

The Independent Hearing Commissioner

18 September 2019
10.00 am

Staff Report for Hearing

The recommendation in the staff report represents the opinion of the writer and it is not binding on the Independent Hearing Commissioner. The report is evidence and has no greater weight than any other evidence that the Commissioner will hear and consider.

Hearing of Application – APP-20191150

Fiordland Trails Trust

Compiled by Sonya Nicol, Consultant Consents Officer

- Hearing: The hearing is scheduled to commence at 10.00 am on Wednesday, 18 September 2019 in the Real Journeys Fiordland Community Events Centre, 20-22 Luxmore Drive, Te Anau.
- Application: The Fiordland Trails Trust has applied for:
- retrospective resource consent for wetland modification to enable construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail.
- Notification: The application was publicly notified on 6 May 2019 and 74 submissions to the application were received, 72 in support and two neutral.
- Recommendation: I recommend that the application is refused for the reasons that are detailed in this report.

Executive Summary

The application is for retrospective resource consent for wetland modification to enable construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail. An Abatement Notice (EAS-20182800) was issued on 27 September 2018 regarding the unauthorised culvert (including its depth) and trail installation.

The area where the trail and the associated culverts are located is classed as a wetland. The wetland area is associated with a spring-fed stream that drains into Lake Manapouri. The area of wetland impacted from the trail is approximately 120 m². The wetland is not listed as a Regionally Significant Wetland with the proposed Southland Water and Land Plan (pSWLP).

Volunteered conditions to remedy and mitigate the effects of the trail on the wetland include infilling of the excavated ditch and three monitoring site visits involving walk-over inspections and promoting the clearance of exotic pest plant species to remediate effects of the trail on the wider wetland.

The application triggers Wetlands Rule 74(c) of the pSWLP for the use of land within a natural wetland, as the application is for the modification of a wetland, including the installation of two culverts. This plan sets out very clear and directive objectives and policies that adverse effects of activities on wetlands should be avoided.

In my view, there are two key issues that the Independent Hearing Commissioner needs to consider when making the decision on the proposal in terms of adverse effects on the wetland, namely hydrological effects and the direct loss of wetland vegetation.

There were 74 submissions to the application were received, 72 in support and two neutral. The submissions highlight the social, cultural and economic benefits that the Trail brings to Fiordland.

Overall, I recommend that the application be declined.

1. Introduction

1.1 Status and purpose of this report

This report has been prepared under Section 42A of the Resource Management Act 1991 (RMA) to assist in the hearing of the application for resource consent made by Fiordland Trails Trust. Section 42A allows local authorities to require the preparation of such a report on an application for resource consent and allows the consent authority to consider the report at any hearing.

The purpose of the report is to assist the Independent Hearing Commissioner in making a decision on the application.

1.2 About the author

My name is Sonya Nicol. I am a Consultant Consents Officer employed by the Southland Regional Council. I have 16 years' experience in planning and resource management roles in local government and as a private consultant. Over this time, I have prepared and processed resource consent applications, and have worked with a range of district and regional plans.

I hold the qualifications of a Bachelor of Resource Studies and a Postgraduate Diploma in Resource Studies. I am an Associate Member of the New Zealand Planning Institute.

I have been involved with the application since it was lodged and received by Council. I have also visited the site.

For completeness, I have read the Environment Court Code of Conduct and agree to abide by it.

1.3 Information relied on in preparation of this report

In preparation of this report I have had regard to the following documents:

- Resource consent application;
- Further information provided under Section 92(1) of the RMA dated 1 April 2019;
- Technical review of the application completed under Section 92(2) of the RMA dated 26 February 2019;
- Resource Management Act 1991 (RMA);
- National Policy Statement on Freshwater 2014 (NPSFM);
- Southland Regional Policy Statement 2017 (RPS);
- Regional Water Plan for Southland 2010 (RWP);
- Proposed Southland Water and Land Plan (decisions version) 2018 (pSWLP); and
- Te Tangi a Tauria (Iwi Management Plan) 2008.

2. The application

2.1 The proposed activities

Applicant:	Fiordland Trails Trust
Application:	Retrospective resource consent for wetland modification to enable construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail.
Site address or location:	Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300
Legal description:	Public Land, owned by the Crown
Map Reference:	1180612E, N4942051 and 1180593 E, 4942084

The Proposal

The Fiordland Trails Trust (the applicant) is seeking retrospective resource consent for wetland modification to enable construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Multi Use Trail (the Trail).

The application describes the existing environment in detail. The Trail has been constructed across the wetland for a distance of approximately 35 metres. The wetland area is associated with a spring fed stream that drains into Lake Manapouri. The trail crosses two streams that both have had culverts installed and are positioned at the southern and northern ends of the wetland. These culverts have been formed to have a width of 3.0 metres, with a 2.2 metre wide gravelled surface.

The immediate area of wetland impacted from the trail is approximately 120 m².

Volunteered conditions to remedy and mitigate the effects of the trail on the wetland include infilling of the excavated ditch and three monitoring site visits involving walk-over inspections and promoting the clearance of exotic pest plant species to remediate effects of the trail on the wider wetland.

The applicant seeks a 35-year consent term.

2.2 Description of the affected environment

The application describes the existing environment in detail. The area where the trail, and the associated culverts are located is classed as a wetland. I note that some submissions have questioned if the area is classed a wetland, so I address this now so that the description of the affected environment is clear.

The pSWLP defines wetlands as:

“include permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.”

The technical review completed by Wildland Consultants Limited also references the description as contained within the Beale Consultants report which described the site as:

“The wetland occurs at the base of small scarp on the eastern shore of Lake Manapouri. It is likely to be a spring-fed wetland as there is no obvious stream channel upstream of the wetland. The wetland occurs in mosaic of fernland, mānuka (Leptospermum scoparium) scrub, and Scotch broom (Cytisus scoparius). An informal walking track zigzags from the nearby Manapouri – Te Anau Highway to the lakeshore, just south of the wetland.

The ecological assessment (Beale Consultants 2018) accompanying the application classifies the wetland as a marsh wetland, with the dominant wetland plant being purei (Carex secta), with shrubs of mingimangi (Coprosma propinqua) and weeping mapou (Myrsine divaricata) on its margins. Wet ground between the two streams is occupied by stands of mānuka, shrubs of mingimangi, and the sedge rautahi (Carex coriacea) and swamp kiokio (Parablechnum minus), and this vegetation also comprises wetland vegetation. The report states that no plant species with a threat classification were observed in the wetland in the vicinity of the track. The report also indicates that one or more lizard species with a threat classification of At Risk-Declining may be present.

We note that one plant species found at the site, mānuka, has a current threat classification of At Risk-Declining, on the basis of the potential threat posed by myrtle rust (Austropuccinia psidii). Little weight has been attached to this due to the abundance of mānuka in Southland Region, because myrtle rust has not yet been detected in the lower South Island, and because mānuka is not a species that is commonly infected by myrtle rust in the North Island and northern South Island.

Based on the description agreed by two ecologists as detailed above, I consider that the area subject to this application meets the definition of a wetland, as contained within the pSWLP.

The wetland is not listed as a Regionally Significant Wetland within the pSWLP. The application site is positioned above Lake Manapouri, which is a Ngai Tahu Statutory Acknowledgement Area. The wetland is fed by a spring fed stream that drains into Lake Manapouri. The wetland area is defined as being within Natural State for Water Quality.

2.3 Actual and potential effects

Effects to be considered (Section 104(1)(a))

Consideration has been given to the following effects:

- hydrological effects on the wetland;
- direct loss of wetland vegetation;

- design and location of the culverts including fish passage;
- social and economic and public access.

These issues are discussed below.

- **Hydrological effects on the wetland**

Based on the technical comments initially provided by Wildlands Consultants Ltd (dated 26 February 2019), the actual hydrological effects that occurred from wetland modification (prior to any remediation proposed) to enable the construction, the placement and use of culverts and the use of Leg 6 are more than minor.

“The trail cuts across the flow of water in the upper part of the wetland, and diverts previously inflowing water into an adjacent stream. This is 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. These effects are likely to cause local changes in wetland vegetation over time, allowing facultative wetland species such as mānuka to increase in abundance at the expense of obligate wetland species such as purei.”

- **Direct loss of wetland vegetation**

Based on the technical assessment provided, the actual effects on indigenous vegetation (prior to any remediation) from wetland modification to enable construction, the placement and use of culverts and the use of Leg 6 of the Trail are more than minor.

Residual adverse effects on the wetland are more than minor, for the following reasons. Various matters need to be considered to determine the scale of residual effects:

- *The wetland has been classified as a representative marsh wetland, a wetland class that has is one of the most reduced classes of wetland in most parts of New Zealand.*
- *The wetland is located within a land environment that retains less than 20% of its original indigenous cover nationally.*
- *Recent research in Southland has shown that the rate of wetland loss has not slowed, with 10.5% of Southland’s remaining wetlands (excluding those in Fiordland on Rakiura) being cleared between 1990 and 2012 (Robertson et al., in press).*
- *Clearance of indigenous wetland vegetation, while representing a relatively small wetland area, increases the cumulative loss of wetland extent, and the effects of this have not been avoided, remedied, or mitigated.*

Overall, even though the extent of wetland loss is relatively small, the residual adverse effects are more than minor.



Figure 1: Photo taken from the Ecological Assessment submitted with the application, showing an elevated view of the northern culvert crossing looking in a southward direction showing vegetation within the wetland.

- **Design and location of the culverts including fish passage**

The culverts are being considered as a land use activity as part of the modification of a wetland activity. As per the assessment provided in the section above, it is considered that the effects on the wetland from the activity which also includes the installation of two culverts will be more than minor.

- **Social and economic and public access effects**

The applicant highlights that the activity is having positive social and economic benefits, and enhanced public access to public land as well as enhances recreational opportunities. I consider that these are positive effects from the trail for the Fiordland community.

Effects Conclusion

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. It is especially considered that the hydrological and the indigenous vegetation effects arising from the modification of the wetland to enable the construction of the trail, the placement and use of culverts, is more than minor.

3. Procedural Matters

3.1 Regional Planning framework

Resource consent is required under the proposed Southland Water and Land Plan 2018.

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 to enable construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Multi Use Trail.

An application for resource consent has been lodged with Environment Southland in accordance with these requirements (attached). The applicant amended the application on 1 April 2019 to include consent for the placement and use of two 800 mm culverts which are installed within the actual wetland area. These two culverts allow water to flow under the constructed trail.

Overall, the application is considered to be a **non-complying** activity.

When considering a **non-complying activity**, the Council may only, in accordance with Section 104D, grant a resource consent for the activity if it is satisfied that the adverse effects of the activity are minor or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan or proposed plan. If the application passes the “gateway” tests in Section 104D, under Section 104B the Council may grant or refuse consent for a non-complying activity, and if it grants the application, may impose conditions under Section 108 of the RMA.

3.2 Further information request

Further information was requested from the applicant on the 7 March 2019. The requested information included a request to provide:

- an assessment of potential remediation, mitigation or compensation actions that could potentially address the potential adverse effects on the existing wetland;
- confirmation that all the culverts within the wetland area have been constructed in accordance with the requirements of the Regional Water Plan (Rule 28) and the pSWLP (Rule 59);
- provide a map confirming the location of all of the culverts in this wetland area in respect of any existing streams. It is noted the application refers to the northern and southern culverts. This information is sought to determine if the trail is creating a type of “damming of the waterway”. Should this be the case an additional consent(s) as an amendment to the existing application may be required.

The above information was provided by the applicant (attached).

3.3 Notification and Submissions

The application was publicly notified on 6 May 2019. This was for the following reasons:

- the adverse effects, particularly the hydrological and the indigenous vegetation effects arising from the modification of the wetland to enable the construction of the trail, the placement and use of culverts and the use of Leg 6 of the Trail when seen through the lens of the policies and objectives of the RWP and the pSWLP will be more than minor.

74 submissions to the application were received, 72 in support and two neutral.

A number of submissions discussed the Abatement Notice (EAS-20182800) process which was issued on 27 September 2018 regarding the unauthorised culvert (including its depth) and trail installation. The submissions below focus on the resource consent application, rather than the Abatement Notice process. However, copies all of the submissions are included in the appendices (*page number shown in table below*), and are summarised as follows:

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
Sir A F Mark	Support	<ul style="list-style-type: none"> The SDC consent outlines that there is no feasible alternative available. Among wetland flora listed only two species of <i>Carex</i>, <i>C. secta</i> and <i>C. virgata</i> considered as strict wetland species, while manuka is a woody species it is not a specific wetland species. Exotic species, notably scotch broom were common on this wetland. Status of wetland refers to its status as lowest status of all conservation lands. Digging up culverts or adding another culvert would likely result in greater impact than current situation. No alternative route, and building a boardwalk is likely to have a greater impact than any minor remediation proposed. Agree with Wildlands Consultants that remediation, mitigation or compensation actions should address adverse effects. <i>Accept offer of Lake 2 Lake Trails Trust to remediate the situation and provide consent.</i> <i>The alternative is to require the FTT's to raise the 35m section of the trail that crosses the boardwalk sufficiently high as not to impact on the wetlands functioning ecology, but it is likely to have a greater impact with its construction, than the minor remediation proposed.</i> 	Yes	40
A S Dore	Support	<ul style="list-style-type: none"> Hardly a significant impact, as the trail location was designed to avoid the wetland complex, consented by SDC and approved by DOC. Trail is an amazing public asset. 	No	44

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<ul style="list-style-type: none"> • <i>Issue consent without conditions and avoid further costs.</i> 		
A MacKay	Support	<ul style="list-style-type: none"> • Retrospective consent is the best way to resolve the issue. 	No	46
A Burgess	Support	<ul style="list-style-type: none"> • Sets out background to the Leg 6 process which included getting Simon Beale to mark out the trail and flora and fauna that needed protected. To bypass the wetland FTT gained consent through SDC and four of the affected landowners. • After the trail was completed, but not open to the public, FTT were advised from ES that it breached the pSWLP. • Questions if there is a conflict of interest by seeking an independent ecologist, rather than relying on Simon Beale’s report. • FTT is a voluntary group who want the all-purpose trail for the enjoyment and wellbeing of locals. • Concern with process. <ul style="list-style-type: none"> • <i>Wants retrospective approved rather than a hearing taking place.</i> 	No	48
PD and NA Baker	Support	<ul style="list-style-type: none"> • Effects are less than minor. • Draw attention to definition of wetland in pSWLP. • A significant part of the 35m actually supports dryland plants like broom and manuka and wetland only describes a small part of the 35 m • Take into account the benefit to the surrounding environment of the work undertaken by FTT in removing wilding conifers and other exotic weeds. • Removal of the track and replacement with a wooden deck would cause damage in excess of what has occurred to date. • Questions if the trails effects are upheld (more than minor) what effect would this have on future and past activities. <ul style="list-style-type: none"> • <i>Grant consent and limit conditions to compensatory works that the FTT have agreed to.</i> 	No	50
BM Hagen	Support	<ul style="list-style-type: none"> • FTT track has enhanced area. • Wetland has been enhanced. <ul style="list-style-type: none"> • <i>Grant consent with no cost to FTT</i> 	No	52
B McCandless	Support	<ul style="list-style-type: none"> • The wetland was virtually inaccessible to the public before construction of the trail. • It is polluted by exotic plant species. • Difference between less than minor and more than minor will not be clear to many submitters. • It is clear that both ecologists have agreed that 	No	54

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<p>the environmental impact is moderate.</p> <ul style="list-style-type: none"> • FTT have offered to mitigate effects. • Significant amenity value of the Lake 2 Lake Trail should also be taken into consideration. • Trail has large recreation and economic benefits to region. • Public good is best served by approving application. <ul style="list-style-type: none"> • <i>Approve application with mitigation.</i> 		
OD and MP Buckingham	Support	<ul style="list-style-type: none"> • FTT make a huge contribution to community by building trails in places that people wouldn't otherwise have access to. • Effects are less than minor and should be judged on a broader platform. • Application should be judged on contribution it is making to the wellbeing of the community. • Consents is costly and diverts time and money away from trail developments. • Greater recognition should be given to submitters who use the trail rather than those who live outside the community. <ul style="list-style-type: none"> • <i>Approve application without any mitigation measures.</i> 	No	57
C Stowe	Support	<ul style="list-style-type: none"> • Broadly agree with Beale Consultants initial assessment of the vegetation cover, ecological values, hydrology and classification of the area as a spring-fed marsh wetland. • Area would meet most of the criteria for significance under the SRPS. • Acknowledge that marsh wetlands are among the most reduced wetland types at local and regional scales. • Mitigating factors include: • Trail is for demonstratable public and societal good. • Easily accessible way for people to explore and appreciate the diverse natural habitats in the area. • defining the true wetland area, and therefore the proportion of wetland affected, difficult and subjective. • culverts and formation of the water table have had a minor effect on the hydrology of the wetland (upstream or downstream) and are unlikely to impact on the structure and composition of the remaining vegetation in the future. • relatively small proportion of the total wetland vegetation has been impacted by the trail construction, and the minor modification to the hydrology of the area, are unlikely to impact the wider wetland's functionality and viability 	No	59

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<ul style="list-style-type: none"> the wetland has relatively low significance. There are very large, intact and complex wetland systems present on both public and private land nearby, including regionally significant wetlands. The Waiau Trust and QEII have protected and created many wetlands over large parts of the Te Anau basin. <ul style="list-style-type: none"> <i>Grant consent and carry out mitigation work suggested by Wildlands Ltd.</i> 		
Councillor Kremer	E Support	<ul style="list-style-type: none"> Questions what defines minor. Can be assumed that both ecologists have some commonality on the impact to the environment as moderate. Public consultation should only occur when there are potential environmental impacts that have major or significant detrimental effects on the environment which this application does not qualify as. Need to recognise the significance vale the Lake 2 Lake trail adds to the Fiordland area. <ul style="list-style-type: none"> <i>Grant consent and carry out mitigation work.</i> 	Yes	63
Councillor Cockburn	R Support	<ul style="list-style-type: none"> Construction care taken is evident and the effect has been less than minor. Community wellbeing, and the FTT have achieved remarkable positive results and raised funds to get a popular track established. Consent puts a cost burden on the local community. <ul style="list-style-type: none"> <i>Look at logical and practical outcomes.</i> 	Yes	65
E Jones	Support	<ul style="list-style-type: none"> Retain as is, with some with some misgivings. given that Southland has lost so many wetlands, <ul style="list-style-type: none"> <i>Would have preferred a bridge or a boardwalk, but do not support removing the existing structures as this could cause more damage.</i> 	No	67
E Scott	Support	<ul style="list-style-type: none"> Less than minor impact. Trail has been located to minimise any impact on wetland. Drainage is not impaired as two culverts enable the small streams to pass under the trail. FTT have done a fantastic job and is a shame to see resources spent on consents rather than building trails. <ul style="list-style-type: none"> <i>Approve the section of trail to remain in place.</i> 	Not stated	71
Fiordland Tramping & Outdoor Recreation Club	Support	<ul style="list-style-type: none"> FTT is making a great effort to minimise any environmental effects of the trail. Trail has been positioned to avoid most of the wetland. Removing the trail would cause more damage than the existing trail does. <ul style="list-style-type: none"> <i>Grant consent to permit the current section of</i> 	Not stated	73

