



Cnr North Road and Price Street
(Private Bag 90116
DX YX20175)
Invercargill

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Coastal Permit

Under Section 104B of the Resource Management Act 1991, a resource consent is granted by the Southland Regional Council to **ES Catchment Operations Division - Southland Regional Council** of **Private Bag 90116, Invercargill 9840** from **27 January 2025**.

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:	<ul style="list-style-type: none"> • Occupation of crown land in the coastal marine area by a weir structure • Occupation of land in the coastal marine area by a tide gate structure • Damming and diversion of water • Disturbance of the coastal marine area associated with habitat enhancement works
Location	- site locality - map reference Titiroa Stream, adjacent to Middleton Road South, Fortrose NZTM2000 1,276,640 4,836,895 (tidegates) NZTM2000 1,276,590 4,836,885 (weir)
Legal description at the site:	Section 1 SO 11258, Part Lot 1 DP 11173, Road Reserve and Riverbed
Expiry date:	27 January 2030

Conditions

1. This consent authorises occupation of the coastal marine area and the damming of tidal waters with a weir and tide gate structure, placement of boulders within the diversion channel, and disturbance of parts of the coastal marine area incidental to habitat enhancement works, as described in the application for resource consent dated 8 March 2021¹.

¹ Environment Southland Document ID: A639979

2. During the term of this consent, the consent holder shall always maintain the weir and tide gate structure in good repair, appearance and condition.
3. The consent holder shall notify the Consent Authority (escompliance@es.govt.nz) of any alteration to the structure which is carried out without resource consent pursuant to a permitted activity rule in an operative regional plan.
4. In consideration of the right to occupy Crown Land for the activity specified above, the consent holder shall, each year, pay to the Consent Authority the appropriate coastal occupation charge specified in the Regional Coastal Plan. Each financial year, commencing 1 July, the charge shall be adjusted for inflation in accordance with the Consumer Price Index. The sum payable in the first year of this consent (or the proportion thereof for which the consent is current) is \$1,004.35 plus GST and shall be payable in advance on invoice. The revenue from this charge shall be used only for the purpose of promoting the sustainable management of the coastal marine area.

Habitat Enhancement

5. The consent holder shall undertake inanga spawning habitat enhancement upstream of the tide gates over a minimum area of 0.6 ha as detailed on **Appendix 2**.
6. The consent holder shall undertake 0.53 ha of tributary enhancement for inanga spawning and native fish habitat downstream of the gates as detailed on **Appendix 2**.
7.
 - (a) Habitat enhancement shall commence within 1 year of the grant of this consent and be in accordance with the Habitat Enhancement Plan detailed in conditions 8 to 11.
 - (b) In the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu) during the habitat enhancement works, 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 1 to this consent outlines the process that is to be followed in the event of such a discovery.

Habitat Enhancement Plan

8. Prior to habitat enhancement required under conditions 5 and 6 commencing, the Consent Holder shall submit a Habitat Enhancement Plan (HEP) to SRC for certification. The HEP shall be written by, or with the guidance of, a suitably qualified person and the objectives of the HEP are to:
 - (a) Ensure habitat enhancement is undertaken in an appropriate and effective manner to improve the current bank conditions or vegetation for inanga spawning. For example, by reducing the bank angle to optimise the potential spawning area to increase tidal level fluctuations in proximity to the salt wedge.
 - (b) Ensure native fish habitat enhancement is undertaken to improve current instream conditions within the unnamed tributary, downstream of the tide gates.

9. The HEP shall include, as a minimum, the following details:
 - (a) An assessment of habitat enhancement options for inanga spawning, including methodology, timing to minimise adverse effects of works, and pre and post enhancement monitoring.
 - (b) Detailed identification of the areas and sites for restoration, including baseline condition data for post enhancement comparison.
 - (c) Detail on how enhancement is going to be undertaken, including any instream works and associated mitigation (fish salvage etc.) and culvert remediation.
 - (d) Follow up reporting on the success of enhancement works, via post works inanga spawning surveys (as per Condition 12).
10. The certification process for the HEP shall be confined to confirming the Plan gives effect to its objectives, consent condition requirements, and contains the required information.
11. The HEP may be submitted in parts or in stages to reflect a staged implementation of the habitat enhancement.

Inanga Spawning Surveys

12. Three inanga spawning surveys shall be undertaken annually over the term of the consent during the peak spawning months of March to June and a report shall be provided to the Consent Authority after completion of the last survey of each year. Inanga spawning surveys are to include observations on egg development. The surveys shall be supervised and the report written by a suitably qualified and experienced person.

