

**BEFORE THE SOUTHLAND REGIONAL COUNCIL**

**APP-20191150 and APP-20191703**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of applications for resource consents for the  
Lake Te Anau to Manapouri multi use trail

**BY** **THE FIORDLAND TRAILS TRUST**  
Applicant

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**BRIEF OF EVIDENCE OF LUKE GERARD MCSORILEY FOR THE  
FIORDLAND TRAILS TRUST**

**16 March 2020**

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1. My full name is Luke Gerard McSoriley. I hold the degrees of Bachelor of Resource Studies, Post-graduate Diploma in Resource Studies and a Master of Resource and Environment Planning. I am a Full Member of the New Zealand Planning Institute.
2. I have eighteen years' experience as a Resource Management Planner in a variety of resource management roles in Southland and overseas. I currently work for WSP New Zealand Ltd from its Invercargill Office and have done so since March 2013.
3. I am familiar with the Code of Conduct for Expert Witnesses contained in Environment Court of New Zealand Practice Note 2014. I have read and agree to comply with that Code. My evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **Scope of Evidence**

4. In my evidence I discuss my involvement in the resource consent application (the application) and provide; background; a description of the activity; discuss the status of the activity in relation to the applicable regional plan rules; discuss section 104 and 104D, discuss the effects of the activity, discuss the submission, provide a response to the Council Officer's Section 42A report and discuss the relevant statutory considerations.
5. This evidence deals only with an application to install a culvert in roughly the centre of the 35m section of trail with the identifier APP-20191703. However, practically speaking it should be read alongside the evidence I have prepared for an application to modify wetland with the identifier APP-20191150.

### **Involvement in the Application**

6. In 2019 I prepared an application for wetland modification (APP-20191150). That application was publicly notified and scheduled for hearing in September 2019. I drafted evidence for that hearing, which was dated 4 September 2019.
7. I then prepared the resource consent application proposing installation of a third culvert associated with a section of Leg 6 of the Lake 2 Lake Trail (the Trail). The application (APP-2019-1703) was lodged with Southland Regional Council (Environment Southland) on 7th October 2019.
8. The application was notified, and I have read the submissions and I have visited the site.

## **Response to Section 42A Report**

9. I have read Mrs Nicol's 42A report and disagree with the recommendation to decline resource consent. The reasons why I disagree with the recommendation are outlined below. I support some of the recommended conditions outlined in the Section 42A but have recommended some changes as detailed in Appendix 1 of my evidence.

## **Background**

10. I have set out the background to the application and the Applicant in my September evidence
11. While preparing evidence for the September hearing for the wetland modification application (APP-2019-1150) FTT commissioned a hydrological assessment. The Assessment recommended that in addition to the two culverts proposed as part of the application, a third culvert be installed to mitigate any effects associated with water flows between the upstream and downstream sides of the Trail. Subsequently FTT lodged a resource consent application for the third culvert (APP-2019-1703).
12. A water permit is required for the diversion of water through the proposed third culvert to the downstream side of the Trail. Land use consent is also sought for modification of the wetland for the purposes on installing the third culvert.

## **The Activity**

13. The application seeks resource consent for wetland modification (land use activity) associated with installation of a culvert and a discharge consent for the diversion of water through the proposed third culvert to the downstream side of the Trail. The application seeks resource consent for the diversion of both groundwater and surface water. The reason for this being that the installation of the culvert may be undertaken in a manner that involves diversion of groundwater or surface water or potentially a combination of both.

## **Activity Status**

14. The use of land within a natural wetland that is not for one or more of the purposes listed in Rule 74(a) or 74(ab) is a non-complying activity under the proposed Southland Water and Land Plan 2018 (pSWLP). There is no equivalent land use wetland modification rule in the Operative Regional Water Plan (RWP). The activity is therefore permitted under the RWP.
15. There is no permitted activity rule under the pSWLP that allows the diversion of groundwater or surface water in a wetland. As there is no rule expressly allowing the diversion of water in the regional plan a resource consent is required under Section 14(3)(a) RMA for the proposed diversion of groundwater and / or surface water. A water permit is therefore required for the

diversion of water through the proposed third culvert to the downstream side of the Trail. Under Rule 4 of the pSWLP any activity that would otherwise contravene Section 14(3) of the RMA and is not classified by the pSWLP as any other class of activity listed in Section 87A of the RMA is a discretionary activity.

