

FTT 12 JUNE 2020 HEARING - LUKE MCSORILEY – SUMMARY

INTRODUCTION

1. Thank you, Madam Commissioner. The key matters that I will briefly summarise today relate to the environmental effects of the activity and the relevant statutory considerations.

ENVIRONMENTAL EFFECTS

2. The environmental effects of the activity and proposed activity have been discussed in both my September 2019 and March 2020 hearing evidence. My opinion in both is that subject to implementation of mitigation measures promoted by FTT adverse environmental effects will be no more than minor. This discussion is detailed at paragraphs 25 to 48 of my September evidence and at paragraphs 34 to 51 of my March evidence.
3. In reaching this opinion I have relied upon the expert opinions of Dr Lloyd, Mr Beale and Mr Hamilton. Dr Lloyd and Mr Beale agree that through use of mitigation measures the adverse ecological effects of the activity will be no more than minor. In terms of the difference of opinion on the benefits of the proposed third culvert I rely on the evidence of Mr Hamilton and Mr Beale, noting Mr Hamilton's expertise as a hydrologist. I note that Dr Lloyd had not had the opportunity to consider refinements to the third culvert prior to completing his evidence.

OBJECTIVES AND POLICIES

4. Both sets of my hearing evidence have discussed the relevant statutory framework and conclude that overall and on balance when all relevant objectives and policies are considered together as a whole the activity and proposed activity are consistent with them. This discussion is detailed at paragraphs 49 to 92 of my September evidence and at paragraphs 52 to 79 of my March evidence. I have noted in my evidence that more weight should be given to the pSWLP when considering the relevant policy framework.
5. I note that the activity is not prohibited, and my interpretation of the relevant policy framework is that wetland modification is anticipated in some circumstances. The infrastructure related objectives and policies of the policy and plan documents are of particular relevance and inform my opinion, while recognising that infrastructure is not enabled by giving less weight to environmental outcomes.

SECTION 104D GATEWAY TESTS

6. My evidence therefore concludes that the effects of the activity and proposed activity are or will be no more than minor and they are not contrary to the relevant objectives and policies. Both gateway tests of Section 104D are therefore met.

PART 2

7. As outlined in both sets of my evidence, in my opinion, the activity is consistent with the purpose of the Resource Management Act 1991, in that it will provide for the sustainable management of the natural and physical resources.

SUGGESTED RESOURCE CONSENT CONDITIONS

8. As outlined in my evidence I am generally in agreement with the recommended conditions but have suggested some minor amendments.

CONCLUSION

9. In conclusion, in my opinion, the purpose of the Act will be better met by the approval of the application than its refusal.