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<p><i>trail to remain.</i></p> <ul style="list-style-type: none"> • <i>Support that the FTT enacts the minor changes recommended.</i> 		
S & E Futter	Support	<ul style="list-style-type: none"> • Unnecessary for retrospective application to be publicly notified. • FTT have been sympathetic to the environment. • Wetland area is not deemed regionally significant under the pSWLP. • Design and location of culverts do not cause a damming effects as all flows are passed under the trail while still allowing fish access. • Effects on landscape, amenity and public access are enhanced as area was previously little used or accessible. • pSWLP seeks to address activities known to have a significant effects on water quality, and do not believe that the section of trail in question does this when only 1.6% of the wetland is in question. <p>• <i>Grant consent.</i></p>	No	76
G L Laughton	Support	<ul style="list-style-type: none"> • pSWLP is not yet operative. • Ensure a robust decision process. <p>• <i>Issue the consent with minor conditions for minor earthworks around the south culvert, minimal pest weed plant control and reduce fee to a minimum or nil.</i></p>	No	78
G Hoskin	Support	<ul style="list-style-type: none"> • Positive health effects from Trail leading to less medical treatment required. • Economic benefits from trail. • This is an environmentally sustainable recreation project. <p>• <i>Approve application.</i></p>	No	80
Guardians of Lakes Manapouri, Te Anau & Monowai	Neutral	<ul style="list-style-type: none"> • Not all wetland comprise the same values. • The s95 report and decision on notification was advanced on the basis that effects may be more than minor that included a GIS assessment which ma of unduly influenced the weighting. • Consider the proposal will satisfy both limbs of s104D as effects will be no more than minor and not contrary to the objectives and policies of the plans. Don't consider the proposal will create a perceived undesirable precedent. • Removing the trail or including a boardwalk would cause more damage to the wetland than the existing trail does. • Removing the trail may cause sediment into the receiving environment ad ultimately Lake Manapouri. <p>• <i>Trail should remain in place with mitigating, remedial and compensatory work carried out, including fish passage is not compromised.</i></p>	No	82

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<ul style="list-style-type: none"> • Council apply greater weighting to ground-truthed ecological surveys • Council recognises work has already been carried out, applicant is a community trust, effects are less than minor and both limbs of the s104D gateway are met. 		
H Beech	Support	<ul style="list-style-type: none"> • Trail bring social, cultural and economic benefits. • Minimal negative impacts are well mitigated and are far outweighed by the positive benefits. <ul style="list-style-type: none"> • Grant consent and waive fees. 	No	86
I Howe	Support	<ul style="list-style-type: none"> • Tiny part of a wetland that has become infested with weeds. • Simon Beale’s “less than minor impact” should carry more weight as he assessed the impact of the trail on site. • Unbelievable that ES proceeded with a notified consent. <ul style="list-style-type: none"> • Approve consent. 	No	88
J Burgess	Support	<ul style="list-style-type: none"> • Large effort by FTT to develop the track. • Questions the difference from two ecologists regarding effects. <ul style="list-style-type: none"> • Grant consent. 	No	91
K Turner	Support	<ul style="list-style-type: none"> • Less than minor impact on the wetland. • Well engineering and built. • Ample room for flood water to flow to the wetland. • Water flow is not impeded and so the wetland is not affected. • Considers fish can travel through short culverts. • Trail is of benefit to local area. 	Not stated	93
KF Bradley	Support	<ul style="list-style-type: none"> • FTT built the trail through the best possible alignment and using the best option for allow the natural water flow from the two small wet runners to pass under the track. • Following Cave Creek, a national direction was made to reduce the numbers of structures, and cross track drainage was dealt with by building open cross drain cut outs or placing culverts under the track, and this has become best practise throughout NZ. • FTT used the best practice of using oversized sized pipe, to allow for flooding, plenty of cross flow surface area so the water flowing through the pipe is consistent with the creek flow, above and below the site. 	Not stated	94
LA Rohan	Support	<ul style="list-style-type: none"> • The 35 m length of trail occupies 100 m² of a wetland complex that exceeds 85 ha in area. • Of that 35 m perhaps 8 m is on a wet subgrade. • Two culverts are appropriately placed to two naturally occurring runners within a stream 	No	85

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<p>system.</p> <ul style="list-style-type: none"> The two Ecologists agreed appropriate compensatory work to offset Kelvins perception of effect and FTT agreed this work. The 'real' wetland is to the west of the trail and contains quality wetland species. To the east is highly modified and well invaded by noxious weeds. <i>Consent should be granted without conditions as it is a very minor issue.</i> 		
LC Harraway	Support	<ul style="list-style-type: none"> Impact on the environment is less than minor. <i>Grant consent.</i> 	No	97
J R Harraway	Support	<ul style="list-style-type: none"> Less than minor effect on the existing wetland. <i>Grant consent to allow this wonderful asset to the benefit of locals and tourists.</i> 	No	99
M Peacock of Destination Fiordland	Support	<ul style="list-style-type: none"> Track is a key factor in continuing stimulation to local economy and wellbeing. Improved trails in Fiordland will contribute to area being viewed as a cycling destination which is of benefit to the region. Trail has established new businesses. Tourism is the biggest industry in Fiordland and requires ongoing development. FTT have demonstrated a commitment to developing the trail by ecologically and environmentally sound practices. Remedial work would be more environmentally friendly rather than removing the section of tail which would be more destructive. <i>Approve with the condition that mitigating and remedial work is undertaken.</i> 	No	101
Manapouri Community Development Area Sub-Committee	Support	<ul style="list-style-type: none"> Reference to SDC consent where effects on the environment would be less than minor. Simon Beale vs Wildlands effect assessment in process. <i>Grant consent. FTT members and supporters have spent a lot of time and money, and the trail has generated a lot more revenue to the district.</i> 	No	103
M Stallman	Support	<ul style="list-style-type: none"> Modification has already taken place. Effects of modification are less than minor. Mitigation of effects is planned or part of existing management. Restoration and installation of an alternative has the potential to increase adverse effects. <i>Grant consent with conditions to:</i> <ul style="list-style-type: none"> <i>Infill the excavated ditch prior to spring 2019</i> <i>Three monitoring site visits</i> <i>Undertaken additional infilling if there has been settling</i> <i>Continue noxious weed management</i> 	Not stated	105

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<p><i>programme and extend to the area referenced by FTT.</i></p> <ul style="list-style-type: none"> - <i>Negotiate in good faith with the adjacent landowner to remove the willow trees upstream.</i> 		
K & J McChlery	Support	<ul style="list-style-type: none"> • Needless to have consent notified as effects are minor. Prior to building the trail noxious weeds were prevalent. • Before the trail the wetland was barely seen, and now it is there for everyone to see. • Value of mental and physical health from the track. <ul style="list-style-type: none"> • <i>Work together to work on levels of a healthy wetland and levels of a healthy being.</i> • <i>Change effects assessment to less than minor.</i> 	No	107
Mr B Taylor	Support	<ul style="list-style-type: none"> • If the trail wasn't there, places like this wetland would never be accessible to the public. • Trail is a great asset to the community. <ul style="list-style-type: none"> • <i>Approve the application.</i> 	No	110
B Hamilton	Support	<ul style="list-style-type: none"> • Impact of the trail less than minor. • Trail crossed the wetland in the most practical place. <ul style="list-style-type: none"> • <i>Support the FTT as a beneficial project for the community.</i> 	No	112
C Carran	Support	<ul style="list-style-type: none"> • Trail has been planned and built in the most economic and practical way. • When consideration of the terrain, high rainfall and the difficulty in finding a balance between recreation and the environment, the track has proven to be an asset to the area and has opened access to an area that was unknown. • Effects are very minor. 	No	114
CE Hughes	Support	<ul style="list-style-type: none"> • Minor crossing of wetland. • Climatic or geological events will have a greater impact on wetland than the trail. • Retrospective consent is wrong. <ul style="list-style-type: none"> • <i>Grant consent.</i> 	No	117
CH Barnes	Support	<ul style="list-style-type: none"> • Alignment of the trail is the best that could be achieved. • Upstream are mature broom, manuka and a big fern which will not grow in wetland. • Area below the trail is much softer and in keeping with wetland habitat and has not be modified. • To modify or alter the trail in the area would detract from a tidy crossing of the creek. • It has not been established at any species have been or could be displaced by the crossing. • The area is not listed as a regionally significant wetland. <ul style="list-style-type: none"> • <i>Grant consent without any mitigating</i> 	No	119

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<i>conditions and avoid further costs.</i>		
D Smith	Support	<ul style="list-style-type: none"> • Area of concern is minute in size compared to the wetland. • Upstream side of wetland has been modified and fenced. • Previously was not accessible by humans. <ul style="list-style-type: none"> • <i>Make consent non-notifiable and if possible no consent at all.</i> 	No	121
D Bell	Support	<ul style="list-style-type: none"> • No impacts on existing users of the area and less than minor impacts on the long-term future of an existing wetland. • Application has no impacts on historical recreation usage and outstanding natural landscapes. • Will be a long-term community asset providing health and recreation opportunities in addition to supporting local businesses. <ul style="list-style-type: none"> • <i>Grant consent with no modifications or restrictions.</i> 	No	123
D G Riley	Support	<ul style="list-style-type: none"> • Asset of the trail outweighs the less than minor effects on the location. <ul style="list-style-type: none"> • <i>Grant application.</i> 	No	125
G Patterson	Support	<ul style="list-style-type: none"> • Trail: <ul style="list-style-type: none"> - does not impede water flow given the culverts - has only a tiny footprint given the size of the entire wetland - it is at the narrowest point reducing the impact to the system - ecological report recognises the significance of the wetland and minimal impact of the trail - trust obtained all other necessary consents • Trail provides positive appreciation of the wetland for users and effects are less than minor. <ul style="list-style-type: none"> • <i>Support FTT</i> 	Not stated	127
J MacMillian-Armstrong	Support	<ul style="list-style-type: none"> • Work of FTT has resulted in a valuable resource. • Environmental impact on wetland is expected to be less than minor. This is more than offset by the significant benefits the trust provides. • As a GP a strong advocate for exercise and activity for which the trail provides for cyclists, volunteers, pre-school and school groups, runners and dog walkers. • FTT's limited resources are best spent on maintaining or expanding trails. • Impact on environment less than minimal once remedial work is undertaken. • Educational benefits and exposure the trail provides will likely enhance understanding of wetlands and help slow or reverse their loss. <ul style="list-style-type: none"> • <i>Accept remedial work as offered and grant consent.</i> 	No	129

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
J Cuttriss	Support	<ul style="list-style-type: none"> Restorative work will cause more negative effects than the current situation. FTT have undertaken work with minimal disruption to the environment. <ul style="list-style-type: none"> <i>Stop the process and support the Trust.</i> 	No	131
JF Turner	Support	<ul style="list-style-type: none"> Trail has a less than minor effect on the wetland. An area of less than 100 m² has been affected, and without access to this area, most people would not know the area exists. The strict application of the wetland definition has been an unreasonable influence. Desktop study is unreasonable. Consent should be judged on the contribution it is making to the community. Has to be a balance between development and the environment. Success of FTT's development is recorded by the usage of the trails and the benefit to the community. <ul style="list-style-type: none"> <i>Grant retrospective consent without conditions.</i> 	No	133
J Greaney	Support	<ul style="list-style-type: none"> Trail has a less than minor effect on wetland. This is supported by Simon Beale. Fringing of wetland is a minor issue, the trail is located at the best possible location, FTT is a charitable trust providing the trail for the local community and visitors. Economic benefits demonstrate the significant asset that FTT have provided. FTT control noxious weeds. <ul style="list-style-type: none"> <i>Grant the consent without any conditions.</i> 	No	135
ML Crawford	Support	<ul style="list-style-type: none"> Minimal impact to the surrounding area, approximately 100m² of a 37-ha wetland (less than minor. <ul style="list-style-type: none"> <i>Achieve a mutually acceptable conclusion, and Council approval the application.</i> 	No	138
M Sutton	Support	<ul style="list-style-type: none"> Area in question is not a wetland. Using the structural classes methods (Atkinson 1985), area is more accurately classified as "shrubland" or "scrub" or a mixture thereof. Would describe area as a historic river or stream channel. There is some wetland below the trail which has a <i>Carex secta</i> margin. The two culverts have been well positioned within the stream bed and should not pose a problem to most species. Culverts were installed in a wetland in the around the mountains cycle trail, where ES judged the installation of culverts did not amount to drainage of the wetland. Impacts are less than minor. 	Not stated	140

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
MI Hagen	Support	<ul style="list-style-type: none"> Trail is a major benefit to ratepayers. Effects are less than minor. Save the public a lot of hard-earned money. <ul style="list-style-type: none"> <i>Grant consent in favour of FTT.</i> 	Yes	142
NJ Hodges	Support	<ul style="list-style-type: none"> impossible to see what adverse effect this small section of the trail is having on the ecology on the surrounding area. vegetation on the top side of the trail is a mixture of manuka and other natives which are not usually found in wetlands. not a wetland but more a spring feed creek and should not be considered of any great ecological value. the whole area is rapidly becoming modified by noxious weeds, e.g. broom, barbary, blackberry etc, maybe Environment Southland would be better off putting resources into reducing the impact of these. <ul style="list-style-type: none"> <i>Grant consent and leave the trail as is.</i> 	No	145
RE Turner	Support	<ul style="list-style-type: none"> FTT have done a great job in building trails. If there are minor effects they will be able to be resolved. 	Not stated	147
RN Wilson	Support	<ul style="list-style-type: none"> Endorses Mr McCandless’s submission. Prior to the opening of the trail the area was virtually inaccessible to the wider public. The intrinsic environmental value of the particular area concerned was questionable. <ul style="list-style-type: none"> <i>Approve consent as modified by their proposal to remediate the effects of the cycle trail.</i> 	No	148
S Marwick	Support	<ul style="list-style-type: none"> Less than minor effect on the wetland. Trail has been constructed to minimise any ecological impacts on this wetland by skirting its eastern side. Only a small portion could be regarding as having any impact on the hydrogeology of the wetland. Existing vegetation to the upstream side is not made up of typical wetland species e.g. mature <i>Carpodetus serratus</i> (Marbleleaf), <i>Myrsine divaricata</i> (Weeping matipo) and <i>Leptospermum scoparium</i> (Manuka). True wetland species such as <i>Carex secta</i> are common on the downstream side and have not been affected by the construction of the trail. The culverts do not alter the hydrology, nor will they impede any possible fish movements. The area in question is not a pristine wetland but is already highly modified. Noxious weeds are prevalent in this area and the Fiordland Trails Trust (with funding from the Department of Conservation Community Fund) have, over 	No	150

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<p>the past 12 months, spent in excess of \$24,000 in weed control in the vicinity of this section of the trail.</p> <ul style="list-style-type: none"> • Simon Beale’s assessment of less than minor should be accepted. • trail provides an excellent opportunity for the public to appreciate our local indigenous vegetation including our wetland ecosystems <ul style="list-style-type: none"> • <i>Grant consent and assess the impact as less than minor.</i> 		
SJ Hoskin	Support	<ul style="list-style-type: none"> • Positive social, cultural, health and economic benefits from the trail. • Draws positive attention to Te Anau as a tourism destination. • Any negative impacts have been well mitigated and are far outweighed by positive benefits. <ul style="list-style-type: none"> • <i>Grant consent without conditions. Seek a waiver of fees.</i> 	No	152
IR Barnes	Support	<ul style="list-style-type: none"> • Wetland was unknown prior to the trail construction. • Not listed as a regionally significant wetland within pSWLP. • Wetland is spring fed and has been enhanced by the work. • To disturb the track would cause more damage to the wetland. • No confirmed sighting of lizard species. • Wetland vegetation is of poor quality. • Do not believe the pSWLP has been significantly breached. <ul style="list-style-type: none"> • <i>Would like to see mitigating work to be simple and achievable for a wonderful recreational facility.</i> 	No	154
M & J Newsome	Support	<ul style="list-style-type: none"> • Wetland is a very small section of the whole trail. • It is nice to stand at the culverts and watch the freshwater and see clearly what lies beneath. • Does not impede the area. • Request Council grant the application. 	No	156
N J Wilson	Support	<ul style="list-style-type: none"> • The impact of the trail passing through this small section of wetland is less than minor. • Over time the impact on the larger wetland is negligible. • Offer of weed control remediation is good, and the FTT have the skills to carry out this work. • The trail has opened up areas to family groups and people with disabilities that could not previously venture into these areas. • It is a great community resource. <ul style="list-style-type: none"> • <i>Grant conditions without further conditions.</i> 	No	158

