

**AUTH-20191150**

**AUTH-20191703**

**IN THE MATTER OF**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Applications by the Fiordland Trails Trust for resource consent for wetland modification and the diversion of water associated with the construction and use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Multi-use Trail

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**REPORT AND DECISION OF INDEPENDENT HEARINGS COMMISSIONER**

**Sharon McGarry**

**27 July 2020**

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Heard on the 12 June 2020,  
at the Distinction Hotel, Te Anau.

## **Representations and Appearances**

### **Applicant:**

**Mr C. Thomsen**, Counsel (Fletcher Vautier Moore)

**Mr D. Boniface**, Trustee for Fiordland Trails Trust

**Mr D. Hamilton**, Consulting Civil Engineer (Geosolve Limited)

**Mr S. Beale**, Ecology and Planning Consultant (Beale Consultants Limited)

**Mr L. McSoriley**, Resource Management Consultant (WSP New Zealand Limited)

### **Submitters:**

**Mr R. Cockburn**

**Mr R. Stephenson**

**Mr M. Rodway**

### **Section 42A Reporting Officer:**

**Ms S. Nicol**, Consultant Reporting Officer

- **Dr K. Lloyd**, Principal Ecologist (Wildland Consultants Limited)

It is the decision of the Southland Regional Council, pursuant to sections 104 and 104D, and subject to Part 2 of the Resource Management Act 1991, to **GRANT** resource consent applications APP20191150 and APP20191703 by the Fiordland Trails Trust for wetland modification, subject to the conditions set out in Attachment 1 of this decision.

## **BACKGROUND AND PROCEDURAL MATTERS**

1. This is the report and decision of independent Hearings Commissioner Sharon McGarry. I was delegated<sup>1</sup> function and powers the Southland Regional Council (**SRC** or 'the Council') to hear and decide applications by the Fiordland Trails Trust ('the Applicant') pursuant to the Resource Management Act 1991 (**RMA** or 'the Act') for resource consent for wetland modification and the diversion of surface water associated with the construction of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail.
2. The first application<sup>2</sup> for retrospective resource consent for wetland modification and the placement of two culverts was lodged on 18 February 2019, in response to an Abatement Notice issued by the Council on 27 September 2018. The application was publicly notified on 6 May 2019.
3. Following an initial scheduling of a hearing date in late September 2019 and provision of a Staff Report pursuant to section 42A of the Act (dated 18 September 2019) by the Council's Consultant Reporting Officer, Ms Sonya Nicol, the Applicant requested the hearing be postponed and the application placed on hold to enable a further application to be lodged.
4. The second application<sup>3</sup> for the diversion of water and the placement of a third culvert was lodged with the Council on 7 October 2019 and was publicly notified on 4 December 2019.
5. A combined hearing date for both applications was set down for late March 2020 and an Addendum to the initial section 42A Staff Report (dated 30 March 2020) and a second section 42A Staff Report (dated 30 March 2020) relating to the second application were produced. The Staff Reports provided an analysis of the matters requiring consideration and recommended that the applications be refused.
6. The Staff Reports and the Applicant's evidence were circulated to the parties prior to the hearing in accordance with the Act.<sup>4</sup> This evidence was pre-read prior to the hearing and was 'taken as read' at the hearing.
7. The scheduled March hearing was postponed due to the COVID-19 lockdown and was subsequently reschedule for 12 June 2020 after returning to a Level 1 response. Prior to the hearing, I confirmed the pre-circulated evidence was up to date.
8. I undertook a site visit on Thursday 11 June 2020.
9. The hearing commenced at 9.30am on Friday 12 June 2020 and was adjourned at 3.00pm the same day to enable further revision of proposed consent conditions and comment from the parties, and the provision of the Applicant's written right of reply.
10. The Applicant's final written right of reply and response to comments on conditions was provided on 3 July 2020.
11. I closed the hearing on 6 July 2020.

## **THE APPLICATIONS**

12. The first application lodged seeks retrospective resource consent for the modification of a wetland that has occurred for the construction of approximately 35 metres of trail and two culverts which have been placed in two small watercourses. The second application lodged seeks resource consent to place a third proposed culvert between the existing two culverts to divert and discharge water underneath the embankment to the wetland below.
13. Application APP20191150 stated retrospective resource consent for wetland modification is sought under section 9 (restrictions on the use of land) of the RMA.

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<sup>1</sup> RMA Section 34A

<sup>2</sup> Referenced as APP20191150

<sup>3</sup> Referenced as APP20191703

<sup>4</sup> RMA Section 103B

14. The second application stated resource consent for the third culvert and diversion of water is sought under section 9 and section 14 (restrictions relating to water) of the RMA. The consent term sought is unlimited for the land use activities and 25 years for the diversion of water. The application stated the application should be read alongside the wetland modification application (APP20191150).

## **DESCRIPTION OF THE ENVIRONMENT**

15. The application documentation and Staff Reports accurately described the affected environment and this is not repeated here in detail. In summary, the existing trail has been constructed across a wetland which is spring fed and discharges into Lake Manapouri. The trail crosses two permanently running watercourses where two culverts have been constructed to convey the flow of surface water. The culverts have been formed to a width of 3 metres (**m**), with a 2.2m wide gravel track surface.
16. The immediate area of wetland impacted by the trail is estimated to be approximately 105-120 square metres (m<sup>2</sup>).
17. It is common ground that the affected area meets the definition of a 'wetland' in the Proposed Southland Water and Land Plan (**pSWLP**) and is not listed as a 'Regionally Significant Wetland' within the pSWLP. However, both expert ecologists agreed the wetland meets the threshold of ecological significance under section 6(c) of the RMA. The Staff Report noted the wetland area is defined as being within 'Natural State for Water Quality' under the pSWLP.