16. I note in the resource consent application it was stated that a discharge permit was required. This was an error (typo) and I am of the opinion that a discharge permit is unnecessary.
17. Under Rule 20 (c) of the Southland Regional Water Plan 2010 (RWP) the diversion of water from any naturally occurring wetland is a discretionary activity.
18. As the activity status is a mix of non-complying and discretionary bundling is appropriate and the overall status of the proposed activity is non-complying.

### **Receiving Environment**

19. The resource consent application (Section 2.3) and the Beale Ecological Assessment provide a detailed description of the receiving environment. I adopt those descriptions for the purposes of my evidence.

### **Matters Raised In Submissions**

20. Two submissions were received one in support (Public Health South) and one in opposition (Mr Rodway). The recommending report has summarised the matters raised in submissions.
21. The submission from Public Health South notes the positive social effects of the Trail in terms of people's health and as an alternative transportation link between Manapouri and Te Anau using active forms of transport.
22. I note that Mr Rodway did not make a submission on the original application (APP-2019-1150). As such only to those aspects of Mr Rodway's submission that are relevant to the third culvert application (APP-2019-1703) are discussed.
23. The alternative methods for crossing the wetland outlined in the submission do not relate to the third culvert application nor are the comments on pest plants, weed control and suggested need for additional culverts south of the wetland. I give no weight to the draft national policy or environmental standard documents referred to in the submission as these draft documents are proposals and have no legal effect.
24. That being said, were his submission to have been made in respect of the original application I would have reached exactly the same position.

25. In terms of the effectiveness of the third culvert in terms of mitigating effects on the wetland I note the expert evidence of Mr Hamilton and Mr Beale who both conclude that the new culvert is an appropriate mitigation measure, which will have no more than minor effects on the wetland itself.

### **Written Approvals**

26. FTT obtained written approval for the proposed third culvert from both the Department of Conservation and Te Ao Marama Inc.

### **The Permitted Baseline Section 104(2)**

27. There is no permitted baseline.

### **Section 104 and 104D**

28. I have addressed Sections 104 and 104D in my September evidence and do not repeat the legal principles here.
29. My evidence concludes that the effects of the activity are no more than minor and the effects gateway test is met. This opinion is based on the expert evidence of Mr Hamilton and Mr Beale.
30. I am also of the same opinion as I was in the September evidence that when the objectives and policies are read and appraised as a whole with appropriate emphasis placed upon directive policies the activity also meets the second gateway test and is not contrary to the objectives and policies of the pSWLP or RWP.
31. The relevant plan provisions and my assessment of the activity against them are detailed below at paragraphs [53] – [83]. I note that my analysis in these paragraphs addresses section 104 and 104D assessments.
32. As at least one of the limbs of the ‘gateway test’ has been passed, then the application is eligible for approval under s104.
33. I will now discuss the ecological effects of the activity and other relevant environmental effects before discussing the statutory considerations including the relevant plan and proposed plan as part of the assessment of the application under the broader section 104 assessment.

## **ACTUAL OR POTENTIAL EFFECTS**

34. In undertaking my assessment, I have focussed on the effects of the proposed third culvert. The effects of the Trail as a whole and the section of the Trail subject to the related application have been discussed in my evidence for that application (APP-2019-1150).

### **Water Quality**

35. I agree with Mrs Nicol opinion as stated in the Recommending Report that any effects on water quality will be minor.

### **Other Effects**

36. The proposed installation of a third culvert is associated with a 35m section of the Lake 2 Lake Trail. The Trail is having a number of positive effects and these have been discussed in my September evidence. I agree with Mrs Nicol's opinion that the Trail is having positive social, economic and public access effects but again note that this application is not about the trail as a whole and I am mindful of that subtlety (see paragraph 90).