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
P Cuttriss	Support	<ul style="list-style-type: none"> • The track has been carefully planned to have minimal impact. • Given that Iwi, DOC and Fish & Game provided support ES should sign off. • Fiordland community are proud of the FTT team with huge benefits for the health and wellbeing of thousands of people annually. <ul style="list-style-type: none"> • <i>Allow the proposed activities.</i> 	No	160
R Howe	Support	<ul style="list-style-type: none"> • Trail allows the natural watercourses to each side of the wetland. Fish passage is not restricted. • Track skirts the wetland edge that also contains many weeds. • Covers 100 m² of a 37 ha wetland complex which is a small percentage. • FTT have created a valuable resource and asset to the Fiordland community. <ul style="list-style-type: none"> • <i>Approve the application.</i> 	No	162
R & J McBride	Support	<ul style="list-style-type: none"> • The trail has been positioned to avoid the wetland (swamp). • There are two culverts to allow water to flow under the trail. • Adverse effects are less than minor. • Removal of the trail (as per the Abatement notice) would cause more damage. • Support all of the hard work by the FTT to develop the trail, which is a valuable asset to the community, visitors and holiday makers. • The trail enables access to areas that weren't accessible before. 	Not stated	165
RA Youldon	Support	<ul style="list-style-type: none"> • The consent issued by SDC should have been all that is required. • Effect on wetland is less than minimal and was virtually inaccessible and unknown before the cycle trail was out in. • FTT should be encouraged and congratulated for opening the trail. • Opening it up will allow ease of access and control of pest plants for many years. • Conflicting findings of the experts should have been sorted out before notification. <ul style="list-style-type: none"> • <i>Grant consent without any undue restriction.</i> 	No	168
RH Stephenson	Support	<ul style="list-style-type: none"> • To be a premier tourist destination and an environmentally acceptable country, there must be a balance between land use and conservation practices. • The trail is providing a premier experience and is used by locals and visitors. • The two ecologists discussed differences and agreed on actions to mitigate the effects, and this action should have enabled the Trust to 	Yes	170

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<p>proceed.</p> <ul style="list-style-type: none"> <i>The Council should support this application unreservedly.</i> 		
R Hoskin	Support	<ul style="list-style-type: none"> Use trail along with literally thousands of people (nearly 1000 a month). The trail is outstanding. Trust is a diligent group who have donated thousands of hours of time to enrich environment. Trail was placed to avoid large tracts of wetland and to have the least impact on the environment. Water/fish/weeds can pass through culverts. Before the trail was made this area was inaccessible so trail can't negatively affect the amenity value. The wetland is hardly significant. Further west there may be Marsh Wetland and to the east of this type of Wetland. The East side of the trail has a few Carex Secta on the banks of the creek of which the trail crosses. There are plenty of invasive weeds, and funds would be better spent on managing that. Consideration should be given to the end outcome of proceedings, as it is obvious the community are using and enjoying this trail. <ul style="list-style-type: none"> <i>Take into account the big picture and of how little an environmental impact it has made to date. The trail is an awesome community asset.</i> <i>Grant consent without conditions, and Council waive fees given the social, cultural and economic benefits of the trail.</i> 	No	172
R Smith	Support	<ul style="list-style-type: none"> FTT have been assisted by a qualified ecologist who found effects to be minor or less than minor. If remedial work was required it would cause more damage. Wasn't aware that area was a wetland, and it isn't listed as a regionally significant wetland. Needs of all users must be considered. Access to our country is of upmost importance. FTT have provided for the community and tourism. 	No	176
SJ Smith	Support	<ul style="list-style-type: none"> Consent was granted by SDC and they directed the track away as far as possible to minimise damage to fish and indigenous plant life in the area. Removal of the track to include a boardwalk so that effects are "less than minor" could cause more damage and cost. Questions if high rainfall would flood a boardwalk. 	No	178

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<ul style="list-style-type: none"> • FTT relies on donations and grants. • Wetland is not listed as Regionally Significant and there fore weeds causing more problems up the track. <ul style="list-style-type: none"> • <i>Allow the FTT to keep the current track and provide them with finances to exterminate all exotic trees and shrubs in that section of the wetland.</i> • <i>The health and wellbeing of the thousands of people who use the track is surely more important than the loss of minimal indigenous plants around that small section of track which will regenerate anyway.</i> • <i>Don't make FTT go through an expensive and time-consuming resource consent process.</i> 		
R & M Slee	Support	<ul style="list-style-type: none"> • Effects are less than minor. <ul style="list-style-type: none"> • <i>The trail should be left the way it is.</i> 	No	181
S Crook	Support	<ul style="list-style-type: none"> • Use the trail for pleasure, fitness and to gain access to stretches of the Waiau River which were not previous easy to access on foot. • Have visited the culvert site in wet and dry conditions and observed very little or insignificant change in the height and volume of water draining via the culvert. • Site is overgrown and choked with weeds, and if this wetland area is of more than minor significance then why has it been neglected by ES. • Concerned by abatement notice being issued, that the consent was required to be publicly notified, that community funds are wasted by consent process and that the Community project has not been reported in Council minutes. • <i>Ask that ES work with FTT to update ES website community section to include details of the Trail</i> • <i>Encourage ES to be proactive and work with FTT to create educational information boards through giving staff time and that ES fund signage resources to highlight areas of educational interest along the length of the trail.</i> <ul style="list-style-type: none"> • <i>Support the two culverts remaining in place</i> • <i>Retrospective consent is granted to the FTT.</i> 	Yes	183
Southland Conservation Board	Neutral	<ul style="list-style-type: none"> • Board wishes to ensure that the objectives and policies in relation to wetlands are upheld. • Given the vulnerability of the remaining wetlands it is important to clarify the nature and magnitude of effects on them. • <i>Wishes council to make a decision, based on the evidence that is consistent with the objectives and policies of the pSWLP and the SRPS.</i> 	No	186

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<ul style="list-style-type: none"> • <i>If Council declines the Consent, the Board would support the construction of approved boardwalks over the wetland as effects of these would be minor.</i> • <i>Would support conditions that ensure pest plants were removed from the area on an ongoing basis.</i> 		
Southland Forest & Bird	Support	<ul style="list-style-type: none"> • Work of FTT has a valuable community benefit. • Wetland loss should not be allowed to continue. • Wetlands should be given highest protection from loss. • As consent is retrospective all parties have not done an adequate job in assessing effects and protecting the wetland values along the trail. • Effects are more than minor because of the rate Marsh type wetland (Carex and other indigenous vegetation). Support the assessment by Wildlands Consultants. • Extent of wetland is small, there are adverse effect on the wetland, including likely hydrological functioning of the wetland, which should have been avoided. • Preference is a boardwalk, however, believe damage to remove the gravel and rectify this would create greater adverse effects and is not warranted. • Because scale is small, the damage in this case can be mitigated as per that proposed. <ul style="list-style-type: none"> • <i>Support the FTT subject to mitigation.</i> 	Not stated	188
Southland Mountain Bike Club	Support	<ul style="list-style-type: none"> • Trail promotes low carbon tourism and recreational amenity. • Opportunity for exposure to wetland habitat that will educate public about the importance of halting the decline of wetlands. • Increase road safety. <ul style="list-style-type: none"> • <i>Grant consent.</i> • <i>FTT to remediate the causeway structure with that of a boardwalk of sufficient length to allow flow through of the natural water table to ensure that wetland habitat is not reduced.</i> • <i>Erection of education signage on the role of wetlands.</i> • <i>FTT to manage or remediate any invasive species in the wetland.</i> 	No	190
S McNaughton	Support	<ul style="list-style-type: none"> • Can see no real harm, and not in favour making FTT reapply for consent. • Must be a middle ground on ecologist’s reports. • Thousands of people have used the trail without complaint. 	Not stated	192

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
S Marwick	Support	<ul style="list-style-type: none"> • Trail has a less than minor effect. • Has been constructed to minimise any ecological impacts. • Only a portion of the 35 m could be regarded as having any impact on the hydrology of the wetland. • Vegetation adjacent to the upstream side of the trail is not made up of typical wetland species e.g. mature <i>Carpodetus serratus</i> (Marbleleaf), <i>Myrsine divaricata</i> (Weeping matipo) and <i>Leptospermum scoparium</i> (Manuka). True wetland species such as <i>Carex secta</i> are common on the downstream side and have not been affected by the construction of the trail. • Culvert shave been positioned to carry water via their natural water courses. • Unlikely that the trail will cause any change in the composition of the wetland over time. • Area is not pristine wetland, but is already highly modified, and noxious weeds are present. • Route was approved by SDC. • Simon Beale’s opinion of “less than minor impact” should be accepted. • Trail provides an excellent opportunity for the public to appreciate local indigenous vegetation including our wetland ecosystems. <ul style="list-style-type: none"> • <i>Request that the Council find in favour of the FTT and assess the impact as less than minor.</i> 	No	195
S Hoskin	Support	<ul style="list-style-type: none"> • Trail brings so brings social, cultural, health and economic benefits to individuals, families, the community and New Zealand. • Draws positive attention to Te Anau. • Minimal negative consequences of the trail, and have been mitigated, and are far outweighed by the positive benefits. <ul style="list-style-type: none"> • <i>Grant consent without conditions.</i> • <i>Seek a Waiver of fees given the social, cultural and economic benefits of the trail and the Charitable Trust status of the applicant.</i> 	No	197
Te Anau Community Board	Support	<ul style="list-style-type: none"> • In granting the original Resource Consent the Southland District Council stated that the adverse effect on the environment would be less than minor. It noted that public notification had already been undertaken by the Southland Conservation Management Strategy (2016) and recommended that vegetation clearance be done in conjunction with an ecologist, to ensure minimal impact on the area. Simon Beale, the ecologist engaged by the Fiordland Trails Trust also assessed the impact would be less than minor. 	No	206

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		<ul style="list-style-type: none"> • Department of Conservation, Fish and Game, and Te Ao Marama Inc were happy to provide approval for the retrospective resource consent to be granted. • Beale Consultants assessed impacts as less than minor, and the wetland is not within a rare ecosystem. • Credence on the interpretation that the impact be more than minor is questioned. • Trail provides social and economic benefits to Fiordland. • Volunteer trustees have worked tirelessly fundraising and notifying this consent is an unnecessary cost. <ul style="list-style-type: none"> • <i>Council grant consent, and FTT should not be made to incur significant costs in obtaining consent.</i> 		
Te Anau School Board of Trustees	Support	<ul style="list-style-type: none"> • School supports the New Zealand Curriculum for Education Outside the classroom. • If mitigation measures are undertaken, the ecologists conclude that; the potential effects on the wetland should be no more than minor. • Under s104D of the Act if pest control is imposed as a condition in the consent, the potential effects of this activity on the wetland environment should be no more than minor, and Council can grant consent. • The wetland modification meets part 5 of the RMA. • The trail enables the Te Anau community to provide for their social well-being and their health. <ul style="list-style-type: none"> • <i>Purpose of the RMA can continue to be met with the addition of a structure over the wetland.</i> • <i>The wetland habitat can be sustained and safeguarded through mitigating effects of the proposed structure through pest control.</i> • <i>The wetland modification meets the purpose of the Act and can lawfully be awarded by the Council under s104D and should be approved.</i> 	Not stated	209
H P Hoskin	Support	<ul style="list-style-type: none"> • Grant consent for the construction of the trail in place. <ul style="list-style-type: none"> • <i>Grant consent and waive fees in view of the many benefits and charitable trust</i> 	No	213
W & C McDonald	Support	<ul style="list-style-type: none"> • The route was chosen to skirt the western end of a wetland to avoid or lessen any detrimental effect. • Track location was consented by SDC, approved by DOC, Iwi and Fish & Game. • Two ecologists concurred that effects were 	No	216

Submitter	Oppose/ Support	Issues/Comments <i>Decisions/Changes sought</i>	To be heard?	Submission Page No
		minor or less than minor. <ul style="list-style-type: none"> • Questions why application was notified. <ul style="list-style-type: none"> • <i>Allow FTT to keep the track and positively support this project through to completion.</i> 		

3.4 Statutory Considerations

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. Section 104(1) of the Resource Management Act, 1991, states:

- (1) *When considering an application for a resource consent and any submission received, the consent authority must, subject to Part 2, have regard to:*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of:*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (v) *a regional or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means that the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments in the event of a conflict. Section 5 states the purpose of the RMA and Sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

In paragraphs 70 to 75 of *R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316*, the Court of Appeal discussed the application of Part 2 of the RMA, with regard to the earlier Supreme Court decision, *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38*. The Court of Appeal noted that under Section 104, the “statutory language plainly contemplates direct consideration of Part 2 matters”. The Court also noted that plans made by local authorities may not necessarily reflect the provisions of Part 2 of the Act. The following is from paragraphs 74 and 75 of the R J Davidson Family Trust decision:

“If it is clear that a plan has been prepared having regard to pt 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies in evaluating a resource consent application. Reference to pt 2 in such a case would likely not add anything. It could not justify an outcome contrary to the thrust of the policies. Equally, if it appears the plan has not been prepared in a manner that appropriately reflects the provisions of pt 2, that will be a case where the consent authority will be required to give emphasis to pt 2.”

If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so. That is the implication of the words “subject to Part 2” in s 104(1), the statement of the Act’s purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8.”

I consider that the Regional Policy Statement and the regional plans have been developed in accordance with the purpose of the Resource Management Act. However, the Regional Water Plan predates the National Policy Statement for Freshwater Management and the Regional Policy Statement for Southland 2017, so there may be inconsistencies that warrant reference to Part 2 of the RMA for clarification.

Therefore, those matters which are relevant for this application are as follows:

- description of the receiving environment;
- assessment of the actual and potential effect of the activity on the environment;
- relevant provisions of the Regional Water Plan and the Proposed Southland Water and Land Plan (2018);
- relevant provisions of the Southland Regional Policy Statement;
- relevant provisions of the National Policy Statements and National Environmental Standards;
- Part 2 of the RMA.

Sections 108 and 220 provide for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

3.5 Relevant provisions of the relevant regional plan objectives, policies and rules (Section 104(1)(b)(v))

Council is currently operating under the Regional Water Plan (RWP) and the proposed Southland Water and Land Plan (pSLWP).

The proposed Southland Water and Land Plan was notified by the Consent Authority on 3 June 2016 and decisions on the proposed Plan were notified in June 2018. The proposed Southland Water and Land Plan is subject to appeal; however, as it has legal effect under Section 104(1)(b) regard must, subject to Part 2 of the Act, be had to the provisions of any proposed plan. The relevant provisions of both plans are detailed below and are considered in turn.

The objectives and policies of the Regional Water Plan and the proposed Southland Water and Land Plan that are relevant to this application have been grouped according to topic.

Key Policies

I consider that the objectives and policies below are of the most significance and inherently acknowledge the wetland provisions in relation to the proposed activities.

Regional Water Plan (RWP)

<i>Objective 12</i>	<i>To maintain and enhance public access to river beds (including beds of streams and modified watercourses) and lake beds except in circumstances where public health and safety are at risk.</i>
<i>Policy 1A</i>	<i>Take into account Iwi Management Plans</i>
<i>Policy 38</i>	<i>Avoid, remedy or mitigate the adverse effects of activities on wetlands through an integrated management approach with the Southland territorial authorities.</i>

Comment

Objective 12 of the RWP requires public access to river beds be maintained and enhanced and sets out in the explanation that public access to Crown land is a traditional right and is important for social, cultural and recreational reasons. The trail sits above Lake Manapouri, so while this trail is not strictly to a river or a lake bed as per Objective 12, I have included it, as I consider the overall intent of the Lake 2 Lake Trail is consistent with this objective as it provides public access to these areas. However, the creation of this access must also be viewed in conjunction with the modification of a wetland.

Policy 1A of the RWP requires Te Tangi to be taken in account and this occurs below.

Policy 38 of the RWP requires that any adverse effects of activities on wetlands should be avoided wherever possible through an integrated management approach. As outlined above, I consider that the adverse effects from the application will likely be more than minor.

Proposed Southland Water and Land Plan (pSWLP)

<i>Objective 14¹</i>	<i>The range and diversity of indigenous ecosystem types and habitats within rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.</i>
<i>Objective 17²</i>	<i>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.</i>
<i>Policy 32³</i>	<i>Protect significant indigenous vegetation and significant habitats of indigenous fauna associated with natural wetlands, lakes and rivers and their margins.</i>

¹ Appeal to Environment Court by:

(i) Alliance Group Limited ENV-2018-CHC-000039

(ii) Southland Fish and Game Council ENV-2018-CHC-000037

(iii) Royal Forest and Bird Protections Society of New Zealand Incorporated ENV-2018-CHC-000050

² Appeal to Environment Court by Royal Forest and Bird Protections Society of New Zealand Incorporated ENV-2018-CHC-000050

³ Appeal to Environment Court by Royal Forest and Bird Protections Society of New Zealand Incorporated ENV-2018-CHC-000050

Policy 33 Prevent the reduction in area, function and quality of natural wetlands, including through drainage, discharges and vegetation removal.

Comment

I have considered this proposal against the objectives and policies above, and in my opinion the proposal is not consistent with the outcomes sought by those objectives and policies as detailed below.

Objective 14 of the pSWLP requires that the range and diversity of indigenous ecosystem types and habitats within wetlands and their life-supporting capacity are maintained or enhanced. The proposed activity is for the modification of a natural wetland, rather than the enhancement, and therefore I consider that the proposal will not maintain the natural wetland as required by Objective 14. I acknowledge that the applicants, through the discussions by the two Ecologists have proposed remediation of the wetland, to enhance the area following the construction of the trail by undertaking infilling of the ditch, undertaking monitoring site visits and clearing pest plants. In my opinion, Objective 14 identifies that the outcome that the plan is aiming to achieve is that wetlands are maintained as the starting point, or that where they are already maintained, landowners may for example wish to enhance the existing wetland habitat. As the wetland is modified by this proposal, I do not consider that the proposal is consistent with Objective 14, although I acknowledge that the applicant has volunteered remediation/enhancement works as outlined above to remedy adverse effects.

Objective 17 of the pSWLP requires the natural character values of wetlands to be protected from inappropriate use and development. In terms of remediation, I acknowledge Wildlands Consultants Limited advised on 8 April 2019 that: *"The applicant has agreed to undertake these works and monitoring and provided photographic evidence that showed fish passage should not be restricted through the culverts. If the infilling work is carried out successfully, this should remedy the adverse hydrological effects on the wetland to the point that they are less than minor."* The natural character will be modified, overall I consider that the proposal is not in accordance with the direction of Objective 17, although it is acknowledged that the applicants have proposed pest plant management which would enhance the natural character, however

Policy 32 of the pSWLP requires protection of significant indigenous vegetation and significant habitat of indigenous fauna associated with natural wetlands. I note that the Ecological Assessment prepared by Beale Consultants (2018) as part of the application states:

"The wetland vegetation and habitats for indigenous fauna has been assessed to be of ecological significance in terms of Section 6 (c) of the RMA. The significance assessment reflects the representativeness of the wetland vegetation within the Upukerora Ecological District, the pattern of the vegetation types associated with the wetland and its ecological context."