## **NOTIFICATION AND SUBMISSIONS**

18. The first application received a total of 74 submissions. Two submission were neutral and 72 were in support, with six submitters indicating they wished to be heard.
19. The Staff Report accurately summarised the submissions (pages 9-27). I adopt<sup>5</sup> the summary and do not repeat it in this decision. However, I highlight that common themes in many submissions relate to a lack of feasible alternatives, minimising the extent of modification, the significant positive social and economic effects of the trail, the minor extent of the direct impact and mitigation of adverse effects, and enhanced landscape and amenity values.
20. The second application received two submissions; one in support and one in opposition to the application, with one submitter indicating they wished to be heard. These submissions were summarised in the second Staff Report (pages 6-9). Again, I adopt that summary, but note they relate to positive social effects of the trail and adverse environmental effects on the wetland.
21. I was also provided with a neutral written submission from Fish and Game Southland dated 27 February 2020. I note that this was received outside the submission period and that no section 37 waiver has been sought. I have therefore disregarded this document as either a submission or a written approval.

## **THE HEARING – SUMMARY OF EVIDENCE**

### **Applicant's Case**

22. **Mr Chris Thomsen**, Counsel for the Applicant, presented legal submissions and called four witnesses. His legal submissions addressed jurisdictional issues, the relevant plans, the consents sought, submissions and affected persons, Part 2 of the Act, ordering section 104 and 104D analyses, section 104D, the true exception test, mitigation measures, the pSWLP, the Staff Reports and proposed conditions. On the basis of the evidence, he concluded that the function of the wetland would be maintained and that the area and form of the wetland would be enhanced through the proposed weed management programme. He confirmed that Applicant would implement the recommendations of Dr Lloyd with regard to removal of

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<sup>5</sup> RMA 113(3)

the identified spoil pile and infilling of the excavated ditch above the trail; and that the Applicant would plant indigenous wetland species within the identified area (yellow polygon) on the site plan.

23. **Mr David Boniface**, a semi-retired Civil Engineer and Trustee for the Fiordland Trails Trust, provided a written statement of evidence addressing the Trust's structure, its achievements to date, trail usage data, enhancement works (weed eradication, native planting and educational programmes), social and economic benefits from the trail, consideration of alternative routes, and the position of the Trust. He highlighted the large number of submissions in support and the written approvals from Te Ao Marama and the Department of Conservation (**DoC**), and the neural submission from Fish and Game Southland. In response to questions, he confirmed that all culverts installed on Leg 6 were compliant with the permitted activity standards and best practise. He confirmed that the flow level observed in the two existing culverts during my site inspection was 'normal flow' conditions. Appended to his evidence was a map of the Lake 2 Lake Trail (Attachment 1), a map showing the initial trail route through the wetland area and Leg 6 (Attachment 2) and the approved realignment to lessen the impact on the wetland.
24. **Mr David Hamilton**, a Consulting Civil Engineer for Geosolve Limited, provided a hydrology review (dated 2 September 2019) and a statement of evidence (dated 13 March 2020) addressing hydrological effects and the desktop reviews undertaken. He concluded the activities undertaken had reduced the interflow from upstream to downstream of the trail and recommended remediation through infilling the water table and placement of a third culvert to distribute water to the higher ground downstream. Appended to his evidence was a map showing the approximate location of the third culvert (Figure 1) and a concept diagram of the third culvert layout (Figure 2).
25. **Mr Simon Beale**, an Ecology and Planning Consultant and Director of Beale Consultants Limited, provided two statements of evidence (dated 4 September 2019 and 16 March 2020) addressing the significance of the wetland, ecological effects, remedial and compensatory measures, and the Staff Reports. He noted agreement with Dr Lloyd that the ecological effects can be remedied and mitigated to less than minor. He concluded that with a requirement to complete the proposed remedial and mitigation measures any adverse ecological effects would be less than minor and the function and life supporting capacity of the wetland would be maintained and enhanced.
26. **Mr Luke McSoriley**, a Resource Management Planner for WSP New Zealand Ltd, provided two statements of evidence (dated 4 September 2019 and 16 March 2020) addressing the applications, activity status, the receiving environment, matters raised in submissions, written approvals, the permitted baseline, sections 104 and 104D, environmental effects, statutory considerations and Part 2 of the Act. He concluded the adverse environmental effects of the activities would be no more than minor and that the remediation and mitigation proposed would prevent the reduction in area, function and quality of the wetland, and protect significant indigenous vegetation and significant habitats. He considered that granting the applications, subject to condition, would be consistent with the relevant plan provisions and the purpose of the RMA. Appended to his evidence was a draft set of proposed conditions.

### Submitters

27. **Mr Ross Cockburn** appeared in support of the applications and spoke to the matters raised in his original submission. He raised a number of matters regarding the original complaint and hearing process.
28. **Mr Roger Stephenson** appeared in support of the applications and expressed his confidence that the hearing process would result in the right outcome.
29. **Mr Maurice Rodway** appeared in opposition to the applications remotely via Zoom and provided an additional written statement. He addressed his involvement in the applications, the placement of the third culvert, the significance of the wetland, the draft proposed National Policy Statement (2019), the area of wetland affected, the pSWLP, fish passage issues, and the diversion of groundwater south of the application site. He considered the applications did not go far enough to remedy the adverse effects of the activities and that the trail section across the wetland should be removed and replaced with boardwalk. If granted, he considered the recommendations of Dr Lloyd to remediate and mitigate adverse

effects should be required by conditions of consent and that multiple culverts should be installed along the trail where groundwater has been intercepted south of the wetland.

30. Mr Rodway also provided a written response to the revised conditions after the adjournment of the hearing. Many of the matters raised were outside of the scope of my direction to limit further comments to the revised conditions and have not been considered.

#### **Section 42A Staff Reports**

31. The Staff Reports addressed the proposed activities, the existing environment, environmental effects, notification and submissions received, the regional planning framework and statutory considerations. The Staff Reports concluded that the adverse environmental effects would be more than minor and that the activities were contrary to the most relevant provisions of the pSWLP. The Reports recommended that the consents sought should be refused. The Staff Reports included technical reviews of the applications by Dr Kelvin Lloyd (Principal Ecologist for Wildlands Ltd).
32. Ms Nicol spoke to her reports at the hearing and addressed matters raised. She agreed that consent to discharge water was not required. She highlighted that maintaining existing wetlands was the appropriate starting point under the pSWLP provisions and that adverse effects must be avoided. She maintained her recommendation that the consents sought should be refused under section 104 because there is a net loss of wetland.
33. **Dr Kelvin Lloyd** provided three technical reviews of the applications on wetland values dated 26 February 2019, 8 April 2019 and 11 April 2019. He also provided a statement of evidence (7 March 2020). His technical reviews were based on a 'desk top' assessment, whereas statement of evidence was based on a site visit conducted on 4 November 2019. His evidence concluded that the residual adverse effects on the wetland would be less than minor if remedial works and weed control over the entire wetland was undertaken and the proposed third culvert was not installed.
34. Ms Nicol provided further comments on the revised conditions of consent on 26 June 2020. She noted that her comments incorporated feedback from Dr Lloyd.