### **Hydrological Effects**

37. Mrs Nicol's recommending report concludes that hydrological effects associated with the third culvert will be more than minor. This conclusion is based on the assessment of the third culvert application by Dr Lloyd. In his evidence Dr Lloyd states that he does not support the proposed installation of a third culvert as in his opinion this would exacerbate the adverse hydrological effects of trail construction on the wetland above the trail. His evidence concludes that installation of a third culvert is not supported as it would generate additional adverse effects and provide no obvious benefits.
38. Mr Hamilton in his evidence concludes that the construction of the trail between the northern and southern culverts has reduced the interflow from upstream to downstream of the trail through the higher ground between the two 800mm culverts. He also notes that a small area adjacent to the water table that feeds to the southern culvert would also have been affected. To address this his recommended remediation is placement of a 300mm diameter culvert through the high ground approximately halfway between the two larger culverts. The culvert will be designed to control upstream water levels and to distribute water to the higher ground downstream of the Trail. He concludes that this will extend the area of wetland between the two original culverts.

39. Mr Hamilton in his evidence explains that post his visit to the wetland and having reviewed Dr Lloyd's assessment of the third culvert he has recommended refinements to the design of the third culvert that will enable water level control upstream of the trail and provide the opportunity for an increase in the area of wetland downstream of the trail. This is designed to enhance the area between the two culverts below the trail by providing wetland habitat.
40. Mr Beale supports the proposed culvert installation and notes that it is an appropriate remedial measure in addressing adverse hydrological effects on areas of wetland that exist between the culverts downstream of the trail through reinstatement of surface and shallow sub-surface flows. He further notes that the proposed culvert will result in a positive ecological effect as it has the potential to increase the extent of the wetland area downstream of the trail.
41. Mr Beale also concludes that the proposed third culvert in combination with the existing and proposed weed control measures and infilling of the water table will maintain wetland function and in turn protect in the long term the indigenous vegetation and habitats of indigenous fauna that are assessed to be significant under section 6(c) of the Act.
42. The evidence of Mr Hamilton and Mr Beale indicates that, the proposed installation of the third culvert subject to refinements suggested by Mr Hamilton will have no more than minor effects on the wetland and will have positive effects. Relying on the evidence of Mr Beale and Mr Hamilton it is my opinion that the adverse effects of the third culvert will be no more than minor.

### **Ecological Effects**

43. Mrs Nicol in her recommending report concludes that effects on the wetland from the proposed culvert will be more than minor. As with her assessment of hydrological effects this conclusion is based on the assessment of the third culvert application by Dr Lloyd.
44. Both Mr Beale and Dr Lloyd are in agreement that the marsh wetland is ecologically significant.
45. Both Mr Beale and Dr Lloyd agree that the remedial measures involving the infilling of the watertable is appropriate and will effectively address the localised hydrological adverse effects on the wetland.
46. For both this application and the original application, Mr Beale in his evidence concludes that the implementation of programmed weed control within the wetland is an appropriate compensatory action in response to wetland loss caused by trail construction. This will mitigate the effects of trail construction on the natural character of the wetland by providing suitable conditions for indigenous wetland vegetation to recolonise weed infested areas to the benefit of the wetland's natural character. Although, in this regard I note that Mr Beale has

noted the presence of patches of wetland plants within the area Dr Lloyd considers have low ecological value.

47. He says that the proposed third culvert in combination with the existing and proposed weed control measures and infilling of the water table will maintain wetland function and in turn protect in the long term the indigenous vegetation and habitats of indigenous fauna that are assessed to be significant under section 6(c) of the Act.
48. Mr Beale and Dr Lloyd agree that the ecological effects of trail construction on the wetland will be minor if the recommended remedial and compensatory measures are undertaken with sufficient care and diligence.
49. The only area of disagreement (on both applications) between the ecologists appears to be the potential effects of the third culvert. I note that Dr Lloyd has not had the opportunity to consider the refinements to the culvert design.