Under the pSWLP, the wetland is not listed as a Regionally Significant Wetland. I consider that if the trail construction within the wetland is viewed in isolation, then the effects from the construction would not be consistent with Policy 32 of the pSWLP given that the ecologist's viewpoint is that the wetland vegetation and habitats for indigenous fauna has been assessed to be of ecological significance in terms of Section 6 (c) of the RMA.

Policy 33 of the pSWLP requires the prevention of the reduction in area, function and quality of natural wetlands, including through drainage, discharges and vegetation removal. As has been described above, this application is for the modification of a wetland to enable construction of

35 metres of the trail, the placement and use of two culverts. In my opinion, the application does result in the reduction in wetland area, due to the installation of a formed trail which by its nature has resulted in changes to the natural landform and vegetation. Research shows that wetlands were previously more prevalent, with the Southland region having only 10% of its historic wetlands (excluding Fiordland and Rakiura/Stewart Island National Parks) remaining.⁴ By undertaking the remedial works proposed by the applicant, the remaining vegetation and habitat would be protected. However, in my opinion this does not overcome a reduction in area and function from the modification of the wetland through the installation of culverts and track to be consistent with Policy 33. Policy 33 is not subject to appeal, and therefore I place greater weight on this policy.

Within the pSWLP, the wetland is not listed as a Regionally Significant Wetland. Although full weight is not yet given to the proposed plan, it does have significant weight and contains stronger wetland provisions than the operative plan. As per the assessment outlined above, if the significance of the trail construction within the wetland is viewed in isolation within the context of the relevant regional plan policies and objectives, in my opinion the proposal is not consistent with Policy 38 of the RWP, Objective 14, Policy 32 and Policy 33 of the pSWLP. Consent is sought under Rule 74(c) of the pSWLP only.

3.6 Relevant provisions of the Southland Regional Policy Statement 2017 (Section 104(1)(b)(v))

The Southland Regional Policy Statement 2017 became operative on 9 October 2017.

The following objectives and policies in the Regional Policy Statement 2017 are of particular relevance to this application:

Tangata Whenua

Policy TW.3 Take iwi management plans into account.

Comment

The iwi management plan for Southland - Te Tangi a Tairā is considered below.

Water Quality

Objective WQUAL.1 Water quality in the region:

- (a) safeguards the life-supporting capacity of water and related ecosystems;*
- (b) safeguards the health of people and communities;*
- (c) is maintained, or improved in accordance with freshwater objectives formulated under the National Policy Statement for Freshwater Management 2014;*
- (d) is managed to meet the reasonably foreseeable social, economic and cultural needs of future generations.*

⁴ Referenced in the Proposed Southland Water and Land Plan, s42A report and taken from Clarkson, B., Briggs, C., Fitzgerald, N., Rance, B., Ogilvie, H. (2011), *Current and historic wetlands of Southland Region: Stage 2. Landcare Research Contract Report LC312*, Hamilton. p. 16.

- Policy WQUAL.1 Overall management of water quality*
- (a) Identify values of surface water, groundwater, and water in coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands, and formulate freshwater objectives in accordance with the National Policy Statement for Freshwater Management 2014; and*
 - (b) Manage discharges and land use activities to maintain or improve water quality to ensure freshwater objectives in freshwater management units are met.*
- Policy WQUAL.3 Identify and protect the significant values of wetlands and outstanding freshwater bodies.*
- Policy WQUAL.7 Recognise the social, economic and cultural benefits that may be derived from the use, development or protection of water resources.*
- Biodiversity**
- Objective BIO.2 Maintain indigenous biodiversity in Southland and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna for present and future generations.*
- Policy BIO.2 Areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Southland region will be protected and, where appropriate, enhanced.*
- In giving effect to this policy, particular regard will be had to the following potential adverse effects:*
- (i) fragmentation of, or reduction in the extent of, significant indigenous vegetation or significant habitats of indigenous fauna;*
 - (ii) fragmentation or disruption of connections and linkages between significant ecosystems or significant habitats of indigenous fauna;*
 - (iii) loss of, or damage to, buffering of significant ecosystems or significant habitats of indigenous fauna;*
 - (iv) loss or reduction of rare or threatened indigenous species populations or habitats.*
- Policy BIO.4 Manage a full range of indigenous habitats and ecosystems to achieve a healthy functioning state, and to ensure viable and diverse populations of native species are maintained, while making appropriate provisions for lawful maintenance and operation of existing activities. In giving effect to this policy, regard will be had to the following potential adverse effects:*
- (i) fragmentation of, or reduction in the extent of, indigenous vegetation or habitats of indigenous fauna;*
 - (ii) fragmentation or disruption of connections and linkages between ecosystems or habitats of indigenous fauna;*
 - (iii) loss of, or damage to, buffering of ecosystems or habitats of indigenous fauna;*
 - (iv) loss or reduction of rare or threatened indigenous species' populations or habitats.*

Comment

Consideration has been given to the water quality section for the land use activities proposed by this application. Objective WQUAL.1 sets out the overall framework for water quality within the Southland region, and of particular relevance to this application are the requirements that water quality in the region safeguards the life-supporting capacity of water and related ecosystems and is maintained, or improved in accordance with freshwater objectives formulated under the NPS-FM. Policy WQUAL.2 sets out how maintaining water quality will be approached, and Policy WQUAL.3 directs that the significant values of wetlands need to be identified and protected.

I acknowledge that the trail is located near to Lake Manapouri which is classed as Natural State Waters which must be maintained.

Policy WQUAL.7 recognises the social, economic and cultural benefits from the use, development or protection of water resources. I agree that the trail brings social, economic and cultural benefits to the Te Anau community and is a wonderful asset for the community and visitors to the region, so the intent of the trail largely meets Policy WQUAL.7.

Objective BIO.2 directs that indigenous biodiversity is maintained and that areas of significant indigenous vegetation and significant habitats are protected. As set out in the explanation to this objective, Sections 30(1)(ga) and 31(1)(b)(iii) of the RMA task regional councils and territorial authorities respectively with maintaining indigenous biodiversity. Furthermore, Section 6(c) of the RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna to be recognised and provided for. I have included Council functions as some submitters thought consent for wetland modification was part of the original SDC consent for the trail, rather than requiring consent from Environment Southland.

Policy BIO.2 requires that that areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Southland region will be protected. Within the Ecological Assessment prepared by Beale Consultants (2018) it outlines that the wetland vegetation and habitats for indigenous fauna has been assessed to be of ecological significance in terms of Section 6 (c) of the RMA.

To give effect to Policy BIO.2, particular regard must be had to potential adverse effects including fragmentation, reduction in the extent of, connections and linkages, loss of or damage to indigenous habitats and ecosystems. In my opinion, the modification of the wetland in this area does not protect the wetland in accordance with the outcome sought by the policy, as the trail has resulted in the reduction of, and fragmentation of this wetland area, which has been assessed as having ecological significance, and therefore is not consistent with Policy BIO.2.

Policy BIO.4 requires the maintenance of indigenous biodiversity in addition to protecting identified areas of significant indigenous vegetation and significant habitats of indigenous fauna while having regard to potential adverse effects. There are adverse effects from this proposal.

3.7 Relevant provisions of national policy statements (Section 104(1)(b)(iii))

National Policy Statement for Freshwater Management (NPSFM) 2014

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 NPSFM was amended in August 2017.

The following objectives and policies in the National Policy Statement for Freshwater Management (NPSFM) 2014 are of particular relevance to this application:

Water Quality

Objective A1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and the health of people and communities, in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2 The overall quality of fresh water within a region is maintained or improved while protecting the significant values of outstanding freshwater bodies; protecting the significant values of wetlands; and improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

Comment

Objectives A1 and A2 direct councils to protect the significant values of wetlands and outstanding freshwater bodies. Given that this proposal results in the loss of habitat and the fragmentation of an existing wetland, I do not consider it is in accordance with Objectives A1 and A2.

Integrated management

Objective C1 To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

Policy C1 By every regional council managing fresh water and land use and development in catchments in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects.

Comment

These provisions require that the links between land use and water quality are managed.

Tāngata whenua roles and interests

Objective D1 To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1 Local authorities shall take reasonable steps to involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region; work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region; and reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

Comment

With regard to these provisions, I note that applicant had obtained the written approval of Te Ao Marama Inc when the application was first lodged, but the application was amended on 1 April 2019 to include the culverts as part of the consent and no updated written approvals were sought by the applicant prior to notification. Te Ao Marama Inc did not submit on the notified application. Consideration of Te Tangi a Taurira and the involvement of Ngāi Tahu are consistent with and give effect to Objective D1 and Policy D1.

3.8 Relevant provisions of National Environmental Standards and other regulations (Section 104(1)(b)(i) and (ii))

No applicable National Environmental Standards for this activity. This application is not for a water abstraction or discharge, and there are no registered drinking water sites downstream of the proposed activities, therefore this section is not applicable.

3.9 Any other matters considered relevant and reasonably necessary to determine the application (Section 104(1)(c))
Te Tangi a Taurira

I consider that the provisions of Te Tangi a Taurira, the Iwi Management Plan for Southland are relevant and reasonably necessary to the determination of this application, particularly given Policy 1A of the Regional Water Plan and Policy 2 of the proposed Southland Water and Land Plan.

The policy most relevant to this application is:

Section 3.5.18 (Repo - Wetlands)

Policy 1 *Avoid the direct or indirect drainage or modification of any existing wetland area.*

Comment

Policy 3.5.18.1 directs to avoid drainage or modification of any existing wetland area, and this application is for the modification a wetland area. Therefore, in my opinion the proposal is not consistent with this policy.

3.10 Section 105 matters relevant to discharge or coastal permits

This application is not for a water abstraction or discharge; therefore, this section is not applicable.

3.11 Section 107 restriction on grant of certain discharge permits

This application is not for a water abstraction or discharge; therefore, this section is not applicable.

3.12 Part 2 of the Resource Management Act 1991

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means that the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments in the event of a conflict. Section 5 states the purpose of the

RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The purpose of the Resource Management Act, as specified in Section 5 of the Act, is to *promote the sustainable management of natural and physical resources*. It states that:

“In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The application of Section 5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The enabling and managing functions found in s5(2) should be considered of equal importance and taken as a whole. Sections s6,7 and 8 provide further context and guidance to the constraints found in s5(2) (a) (b) and (c). The commencing words to these sections differ, thereby establishing the relative weight to be given to each section.

In relation to the matters outlined in Section 5 it is considered that this application is generally consistent with the purpose and the principles of the Act, as set out in Section 5. This is the promotion of the sustainable management of natural and physical resources. However, I consider that reference to Section 5 is of limited assessment when assessing the application against Policy 32 of the proposed Southland Water and Land Plan. That policy has been prepared in accordance with the RMA, gives effect to the National Policy Statement for Freshwater Management and is clear and directive. I consider that reference to Part 2 cannot justify an outcome contrary to the clear intention of that key policy. The trail does enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety, but this must be viewed in context of the wetland modification.

Part 6 matters have been covered within the various Council planning instruments, however there are two matters of national importance that need to be recognised and provided for in the context of this application these are section 6(e) and (c). Section 6(e). This is the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. However, the area is not part of the Statutory Acknowledgment Area under the Ngai Tahu Claims Settlement Act 1996 and there are no known areas of cultural importance within the site. Consideration has also been given, as per Section 104(1) to the relevant Iwi Management Plan for Southland. Furthermore, the wetland vegetation and habitats for indigenous fauna has been assessed to be of ecological significance in terms of Section 6 (c) of the RMA.

Section 7(c), the maintenance and enhancement of amenity values, Section 7(d) intrinsic values of ecosystems and Section 7(f), the maintenance and enhancement of the quality of the environment are both relevant to the wetland modification.

With regard to Section 8 of the Act, the principles of the Treaty of Waitangi have been taken into account. This is through the consideration of Te Tangi (Iwi Management Plan) and the relevant policies in other planning documents.

To provide completeness for this report, it is my view that the application is generally consistent with the RMA. There are some concerns with regards to Part 2 in relation to Section 6(c). I also consider the application to be contrary to Section 7(c), 7(d) and 7 (f) as the assessment of effects concludes that the proposed activities, especially when cumulative is likely to result in adverse effects on the wetland.

4. Recommendations

4.1 Whether to grant

The activities applied for have been considered together, and as such the highest consent test applies. The application is therefore considered as a **non-complying activity**.

Under Section 104D the Council may grant consent if it is satisfied that either the adverse effects will be minor, or the application will not be contrary to the objectives and policies of the relevant proposed and operative plans. If the application passes either one of these “gateways”, the application falls to be considered under Section 104(1)(a) of the RMA and can be granted or refused. If the Council grants the application, it may impose conditions under Section 108 of the RMA.

The above report outlines the effects of the proposed activity, both adverse as well as the positive effects as raised by the large number of submissions highlighting the positive social, cultural, economic and health benefits of the trail. When considering this application through the lens of the policies of the regional plans, specifically the proposed Southland Water and Land Plan, it is considered that adverse effects resulting from the activity will be more than minor, as the plan sets out very clear and directive objectives and policies that adverse effects of activities on wetlands should be avoided.

When assessing the application as a whole it is noted that the applicants have volunteered mitigations to remedy adverse effects. The application is retrospective, meaning modification of the wetland has already occurred; the preference for the wetland area would have been for a raised boardwalk to avoid adverse effects on the wetland.

Having regard to all of the effects of the proposal, I conclude that the adverse effects from the proposed activity will be more than minor and I do not consider that the proposal sufficiently avoids or mitigates its adverse effects.

Because the effects of the activities have been assessed as having a more than minor effect on the environment, the application must meet the second of the gateway tests. In order to meet the second test, the application must not be contrary to the policies and objectives of the relevant operative and proposed plans.

My opinion is that the proposal is not consistent with the outcomes sought by the objectives and policies of the pSWLP. In particular, Policy 33 of the pSWLP requires that activities prevent the reduction in area, function and quality of natural wetlands, including through drainage, discharges and vegetation removal. Granting consent would not be consistent with this policy.

Objectives 14 and 17 seek outcomes where habitats within wetlands are maintained or enhanced and the natural character values of wetlands, including natural habitats, are protected from inappropriate use and development. In my opinion granting consent would not contribute towards achieving those objectives and rather would detract from them.

As such, I conclude that the proposed activities are contrary to the objectives and policies of the pSWLP.

Therefore, the application does not meet the gateway tests for non-complying activities as set out in Section 104D (1)(a) of the RMA.

If, however, the application was considered to pass one of the gateway tests, it would fall to be considered under Section 104 of the RMA. Given my conclusion on the actual and potential effects of the proposal and the clear direction in the pSWLP, I consider that the application should not obtain consent under section 104.

However, if the Hearing Commissioner is satisfied that either the adverse effects will be minor, or the application will not be contrary to the objectives and policies of the relevant proposed and operative plans they can refuse or grant the application and impose conditions. I have included draft conditions in the appendices in the event that the Hearing Commissioner chooses to grant the application.



Sonya Nicol
Consultant Consents Officer



Michael Durand
Consents Manager

RECOMMENDATIONS IN COUNCIL REPORTS ARE NOT TO BE CONSTRUED
AS COUNCIL POLICY UNLESS ADOPTED BY COUNCIL

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Alan F. MARK (Name(s))
of: 205 Wakariki Rd, Helensburgh Dunedin and 11 Waiata St Manapouri (Address)
at: 03 4797573 or 027 2473093 (Phone) alan.mark@otago.ac.nz (E-mail) (Fax)

Wish to SUPPORT / OPPOSE / ~~submit a NEUTRAL~~ submission on (circle one) the application of:

Name: Fjordland Trails Trust % Dr Steve Hoskin

And/or Organisation: _____

Application Number: App-20191150 Location: MANAPOURI

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

Background:

I am a retired academic plant ecologist who has had considerable involvement with researching the pure and applied ecology and sustainable management and conservation of a wide range of indigenous ecosystems, particularly in southern South Island: high country tussocklands, lakeshores, shrublands, wetlands (I was a member of the Environmental Council's Wetlands Task Group; published by National Water & Soil Cons. Org., Misc. Pub. No 5, 1983). I was a member and Chair of the Otago Conservation Board (1990-2001) and a member of the NZ Conservation Authority (2001-5), as well as Chair of the Manapouri Te Anau Lake Guardians for their first 26 years (1973-98). I have been National President of the Forest and Bird Protection Society (1986-90) and am a Distinguished Life Member and Ambassador of this Society.

I have >200 scientific publications and three books. My contributions have been recognised with life membership of the NZ Ecological Society and the Ecological Society of America, and Honorary Membership of the NZ Alpine Club, and have been formally recognised with a Fellowship of the Royal Society of NZ (1978), together with the Society's Hutton Award for contributions to the knowledge of South Island vegetation (1997) and their Fleming Environmental Award (2010). I received a DCNZM in 2002 and a knighthood (KNZM) in 2009 for my scientific contributions to conservation in New Zealand.

Although not a member of the Trails Trust, given my earlier involvement with the lakes controversy, I was invited to open the Leg 6 of the Trail, at Manapouri on June 3, last year, and I was also invited to draft a brief history of the lakes controversy for an interpretation sign planned by the Trust for the Trail.

Submission:

I have cited the written approval for Leg 6 of the Lake 2 Lake Trail by Greg Lind, Operations Manager for the Department of Conservation, Te Anau, of 9/1/19, which includes a statement specifically to: “modify a wetland to enable construction of the trail”

1. I have also cited similar written approval by Te Ao Marama Inc of 18/2/19 and of Fish and Game, Southland, of 21/1/19.
2. Also an application in terms of the WSP was made by OPUS on 18/2/18 for a 35 m length of encroachment where it skirts the western end a wetland on the 4.7 km section of the last Leg (6) of the Trail between Supply Bay Road and Manapouri Township.
3. The Beale Consultant's report assessed the affected wetland as “ecologically significant”, but that the effects of the proposed construction on the ecological and hydrological functions of the wetland were assessed as very low and “less than minor”, and that no threatened wetland flora was involved. No Cultural or Historical values were identified.
4. The consent issued by Southland District Council in February, 2018 referred to the Consultant's report (by Beale Consultants, of Queenstown) which assessed the affected wetland as “ecologically significant”, but that the effects of the proposed construction were assessed as “very low” and “less than minor”, given the small area to be affected and, moreover, no threatened indigenous wetland flora was involved. Also, no Cultural or Historical values were identified. It was also noted that the Lake 2 Lake Trail has social and economic benefits and, moreover, the proposal was considered consistent with the Southland Regional Policy Statement. Also, no feasible alternative was available. Note, among the wetland flora listed only two species of *Carex*, *C. secta* and *C. virgata*, I would consider strict wetland species, both widespread, while manuka (*Leptospermum scoparium*), is a woody species with perhaps the widest ecological tolerance in the NZ flora, from semi-arid central Otago to the Fiordland lakeshores, and including wetlands: it is certainly not a specific wetland species. Moreover, according to the Beale Consultants report, exotic species, notably scotch broom, *Cytissus scoparius*, were also common on this wetland.

