

Our reference: APP-20191150 and APP-20191703
Enquiries to: Lacey Bragg
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26 June 2020

VIA EMAIL
Sharon McGarry
Independent Hearing Commissioner

Dear Commissioner McGarry,

***Reporting Officers response to revised conditions from the applicant – Fiordland Trails Trust
APP-20191150 and APP-20191703***

The following sets out a response from the Reporting Officer in response to the applicant's revision of consent conditions.

1 These are shown as further track changes to the applicant's revision of the consent conditions, and the documents are attached.

2 It is noted that Dr Kelvin Lloyd also reviewed the conditions and noted that his preference was:

"... the second version of conditions relating to only two culverts.

The only additional suggestion I have is that the monitoring requirements at clause 4 should also apply to the spoil removal at clause 11."

Dr Lloyd's feedback has been incorporated into the draft conditions as attached to this letter.

3 I have amended the proposed conditions to refer to "use of land within the wetland". The reason for this is due to the wording within the pSWLP, specifically rule 74 (c), which states *"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."*

4 I note within the Right of Reply for the applicant that *"it is noted that no discharge consent is sought so the conditions proposed by the Officer have not been addressed."*

I confirm that in the application for APP-20191703 diversion permits were originally sort, as per the assessment within the s42A report as set out below:

For now
& our future

Regional Water Plan for Southland 2010 (RWP)

- ***Discretionary activity*** under Rule 20(c) for the diversion of water from any naturally occurring wetland.

The Proposed Southland Water and Land Plan 2018 (pSWLP)

- ***Non-complying activity*** under Rule 74(c) for the use of land within a natural wetland which in this instance is for wetland modification associated within the installation of a third culvert and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Multi Use Trail.
- ***Discretionary activity*** under Rule 4 as a discharge consent is required for the diversion of water through the proposed third culvert to the downstream side of the trail.

*There is no permitted activity rule in the pSWLP allowing for the diversion of groundwater or surface water from a wetland, and therefore consent is sought pursuant to section 14(3)(a) of the RMA as a **discretionary activity**.*

I note that the applicant is not now seeking a discharge permit.

Kind regards,



Sonya Nicol
Consultant Consents Officer