.watson@xtra.co.nz)

- C A Williams, 380 Waituna Lagoon Road, RD 5, Invercargill 9875 [craig.heidi@farmside.co.nz](mailto:craig.heidi@farmside.co.nz)