### **Effects Conclusion**

50. I disagree with Mr's Nicol's opinion that 'when looking through the lens of the policies and objectives of the regional plans' the hydrological and resulting ecological effects arising from the third culvert (the proposed activity) will be more than minor.
51. Relying on the evidence of Mr Beale and Mr Hamilton it is my opinion that the adverse effects of the third culvert will be no more than minor.

### **STATUTORY CONSIDERATIONS**

#### **National Policy Statement for Freshwater Management (NPSFM) 2014**

52. The NPSFM supports improved freshwater management in New Zealand. It does this by directing regional councils to establish objectives and set limits for fresh water in their regional plans. The Section 42A Report provides an overview of the relevant provisions of the NPSFM.
53. I disagree with Mrs Nicol's comment that the activity is not in accordance with Objectives A1 and A2 of the NPSFM for the reasons set out above.
54. In my opinion the proposal is consistent with management of freshwater in an integrated and sustainable way and is consistent with Objective C1 and Policy C1.
55. I agree with Mrs Nicol's opinion that the proposal is consistent with Objective D1 and Policy D1 of the NPSFM.



## **Regional Policy Statement 2017**

56. I have discussed the Regional Policy Statement for the Southland Region (SRPS) in my September evidence and adopt that discussion here. In my view, like for the original application, the Recommending Report identifies and discusses some of the relevant the objectives and policies of the SRPS but there are additional provisions that need to be considered, most notably those relating to infrastructure.
57. Relevant SRPS provisions include Objective INF.1, Policy INF.1, Policy INF.2, Objective TRAN.1, Objective WQUAL.1, Policy WQUAL.1, Policy WQUAL.3 and Policy WQUAL.7. In regard to Objective BIO.2 as identified above, the expert evidence of Mr Beale indicates that the ecological effects of the proposed third culvert will be no more than minor. The expert evidence of Mr Hamilton and Beale indicates that the third culvert will have positive effects on the wetland and maintain indigenous biodiversity. The culvert will protect areas of significant indigenous vegetation and significant habitats of indigenous fauna for present and future generations. In my opinion the activity is consistent with this objective.
58. In regard to Policy BIO.2 the mitigation measures promoted by the applicant and the third culvert itself will protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. The function of the proposed culvert is to allow water to flow from one side of the wetland to the other. The proposed culvert will not reduce the extent of the wetland and the expert opinion of Mr Beale and Hamilton indicates that the provision of stoplogs will ensure the water level in the wetland upstream of the trail is maintained to avoid any potential adverse effects on hydrology that could otherwise lead to a reduction in wetland area. The expert evidence indicates that the proposed activity will have no more than minor adverse effects. In my opinion the activity is not contrary to this policy as it will maintain and enhance the wetland.

## **Operative Regional Water Plan 2010**

59. The application discusses this Plan and, as such, I have only commented on the objectives and policies that I consider significant.
60. Objective 10 requires habitats and ecosystems to be maintained, and where possible enhanced. The ecological and hydrological effects of the proposal have been discussed above, the activity will maintain wetland habitat and ecosystems. It will also enhance aquatic ecosystems through an increase in the area of the wetland. In my opinion the proposed activity is consistent with this objective.
61. In relation to Objective 12 of the RWP I agree with Mrs Nicol that the proposal is consistent with the intent of the objective and is maintaining and enhancing public access.

62. Policy 40 seeks to encourage the maintenance and restoration of existing wetlands and the creation of new wetlands. I rely on Mr Beale's and Mr Hamilton's evidence which indicates that the installation of the third culvert will have positive effects on the wetland. The proposal is consistent with Policy 40. In my opinion the activity is not contrary to the relevant objectives and policies of the RWP.