5. Subsequently, Environment Southland issued an abatement notice, which required an application by the Trails Trust to apply for a consent to remove this section of the trail.
6. Wildlands Consultants, retained by Environment Southland (ES), by contrast, concluded that the effects of the trail construction across the wetland, are likely to have been more than minor, due to hydrological effects but "Remediation, mitigation, or compensation actions could potentially address the adverse effects.
7. On enquiry, The Wildlands consultant involved in this exercise, Dr K. Lloyd, stated in response to my enquiry, that he "had not visited the site, but made my assessment on the basis of Simon Beale assessing it was a significant wetland, and Southland policy relating to how effects on wetlands of that status should be dealt with.
8. My response to Item 7, is that the 'status' of this particular wetland, presumably refers to its location on 'road reserve', adjacent to conservation, actually 'stewardship' land, which has the lowest status of all categories of conservation lands, and is often subject to disposal (see Report of the Parliamentary Commissioner for the Environment on: "Investigating the Future of Conservation: The case of ~50 cm following the abatement notice. Two others are in the wetland under discussion. The northern one has been placed in a natural water course and should be satisfactory, and not impede fish passage. At the southern one there is no clear stream and some minor modification to the water table has been made to facilitate water flow to and through it. Digging up either or both of these culverts, or adding another culvert is considered very likely to create a greater impact than retaining the current situation. It is important to note that there is no alternative route available for the trail at this juncture, and building a boardwalk above this wetland is likely to have a greater impact with its construction than any minor remediation that is proposed.
10. By my assessment, I agree with the Wildlands Consultants conclusion that "remediation, mitigation, or compensation actions" should be able to address the adverse effects.
11. I understand that the two ecologists involved, Simon Beale and Kelvin Lloyd, have agreed that the effect of the trail construction would be less than minor if the Trust filled in the adjacent water table and removed noxious weeds; and that the Trust has indicated to ES its willingness to undertake this work.
12. Nevertheless, ES have decided to proceed with a publicly notified consent application.

I wish the Council to make the following decision (*Give precise details, including the nature of any conditions sought*)

1. Accept the offer of the Lake 2 Lake Trails Trust to remediate the situation at the affected wetland, along the lines recommended and provide a consent to that effect.
2. The alternative, since no alternate route is available, to require the Trails Trust to raise the 35 m section of the trail that crosses the wetland on to a board walk constructed sufficiently high as not to impact on the wetland's functioning ecology might be considered but is likely to have a greater impact with its construction, than the minor remediation proposed.

I, ~~am~~ / am not (*choose one*) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~ / am not (*choose one*) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~ / do not (*choose one*) wish to be heard in support of my submission.

I, ~~do~~ / do not (*choose one*) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

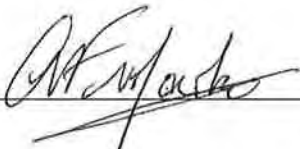


Yes



No

Signed



Date

29/5/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Albert Stewart Dore (Name(s))
of: 54 Catherine Street, Windsor, Invercargill (Address)
at: 022 402 4707 (Phone) biddy@snap.net.nz (E-mail)

Wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Name: _____

And/or Organisation: Fiordland Trails Trust

Application Number: APP - 20191150 Location: L2L Trail Leg 6, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I fully support the Resource Consent application in respect to the 'less than minor' modification to the fringe of a wetland.

I have followed the progression of this matter over the past year and I find it incredulous that amicable resolution of this matter by the parties has not been achieved. It need not have been elevated to requiring a fully notifiable resource consent. The intransigence of ES is unbelievable.

- 1) The ES complaints officer after site inspection with FTT commented, 'what is the fuss about'.
- 2) FTT offered to make any corrections deemed necessary. (Formally and informally).
- 3) FTT lowered 1 x 400mm culvert by 50mm and in good faith to fully satisfy the embedment requirements. The ES concerns around culverts were fully resolved and amicably so.
- 4) The Complaints Officer advised FTT that an abatement notice was to be served. FTT sought a meeting with ES Consents staff to discuss and resolve. Meeting denied, the Complaints Officer was instructed to issue the notice. This was totally unnecessary in my opinion as resolution was possible.

5) FTT commissioned Senior Ecologist Simon Beale to prepare an Ecological Assessment - conclusion - the effects of the Trail on the wetland are 'less than minor'.

A huge wetland complex is adjacent and down stream of Leg 6 is greater than 80Ha. Area of trail deemed to be infringing - 100m2!!! Hardly significant impact. The Trail location to Legs 6 was specifically designed to avoid the wetland complex, consented by SDC and approved by DOC.

6) FTT expectation after meeting with CEO and Director Smith that the non-notified route was appropriate. Permissions gained by FTT from key stakeholders DOC, Fish and Game and Iwi. Application lodged.

7) ES through Consultant Planner seeks inputs from 'Wildlife' Ecologist, his desk top study concludes the effects may be more than 'less than minor' BUT HOW CAN HE CONCLUDE THIS WHEN HE OR THE CONSULTANT PLANNER HAVE NEVER VISITED THE SITE???? Incredulous.

8) The Ecologists communicate and conclude that any effects can be mitigated. FTT agrees to undertake minor watertable filling and manage noxious weeds over a 2000m² area.

Incredibly, ES resolved to fully notify the consent and impose unreasonable costs on FTT, a well performing Charitable Trust who have provided an amazing public asset. FTT have not knowingly breached the pLWOP, why are ES so uncompromising. What is their agenda? Beauracracy gone mad in my opinion. The motives of the Complainant and his influence on the outcomes to date are highly questionable.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Issue the Resource Consent without conditions.

Come to a sensible conclusion pre any hearing, resolve the matter and avoid further cost and resource inputs by ES and FTT.

I, **am/am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do **do not** (choose one) wish to be heard in support of my submission.

I, do **do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed



Date

18 May, 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: ALEX MACKAY (Name(s))
of: 28 EXCELSIOR PLACE, MANAPOURI (Address)
at: 03 2496886 (Phone) (Fax) alex.mackay@gmail.com (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: FJORDLAND TRAILS TRUST

And/or Organisation: _____

Application Number: APP-20191150 Location: Leg 6 of the Lake 2 Lake Trail
between chainage 220 and 230 at about NZTM 2000 1180612E, N4942051 and
1180593E and N4942084

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

As a regular user of the track I think this retrospective consent is the best way to resolve this matter.

- 4 JUN 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Alister Burgess (Name(s))
of: 3 Waiiau Street, Manapouri (Address)
at: 03 249 6665 (Phone) (Fax) (E-mail)

Wish to **SUPPORT** / ~~OPPOSE~~ / submit a **NEUTRAL** submission on (circle one) the application of:

Name: The Fiordland Trails Trust
And/or Organisation: _____
Application Number: APP-20191150 Location: Leg 6 of the Lake 2 Lake Trail between chainage 220 and 230 at about NZTM2000 1180612E, N4942051 and 1180593E and N4942084.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I, Alister Burgess, am a trustee on the Fiordland Trail Trust (FTT). I am writing to explain the background process of leg 6 Supply bay to Manapouri of Lake 2 Lake all-purpose trail.
Before starting leg 6, FTT obtained consent from DOC, IWI, Fish and Game, SDC plus land owners of Motorau heights subdivision. With regards to the subdivision SDC required the track to be kept 30 metres from the subdivision boundary. We also held two public meetings which were advertised.
FTT engaged Simon Beale an expert ecologist and planner to mark the trail from Supply Bay to the end of the last section on the subdivision. The process involved marking fauna and flora that needed protected. At approximately 500 metres before the end of this section he found a substantial wetland. To bypass this wetland FTT gained consent through SDC and four of the affected landowners to come closer to their boundary fence. Once passed the wetland FTT tracked back towards the gully in question. This was the completion of Simon Beales expertise. The track chosen across this gully didn't appear to be a wetland as it contained a fast flowing creek on the north side and a slower flowing creek on the south side. Both creeks are fed by a spring approximately 300 meters upstream on a neighbouring property. In-between the two creeks it appeared dry and gravel based. The area contained cotoneaster, Darwin's barberry, Manuka and a few other native plants but mainly broome. After the trail was completed to Manapouri but not open to the public, FTT were advised from Environment Southland (ES), that a member of the public made a complaint that the Lake 2 lake trail on leg 6 had been found to breach the ES water and land plan resulting in an abatement notice being issued to FTT on September 27 2019. The person who complained was Maurice Rodway, an ES councillor who is also on the consents committee. I suggest this to be a grave conflict of interest.
There was a meeting on-site with two ES officers along with the contractor and FTT engineer. At that stage, the two ES staff couldn't find a problem. It was disappointing that after the inspection, FTT was issued with the abatement notice.
FTT re-engaged Simon Beale to do a report of the area in question. His findings were that the effect on the trail and the wetland was less than minor on an on-site inspection.
ES engaged their own independent ecologist who deemed the breach more than minor. This report was from Wildlands consultants LTD. They never visited the site so it's unbelievable they could come to this decision and ES accept it rather than Simon Beales on-site report. Is there a conflict of interest here? The two ecologist after a discussion between themselves decided that FTT were to do pest plant eradication and some minor fill then they would deem the area less than minor. Meanwhile ES employed an outside planner Sonya Nicol, she advised this breach should go to a fully notifiable consent which was endorsed by CEO Rob Phillips and signed off by Micheal Durand. Interestingly, none of these people have been on-site so how can they make an informed decision? FTT is a voluntary group of hard working local people wanting to make an all-purpose trail for the enjoyment and wellbeing of locals, tourists and any visiting people. There has been no government funding for this trail unlike many other trails in the country. The money raised so far is in excess of a million dollars from donations from many avenues.
It is disturbing that this abatement notice issued from ES has put a lot of pressure on the trust members and upset a majority of the public. So far this abatement notice has cost the trust approximately \$15,000 not including the time and money spent by ES but of course the ratepayers of SDC will pay this!!
Rob Phillips stated in an email to Mark Crawford that we should be working together for the betterment of the community. When the original complaint was made before the track was open to the public, an on-site discussion with all parties would have been working together for the betterment of the community!!
Looking at the inconsistencies in advice and the many people involved from ES who have never even visited the site, it beggars belief that their processes are even valid.
Looking at the time-line above and consent process that FTT has investigated, they have taken into consideration all advice and built a trail for the betterment of the community.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I would like to know the Environment Southland ecologist report was accepted over the FTT ecologist report.

I would also like retrospective consent approved rather than a hearing taking place.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

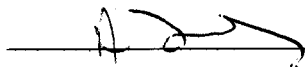


Yes



No

Signed



Date

30/06/2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

- 4 Jun 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

A479479

SCANNED

I: Peter and Nicky Baker (Name(s))
of: 4149 Blackmount-Redcliff Road, R D 2, Otautau, 9682 (Address)
at: 03-2255094 (Phone) (Fax) rannochmoor@xtra.co.nz (E-mail)

Wish to **SUPPORT** / **OPPOSE** / ~~submit a NEUTRAL submission on~~ (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: Between chainage 2200 & 2300 from Manapouri to Supply Bay Road, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

We are property owners in Manapouri and regularly use the FTT's trail from Manapouri township to the Supply Bay Rd.

We are in support of the FTT's application

We contend that the effect on the environment over the 35m of trail is less than minor.

We draw Environment Southland's (ES) attention to the definition of 'Wetland' in the Glossary of the "Proposed Southland Water and Land Plan"

"Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions."

We would ask that ES break the 35m of track down into sections that more accurately identify the actual vegetation and water present. If this was done it would become obvious that a significant part of the 35m is actually supporting dry land plants like Broom and Manuka and that the definition of "Wetland" only really describes a small part of the 35m under application for retrospective consent. We ask that this approach be taken as it highlights the less than minor effects this section of track has on the environment.

We would also ask that ES take into account the benefit to the surrounding environment of work undertaken by FTT volunteers in removing wilding conifers and other exotic weeds. The Douglas Fir in particular, have the ability to turn this area of the trail into an exotic monoculture. The construction of the track has made the control of these weeds possible and the benefits of this on-going control outweigh the less than minor effects on the very small piece of wetland affected.

In our opinion any decision to remove the 35m of track and replace it with wooden deck, would almost certainly cause damage in excess of what has occurred to date. As such, we would support the track staying as it is and

where it is.

Finally, if the ES assessment of the trails effects is upheld (More than minor), then thought should be given to the effects this ruling would have on future and past activities by not only other groups and individuals but the Council itself. Is the Council confident that all its structures and activities built, undertaken and planned, will meet this very high bar of environmental protection?

Thank you for the opportunity to submit our views on this application.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant retrospective consent to FTT.

That the conditions of the retrospective consent be limited to the compensatory works that the FTT have agreed to.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed  Date 30.5.2019.

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant the ~~consent~~ with no cost to FTT.

I, am/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/do not *(choose one)* wish to be heard in support of my submission.

I, do/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed



Date

25/5/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

SUBMISSION FORM

I: Brian McCandless
of: 31 Patience Bay Drive, Te Anau 9679
at: 03 249 8887 brian.mccandless@xtra.co.nz

Wish to support the application of:

Name: Fiordland Trails Trust

Application Number: APP-20191150

Location: Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300

Re: Environment Southland decision for public notification of resource consent application to modify wetland

I write in response to the above notification.

As I understand the situation, this public notification was triggered by an assessment by an ecologist engaged by Environment Southland that the impact on the environment of the proposed section of cycle trail was “more than minor”. This was at variance with the assessment by the ecologist engaged by the Trails Trust that the impact was “less than minor”. At first, sight, this looks like a classic case of experts behaving like “angels dancing on the head of a pin”.

A disinterested observer might be forgiven for concluding that Environment Southland, a publicly funded body, should not be wasting public resources on trivial matters such as this. Public consultation should be the option of last resort when significant environmental issues are at stake and the evidence is finely balanced. Neither condition applies in this case, for the following reasons:

- The wetland in question was virtually inaccessible to the public before construction of the cycle trail.

- It was - and still is - polluted by exotic plant species which Environment Southland had done little to control over many years, so its intrinsic environmental value is questionable.
- The difference between “less than minor” and “more than minor” will be lost on most of the general public who have been invited to contribute to the debate.
- Regardless of precise definitions, it must be clear to all that both ecologists have agreed that the environment impact of the proposal is moderate at worst.

Given the above, it seems clear to me that the ultimate determinant in resolving this issue should be a consideration of what is in the best interests of the public served by Environment Southland.

Clearly there is some environment impact associated with the Trails Trust proposal. The Trails Trust has already offered to mediate this impact by filling a shallow water table and to remove exotic plant species from the area between the trail and the property to the east of the wetland. This seems to me to be a fair and reasonable remediation proposal to offset the environmental impact.

On the other hand, the very significant amenity value of the Lake 2 Lake Trail should also be taken into consideration. This cycle trail the most popular in Southland by a fair margin. Its recreational benefit to local residents is huge. It has stimulated the creation of at least two new businesses in Te Anau and increased the revenue of many others. Furthermore, it has proved to be a significant tourist attraction for the region.

On balance, it is clear that the public good is best served by approving this Trails Trust application. I write to offer unconditional support for the Trails Trust application.

I wish Council to approve the Fiordland Trails Trust Application, as modified by their proposals to remediate the effects of the cycle trail.

I am not a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991)

I do not wish to be heard in support of my submission

I do not wish to be involved in any pre-hearing meeting that may be held for the application

I have served a copy of my submission to the applicant.

From: Owen Buckingham <obuck@xtra.co.nz>
Sent: Monday, 20 May 2019 10:20 a.m.
To: Consents Team
Cc: luke.mcsoriley@opus.co.nz
Subject: Fiordland Trails Trust. Resource Application 20191150
Attachments: IMG_20190520_0001.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Christine

Attached is a submission supporting the above application.

We strongly recommend that Council approve the application without being subject to any mitigation measures for the minimal disturbance of the adjacent wetland.

We are not trade competitors and do not wish to be heard in support of our submission

Regards

Owen & Mary Buckingham
8B Golf Course Road
1 RD
Te Anau 9679

Ph 032497180

20th May 2019

SUBMISSION TO
ENVIRONMENT SOUTHLAND RESOURCE CONSENT APP 20191150
FIORDLAND TRAILS TRUST

My wife and I are both semi-retired and have lived in the Te Anau basin for the last 47 years. Over that time we have both contributed to our local organisations and to the facilities that have been steadily provided over the years to make this an enviable community to live or holiday in. The Fiordland Trails Trust has, is, and will continue to make a huge contribution to this wonderful community by building trails in places that we would otherwise not have had access to. For this reason we have recently taken up cycling which we enjoy and it keeps us fit and healthy. Leg 6 of the Lake to lake trail has been a welcome recent addition and we have, and will use it often.

The background to this application suggests that the consent issue is - If the construction of the track has a "less than minor" or a "more than less than minor" effect on an adjacent wet land?

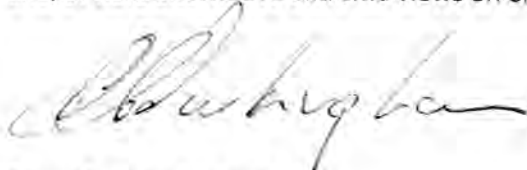
While we submit strongly that the effect is definitely "less than minor" we believe that the application should be judged on a broader platform than that semantic - which is very much a personal view of any submitter and could be debated for ever by ecologists.

Instead this consent application should be judged on the well documented contribution that this trust, along with its many sponsors, has, and is making to the wellbeing of our community.

In our view the application should be approved without being subject to any mitigation measures, thus allowing the Trust to spend its, voluntary time, funds and effort on the construction of new trails as per their current plans. This consent issue is a costly frustration which is diverting time and money away from more valuable trail developments.

We further submit that the benefit of having this leg of the track operational and providing access for us to enjoy this wet land far outweigh any perceived damage.