Fish Passage

13. The consent holder, under the direction of a suitably qualified person, shall undertake boulder cluster installation in the diversion channel downstream of the tide gates to provide refugia habitat from predators and resting zones for fish. Boulder cluster placement shall be informed by measurements of velocity for optimal results including velocity measures through the letterbox opening (vertical slot). Boulders may be added below the sill of the tide gate structure to improve passage for benthic species and provide additional refugia habitat. A plan identifying the location of the boulders, along with the detail of the design parameters, shall be provided to the Council prior to installation.
14. The consent holder shall alter one tide gate to provide a letterbox opening (vertical slot) or similar opening, to provide for improved native fish passage when the gates are closed. The design of the letterbox opening (vertical slot) shall generally be in accordance with **Appendix 3** (200mm in width by 600mm in height). These works shall be completed as soon as practical after the first round of inanga spawning surveys and no later than 30th June 2026.

Fish Passage Monitoring

15. The consent holder shall monitor the effects of the tide gates on fish passage three times within 24 months of fitting the letterbox opening (vertical slot) or similar opening on the tide gate. This shall be undertaken via a fish survey targeting the following:

- (a) native fish moving through the provided opening during inanga and longfin eel migratory dates, and
- (b) taonga species identified by mana whenua moving through the provided opening during migratory periods.

The provision of a report of the monitoring is to be provided to the Consent Authority after each survey. The monitoring outlined in (a) above shall be undertaken by a suitably qualified and experienced person. The monitoring outlined in (b) above shall be designed and implemented by a person or agency suitably qualified to undertake that monitoring.

Fish Monitoring Plan

- 16. Prior to fish monitoring required under condition 15 commencing, the Consent Holder shall submit a Fish Monitoring Plan (FMP) to SRC for certification. The objectives of the FMP are to:
 - (a) Ensure appropriate and effective monitoring of fish passage through the letterbox opening (vertical slot) on the tide gate.
- 17. The FMP shall include, as a minimum, the following details:
 - (a) Methodology for fish trapping and monitoring.
 - (b) Details for a specific mark and recapture monitoring event as an option for the third fish survey event required under condition 11. If a specific mark and recapture monitoring event is not undertaken the third monitoring event shall be letterbox survey of all fish species.
- 18. The certification process for the FMP shall be confined to confirming the Plan gives effect to its objectives, consent condition requirements, and contains the required information.

Water Quality Monitoring

- 19. The consent holder shall undertake three salinity surveys in the Titiroa Stream over a range of flow conditions to determine the salt wedge location and provide a report on these surveys to the Consent Authority within 1 year of grant of this consent.
- 20. The consent holder shall monitor dissolved oxygen and temperature upstream and downstream of the tide gates during summer low flows via use of a continuous logging probe and provide a report of this monitoring to the Consent Authority.

Review Condition

- 21. 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 for the purposes of:
 - (a) determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

- (b) If the monitoring undertaken under the conditions of this resource consent identifies adverse effects on the ecological values of the Titiroa Stream, determining whether the conditions of this consent are appropriate to any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
- (c) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant regional plans and/or the Environment Southland Regional Policy Statement

for the **Southland Regional Council**



Allan Cubitt
Independent Hearing Commissioner

Notes

1. *Consent may be required to maintain, repair, remove, extend, demolish, alter or upgrade any structure. Please contact the Consent Authority (ph. (03) 211 5115, or email esconsents@es.govt.nz) for advice on any consent requirements.*
2. *Neither the issuing of this consent nor anything contained in it shall affect the liability of the Consent Holder for any injury caused by the structure to any vessel or person through any default or neglect of the Consent Holder.*
3. *The granting of this consent does not absolve the Consent Holder from the responsibility to obtain any approval, permit, licence, concession or consent from any other body.*
4. *In accordance with Section 126 of the Resource Management Act, 1991, this consent may be cancelled by the Consent Authority if not exercised for a continuous period of 5 years or more.*
5. *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.*
6. *A coastal occupation charge applies to this permit. The appropriate coastal occupation charge is in accordance with the Regional Coastal Plan for Southland, 2013, or any subsequent publication, and is adjusted for inflation in accordance with the Consumer Price Index each financial year, commencing 1 July, through the Annual Plan or the Long-Term Plan. In this case the coastal occupation charge covers occupation of the coastal marine area by a weir of approximately 700 m² and a tidegate structure of approximately 18 m².*

Appendix 1 *Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)*

Upon the discovery of artefact discovery, the following shall take place:

1. In the event that Kōiwi (human skeletal remains) are discovered, the works in that area of the site shall cease immediately and Tangata Whenua (Te Ao Marama and appropriate Papatipu Rūnanga), NZ Police and/or Heritage New Zealand Pouhere Taonga, and the Southland Regional Council, shall be notified as soon as practicable.
 - a. The site is to be immediately secured upon discovery to prevent further disturbance of the discovery site.
2. Taonga or artefact material (e.g. pounamu / greenstone artefacts) other than Kōiwi will be treated in similar manner so that their importance can be determined, and the environment recorded by qualified archaeologists alongside the appropriate Tangata whenua. Te Ao Mārama Inc are to be contacted in the event of taonga or archaeological artefact discovery in accordance with the Protected Objects Act 1975.