### **Proposed Southland Water and Land Plan 2018**

63. Objective 1 is not discussed in the Section 42A Report but states:

*Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.*

Objective 1 is a broad high-level objective that sets the goal of sustainable management of land and water and associated ecosystems, the manner of management and the need to recognise the connectivity of water. As noted above the effects of the proposal on the wetland will be no more than minor. In my opinion the activity is not contrary to this objective.

64. I agree with Mrs Nicol's opinion that the proposal is consistent with Objective 2.

65. Objective 9A is not discussed in the Section 42A Report but states:

*Surface water is sustainably managed to support the reasonable needs of people and communities to provide for their social, economic and cultural wellbeing.*

The benefits of the Trail have been discussed in the 42A report and I agree with Mrs Nicol opinion that the wider Trail is having positive social and economic effects. In my opinion the proposal is consistent with sustainable management of surface water to provide for people and communities social and economic wellbeing and is therefore consistent with Objective 9A.

66. Objective 9B states:

*Objective 9B - The effective development, operation, maintenance and upgrading of Southland's regionally significant, nationally significant and critical infrastructure is enabled.*

The proposed installation of a third culvert is consistent with enabling effective development of regionally significant infrastructure (the trail) as it is the most efficient way to provide for this section.

67. Objective 13 is not discussed in the Section 42A Report but states:

*Enable the use and development of land and soils to support the economic, social, and cultural wellbeing of the region.*

The proposal will indirectly enable the use of land to support the economic and social wellbeing within the Southland Region.

68. Objective 14 seeks to maintain or enhance the range and diversity of indigenous ecosystem types and habitats within wetlands and their life-supporting capacity. The evidence of Mr Beale and Mr Hamilton indicates that the life supporting capacity of the wetland will be maintained and enhanced through the weed control and potential enlargement of wetland habitat. In this regard I note that Mr Beale identified some existing wetland habitat downstream of the trail that could be enhanced, as already noted earlier, through the steady flow of water into that area. In my opinion he proposed activity is consistent with this objective.

69. Objective 16 is not discussed in the Section 42A Report but states:

*Public access to, and along, river (excluding ephemeral rivers) and lake beds is maintained and enhanced, except in circumstances where public health and safety or significant indigenous biodiversity values are at risk.*

The Trail is enabling public access to an along Lake Manapouri and Lake Te Anau, the Waiau River and numerous other waterways in the area and there is no evidence that significant indigenous biodiversity values are at risk. In my opinion the activity is consistent with maintenance and enhancement of public access.

70. Objective 17 states:

*The natural character values of wetlands, rivers and lakes and their margins, including channel and bed form, rapids, seasonably variable flows and natural habitats, are protected from inappropriate use and development.*

The evidence of Mr Beale and Mr Hamilton indicates that the proposed installation of a third culvert will have no more than minor adverse effects and will have positive effects on the wetland. The mitigation measures promoted by the applicant will therefore enhance natural character values associated with the wetland consistent with the intent of this objective. In my opinion the proposed culvert is not inappropriate development and the activity is consistent with this objective.

71. Objective 18 states:

*All activities operate in accordance with “good management practice” or better to optimise efficient resource use, safeguard the life supporting capacity of the region’s land and soils, and maintain or improve the quality and quantity of the region’s water resources.*

The proposed culvert is considered consistent with efficient resource use and will maintain water quality. In my opinion the activity is consistent with Objective 18.

72. Policy 13 (1) is not discussed in the Section 42A Report but states:

*Recognise that the use and development of Southland’s land and water resources, including for primary production, enables people and communities to provide for their social, economic and cultural wellbeing.*

The proposed culvert is associated with the Lake 2 Lake Trail which is an activity that is giving rise to positive social and economic effects and is contributing positively to the wellbeing of the Southland Region. In my opinion the activity is consistent with Policy 13(1).

