

1 April 2019

Environment Southland  
C/- Sonya Nicol  
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Ref: 6-VQ422.20 025SO

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## FTT Wetland Modification APP-20191150 - Response to RFI

Dear Sonya

Thank you for your letter of 7<sup>th</sup> March requesting further information relating to this application. A response to your questions is detailed below.

### 1. Ecological Assessment

The applicant's ecologist has discussed effects on the wetland with the technical reviewer. Attached to this letter are e-mails detailing these discussions. Potential remediation and mitigation actions to address adverse effects on the existing wetland have been discussed. As an outcome of these discussions the applicant proposes to undertake the following additional work and promotes this as an amendment to the resource consent application:

- a) Infilling of the water table back to the natural ground level of the wetland this autumn using the same peat and fine silt substrate that was removed during construction of the water table.
- b) Monitoring of the infilled ditch with additional infilling undertaken to restore the surface to the original ground level if settling occurs.

The following resource consent conditions relating to the proposed remediation and mitigation measures are suggested:

1. Infilling of the excavated ditch will be undertaken prior to spring 2019.
2. Three monitoring site visits involving walk-over assessments are to be undertaken by the applicant. Photographic evidence is to be obtained during each assessment and a brief assessment documenting each site visit completed and provided to Southland Regional Council.
  - The first assessment will take place immediately after the remedial works have been implemented, to demonstrate the remediated ground level.
  - The second assessment will be undertaken in August 2019 to assess whether there has been any settling. The applicant is to undertake additional infilling if there has been settling.
  - The third assessment will take place in December 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.

### 2. Culverts

The applicant confirms that all culverts have been placed to meet the permitted conditions of Rule 28 (a) of the Operative RWP and are permitted activities.

FTT lowered one culvert installed in a waterway, in October 2018, in response to the abatement notice that was served in September 2018. Attachment 1 details the changes to this culvert including before and after photographs.

We note that Rule 59 (a) of the pSWLP specifically excludes placement, erection or reconstruction of culverts in natural wetlands (please see attached). This exclusion means that Rule 59 (b) of the pSWLP which refers to permitted conditions of 59 (a) is not applicable to culvert works in a natural wetland. Our interpretation of this exclusion is that relevant pSWLP rule for culvert works in natural wetlands is Rule 74.

As noted in the application and in the Ecological Assessment the Trail crosses two streams spanned by culverts located at the southern and northern ends of the wetland. The streams define the extent of the wetland. The culverts installed at the southern and northern extent of the wetland have been placed in waterways that flow into the wetland. These culverts are permitted under Rule 28 (a) of the RWP and 59 (a) of the pSWLP.

The applicant has not dammed any waterways at the site.

Under the pSWLP the wetland modification activity associated with construction of the Trail is not captured by plan rules relating to waterways. As stated in the abatement notice and in the resource consent application activity in a wetland is a use of land under Section 9 (2) of the RMA 1991. Rule 74 of the pSWLP regulates the use of land within a wetland. The application seeks retrospective resource consent for wetland modification under Rule 74 of the pSWLP and this incorporates placement and use of those culverts placed in the wetland.

There is a distinction between culverts in a waterway and culverts in a wetland under the pSWLP. As noted above all culverts that FTT installed in waterways are now permitted activities. Resource consent is sought under Rule 74 of the pSWLP for two culverts installed in the wetland itself. A map detailing the location of the two culverts constructed in the wetland is attached as Map 1. These culverts allow water to flow under the constructed Trail. We note that while Rule 59(a) is not relevant to culverts installed in a wetland the two culverts installed in the wetland meet most of the permitted conditions of this rule.

Please contact me if you wish to discuss this further.



Regards

Luke McSoriley  
Workgroup Leader - Planning