#### **Applicant's Right of Reply**

35. The Applicant provided a written right of reply and revised conditions on 19 June 2020. The reply addressed the 'option' of the placement of the third culvert, the Applicant's commitment to planting the area identified below the trail (yellow polygon on site plan appended to the consent) and the revised conditions.
36. The Applicant provided a final response to the comments received from the parties on 3 July 2020. It stated that the amendments suggested by the Reporting Officer were not opposed by the Applicant. It noted that Mr Rodway's comments went beyond the directions given by myself at the adjournment of the hearing to limit comments to the revised conditions and should not be taken into account.

#### **ASSESSMENT**

37. In assessing the applications, I have considered the application documentation and AEE, the Staff Reports and technical reviews, expert evidence, all submissions received and the all evidence provided during and after the hearing adjournment. I have summarised this evidence above. I record I have considered all the relevant issues raised in making my determination.
38. As I outlined at the commencement of the hearing, many submissions raised matters which are not relevant to my consideration of the application. These primarily related to the original complaint, the Abatement Notice issued, notification of the applications and the need for a hearing. I record that I have not had regard to any of these matters in making my determination and agree with Mr Thomsen that the consent process is not punitive in regard to retrospective applications.

39. I note it is accepted by all parties that the retrospective and proposed activities associated with the modification of the wetland for construction of this section of the trail require resource consent and must be assessed in accordance with the RMA.
40. Matters raised by Mr Rodway in relation to other areas of the trail south of the application site are outside the scope of the applications. Alternative trail construction methodology, such as the use of boardwalk, is also outside the scope of the applications.

### Status of the Application

41. The starting point for my assessment of the applications is to determine the status of the activities under the statutory planning provisions.
42. There was agreement that wetland modification is a non-complying activity under Rule 74(c) of the pSWLP and that the diversion of water from any naturally occurring wetland is a discretionary activity under Rule 20(c) of the Southland Regional Water Plan (**RWP**).
43. I agree the applications should be 'bundled' and considered as a **non-complying activity** under section 104D of the Act.

### Statutory Considerations

44. In terms of my responsibility for giving consideration to the applications, I am required to have regard to the matters listed in sections 104 and 104D of the Act.
45. Pursuant to section 104(1), and subject to Part 2 of the Act, which contains the Act's purpose and principles, I must have regard to-
  - (a) *Any actual and potential effects on the environment of allowing the activity;*
  - (ab) *Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
  - (b) *Any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement or a proposed regional policy statement, a plan or proposed plan; and*
  - (c) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*
46. Section 104(2) states that when forming an opinion for the purposes of section 104(1)(a), I may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. This is referred to as consideration of the 'permitted baseline'. No party drew my attention to any relevant permitted activities. I record I have not applied any permitted baseline in making my assessment.
47. Section 104(3)(a)(ii) states that when considering the applications, I must not have regard to any effect on a person who has given written approvals to the applications. I note the written approvals from the DoC and Te Ao Marama.
48. In making my assessment under section 104D(1) of the Act, I can only grant consent for a non-complying activity, if either or both of the following 'gateway tests' is passed:
  - (a) *The adverse effects of the activity on the environment will be minor; **or***
  - (b) *The application is for an activity that will not be contrary to the objectives and policies of –*
    - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
    - (ii) *the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity; or*
    - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
49. If I determine to grant the resource consents sought, I may impose conditions under section 108.
50. I consider each of these sections of the RMA separately below.

### SECTION 104(1)(a) - ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT



## The Existing Environment

51. In making my assessment, I am required to consider the actual and potential effects of the activities on the existing environment. The existing environment is that which exists at the time this determination is made and includes lawful existing activities, permitted activities and activities authorised by existing resource consents. I am required to assess the applications as if this 35m section of trail had not been constructed and the wetland is unmodified.

## Actual and Potential Environmental Effects

52. The Staff Reports considered the following actual and potential effects:
- (a) Hydrological effects;
  - (b) Direct loss of wetland vegetation;
  - (c) Design and location of the culverts, including fish passage; and
  - (d) Social and economic and public access.
53. On the basis of the evidence presented, I am satisfied that the design and location of the culverts is appropriate and is in line with best practise. I accept the evidence of Mr Beale and Dr Lloyd that fish passage has been provided for through the culverts.
54. I also accept that the construction of this 35m section of the trail will result in positive social and economic effects for local community and district, and positive effects for public access and recreational use. I have had regard to these in making my overall determination.
55. I consider that my assessment of actual and potential adverse effects can focus on hydrological effects and the direct loss of wetland vegetation.

## Hydrological effects

56. Concerns have been raised that hydrological effects could change the composition of the wetland vegetation overtime.
57. The first review by Dr Lloyd stated the activities were '*...likely to cause local drying of the wetland adjacent to the water table, and reduce water flow to the larger downstream part of the wetland*' (pg. 2). He concluded that:

*'In my opinion, the effects of constructing the trail across the wetland are likely to have been more than minor, due to **hydrological effects** which are likely to change the composition of the remaining wetland overtime. Remediation, mitigation or compensation actions could potentially address these adverse effects.'* (pg.2) [my emphasis]

58. The second review by Dr Lloyd clarified that if the excavated ditch alongside the upper side of the trail was infilled (and monitored for settlement) and monitoring of subsequent colonisation by rautahi (*Carex coriacea*) was undertaken, the adverse hydrological effects on the wetland would be reduced to the point where they were less than minor.
59. In his statement of evidence, Dr Lloyd stated his site visit had assisted in more accurately defining the extent of the wetland vegetation and that this '*...occupied the entire gully floor above the trail, but was confined to the margins of the two streams below the trail.*' (pg.3). He stated that he did not support installation of the third culvert because this would exacerbate the hydrological effects of the trail on the wetland above the trail. However, he remained of the view that with the infilling of the excavated ditch and the removal of an identified spoil pile above the trail any adverse hydrological effects on the wetland would be mitigated to be less than minor.
60. In response to questions, Dr Lloyd considered the third culvert would not help to retain water in the uphill part of the wetland and was not ecologically appropriate. However, he agreed that the ecological function

of the wetland would be improved by weed control and planting in the area downstream of the trail (yellow polygon on site plan).