73. Policy 26A ‘Infrastructure’ is not discussed in the Section 42A Report but states:

*Recognise and provide for the effective development, operation, maintenance and upgrading of regionally significant, nationally significant and critical infrastructure in a way that avoids where practicable, or otherwise remedies or mitigates, adverse effects on the environment.*

This policy implements Objective 9B, discussed above. Lake 2 Lake Trail is consistent with the SRPS definition of regionally significant infrastructure and the proposed culvert is associated with part of the Trail. The use of the phrase '*avoids where practicable or otherwise remedies or mitigates, adverse effects on the environment*' in my opinion establishes that adverse effects associated with regionally significant infrastructure are anticipated under the pSWLP, including in wetlands in some circumstances. The effective development of this piece of regionally significant infrastructure needs to be recognised and provided for, provided, where practicable, adverse effects are avoided or otherwise remedied or mitigated. The proposed culvert will mitigate effects on the wetland, will have no more than minor adverse effects and will have positive effects. It is part of the effective development of the Trail and in my opinion is consistent with this policy.

74. Policy 32 seeks to protect significant indigenous vegetation and significant habitats of indigenous fauna associated with natural wetlands. The proposed third culvert is a mitigation measure that is consistent with protection of significant indigenous vegetation and significant habitats of indigenous fauna present in the wetland. The evidence of Mr Beale and Mr Hamilton indicates that the proposed installation of a third culvert will have no more than minor adverse effects and will have positive effects on the wetland. In my opinion the proposed activity can be viewed as consistent with this policy.
75. Policy 33 seeks to prevent the reduction in area, function and quality of natural wetlands, including through drainage, discharges and vegetation removal. The evidence of Mr Beale and Mr Hamilton indicates that the proposed installation of a third culvert will have no more than minor adverse effects and will have positive effects on the wetland. Their evidence also indicates that the function of the wetland will be improved, and the area of wetland is likely to increase as is its quality through a reduction in pest plants. In my opinion the proposal is consistent with Policy 33.
76. Mr Beale in his evidence notes that the remedial hydrological and weed control measures are focussed on protecting the indigenous vegetation and habitats of the wetland which are assessed as ecologically significant under section 6(c) of the Act and are measures that will maintain wetland function. He then concludes that these positive effects align with the intent of Policy 32 and 34 of the pSWLP and characterises this as an integrated approach to remedying the adverse effects of the Trail on the wetland. In relation to Policy 34 the proposed culvert is consistent with maintenance and restoration of the wetland and its potential to improve water quality, offset peak river flows and assist with flood control. The activity is consistent with Policy 34.

77. In my opinion the activity is consistent with the relevant objectives and policies of the pSWLP.
78. I have taken account of the fact there are two relevant regional plans to consider. While my conclusions are that the activity is consistent with the policy direction in both plans, I have turned my mind to the matter of weight. Given the status of the pSWLP and that the majority of the provisions I have cited are not under appeal (notably the wetland policies), I have placed more weight on that plan.

### **Te Tangi au Taurira**

79. The resource consent application and Mrs Nicol's report identify the key policies of the relevant iwi management plan 'Te Tangi'. The wetlands policy of Te Tangi 9.6.4 Wetlands (3.5.18) 1 states:

*Avoid the direct or indirect drainage or modification of any existing wetland area.*

The proposed activity does involve changes to drainage in the wetland, but will have no more than minor adverse effects and will have positive effects on the wetland. In addition, the culvert will not result in direct or indirect drainage with the intent of reducing the area, function or quality of the wetland. Consultation has been undertaken with Te Ao Marama Inc and they have provided their written approval. I consider the proposed activity consistent with this policy.

### **PART 2 OF THE RMA**

80. My understanding of the role of Part 2 under Section 104 is consistent with Mrs Nicol's. I agree with the principles underpinning her analysis but not some of her outcomes.
81. I have set out the statutory provisions in part 2 in my September evidence so do not repeat them here. In my opinion the proposed the activity is consistent with the purpose and principles of the RMA.

#### Section 6

82. I consider the activity consistent with the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Section 6 (c)). The activity is consistent with the maintenance and enhancement of public access (Section 6 (d)). The proposed activity will have a number of positive effects. In my opinion the activity is consistent with the relevant Section 6 matters.