We also submit that those judging this application should give greater recognition to submitters who use the trail than from submitters who live outside our community, may never have been on site and/or hold alternative extreme views on environmental issues.



Owen & Mary Buckingham

8B Golf Course Road

Te Anau

Ph 032497180

Submission on a Notified Application for Resource Consent

Details of Application

Name of applicant: Fiordland Trails Trust

Reference no: APP-20191150

The application is for the retrospective resource consent for wetland modification covering construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail.

Details of Submitter

Name of Submitter: Chris Stowe

Address of Submitter: 30 Havelock Street, Riverton 9822

Phone number of Submitter: 021 1286486

Date of submission: 4 June 2019

I **do not** wish to be heard in support of my submission.

I **am not** a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

I **do not** wish to be involved in any pre-hearing meeting that may be held for this application.

I **have** served a copy of my submission on the applicant.

Potential conflict of interest

I am an independent ecologist employed as a contractor by Environment Southland and Southland District Council to conduct High Value Area (HVA) ecological surveys on private land across the Southland region.

Submission

My submission is in support of the application.

I viewed the area by chance, after being asked to do so while undertaking an HVA survey on the property owned by an associate of the Fiordland Trails Trust. I visited the site on the 9 May, 2019. No detailed botanical survey was conducted, but I gained a good overview of the site and took a number of photographs.

I broadly agree with Beale Consultants initial assessment of the vegetation cover, ecological values, hydrology and classification of the area as a spring-fed marsh wetland. I also agree that the area would meet most of the criteria for significance under the Proposed Southland Regional Policy Statement. I acknowledge that marsh wetlands are among the most reduced wetland types at local¹ and regional² scales and, as Wildlands pointed out in their technical review, wetland loss in Southland is continuing. However, there are a number of mitigating factors.

- *Purpose of wetland modification:* The wetland modification was not done for the purpose of personal or economic gain. The cycle trail construction has resulted in considerable and demonstrable public and societal good. The trail is well used by walkers and cyclists, and is an easily accessible way for people to explore and appreciate the diverse natural habitats along the Waiau River between Manapouri and Te Anau.
- *Delineation of wetland area and scale of effects:* In their technical review, Wildlands disagreed with the delineation of the wetland area, suggesting that it was considerably smaller than that defined by Beale

¹ Harding, M. A. 1999. Southland Protection Strategy. A report to the Nature Heritage Fund Committee.

² Clarkson et al. 2011. Current and historic wetlands of Southland Region: Stage 2. Report prepared by Landcare Research for the Department of Conservation.

Consultants. Wildlands then said that a greater proportion of the wetland had been affected and that therefore the scale of effects were more than 'less than minor'. While Beale Consultants probably over-estimated the total wetland area by including non-wetland habitat nearer Lake Manapouri, Wildland's definition of the wetland area was based solely on analysis of aerial imagery. My observations of the area suggest to me that manuka and bracken, the dominant canopy species locally, occupy both wet and dry areas. This makes defining the true wetland area, and therefore the proportion of wetland affected, difficult and subjective.

- *Scale of effects on wetland hydrology:* My opinion is that the culverts and formation of the water table have had a minor effect on the hydrology of the wetland (upstream or downstream), and are unlikely to impact on the structure and composition of the remaining vegetation in the future.
- *Scale of effects on vegetation:* A relatively small proportion of the total wetland vegetation has been impacted by the trail construction. Loss of this vegetation, and the minor modification to the hydrology of the area, are unlikely to impact the wider wetland's functionality and viability.
- *Ecological context:* The extensive and dense growth of manuka and bracken elsewhere along the terrace and scarp base, is likely to hide other similar seepages and spring-fed wetlands and streams nearby. In terms of wetlands within the Upukerora Ecological District (in which it occurs) and in the adjacent Te Anau Ecological District, the wetland has relatively low significance and importance. There are very large, intact and complex wetland systems present on both public and private land nearby, including regionally significant wetlands. Furthermore, the Waiau Trust and QEII have protected and created many wetlands over large parts of the Te Anau basin; notably on the nearby Pamu/Landcorp properties of Kepler, Freestone, Stuart and Riverslea farms.

I wish the Council to make the following decision

I would like the Council to grant retrospective consent to the applicant. As a precautionary measure, I suggest that the compensatory work suggested by Wildlands be carried out:

- Fill in the shallow water table deemed to have lowered the water table behind the southern culvert.
- Remove exotic plants (mainly broom) in the vicinity of the cycle trail.



Overview of area downstream (west) of cycle trail. The road cone marks the position of the outlet of the northern culvert through which the largest of the several streams flows. The direction and rate of natural flow appears unchanged.



Overview of the area upstream (east) of cycle trail. The road cones mark the position of the northern culvert.



Small area of the obligate wetland plant purei (*Carex secta*) downstream of the southern culvert.



Small water table formed to direct sub-surface and small surface flows into the southern culvert (visible by orange road cone).

Environment Southland Resource consent APP 20191150

I. Cr Ebel Kremer
Of 7 Wetjacket Place Te Anau ,9600
At 027 510 7785. em3kremer@xtra.co.nz
Date: 3rd Day of June 2019

Wish to support the application of:

Name Fiordland Trails Trust

Application Number: APP 20191150

Location: Leg 6 of the lake 2 Lake Cycle Trail between 2200 and 2300

RE: Environment Southland decision for public notification of resource consent application to modify wetland.

To my knowledge, Environment Southland engaged the services of an ecologist to assess the Environmental impact, if any, of the proposed section of the cycle trail. To my understanding, the ecologist after completing a “desk top” exercise from their office via “google maps” came to a conclusion the environmental impact was “more than minor”. The Trails Trust ecologist informs the Environmental Impact is “less than minor”. Both ecologists use the same terminology of “minor”.

What defines minor? the English dictionary informs “minor adjective: a relatively minor problem, insignificant, inconsequential, of little account, trivial, petty”

If either of the ecologists were extremely concerned with the Environmental impact of the trail, different terminology would have been utilised such as “significant, excessive, destructive, comprehensive damage to the wetlands” It is important to note that no such description was used to describe the impact on the Environment. It can be reasonably assumed that both ecologists have some commonality on the impact to the Environment as moderate.

It is disappointing to witness Environment Southland as a publicly funded organisation to be focused on such trivial and petty matters such as this. Public consultation needs to occur when there are potential Environmental impacts that have major or significant detrimental effects on the Environment. I hardly think the proposed section of the trail which is on the very edge of the wetlands, comprising of approximately 100 square meters out of a wetland area of around 80 hectares, qualifies as either being a major or a significant negative impact on the Environment.

To resolve this issue, consideration needs to be given to what is important and in the best interest of the public served by Environment Southland.

Naturally with any form of cycle trail or walking tracks there is some Environmental impact. The same can be said with the Trails Trust proposal. It is my understanding the Trails Trust has

offered to address some of these potential impacts on the Environment. For example, filling in a shallow water table plus removal of exotic plants.
Furthermore, it is imperative Environment Southland recognises the significant value the Lake 2 lake trail is adding to the Fiordland Area. There are two new business operating in Te Anau and has fostered revenue growth for other business as well. It is by far the most popular Cycle trail in Southland which is attracting increased tourist visitors to our region who are enjoying the cycle trial experience.

Taking all matters into account, the Trails Trust application should be supported for the best interest for New Zealand residents and Visitors wishing to experience the lake 2 lake cycle trail.

I fully support the Trails Trust Application and request Environment Southland to grant the Trails Trust Resource Consent Application, as modified by their proposal to remediate the effects of the cycle trail.

I am not a trade competitor of the applicant (for the purposes of Section 308b of the Resource Management Act 1991)

I wish to be heard in support of my submission.

I do not wish to be involved in any pre hearing meeting that may be held for the applicant.

I have served a copy of my submission to the applicant.

Cr Ebel Kremer

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Ross Cockburn. (Name(s))
of: 452 Manapouri / TE Anau hwy, R.D. 1 TE Anau 9679 (Address)
at: 0272779586 (Phone) ross_cockburn@icbud.com (E-mail)

Wish to SUPPORT / ~~OPPOSE~~ / submit a ~~NEUTRAL~~ submission on (circle one) the application of:

Name: Fiordland Trails Trust
And/or Organisation: Fiordland Trails Trust.
Application Number: 2019 1150 Location: Manapouri.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

It is with a great deal of concern that I write this submission in support of leaving the present crossing (so called wetland) in place the way it is. Having been called onto the site at a very late stage, I'm dis-appointed on two counts:- 1/ The fact that a fellow councillor has lodged the complaint and not informed me as the local councillor, I'm absolutely embarrassed to say the least! The construction care that has been taken is very evident. That leads me to believe that the final outcome / effect has been less than minor in regard to the Resource Management Act 1991. Many locals who have visited the site have expressed to me their amazement of where is the issue and what's wrong. Consequently all them have come to the conclusion of it being made a mountain out of a mole hill!

2/ Community well being - The Trails Trust is a voluntary group that have achieved remarkable positive results under very trying circumstances, raised numerous local funds through various channels in getting a very popular well used bike/walking track established. The delayed decision to implement the consent application from a non-notified to a notified has put an added cost burden onto the local community, money that

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Should ultimately be utilized in future formation of the track. I have a real concern this late action has focussed far too much on process rather than look at logical and practicable outcomes. Particularly when I have been informed by both ^{ES} head officers of the consent team, they have not even visited the site in question. A condition I consider should be mandatory! I strongly oppose the action taken by Environment Southland due to conflicting advice by experts and lack of due diligence completed on site by ES. officers to over see and assess the effects.

I, ~~am~~/am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/~~do not~~ (choose one) wish to be heard in support of my submission.

I, do/~~do not~~ (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed *H. Lockburn* Date 27-05-2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland

From: Edith Jones <edithbj8@gmail.com>
Sent: Monday, 3 June 2019 5:29 p.m.
To: Consents Team; trails@trailstrust.co.nz
Subject: Fiordland Trails Trust
Attachments: IMG_4203.JPG; IMG_4205.JPG

Submission Form

Re: The application [**reference APP-20191150**] is for the following resource consents to authorise proposed activities at Leg 6 of the Lake 2 Lake Trail between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri.

Edith B. Jones, 8 Cathedral Drive, PO Box 132, Manapouri, 03-249-6991

I would first like to say that overall FTT has done a brilliant job. Initially, I was not a supporter, and didn't think that the trail would have an impact on the area. I would like to acknowledge that I was completely wrong. It's very well used by both locals and tourists. I try to make sure that each trip to Te Anau from Manapouri has a spare hour or two so I can walk some portion of it.

I support the application to retain the existing structures as is, with some misgivings. Given that Southland has lost so many wetlands, each remaining bit is extremely valuable, so I would have preferred a bridge or a boardwalk. But I certainly do not support removing the existing structures so that they could be replaced. I am not a construction specialist, but I could easily imagine removing the existing structures would cause much more damage than if they just remained in place.

I have planted at the The Waiau Trust's property on Home Creek for the last 20 years. Besides being there to plant, I go whenever the weather warrants to see its impacts on Home Creek, in order to be more informed for future plantings. I have been at the culvert on the FTT trail 3 times. The first 2 times, Home Creek had a normal amount of water flow, well within the creek boundaries.

The third time on 30/5/2019, I specifically went to Home Creek first to assess the water levels there. During this 3rd visit, the lakes were also very high and the pier at the yacht club on Lake Te Anau was under water. Home Creek was more flooded than during its regular annual/biannual floods, of which I have seen many. The path was under water in the regular places, but there were more areas of the flood plain showing significant amounts of water than I would consider to be a normal flood. It wasn't a huge flood, which I have also seen. It was just significantly higher than normal. The top end of the standard deviation curve of normal floods.

After going to Home Creek, I went to the culvert, fully expecting it to be much higher than it had been on my earlier 2 visits. It wasn't. It didn't seem to me to be any higher when Home Creek was flooded than it had been when Home Creek had a normal flow. I was really quite surprised. I'm attaching two photos taken that day. They aren't the best, but they do show that the water level was fairly low.

If FTT does extend the trail north, I would only request that when they run into an area like this, they consider a bridge or a boardwalk.

I do not wish to be heard.

Sincerely,
Edith B. Jones





To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Elizabeth Scott (Name(s))
of: 11 Sinclair Road RD1 Te Anau 9679 (Address)
at: 027 516 7552 (Phone) (Fax) Lizscott66@xtra.co.nz (E-mail)

Wish to SUPPORT / submission on (circle one) the application of:

Name: Fiordland Tralis Trust
And/or Organisation: _____
Application Number: APP-20191150 Location: Cycle trail 2.2km north of Manapouri

My reasons for my submission are: *(State the nature of your submission and give clear reasons. Continue on attached pages if necessary)*

I think this part of the cycle trail presents a less than minimal impact on the wetland it runs by (which is mainly to the west of the trail. The trail has been deliberately located by the Trust to minimize any impact on the wetland by putting it as far east /uphill from the wetland as possible. I have viewed the site. There is a small area of wettish land uphill from the trail but it is highly modified (with many weeds, which the Trust has offered to clear). Drainage is not impaired as there are 2 culverts to enable the small streams to pass easily under the trail.

The cycle trail is a great idea & I enjoy using it regularly, as do many of my friends. So do many visitors to the area. All the fundraising has been done by volunteers & they have done a fantastic job. I personally have donated a sizeable amount of money. It is a shame to see some of this money need to be spent dealing with a complaint which I think is unwarranted, compared to being spent on building the trail, which is what I donated the money for.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Fiordland Tramping & Outdoor Recreation Club (contact person: Secretary, Elizabeth Scott) (Name(s))
of: P O Box 125, Te Anau (Address)
at: 032497552 (Phone) (Fax) Lizscott66@xtra.co.nz (E-mail)

Wish to SUPPORT the application of:

Name: Fiordland Trails Trust
And/or Organisation:
Application Number: APP-20191150 Location: Leg 6 of the Lake 2 Lake Trail between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri.

My reasons for my submission are: *(State the nature of your submission and give clear reasons. Continue on attached pages if necessary)*

The Fiordland Tramping & Outdoor Recreation Club wishes to support the Fiordland Trails Trust. We gather that a 35m stretch of the trail has raised some concern that it is affecting a wetland area.

On Saturday May 25th several of our members went to view the area of concern. Their conclusion is that the Trails Trust is making a great effort to minimize any environmental effects of the trail. The stretch of trail in question has been deliberately positioned to avoid most of the wetland by traversing uphill of it. There is however a small area of wetland uphill from the trail. This is on a slope & is drained by a couple of streams which have culverts to allow them to flow.

Our members who viewed the site were all in agreement that the trail had less than minimal effects on this small area.

We are informed that on receipt of the complaint, Environment Southland has issued an abatement notice to apply for consent to REMOVE the section of trail. In our view, this would cause much more damage than the existing trail does.

We gather that the environmental consultant, Kelvin Lloyd, who has been engaged by Environment Southland has recommended some minor changes to mitigate most of the effects of the section of the trail, & that the Trails Trust has agreed to implement these changes. Also the Trust has offered to control the noxious weeds in the area above the trail.

We would also like to express how delighted the majority of our members are about the Lake 2 Lake trail. Many of our members are regularly cycling the trail & we have had several club cycling trips along all or parts of it. Also many members enjoy walking sections of the trail. It has enabled many people to visit beautiful areas on the east bank of the Waiau River that we would never have been able to get to otherwise. We are

very grateful for all the hard work & many volunteer hours the Trails Trust has done.

NB three members of our club are trustees of the Fiordland Trails Trust & we have asked them to abstain from being involved in our submission to avoid any conflict of interest.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

We wish the Council to permit the current section of trail to remain.
We support that the Trails Trust enacts the minor changes recommended by the environmental consultant engaged by Environment Southland.

I am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:


- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I do not (choose one) wish to be heard in support of my submission.

I do not (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed

 (Secretary)

Date

28/5/2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
LNZ20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I Stephen Fetter + Elizabeth Fetter (Name(s))
of 73 Hedon Road, Manapouri 9627 (Address)
at 021 0241 6103 (Phone) 021 0241 6103 (Fax) ste@ard1273@gmail.com (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP 2019/150 Location: leg 6 of Lake 2 Late Trail

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)
between chainage 220 and 230 at
chainage NZMT2000 / 118420 E N 94.25° / 100m
118420 E and N 94.25°

The reason for our submission is that it is an unnecessary for the retrospective application to be publicly notified.

At all times construction of the trail has been sympathetic with the environment and where any problems have arisen, the Fiordland Trails Trust (FTT) have been quick to rectify, eg remedial work to the culvert pipes at the location relevant to this submission.

The wetland area in question is not deemed regionally significant under the proposed Southland Water & Land Plan (pSWLP). A report from Kelvin Lloyd of Wildlands Consultants advised that "... if proposed remedial work and ongoing monitoring is carried out that any adverse hydrological effects on the wetland would be less than minor"

The direct loss of vegetation could be considered less than minor if the willows were removed from an adjoining property, however the FTT cannot address this but will continue with the eradication of exotic pest species such as broom, gorse and Darwin's barberry.

That the design and location of the culverts is such that there is no damming effect with all flows collected and passed under the trail while still allowing fish access.

That water quality is in no way affected with any runoff filtered through the wetland area below the trail.

The effects on landscape, amenity value and public access have all been enhanced with statistics indicating the high level of public uptake in an area that was previously little used or accessible.

It must be remembered that the pSWLP seeks to address activities that are known to have a significant effect on water quality. We do not believe the section of the trail in question does this and when at best only 1.6% of the wetland is in question that requiring the application to be notified represents an unnecessary outcome for the FTT.

I wish the Council to make the following decision (Give precise details, including the nature of any conditions sought)

To allow the Pundlicutt Trust a resource consent under section 9 of the Resource Management Act in terms of a retrospective consent to modify a wetland and there should be no need to publicly notify this application.

I am (am not) (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991)

*If trade competitor chosen, please complete the next statement, otherwise leave blank

I am/ am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do (do not) (choose one) wish to be heard in support of my submission.

I (do) / do not (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed [Signature] Date 30.5.19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Issue the Resource Consent, with minor conditions.

- Minor earthworks around the south culvert
- Minimal pest weed plant control – The greater area has extensive thickets of pest plants
- Reduce the Fee for the Consent to an absolute minimum, or Preferably Nil.