61. Mr Hamilton noted that the channels of the two watercourses had not appeared to have been altered and that groundwater levels would be similar to pre-construction of the trail. He considered interflow through the topsoil level had been reduced, but that groundwater would still flow through the gravels beneath this level. He noted a small channel would have been present between the two installed culverts at the lowest point. He supported infilling the excavated ditch and placement of a third culvert between the existing two culverts to return water to the higher area below the trail. He recommended installation of a water level control device to enable adjustment of the upstream water level and referred to Figure 2 of his evidence. He considered that this would enable the Applicant to avoid lowering groundwater levels in the upper wetland.
62. Mr Beale relied on the hydrological assessment undertaken by Mr Hamilton and agreed with infilling of the excavated ditch with peat/silt material (in the autumn or winter to avoid burying sedge vegetation) to mitigate potential drying effects. He supported monitoring settlement of the infill to maintain the original ground level. He supported installation of the third culvert to avoid localised changes and to maintain wetland function. He considered the delivery of water to the downstream side of the trail by the third culvert would mitigate hydrological effects and enhance the wetland habitat below the trail.

### **Findings**

63. On the basis of the evidence of Dr Lloyd, Mr Hamilton and Mr Beale, I find that the adverse hydrological effects on the wetland will be reduced to the point where they are less than minor, with the imposition of conditions requiring the infilling of the excavated ditch and removal of the spoil pile.
64. It is clear from the evidence and my site visit that the two installed culverts have been placed in the bed of two permanently flowing spring fed watercourses; and that prior to the construction of the trail surface water and groundwater would have flowed through the wetland between these defined channels. I consider that placement of the proposed third culvert at the lowest point of the trail crossing between the two installed culverts and will mitigate any effect (albeit minor according to Mr Hamilton) of damming or diversion of water caused by the trail embankment across the wetland.
65. I agree that providing for some level of water to flow to the area downhill of the trail will enable the wetland creation and enhancement by allowing for the proposed planting of both indigenous dryland and wetland species within the area identified by the yellow polygon on the site plan. I accept this will enhance the existing extent, form and composition of the wetland below the trail. I do not accept Dr Lloyd's view that this change is inappropriate and find the change proposed will be positive in terms of the quality of the wetland habitat. I note that the trail footprint included both dryland and wetland areas. I am satisfied the water level entering the culvert can be monitored and adjusted to avoid draining groundwater from the upper wetland.
66. I note that DoC has provided written approval for the third culvert and have given their view as landowner and guardian of the wetland some weight in approving its placement.
67. I also note that the placement of the third culvert to restore groundwater flow downstream of the trail is supported by Mr Rodway, subject to the provision of fish passage. Although, I acknowledge he did not consider this was sufficient to remedy the effects of the trail.
68. Overall, I find that any hydrological effects on the wetland will be minor with the completion of the remedial works proposed, and placement of the third culvert and the conveyance of water through the trail embankment.

### **Direct loss of wetland vegetation**

69. Concerns have been raised regarding the direct loss of wetland vegetation within the footprint of the trail itself.
70. The first review by Dr Lloyd stated that the loss of vegetation may be more than minor due to the significant reductions in marsh type wetlands across New Zealand and therefore the cumulative loss of any relatively small remaining areas.
71. The second review by Dr Lloyd stated that the residual effects of the activities related to the direct loss of wetland vegetation caused by the trail construction. He outlined options to further reduce the residual effects including control of Scotch broom (*Cytisus scoparius*) and the encouragement or planting of manuka on the wetland margins.
72. The third review by Dr Lloyd stated that the residual adverse effects of wetland vegetation clearance would be addressed by the positive effects of weed control over 2,000m<sup>2</sup> centred on the wetland and its riparian margins, provided performance standards were set and monitored.
73. Dr Lloyd's statement of evidence concluded that the proposed weed control and removal of the identified rowan tree would mitigate the residual effects of wetland loss to be less than minor.
74. Mr Beale considered that any adverse effects on the natural character of the wetland through the loss of indigenous vegetation could be mitigated by requiring the Applicant to undertake an active weed management programme over an area of 2,000m<sup>2</sup> upstream of the trail<sup>6</sup> on a twice yearly basis and removal of a mature rowan tree downstream of the trail. He noted this would reduce competition for indigenous wetland species and allow them to assert dominance, which would enhance natural character and protect and restore areas of indigenous vegetation.
75. Mr Beale considered the cumulative loss and concluded that the extent of direct loss of wetland would not diminish the range and diversity of indigenous vegetation and habitats by more than a minor extent. He agreed with Dr Lloyd that if the proposed weed control was undertaken any adverse ecological effects on wetland function and natural character from the loss of wetland vegetation would be less than minor.
76. Mr Beale considered that installation of the third culvert would provide an opportunity to increase the extent of the wetland by creating wet ground for active plant establishment. He concluded this would mitigate any direct loss by creating and enhancing wetland habitat within the yellow polygon area of the site plan.
77. Mr Rodway highlighted the 'smothering' of approximately 105m<sup>2</sup> of indigenous vegetation and habitat for threatened fauna. He was concerned that the full extent of the wetland had not been determined.