Contact details for Te Ao Marama Inc. are as follows:

Te Ao Mārama Inc.
98 Yarrow Street, Invercargill, 9810.
office@tami.maori.nz
(03) 9321242

3. 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. The Ngāi Tahu Pounamu Resource Management Plan provides for the following measures:
 - a. Any in-situ (natural state) pounamu/greenstone accidentally discovered should be reported to the Pounamu Management Officer of Te Rūnanga o Ngāi Tahu as soon as is reasonably practicable. The Pounamu Management Officer of Te Rūnanga o Ngāi Tahu will in turn contact the appropriate Kaitiaki Papatipu Rūnanga; and
 - b. 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 Pounamu Management Officer.
 - c. The find should then be notified immediately to the General Manager, Te Ao Turoa, at Te Rūnanga o Ngāi Tahu.

Ngai Tahu contact details are as follows:

General Manager, Te Ao Turoa
Te Rūnanga o Ngāi Tahu
Te Whare o Te Waipounamu
15 Show Place, Addington, PO Box 13 046
Christchurch 8024
Trudy.Heath@ngaitahu.iwi.nz

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.

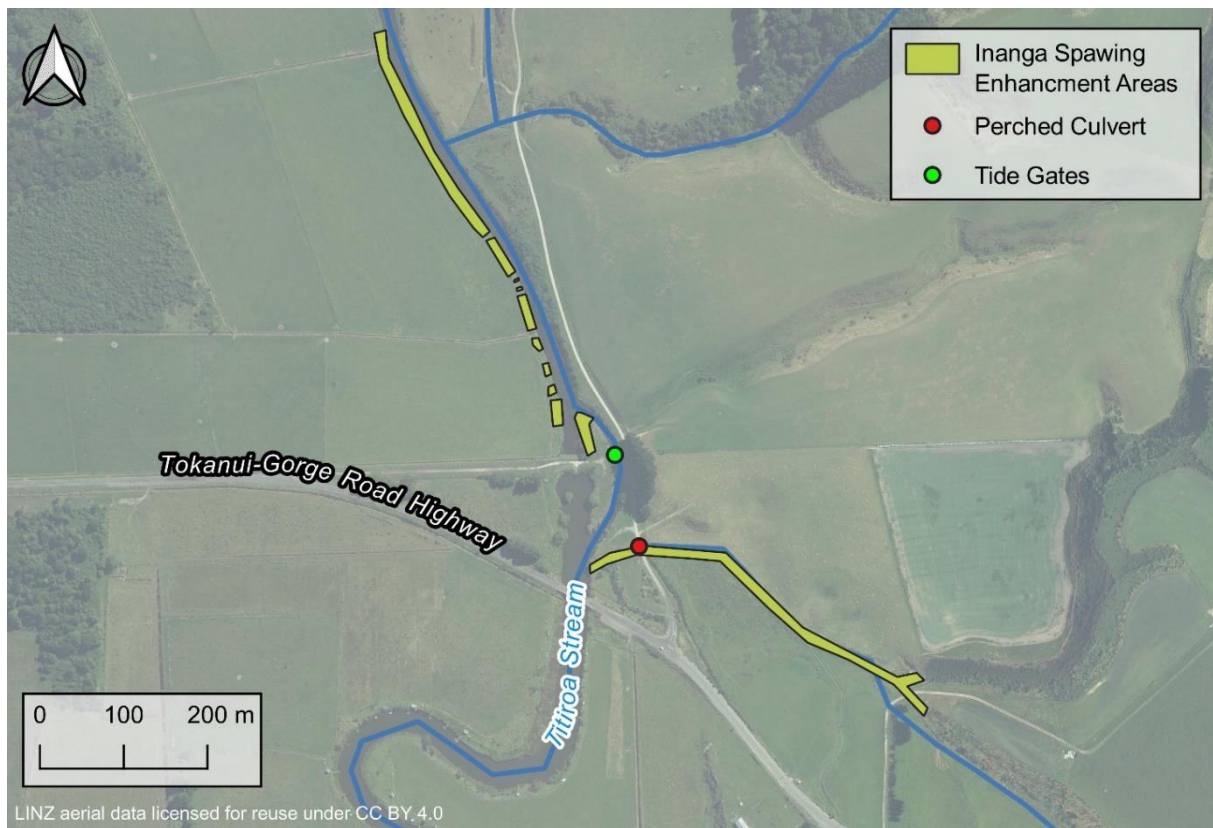
Where an archaeological site is inadvertently disturbed or discovered:

1. Further disturbance must cease until approval to continue is obtained from Heritage New Zealand; and
2. The New Zealand Police and Te Ao Marama Inc also need to be advised if the discovery includes kōiwi tangata/human remains.

Contact details for Heritage New Zealand are:

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

Appendix 2 – Inanga spawning habitat enhancement map



Appendix 3 – Design of the letterbox opening (vertical slot)