I, am / ~~am not~~ *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~ / am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~ / do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~ / do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed

E. L. Laughlan

30 May Date

2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Gill Hoskin (Name(s))
of: 142 Wyndham St, Ashhurst (Address)
at: 021 482 101 (Phone) gill@aec1989.co.nz (E-mail) (Fax)

Wish to **SUPPORT** / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: _____
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

The Lake 2 Lake Te anau to Manapouri Trail will bring more healthy and energetic people into the area who appreciate the outdoors. It will help to keep the users of the trail fit and healthy, leading to less medical treatment required.
Another positive effect of this trail will be the economic benefit to the local businesses. The communities along the Otago Rail Trail are an excellent example of what a cycle trail can do for them.
This is an environmentally sustainable recreational project. Having personally walked and ridden the trail I can say what a pleasure it was to use such a wonderful amenity and see the other users also getting the same enjoyment from it.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Darryl Sycamore - Chairman *(Name(s))*

of: Guardians of Lakes Manapouri, Te Anau & Monowai *(Address)*

at: 021-1255554 aotecarvers@gmail.com

(Phone)

(Fax)

(E-mail)

Wish to **SUPPORT** / **OPPOSE** / **submit a NEUTRAL submission on** *(circle one)* the application of:

Name: Lake Te Anau to Manapouri Trail

And/or Organisation: Fiordland Trails Trust

Application Number: APP-20191150 Location: Between chainage 2200 and 2300 from Manapouri to Supply Bay Road Manapouri

My reasons for my submission are: *(State the nature of your submission and give clear reasons. Continue on attached pages if necessary)*

The Guardians of Lakes Te Anau, Manapouri and Monowai (the Guardians) hold a **neutral** position to the Fiordland Trail's Trust application for retrospective Resource Consent for the section of trail in question.

Our reasons are as follows:

- Wetlands are significant ecological environments and as this is a water course that drains into Lake Manapouri it is of interest to the Guardians. The proposal and work of the applicant also relates to the wider mandate of the Guardians in the Waiau catchment.
- In this case it appears there are conflicting opinions as to the level of impact this section of trail has had on the wetland.
- The Guardians suggest caution should be applied to any wetland assessment solely relying on a GIS analysis. For mosaic wetlands, the risk of an erroneous assessment is heightened. Whilst wetlands are afforded greater protection under s6(c) it remains true that not all wetlands comprise the same values.
- The assessment under s95-95G considers the application should be assessed as a notified application. This approach was advanced on the basis that effects may be more than minor as a result of the GIS assessment which may have unduly influenced the weighting under the objective and policy balancing exercise.
- With respect to Section 104D and the potential to create a perceived undesirable precedent, we consider the proposal will satisfy both limbs of the test, where effects will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the operative plan and the proposed plan. Therefore, the Council can exercise its discretion under section 104D to grant consent. We do not consider the proposal will create a perceived undesirable precedent.
- The Guardians acknowledge the assessment of Simon Beale, FTT consultant, and are satisfied that the trail should remain in place with mitigating, remedial and compensatory work carried out as has already been offered by the FTT. We are however concerned that consideration of the impact on native fish passage through the placement of the two culverts has been omitted from his assessment. The measures offered by the FT to This work will mitigate any potential or perceived effects the trail would have on the wetland should include those which will ensure fish passage is not compromised.
- The Guardians are concerned that the removal or modification to the section of cycle trail in question may cause unnecessary damage to the wetland area. We also consider the creation of a boardwalk over the wetland may result in effects equal to or worse than what has already occurred.
- The Guardians note that any remedial work to the structure of the trail or the removal of the trail may cause sediment movement into the receiving environment and ultimately Lake Manapouri.

I wish the Council to make the following decision (*Give precise details, including the nature of any conditions sought*)

1. That the Council apply a greater weighing to ground-truthed ecological surveys
2. That Council recognizes
 - (a) the work has already been carried out
 - (b) The applicant is a community trust.
 - (c) That the ground-truthed ecological survey found any effects to be less than minor
 - (d) In terms of the objective and policy assessment and effects assessment both limbs of the s104D gateway are met.

I, **am/am not** (*choose one*) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am/am not** (*choose one*) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, **do/do not** (*choose one*) wish to be heard in support of my submission.

I, **do/do not** (*choose one*) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed



Date

4 June 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland
(03) 211 5115 or 0800 76 88 45.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant consent for the construction of the 35 metres of the cycle trail, the placement and use of 2 culverts and the use of leg of the Lake 2 Lake Te Anau to Manapouri Trail without conditions.

I also seek wavier from the Council for any fees, including professional fees, give the social, cultural and economic benefits of the trail and the Charitable trust status of the applicant.

I, ~~am~~/**am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/**am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/**do not** *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/**do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed Heidi Beech (submitted electronically) **Date** 16 May 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Isla Howe (Name(s))
of: 4 Worsley St (Address)
at: 032499332 (Phone) (Fax) islaandjohn@gmail.com (E-mail)

Wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: Between chainage 2200 and 2300 from Manapouri to Supply Bay Road Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I **support** the Fordland Trails Trust (FTT) request for retrospective resource consent for wetland modification covering construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail.

The section of the trail under consideration, consented by SDC & approved by DOC, is a tiny part of a wetland that has been allowed to become heavily invested with noxious weeds.

In the light of that and the well-deserved reputation of the FTT to leave no stone unturned in their endeavour to build an amazing and very popular trail, it is extremely difficult to understand that one complaint could result in Environment Southland(ES) coming to the decision it has.

FTT are to be commended in having ecologist Simon Beale come on site to assess the impact of the trail on the wetland vegetation. His finding of a 'less than minor impact' on the wetland should carry more weight than the Environment Southland's ecologist Kelvin Lloyd's assessment of a 'more than minor impact', considering he made that assessment without visiting the site.

With the Trust being willing to do the work required to bring it to a 'less than minor impact' as agreed by the two ecologists, I find it unbelievable that the ES engaged planner, Sonya Nicol, read the Ecologists reports and still, also without visiting the site, recommended that ES proceed with a publically notified consent and all this because of one complaint.

I don't believe the ES rates we pay are being used wisely in this instance.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I wish the Council to **approve** the Fiordland Trails Trust application for retrospective resource consent for wetland modification covering construction of 35m of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail.

I, **am/am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am/am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

I, do/**do not** (*choose one*) wish to be heard in support of my submission.

I, do/**do not** (*choose one*) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed Isla Howe

Date 30 May 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

4 JUN 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Julie Burgess (Name(s))
of: 3 Waiarau St Manapouri (Address)
at: 032496665 (Phone) Julieburgess63@yahoo.co.nz (E-mail)

Wish to **SUPPORT** / ~~OPPOSE~~ / submit a **NEUTRAL** submission on (circle one) the application of:

Name: Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP-2019/150 Location: leg 6 of lake to lake trail
chainage 220+230 at about
N27M2000 1180612E N49420S1
and 1180593E N4942084

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

My name is Julie Burgess I live access the road from the manapouri part of the Fiordland trail. Since the trail has been completed I have noticed many campervans, cars, bikes + business with bikes parking and using the trail which has been made by volunteers + donated money you may think this is emotive but quoting Rob Philips ES wants to work with the community for the betterment of the community so it doesn't equate that ES councillor went down the track on a weathered when signs were up 'construction under way' this is CR Roadway - he then spoke to the contractor but didn't voice any concerns then went back to his office and made a complaint. That is this walking with the community. FIT went thru every legal process to make this fact in line with consents if there was a hiccup surely they could have been contacted. It must be remembered the effort of a few people for this tract. ES are using ratepayers money so are very accountable. This councillor needs to be held to question. Also the two ecologists one from ES + one from FIT differ so how come ES was right - conflict of interest at the least. There have been many experienced people look at this so called wetland and disagreed with ES so really with all the people looking at this area who is really correct.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Consillaw Roadway Shouldnt have any discretion in the consent process. I would like to know why ES went with their ecologist report not FITT and I would like a retrospective consent. In the future ES needs to work with FITT not a gang up at the end.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed



Date

3/6/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

30 MAY 2019

Environment Southland Resource Consent Application 20191150

Submission.

From Karen Turner

10 Worsley St

Te Anau

I have lived and farmed in Western Southland for many years. We have also been ratepayers in Te Anau for over 40 years. I love the area and want it properly taken care of.

As a supporter of The Fiordland Trails Trust, and a Lake to Lake Trail user I was very surprised to hear that there has been a complaint about the wetland portion of the Supply Bay Road to Frasers Beach part of the Lake to Lake Trail.

I have been over the part of the trail in question several times and have seen how it has been built. I would go so far as saying there is virtually no impact, certainly less than minor impact, on the wetland being discussed.

It seems to have been well engineered and built. The trail is, of course, built on the driest ground in the area, not on the wetland, and has culverts that are much too large for normal water flow from the small runners that flow to the wetland in question. There is ample room for flood water to flow to the wetland. I cannot see that the water flow is impeded in any way, and so the wetland is not affected. I am also confident that small water creatures and fish can travel through these short culverts.

The Trail is of great benefit to the local area, giving us an exercise and enjoyment Trail that we can bike, run and walk on away from our very busy tourist roads. Very often visitors to our area use the Trail as well.

Karen Turner

10 Worsley St

Te Anau

027 64 88863

etalview@farmside.co.nz



From: Ken and Sharen <kenandsharen@xtra.co.nz>
Sent: Tuesday, 14 May 2019 10:41 a.m.
To: Consents Team
Cc: ken bradley
Subject: Fiordland Trails Trust Consent Applacation AP 20191150

My Name is Kenneth Frederick Bradley QSM,

Address 26 Cleddau Street, Te Anau 9600.

Phone 027 430 7818.

Retired Senior Ranger.

I wish to support the application of the Fiordland Trails Trust for a retrospective consent to modify a small wetland on the Lake to Lake Cycle Trail.

I have a 45 year background in track maintenance, upgrades, and new track construction, within the Fiordland Area. I personally checked the alignment of this section of the cycle trail, to see if it was possible to build the trail around the sensitive area, under question by Environment Southland. The Fiordland Trails Trust built the trail through the best possible alignment and using the best option for allowing the natural water flow from the two small wet runners to pass under the trial and use the machinery to build the trail to the most economic cost.

I was involved with the aftermath of Cave Creek, and managed the national inventory of all structures on Conservation Managed Land. As a result of this inventory, a very strict building compliance construction and inspection process was put in place, which I was responsible for within Fiordland, for the period fro 1998 to 2006. There was a national direction made to reduce the numbers of structures, due to inspection and upgrading cost. Within Fiordland over 40% of existing structures were removed. Cross track drainage was dealt with by building open cross drain cut-outs or placing culverts under the track. This has become best practise throughout NZ. This has done away with thousands of small structures.

The small waterways running under the Lake to Lake Trail, would have been dealt in the same manner, under any new track upgrade or end of life structure replacement programme by the Dept Of Conservation. I have supervised several hundred similar installations within Fiordland on the major track systems. The Dept of Conservation has supported the Fiordland Trails Trust in the construction of the present section of the Lake to Lake Cycle Way and the way all the cross trail drainage has been carried out.

The Trails Trust used the best practise of using oversized sized pipe, to allow for flooding, plenty of cross flow surface area so the water flowing through the pipe is consistent with the creek flow, above and below the site.

There are supporting reports by environmental consultants, that the option taken by the Fiordland Trails Trust will have minimal impacts on the natural water way in question, and I endorse this view.

Kenneth Frederick Bradley QSM, Te Anau.

- 4 Jun 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

ALTR 434
SCANNED

I: Lawrence Anthony Rohan (Name)
of: 141 Grant Road, Otatara, RD 9, Invercargill (Address)
at: 03 213 0702 (Phone) lawrencerohan@gmail.com (E-mail)

Wish to **SUPPORT** OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP - 20191150 Location: Lake 2 Lake Trail - Leg 6, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

This Resource Consent application should be granted without further ado as this is a very minor issue in the scheme of things, all environmental matters considered.

It does not do ES any credit that this matter was not resolved ahead of the issue of the abatement notice given the 'less than minor' effect on the wetland and FTT's willingness to take whatever action that may have been deemed necessary. It is a sad state of affairs when there is unwillingness by ES to communicate and remedy such minor matters. The waste of resource and money by ES and FTT in respect to this matter is shameful and unnecessary. It is very difficult to fathom what the motives of the Complainant and ES Consents staff are.

How can ES give credence to the opinion of Ecologist Kelvin Lloyd over that of Simon Beale when Kelvin has not been to site and applied context to the matter of effect. The facts are;

- 1) The 35m length of trail occupies 100m² of a wetland complex that exceeds 85Ha in area.
- 2) Of that 35m perhaps 8m is on a wet subgrade.
- 3) 2 culverts are appropriately placed to 2 naturally occurring runners within a stream system.
- 4) The two Ecologists agreed appropriate compensatory work to offset Kelvins perception of effect and FTT agreed this work.

5) The 'real' wetland is to the west of the trail and contains quality wetland species. To the east is highly modified and well invaded by noxious weeds.

Surely this should have been the end of this matter and a non notifiable consent issued. Key stakeholders in DOC, Fish and Game and Iwi had previously provided written approval of the work.

There is little else I wish to say formally except that ES's willingness and recent history in elevating minor matters such as this should be the subject of review. ES's handling of this issue has been very unprofessional. Why 'batter' such positive community providers as FTT?

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

The consent be issued without conditions.

I trust that commonsense prevails, a hearing is not necessary and costs to all parties should be minimised.

I, am am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

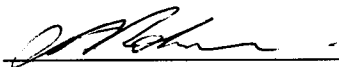
I, do do not (choose one) wish to be heard in support of my submission.

I, do do not (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed



Date

29 May, 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DXBN175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Lysbeth Carol Harraway (Name(s))
of: 34 Jackson Street, Te Anau (Address)
at: 027 2201048 (Phone) --- (Fax) carol.dendrosch@xtra.co.nz (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (tick one) the application of:

Name: Fjordland Trails Trust

And/or Organisation: _____

Application Number: APP-20191150 LOCATION Te Anau - Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I wish to support the construction of the portion of Leg 6 - 35 metre + placement of two culverts on the Te Anau - Manapouri trail. As I feel the impact on the environment is absolutely negligible and less than minor.

I wish the Council to make the following decision (*Give precise details, including the nature of any conditions sought*)

To grant consent for application APP20191150 for the construction on Leg 6, of the Te Anau to Manapouri Trail, of 35 metres of trail and the placement of two culverts

I, am/am not (*choose one*) a trade competitor of the applicant (for the purposes of Section 208B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not (*choose one*) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/do not (*choose one*) wish to be heard in support of my submission.

I, do/do not (*choose one*) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed J. Narraway Date 3-6-19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I, James Ross Harraway (Name(s))
of 3/4 Jackson St., Te Anau (Address)
at 0272284476 0272284476 carolandrash@xtra.co.nz
(Phone) (Fax) (E-mail)

Wish to SUPPORT OPPOSE submit a NEUTRAL submission on (circle one) the application of:

Name: Friendland Trails Trust

And/or Organisation: _____

Application Number: APP 20191150 Location: Te Anau - Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. (Continue on attached pages if necessary))

I believe that the short section of track on leg 6 which is crossing the edge of the wetland will have less than minor affect on the existing wetland, especially as it is only foot or cycle traffic on that section.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant consent to the Fiordlands Trails Trust as soon as possible to allow this wonderful asset to be completed to the benefit of locals and the growing number of tourists in our area to enjoy.

I, am / ~~am not~~ *(choose one)* a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

If trade competitor concern, please complete the next statement, otherwise leave blank.

I, am / ~~am not~~ *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

I, do / ~~do not~~ *(choose one)* wish to be heard in support of my submission.

I, do / ~~do not~~ *(choose one)* wish to be involved in any pre hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed J. Maroney Date 3-6-19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or (800) 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Madeleine Peacock (Name(s))
of: Destination Fiordland, PO Box 155, Te Anau (Address)
at: 032497959 (Phone) (Fax) madeleine@fiordland.org.nz (E-mail)

Wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: Between chainage 2200 and 2300 from Manapouri to Supply Bay Road Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

Destination Fiordland (DF) **supports** the Fiordland Trails Trust (FTT) application for retrospective resource consent for the following reasons:

- The development of the cycle and walking trails in the Te Anau Manapouri region over the past five years has had noticeable effects on the Fiordland community, and will be a key factor in continuing stimulation to our local economy along with the wellbeing of the community.
- All regions in New Zealand are seeking ways to provide increased value to the domestic and international visitor and Fiordland is no exception. Improved trails in Fiordland will contribute to Te Anau and Manapouri being viewed as a cycling destination, particularly in the domestic tourism market which is important to our region in the off season. Like many regions in New Zealand lack of accommodation at peak periods is a limiting factor for visitor arrivals and stay, Fiordland is no exception. Being able to spread the appeal of Fiordland across the year is of immense benefit and the trails are an attraction that will help achieve this.
- The development of the cycle trail has contributed to the establishment of three new businesses in the area as well as other product development by existing operators. Tourism is the single biggest industry in the Fiordland region, and it requires ongoing development. The FTT have demonstrated a commitment to developing the trail by ecologically and environmentally sound practises to the best of their knowledge and resources. If this resource consent application is declined it will put the cycle trail and thus the benefits to the community in jeopardy.
- DF is aware of the reasons for the retrospective application for Resource Consent. In our opinion the agreement by the FTT to provide mitigating and remedial work in the wetland area with the support of Wildlands Consultants, WSP Opus and subsequent agreement by Sonya Nicol (as per email correspondence between Sonya Nicol and Luke McSoriley dated 7 March to 11 April 2019 – listed as a

Related Document in on the Environment Southland website) would negate the need to remove the section of trail as per the abatement notice issued to the FTT by ES. It seems the agreed mitigating and remedial work would be a more environmentally friendly approach rather than removing the section of trail which one would assume would be more destructive. The benefit would be that the trail remains for community enjoyment and tourism development, and that the wetland is restored – it's a win win situation.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Approve the retrospective consent application by the FTT with the condition that mitigating and remedial work is undertaken.

I, **am/am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am/am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, **do/do not** *(choose one)* wish to be heard in support of my submission.