### **Findings**

78. It is agreed that that wetland is ecologically significant in terms of section 6(c) of the Act when assessed against the assessment criteria listed in Appendix 3 of the Southland Regional Policy Statement (RPS). It is also agreed that the significance of the wetland reflects a high degree of representativeness, exhibiting natural diversity characteristic of the Upukerora Ecological District; and rarity and distinctiveness by its location in a land environment where indigenous vegetation has been reduced to less than 20 percent nationally. It is also acknowledged the wetland plays a role in maintaining important biological functions, including the stability of the riparian margins.
79. I am satisfied that the extent, form and quality of the existing wetland has been determined by the expert witnesses.

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<sup>6</sup> This is in addition to the active weed control currently undertaken by the Trust along the entire trail corridor.

80. It is clear that Dr Lloyd and Mr Beale agree that with the mitigation proposed and required by the conditions of consent (excluding the proposed active planting proposed within the yellow polygon area) any adverse effects of the direct loss of wetland vegetation will be less than minor. I accept their expert views.
81. I find that any adverse effect from the direct loss of wetland vegetation can be mitigated and remedied through by the imposition of conditions to ensure these are less than minor.

### **SECTION 104(1)(ab) – POSITIVE EFFECTS TO OFFSET OR COMPENSATE FOR ADVERSE EFFECTS**

82. There was some debate during the hearing as to whether the mitigation package proposed by the Applicant would be more correctly described as offsets or compensation. I consider the proposed planting of the yellow polygon area below the trail to be a positive effect to offset any residual adverse effects of the direct loss wetland from the footprint of the trail. I accept that some of the area lost within the footprint of the trial included non-wetland species. I am satisfied that the active planting of the area below the trail will improve the quality of the indigenous habitat in this area.

### **SECTION 104(1)(b) - RELEVANT PLANNING PROVISIONS**

83. Analyses of the relevant provisions of the National Policy Statement for Freshwater Management 2014 (**NPS-FM**)<sup>7</sup>, Southland Regional Policy Statement 2017 (**RPS**), Regional Water Plan (**RWP**) and the pSWLP were provided in the applications, Staff Reports and the evidence of Mr McSoriley.
84. The Staff Reports noted the following key provisions:
- (a) Objectives 10 and 12, and Policies 1A, 3, 38 and 40 of the RWP;
  - (b) Objectives 2, 14, 16, 17 and 18, and Policies 32 and 33 of the pSWLP<sup>8</sup>;
  - (c) Objectives WQUAL.1 and BIO.2, and Policies TW.3, WQUAL.1, WQUAL.3, WQUAL.7, BIO.2 and BIO.4 of the RPS; and
  - (d) Objectives A1, C1 and D1, and Policies A2, C1 and D1 of the NPS-FM.
85. Ms Nicol concluded the applications were not consistent with Objective 10 of the RWP because wetland habitat and ecosystems would not be maintained or enhanced in its original form. She considered Policy 38 required adverse effects on the wetland to be avoided, remedied and mitigated and that this had not been achieved.
86. Ms Nicol concluded that the applications were generally inconsistent with Objectives 14 and 17, and Policies 32 and 33 of the pSWLP. However, in response to questions, she stated the applications were contrary to Policies 32 and 33. She noted that the language used in these policies was directive and strong, requiring the protection of significant indigenous vegetation and habitats associated with wetlands; and the prevention of any reduction in area, function and quality of natural wetlands through drainage, discharges and vegetation removal. She considered the activities had resulted in a reduction in wetland area through changes to natural landform and vegetation and that this had not been mitigated and remedied. She noted she had placed a greater weight on Policy 33 as this provision was not subject to appeal.
87. Ms Nicol concluded that the applications were inconsistent with Objective BOI.2 and Policy BIO.2 of the RPS because indigenous biodiversity must be maintained, and indigenous vegetation and significant habitats must be protected. She noted particular regard must be had to potential adverse effects on the wetland including fragmentation, reduction in the extent of, connections and linkages and loss or damage to indigenous habitats and ecosystems.

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<sup>7</sup> As amended in August 2017

<sup>8</sup> The Staff Reports noted Objectives 14, 16, 17 and 18 and Policy 32 are subject to appeal and are not yet operative.

88. Ms Nicol concluded that the loss of habitat and fragmentation of the existing wetland was 'not in accordance' with Objectives A1 and A2 of the NPS-FM.
89. Mr McSoriley considered the applications were not contrary to the provisions of the RWP. He noted Policy 40 encouraged the maintenance and restoration of exiting wetlands. He concluded the proposed weed control works and proposed planting within the downhill area (yellow polygon) would maintain and enhance the wetland.
90. Mr McSoriley concluded that the applications were consistent with the objectives and policies of the pSWLP. He noted the policy framework does not regulate wetland modification as a prohibited activity and that some level of wetland modification is anticipated. He drew my attention to Objectives 1, 2, 9A, 9B and 13, and Policies 13 and 26A, which were not discussed in the Staff Reports. He noted the pSWLP states that the objectives of the plan should be read in their entirety and considered together. He considered Policy 33 should not be read in isolation and should be considered with provisions that provide for and enable regionally significant infrastructure, economic, social and cultural wellbeing, and enhanced public access.
91. Mr McSoriley concluded the application were consistent with the provisions of the RPS. He drew my attention to Objectives INF.1 and TRAN.1 and Policies INF.1 and INF.2, which were not discussed in the Staff Reports.
92. Mr McSoriley disagreed with Ms Nicol that that applications were not in accordance with Objectives A1 and A2 of the NPS-FM. He concluded the applications were consistent with all the relevant NPS-FM provisions.
93. Mr Thomsen submitted that Policies 32, 33 and 34 of the pSWLP should read together and highlighted the scope for mitigation of adverse effects. He considered protection does not prohibit or forbid change and that in some cases protection may be best achieved by some change. He submitted the mitigation package proffered achieved maintenance and enhancement of the wetland.
94. Mr Rodway considered the draft proposed National Policy Statement for Freshwater (2019) provide guidance of the direction on the protection of wetlands. He highlighted a number of key provisions of the RPS and pSWLP and considered the applications did not comply because the wetland had not been sufficiently protected.