### Section 7

83. In relation to Section 7 in my opinion the activity is consistent with the efficient use and development of natural and physical resources (7(b)), the maintenance and enhancement of amenity values (7(c)) and maintenance and enhancement of the quality of the environment (7(f)). The adverse effects of the activity will be no more than minor and as such I consider the activity has had regard to the intrinsic values of ecosystems (s7(d)).

### Section 8

84. With regard to Section 8 I agree with Mrs Nicol's assessment that the principles of the Treaty of Waitangi have been taken into account through the consideration of Te Tangi (Iwi Management Plan) and the relevant policies in other planning documents.

### **Conclusion**

85. The adverse environmental effects of the proposed activity will be no more than minor. The proposed activity will prevent the reduction in area, function and quality of the wetland. It will protect significant indigenous vegetation and significant habitats of indigenous fauna associated with the natural wetland downstream of the trail by providing the opportunity for new habitat and improving the existing habitat. The third culvert is consistent with maintenance and restoration of the natural wetland.
86. The activity is consistent with relevant RMA plan and policy documents.
87. The proposal is consistent with the sustainable management purposes of the Resource Management Act 1991, in that it will provide for the sustainable management of the natural and physical resources. The purpose of the Act will be better met by the approval of the application than its refusal.



Luke McSorley

16 March 2020

## Appendix 1 – Draft Conditions

### Land Use Consent

#### Details of Permit

Purpose for which permit is granted: Wetland modification associated with the installation and use of a third culvert at Leg 6 of the Lake 2 Lake Te Anau to

Manapouri Trail

Location - site locality Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300

- map reference 1180612E, N4942051 and 1180593 E, 4942084

- catchment Waiau River

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

~~Expiry date: xx March 2045~~ (No expiry on a land use consent)

#### Schedule of Conditions

1. This consent authorises wetland modification associated with the installation and use of a ~~third~~ culvert at Leg 6 of the Lake 2 Lake Te Anau at the location specified above, as described in the application for resource consent dated 9 October 2019.
2. ~~The culvert shall be sized and constructed as detailed in the application and located within the area as identified and described in the application. This resource consent does not authorise culvert or wetland modification works outside of the scope, scale and location outlined in the application.~~  
(covered by condition 1)
3. The consent holder shall notify the Consent Authority in writing (escompliance@es.govt.nz) on commencement and upon completion of the works.
4. The consent holder shall ensure that:
  - a) contaminants, other than sediment, but including cement and oil are prevented from entering the ~~wetland waterway~~ during the construction works; (wetland not waterway)
  - 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 the stream/river;~~ (no discharge proposed)
  - 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 instream works are kept to a minimum;
  - g) no washing of equipment occurs in the stream/river;
  - h) the batters of the cycle trail shall be resown upon completion of the works;
  - i) works shall, as far as practicable, be undertaken when flows in the watercourse are low.
5. The consent holder shall ensure that the culvert authorised by this consent do not cause any flooding, erosion, scouring, land instability or property damage.
6. The consent holder shall visually inspect the culvert authorised by this consent every two months to check for any indication of scour erosion at the culvert inlet and outlet and to ensure it is maintained in sound structural condition.



7. In the event of any contamination of the wetland watercourse the consent holder shall remove the contaminants immediately from the site and notify, without undue delay, the Consent Authority.  
(wetland not waterway)
8. No change.
9. No change.
10. No change.
11. No change.
12. No change.

## **Water Permit**

### **Details of Permit**

Purpose for which permit is granted: To divert surface water and groundwater through the third culvert at Leg 6 of the Lake 2 Lake Te Anau to Manapouri

Trail

Location - site locality Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300

- map reference 1180612E, N4942051 and 1180593 E, 4942084

- catchment Waiau River

- FMU Waiau

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

**Expiry date: xx March 2045**

### **Schedule of Conditions**

1. This consent authorises the diversion of surface water and/or groundwater from the wetland unnamed stream and/or groundwater as described in the application for resource consent dated 7 October 2019. (wetland not waterway)
2. No change.
3. No change.
4. No change.
5. No change.