### ***Findings***

95. I note the RPS and pSWLP have been developed to give effect to the purpose and principles of the Act and the relevant national policy statements and national environmental standards. The Staff Reports highlight that the RWP predates the NPS-FW and the RPS (2017). I have therefore given more weight to the guidance of the RPS and pSWLP.
96. I have considered all of the relevant planning provisions set out in evidence and overall agree with the conclusions of Mr McSoriley that the applications are consistent with the outcomes sought by the NPS-FM, RPS, RWP and pSWLP, particularly with regard to the protection of water quality, biodiversity, indigenous flora and fauna, and indigenous habitats. I accept that the applications are also consistent with the outcomes sought for the provision of and enabling of social, economic and cultural wellbeing through regionally infrastructure and enhance public access.
97. I consider the evidence supports the finding that adverse effects on the wetland will be avoided, remedied and mitigated by the mitigation measures proposed by the Applicant and required by the consent conditions.
98. In particular, I agree that pSWLP Policies 32, 33 and 34 should be read together bearing in mind the outcomes sought by Objectives 14 and 17. I agree that the provisions anticipate some level of modification or change is appropriate as long as adverse effects are avoided and the life supporting capacity and function of the wetland is at least maintained. I agree that maintenance extent, form and

function of wetlands is an environmental bottom line and I am satisfied this will be achieved through the remediation works and proposed weed control. I accept that the third culvert and the planting programme agreed to at the end of the hearing will ensure the wetland will be enhanced overtime. In my view, the wetland does not need to be retained in its original form to achieve the protection sought by the planning framework.

99. I agree with Mr Thomsen, Mr McSoriley and Ms Nicol that the draft proposed National Policy Statement for Freshwater (September 2019) referred to by Mr Rodway is not a relevant statutory document and will be subject to change.

### **SECTION 104(1)(c) - OTHER MATTERS**

100. There was agreement that Te Tangi a Taurira – the Natural Resources and Environmental Iwi Management Plan for Ngāi Tahu ki Murihiku ('Iwi Management Plan') was a relevant consideration under section 104(1)(c).
101. Ms Nicol considered the applications were inconsistent with Section 3.5.18 (Repo – Wetlands) which seeks to avoid drainage or modification of any existing wetland area.
102. Mr McSoriley agreed that the applications were inconsistent with this policy, but noted that the environmental effects had been assessed as minor and that Te Ao Marama had provided written approval.

### **Findings**

103. On the basis of the assessment of environmental effects, I find the applications are consistent with the outcomes sought by the provisions of the Iwi Management Plan, which is the essentially the protection of wetland habitat and water quality.

### **SECTION 104D**

104. The Staff Reports concluded that the applications did not pass either gateway test of section 104D and that resource consent can therefore not be granted. The Staff Report (18 September 2019) concluded that -  
*'When looking through the lens of the policies and objectives of the regional plans, the adverse effects arising from the proposed activity are expected to be more than minor.'* (pg. 7).
105. However, in response to questions at the end of the hearing, Ms Nicol stated that on the basis of the evidence of Dr Lloyd she accepted any adverse ecological effects on the wetland would be minor if the remediation and mitigation recommended was undertaken.
106. Mr McSoriley considered it was not appropriate to assess the environmental effects 'through the lens' of the objectives and policies of the relevant plans under section 104D. He highlighted that both expert ecologists agreed the adverse effects of the activities would be no more than minor with the imposition of the conditions proposed. He considered the relevant objectives and policies should be read and appraised as a whole, with the appropriate emphasis placed on directive policies. He noted that 'contrary' meant opposed to in nature or the opposite to what the provisions are intending to achieve. On this basis, he concluded that both gateway tests were met.
107. Mr Thomsen highlighted the need to take a holistic view of the objectives and policies in a section 104D analysis. He considered the approach taken by Ms Nicol, in viewing the effects through the lens of the objectives and policies, was not the correct approach and that this risked double counting the objective and policies gateway test. He submitted the extent of effects was a question of fact based on expert evidence and should not be coloured by the plan framework.

### **Findings**

108. Section 104D requires two separate assessments for each gateway test and only one gateway must be passed to enable the application to be considered under section 104 and granted. In questioning, Ms Nicol agreed this is the correct approach and that the environmental effects gateway test must be assessed separately to the planning framework gateway test under section 104D.
109. On the basis of the evidence, I am satisfied that the adverse environmental effects of the applications (excluding the proposed active planting in the yellow polygon area) will be minor with the imposition of consent conditions. I therefore find the section 104(1)(a) gateway is passed.
110. I am satisfied that the activities are not contrary to the objectives and policies of the relevant statutory planning documents given the remediation and mitigation measures proposed. I therefore find that section 104D(b) is passed and the consents sought can be granted.

## PART 2 OF THE ACT

111. I accept that based on the recent Court of Appeal's *RJ Davidson v Marlborough District Council*<sup>9</sup> ('Davidson decision'), recourse to Part 2 may be of assistance in trying to assess consistency with objectives and policies where there is conflict or tension between the policies or they pull in different directions. However, I note that recourse to Part 2 should not render the relevant planning documents ineffective if they give effect to Part 2.
112. I do not consider that reference to Part 2 would add anything to the evaluative assessment I have undertaken under section 104 and 104D of the Act. I consider with the imposition of conditions the applications are consistent with achieving the purpose of the Act.

## Overall Conclusion

113. On the basis of the evidence before me, I conclude that the adverse environmental effects of the applications will be no more than minor with the imposition of appropriate consent conditions and the mitigation proposed.
114. I consider the provisions of the NPS-FM, Iwi Management Plan, RPS and pSWLP provide clear guidance on appropriate use and development of wetlands and the need to avoid adverse effects on wetlands and water quality. While I acknowledge the direct loss of approximately 120m<sup>2</sup>, I am satisfied that this can be mitigated and offset through improvements to the extent, form and function of the wetland by planting appropriate indigenous species and ongoing weed control over 2,000m<sup>2</sup> of the wetland. I am satisfied that the construction of a third culvert will mitigate any adverse hydrological effects on the wetland downhill from the trail and will enable enhancement of the downhill area of the wetland.
115. Overall, I conclude that the applications are consistent with the promotion of sustainable management of natural and physical resource, as defined in section 5 of the RMA, and the consents should therefore be granted.
116. I note that the pSWLP rule which triggers the requirement for resource consent relates to primarily the SRC's regulation of activities in wetlands under of section 9 and 13 of the Act. I consider the diversion of water within the wetland, through the placement of the three culverts, in order to avoid damming water, does not require authorisation by a separate water permit under section 14. I therefore determine to grant consent to the activities under one land use consent for and unlimited duration.

## Conditions

117. I have considered the revised set of consent conditions proposed by the Applicant and the changes recommended by the Reporting Officer. In general, find these to be appropriate, practicable and enforceable. I have made a few minor changes for clarity and consistency with the evidence presented.
118. I have included a requirement to provide for fish passage in Condition 3.
119. I have added a requirement to Condition 8 for the third (middle) culvert to be monitored and, if necessary, adjusted to ensure groundwater is not lowered in the upper wetland above the trail, as outlined by Mr Hamilton.
120. I have corrected the area of active weed control from 200 to 2,000m<sup>2</sup> in Condition 12 to ensure consistency with the evidence and have referenced the red line which shows the area identified on the site plan appended to the consent. I have also included a requirement to undertake this work twice each year (as stated in evidence) and for the Consent Holder to keep a record of the works undertaken.

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<sup>9</sup> [2018] NZCA 316

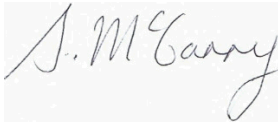


121. I have changed references to the date of granting consent to 'commencement' of consent, which provides more certainty.

## **DECISION**

122. It is the decision of the Southland Regional Council, pursuant to sections 104 and 104D, and subject to Part 2 of the Resource Management Act 1991, to **GRANT** resource consent applications APP20191150 and APP20191703 for wetland modification, subject to the conditions set out in Attachment 1 of this decision.

Dated at Christchurch this 27<sup>th</sup> day of July 2020

A handwritten signature in black ink, appearing to read 'S. McGarry', is written over a light grey rectangular background.

**Sharon McGarry**  
**Independent Hearings Commissioner**

**ATTACHMENT 1:**

## **Land Use Consent**

**Pursuant to Section 104B** 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 **27 July 2020**.

**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: The use of land with a wetland to enable construction of 35 metres of the Lake 2 Lake trail and the placement and use of three culverts

Location - site locality Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300  
- map reference 1180612E, 4942051N and 1180593E, 4942084N  
- catchment Waiau River

Legal description of land at the site: Public Land, owned by the Crown

### **Schedule of Conditions**

1. This consent authorises wetland modification and the use of land within the wetland to enable the construction of 35 metres of the Lake 2 Lake trail, the placement and use of three culverts at the location specified above, as described in the applications for resource consent dated 18

February 2019 and 7 October 2019, and further information provided on 1 and 11 April 2019, 18 September 2019 and 12 June 2020.

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 invert (bottom) of the culverts shall be installed to a depth of either 300 millimetres below the natural bed level or one-third of the diameter of the culvert, whichever is the lesser, and must provide for fish passage.
4. The Consent Holder shall notify the Consent Authority in writing ([escompliance@es.govt.nz](mailto:escompliance@es.govt.nz)) on commencement and upon completion of works to construct the culvert located at the approximate centre of the application site as shown on WSP Plan: 6-VQ422.20 PO1 B.
5. The Consent Holder shall infill the excavated ditch shown in orange on attached site plan WSP Plan: 6-VQ422.20 PO1 B to the original ground level of the wetland using peat/silt material sourced onsite by 1 November 2020. Provided that the works may only be undertaken between 1 April and 31 August in any calendar year. The Consent Holder shall notify the Consent Authority in writing ([escompliance@es.govt.nz](mailto:escompliance@es.govt.nz)) on commencement and upon completion of the works.
6. The Consent Holder shall undertake three site visits to monitor the ground level of the works required by Condition 5. The site visits shall walk-over assessments and photographic evidence shall be obtained. A written assessment documenting each site visit shall be provided to the Consent Authority ([escompliance@es.govt.nz](mailto:escompliance@es.govt.nz)). The Consent Holder shall:
  - a) Undertake the first site visit immediately after the works required in Condition 5 have been completed;
  - b) Undertake the second site visit no more than six months after the works are completed to assess settling. If settling has occurred the Consent Holder shall undertake additional infilling to reinstate ground level as required by Condition 5; and
  - c) Undertake the third site visit no more than twelve months after the works are completed to confirm if rautahi (*Carex coriacea*) has colonised the infilled area.
7. The Consent Holder shall ensure that:
  - a) contaminants, other than sediment, but including cement and oil are prevented from entering the wetland 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 water;
  - 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 works in the wetland are kept to a minimum;
  - g) no washing of equipment occurs in the wetland; and
  - h) works shall, as far as practicable, be undertaken when flows in the wetland are low.
8. The Consent Holder shall ensure that the culverts authorised by this consent do not cause any flooding, erosion, scouring, land instability or property damage. The middle culvert shall be

monitored and the invert level adjusted to ensure groundwater is not lowered in the upper wetland above the trail.

9. The Consent Holder shall visually inspect the culverts and trail authorised by this consent once per month to check for any indication of scour erosion at the culvert outlets and to ensure they are maintained in sound structural condition.
10. In the event of any contamination of the wetland the Consent Holder shall remove the contaminants immediately from the site and notify, without undue delay, the Consent Authority.
11. 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.
12. The Consent Holder shall have in place at all times an active noxious weed management programme to eradicate noxious weeds within an area of up to 2000 square metres, as shown the red line on attached site plan WSP Plan: 6-VQ422.20 PO1 B. Weed eradication within this area must be undertaken at least twice each year and a record of the work completed each year kept by the Consent Holder.
13. A mound of spoil located within the yellow polygon shown on attached site plan WSP Plan: 6-VQ422.20 PO1 B shall be removed and this area reinstated and levelled to original ground level.
14. Planting within the yellow polygon area (as shown on attached site plan WSP Plan: 6-VQ422.20 PO1 B) shall be undertaken within two years of the commencement of the resource consent and shall comprise of indigenous species that are consistent with and appropriate to the biophysical character of the wetland.
15. An Ecological Management Plan shall be prepared by a suitably qualified ecologist and must be submitted to the Consent Authority for certification within three months of the commencement of the resource consent being issued. The Plan, shall address:
  - Monitoring of the plantings described in Condition 14;
  - The maintenance of plantings, including appropriate plant protection. Any dead and dying plants must be replaced immediately or within the next growing season;
  - Weed species to be monitored and controlled;
  - Methodologies and timing for reviewing the frequency of weed monitoring and control activities; and
  - Timeframes for planting and weed control.
16. The Consent Holder must undertake all weed management and other work specified in the certified Ecological Management Plan in accordance with the timeframes specified in the Plan.

17. 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).
18. 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.
19. 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**

**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](http://www.biosecurity.govt.nz) or from Environment Southland) when entering and leaving the river environs.*

**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

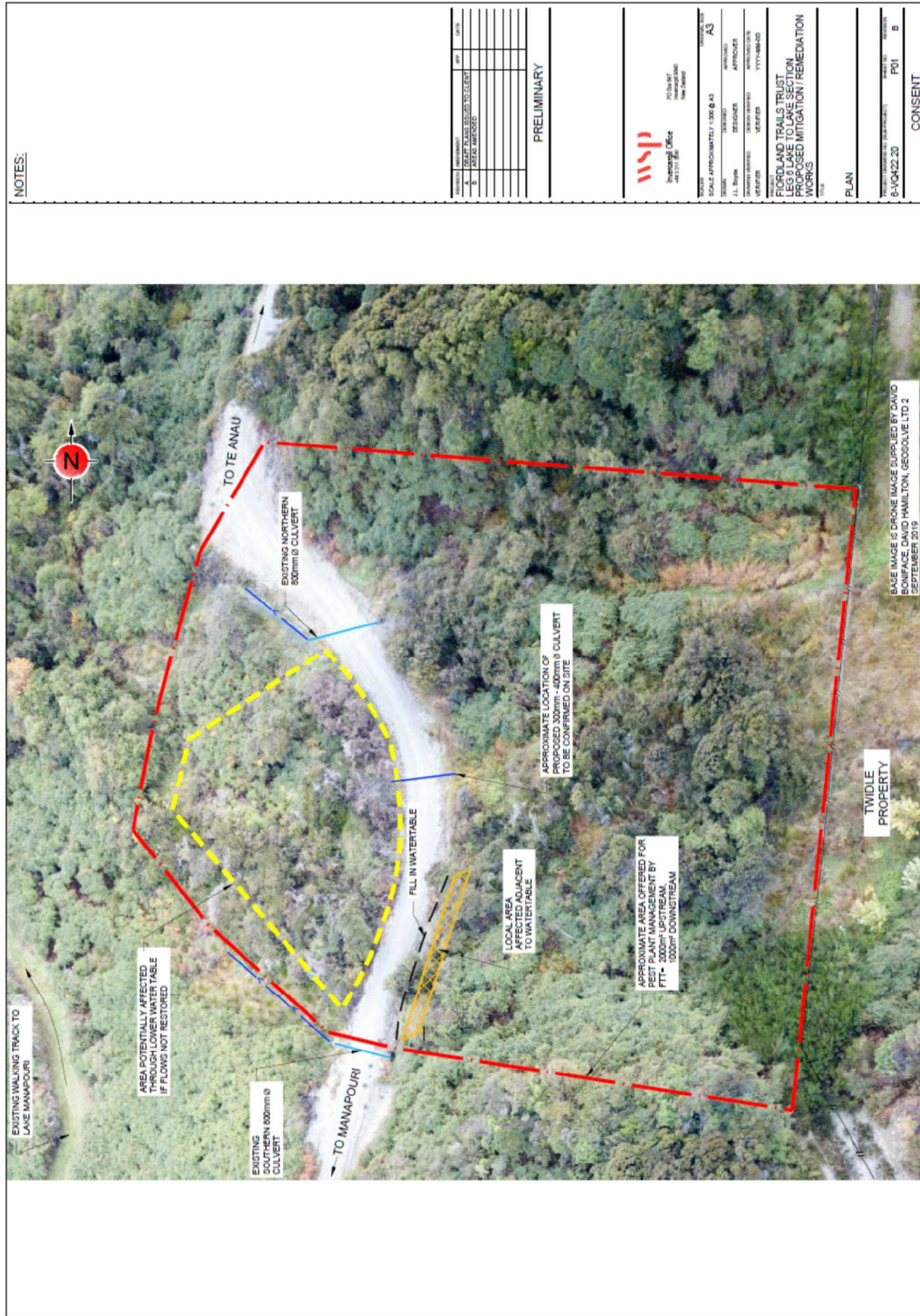
Te Whare o Te Wai Pounamu

15 Show Place, P O Box 13-046, Otautahi/Christchurch 8021

Phone: (03) 366 4344

Web: [www.ngaitahu.iwi.nz](http://www.ngaitahu.iwi.nz)

WSP Plan: 6-VQ422.20 PO1 B



NOTES:

NO.	REVISION	DATE	BY	CHKD
1	DESIGN PLANS SUBMITTED TO CLIENT			
2	ISSUE FOR TENDER			

PRELIMINARY



INSPIRA OFFICE  
100 BROADWAY  
AUCKLAND

SCALE APPROXIMATELY 1:500 @ A3

PROJECT: 6-VQ422.20 PO1 B

DESIGNER: J.L. BRYAN

APPROVER: J.L. BRYAN

DATE: 15/09/2019

CLIENT: FIORDLAND TRAILS TRUST

PROJECT: LEGS & LAKE TO LAKE SECTION

WORKS: PROPOSED MITIGATION/REHABILITATION WORKS

PLAN

PROJECT NO: 6-VQ422.20 PO1 B

DATE: 15/09/2019

SCALE: 1:500 @ A3

CONSENT

Original sheet size A3 (420x597). Plot Date: 2020-04-16 at 4:28:14 PM. © Vector Limited 2020.2020 Footprint Tools. Terrain/Vector Dimension R:\C:\Drawing\6-VQ422.20\_PO1B.dwg (P118)