I, **do/do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed Madeleine J. Peacock

Date 31 May 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

- 6 JUN 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Manapouri Community Development Association (Name(s))

of: _____ (Address)

at: _____ (Phone) _____ (Fax) _____ (E-mail)

Wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Name: The Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP-20191150 Location: Leg 6 of the Lake 2 Lake Trail between chainage 220 and 230 at about NZTM2000 1180612E, N4942051 and 1180593E and N4942084.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

The resource consent for Fiordland Trails Trust (FTT) applied for and was granted by SDC, stated that the adverse effect on the environment would be less than minor. The ecologist, Simon Beale, who was engaged by FTT also stated the impact would be less than minor. DOC, Iwi and Fish and Game were also happy to give approval for retrospective consent to be granted. After the work had been completed, Environment Southland (ES) served and abatement notice for the area concerned. An ecology report was carried out by Beale consultants on behalf of FTT and their findings after an on-site inspection were less than minor. ES then engages Wildlands Consultants to do the same assessment. Their off-site findings were to be more than minor. Is it not a conflict of interest that ES support the off-site assessment instead of the FTT on-site assessment. Wildlands Consultants were not even sure what flora was actually growing in the area concerned. They quote "it is likely to be growing there." Again this does not appear to be a fair and honest process.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

In conclusion we, the Manapouri CDA, fully support FTT and would like to see a retrospective consent granted to FTT on the area concerned. FTT members and supports have spent a lot of time and donated money in the construction of the Lake 2 Lake trail. This trail has brought a lot more revenue to the district and is being enjoyed by many people, locals and visitors.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed AS Buz Deputy Chairman Date 03/06/2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Mark Stallmann (Name(s))
of: 37 Rata Road, Hataitai, Wellington (Address)
at: 027 836 0434 (Phone) n/a (Fax) Stallmann641@gmail.com (E-mail)

Wish to **SUPPORT** / ~~**OPPOSE**~~ / ~~submit a~~ **NEUTRAL** submission on (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: Between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

My submission is in support of granting the resource consent for wetlands modification in Manapouri on the grounds that:

- the modification has already taken place
- the actual effects of the modification are less than minor
- mitigation of those effects is either planned or part of the existing management of noxious plants
- restoration and installation of an alternative has the potential to create an increase in adverse effects.

In Wildlands letter to Council dated 8 April 2019 they describe the effects (page 3, ARE THE EFFECTS LESS THAN MINOR) as "more than minor". Their reasoning appears based on the loss of Southland wetlands over some decades and therefore the need to protect what is left "even though the extent of wetland loss [in this case] is relatively small".

While the loss of wetlands may be the result of piecemeal decisions over decades, and taking a wider view is sensible, it does not alter the fact that the change to this particular wetland is less than minor and the consent should be granted.

Even if you accept Wildlands opinion based on the cumulative loss of Southland wetlands, Wildlands later concludes that remediation of the hydrological effects and mitigation of the effects on wetland vegetation and natural character are "likely to reduce those effects to a less than minor level". That remediation is planned and mitigation through the management of noxious plants is already in place suggests strongly that the effects of this modification are less than minor.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant the resource consent application for wetland modifications for the Lake Te Anau to Manapouri trail.

Include the following conditions relating to the mitigation of potential effects (as described by the applicant):

1. Infilling of the excavated ditch will be undertaken prior to spring 2019.
2. Three monitoring site visits involving walk-over assessments are to be undertaken by the applicant. Photographic evidence is to be obtained during each assessment and a brief assessment documenting each site visit completed and provided to Southland Regional Council.
 - The first assessment will take place immediately after the remedial works have been implemented, to demonstrate the remediated ground level.
 - The second assessment will be undertaken in August 2019 to assess whether there has been any settling. The applicant is to undertake additional infilling if there has been settling.
 - The third assessment will take place in December to confirm if rautahi has colonised the infilled area. The third assessment will also provide a recommendation as to the need for any further monitoring.
3. Continue the current noxious weed management programme and extend to the area referenced by the Fiordland Trails Trust.
4. Negotiate in good faith with the adjacent landowner to remove the willow trees upstream of the trail.

I, am/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/do not *(choose one)* wish to be heard in support of my submission.

I, do/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed _____ **Date** _____

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

3 ENVIRONMENT SOUTHLAND
24 MAY 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: KEN & JILL M'CHERY (Name(s))
of: 229^A MANAPOURI - TE-ANAU HIGHWAY. TE-ANAU (Address)
at: (09) 249 8291 (Phone) (Fax) kenjillmce@extra.co.nz (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fiordland Trails Trust
And/or Organisation: Fiordland Trails Trust.
Application Number: 2019 1150 Location: Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

See letter attached.

Public Notification of Resort Consent to Modify Wetland

We would like to make a submission to object to the notified consent of the Lakes to Lake Trail from TeAnau –Manapouri. We are keen bikers and pass this way often and believe that it is absolutely needless to have this consent notified.

The Trails Trust have put in a lot of time and effort in not only building of this track but also maintaining the weeds etc.

Prior to the building of the trail it was very obvious to those that live here, that noxious weeds like broom, Douglas fir, and brambles etc. were extremely prevalent.

Did your complainants ever put a request into Environment Southland to protect the wetlands then?

We feel the answer was No, as we saw no evidence of this.

Before the bike trail the wetland was barely seen by anyone; now it is there for everyone to see and the Trail Trust are controlling the weeds and creating a beautiful environment.

It is disappointing that the community have worked so hard to build this trail and find that they may have to fundraise to provide for further costs in fighting this submission, which we feel is “minor”.

Can I ask, did the complainants go out and check this area under scrutiny prior to construction?

It is so easy for someone to object to their vision of what a healthy wetland will provide without considering “the bigger picture”.

A few metres of track would make the lives of the people who walk and ride this wonderland very worthwhile. How do you gauge the value of mental and physical health that this would provide?

We believe there is room to work on the levels of a healthy wetland and also the levels of a healthy being and we believe a compromise could be found to state that this is “less than minor” by working together.

Yours faithfully

Ken and Jill McChlery

The image shows two handwritten signatures in black ink. The top signature is 'Ken McChlery' and the bottom signature is 'Jillian R. McChlery'. Both signatures are written in a cursive, flowing style.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

See letter attached. - to change the notifiable consent to
'less than minor.'
= a non-notified Consent

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am~~/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed  Date 22nd MAY 2019.

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland
(03) 211 5115 or 0800 76 88 45.

- 4 JUN 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Barry Taylor (Name(s))

of: 960 State Highway 94 Te Anau (Address)

at: 03 249 7053 (Phone) jen.bbc@xtra.co.nz (E-mail)

Wish **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Name: Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP-20191150 Location: Leg 6 of the Lake 2 Lake Cycle Trail

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I am writing in support of the Fiordland Trails Trust [FTT].

It seems a pointless exercise to make this a notified consent when both sides have said there will be minor effect on the wetland.

The FTT have liaised all the way through this project with everyone they needed to [Doc, Fish and Game and District Council] with all the parties involved on board.

If it wasn't for the Trail alot of places like this wetland would never be accessible to the public. A Trail like this is such a great asset to the community and will be enjoyed by Tourist, Holiday makers and Locals alike, it would be a great shame to think the legal cost of a notified consent could jeopardize the finish of the Trail.

It is my understanding that Councillor Rodway is behind the push for a notified consent which is really concerning to me because not long ago he obtained a non notified consent to put a digger in a river to move rocks around for a project he was involved with.

To me that is double standards and Councillor Rodway is abusing his position an should resign.

Hopefully common sense will prevail and the Fiordland Trail Trust can continue on with the great job they are doing

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I would like the Council to approve the Fiordland Trails Trust application for non notified consent

I, **am/am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am/am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, **do/do not** *(choose one)* wish to be heard in support of my submission.

I, **do/do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

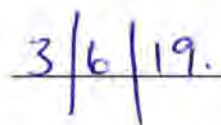
I have served a copy of my submission on the applicant.

Yes No

Signed



Date



If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

- 6 Jun 2019

Submission on a Notified Application for a Resource Consent

AUT 81.
SCANNED

I: Bryan Hamilton (Name(s))
of: 681 D Manapouri-Te Anau Highway - (Address)
at: (03) 249 7577 (Phone) — (Fax) hamspeight@xtva.co.nz (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP-20191150 Location: Te Anau.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I believe that the impact of the cycle trail on the wetland are less than minor. Fiordland Trail Trust did a good job to avoid the wetland and crossed it in the most practical place after consultation with an ecologist (Simon Beale) as required by for consent for the trail.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

To please support the Fiordland Trail Trust
in a beneficial project for the community

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed

B. J. J. J.

Date

28/5/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.



SUBMISSION TO
ENVIRONMENT SOUTHLAND RESOURCE CONSENT APP 20191150

I Chris Carran have lived in the Te Anau area for the past 50 years

Four years ago, I was approached by John Greaney if I could assist the Fiordland Trails Trust (FTT) with the contract and construction to build stage one of the proposed new trail.

After some discussion I felt the majority of the work was outside of my expertise and would they consider an engineer. My recommendation was Dave Boniface, who I had worked with on the Milford road for over 26 years. I have found Dave to be very professional in all aspects of his work. He is a good communicator with all staff from the machine operators to the management. Dave Boniface drew up the contract for stage one of the FTT. When not available Dave Boniface asked me to assist with the supervision of the trail.

I have worked on the four stages of the trail. Any problems I was consulted and immediately I would advise the engineer.

Brian Hamilton from Te Anau Earthworks was managing the contract. He had also worked for my own business Carran Contracting for years until the business was sold in 1999.

Brian has in excess of 50,000 hours experience in all sorts of construction work much of it being in the National Park.

In the past I have had 18 years on the Te Anau Community Board. During those years I was on the Parks and Reserves Committee for 18 years and spent 12 years as Chairman. Also, I was on the Guardians of the Lakes for 9 years. During those years the majority of our work involved developments in environmental sensitive areas. I have also had some 26 years as a contractor on construction projects on the Te Anau –Milford road.

I really must question the integrity of the person who made the complaint on the section of stage four through the so- called wet land.

Has this person ever worked on a construction involving a wet land such as the area in question on stage four?

Was there any discussion with the engineer or the chairman of the FTT or in fact any person involved in the project? These practical, experienced, and approachable people are the people involved and responsible to build the trail through all sorts of areas and in particular the area in question.

Considering the position held by this complaint it is surprising that communications regarding concerns were not initiated earlier. To have got this far and with the subsequent costs that have incurred, it reflects poorly on the complainant's role to engage with the project and its intended outcomes.

The three key points

Communication

Cooperation

Organization

and the complainant has been remiss.

The trail has been planned and built in the most economic and practical way possible. When consideration to the terrain, high rainfall in the area and the difficulty of trying to find a balance between recreation and the environment it has proven to be a real asset to the area and has opened access to an area to the public that was virtually unknown.

On inspection of the area that is in question I find it to be very, very minor effect on the adjacent wetland, when it is considered that there is over 80 hectares of wet land, which had previously no access to the public.

Having supported the trail with my time and experience I am annoyed to say the least, to find my financial contributions wasted on such trivial matters.

Christopher Carran

561 State Highway 94 Te Anau

Cell phone 027 487 4690

Email hcarran@xtra.co.nz



29th May 2016

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I, am/ **am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*


I, am/ **am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/ **do not** *(choose one)* wish to be heard in support of my submission.

I, do/ **do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed  Date 28/5/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

AL76704

I: Christopher Edward Hughes (Name(s))
of: 7 Black Lane. RD. 2. Te Anau 9672 (Address)
at: 08249 5826 (Phone) mangechristhughes@xtra.co.nz (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fiordland Trails Trust
And/or Organisation: Fiordland Trails Trust
Application Number: 2019 1150 Location: Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

Retrospective Consent application re extremely minor crossing of wetland. I have been involved in land development + drainage since 1970 so believe I have vast experience in this field. It is my belief that climatic or Geological events will have a far greater effect on this wetland than this crossing by the ~~off~~ cycle trail. Prolonged wet or dry periods will have much more effect than these minor earthworks. The decision to revisit this through a retrospective consent is in my opinion wrong and the party that created this situation should be recommended and required to pay costs incurred by the applicant.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant Consent Fonthwith

I, am/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*


I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/do not *(choose one)* wish to be heard in support of my submission.

I, do/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed  Date 15-05-2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

- 4 JUN 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Clifford Henry Barnes (Name(s))
of: 22 Cathedral Drive Manapouri (Address)
at: (03) 2496609 (Phone) — (Fax) — (E-mail)

Wish to SUPPORT / ~~OPPOSE~~ / submit a ~~NEUTRAL~~ submission on (circle one) the application of:

Name: _____
And/or Organisation: Fiordland Trails Trust
Application Number: A.P.P 20191150 Location: Manapouri - Supply Bay Road
Manapouri.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I write in support of the Fiordland Trails Trust and the imposition of associated costs of a Resource Consent on this very active voluntary body.

The linement of the cycle trail in the disputed area is the very best that could be achieved, crossing the creek on hard ground, with no extra fill required and culverts (2) as appropriate.

Immediately upstream of the Trail the area is covered for some distance in mature broom, manuka and big fern. These species will not grow in wetland areas. The area below the Trail is quite different vegetation and is much softer in keeping with wetland habitat and has not been modified in any visible way by the construction of the cycle trail

F.T.O.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I would like the council to make this consent non-notifiable, and if possible no consent at all.

I, ~~am~~ **am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am** / **am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~ **do not** *(choose one)* wish to be heard in support of my submission.

I, ~~do~~ **do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed



Date

16-5-18.

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

SOUTHLAND
29 MAY 2019

Submission on a Notified Application for a Resource Consent

I: Dean BELL (Name(s))
of: 8 MATIPO ST, WANAKA 9305 (Address)
at: 027 53 88897 (Phone) deanbell@extra.co.nz (E-mail)

Wish to SUPPORT / ~~OPPOSE~~ / ~~submit a~~ NEUTRAL submission on (circle one) the application of:

Name: FIORDLAND TRAILS TRUST

And/or Organisation: _____

Application Number: 20191150 Location: Leg 6 Lake to Lake Trail.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

Support an initiative by the Te Anau basin community that has no impact on existing users of the area & has less than negligible impacts on the long term future of an existing wetland.

I have in the past opposed a cycle trail, (AmCT) as it both would have hugely impacted on both the historical recreational usage & outstanding natural landscape. This application has none of these concerns & as such it is appropriate for myself to support this application.

It will be a long term community asset, providing health & recreational opportunities in addition to supporting local businesses in the tourism sector.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

to grant the consent as outlined in the application with no modifications, provisos or restrictions imposed by the consenting authority.

I, ~~am~~ **am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am~~ **am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~ **do not** *(choose one)* wish to be heard in support of my submission.

I, ~~do~~ **do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed  Date 24/05/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Doug Riley (Name(s))
of: 13 Talboys Drive, Winton (Address)
at: 027 7760287 (Phone) (Fax) dgriley@tra.co.nz (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fjordland Trails Trust

And/or Organisation:

Application Number: APP-20191150 Location: Manapouri to Supply Bay Trail

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I consider that the assets of the cycle trail ~~more~~ greatly outweigh the less than minor effects that the cycle trail has on the location

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

That the application as made by the
Fossilend Trails must be granted.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

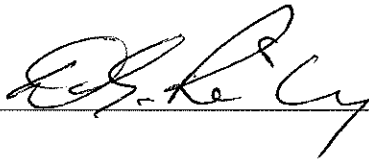
I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed



Date

4/6/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Gary Patterson

of: Kingston

At: 027 2488961

(phone)

garypatterson9748@gmail

Wish to **SUPPORT** the submission on the application of:

Name: Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP-20191150

Location: Manapouri

My reasons for my submission are: *(State the nature of your submission and give clear reasons. Continue on attached pages if necessary)*

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I have visited the site and the 35 metres where the trail passes through the wetland. I consider that the trail:

- does not impede water flow given the culverts
- has only a tiny footprint given the size of the entire wetland
- that at it's narrowest point reducing the impact to the system
- investigation in the ecological report recognises the significance of the wetland and minimal impact of the trail
- trust obtained all other necessary consents

I consider that the track provides a positive appreciation of the wetland for walkers or riders and consider the effects of the track on the wetland to be less than minor.

I support the Fiordland Trails Trust in their application.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: James Macmillan Armstrong (Name(s))
of: Te Anau, 61 High Street. (Address)
at: 03 249 7127 (Phone) (Fax) ~~03 249 7127~~ u04j@a@hotmail.com (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Lake Te Anau - Manapouri Trail

And/or Organisation: Fjordland Trails Trust

Application Number: APP 20191-150 Location: between chains 2200 + 2300, Manapouri - supply dry Road

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I write in support of the Fjordland Trails Trust and in particular their request for retrospective consent for the above. The Trails Trust has worked tirelessly over the previous 6 or so years to provide the population with the current and now expanding network of trails in the area. Their very significant effort and commitment of time, energy and emotional involvement has resulted in a valuable resource for local individuals, groups and families and regional and tourist visitors alike.

I understand that regarding the matter in hand, the Trust did in fact seek advice from appropriate sources (Beale and co) and were advised that all appropriate consents had been applied for. Notably, this has also been the case through every other part of their developments to date. They have been diligent in terms of legal and environmental requirements, but also extremely sensitive to the wishes and concerns of those who might be affected by the projects. For example the impact the trail will have on horse trekking rides along the lake-front, and where the trail skirts around private property. They have worked very closely with DoC throughout.

Perhaps none of the above alters the fact of the current submission and the potential impact on the wetland in question. Looking at the available ecological reports and the proposed remedial work by the trust it appears that the environmental impact of the short (35m) stretch of trail through the wetland is expected to be less than minor. Not only this, it appears clear to me that this is more than off set by the very significant benefits the trust provides to the town and wider basin.

As a local GP I am a strong and vocal advocate for exercise and activity. The introduction of the trails to the area has, in all honesty, been an absolute godsend in terms of options for carrying this out. The Trails are used by;

Committed cyclists

Exercise groups for the elderly both formally and informally.

There is a group of volunteers who undertake maintenance of the trail in terms of weeds and low grade maintenance. This is a group of local retirees for whom the social interaction and physical activity is invaluable.

Local preschool and school groups use the trails on a regular basis to access and explore the riverside. Ironically the trail allows access to such areas of wetland for such groups – enhancing education opportunities and in fact probably has an overall positive benefit on wetlands in the long run.

Runners are regularly using the tracks as a safer and more interesting alternative to roads.

A number of school children from William Stephen Road, Mount York Road, Charles Nairn Road, Golf Course Road and so on use the trail to get to school as a much safer alternative to the road AND in preference to being driven.

Dog walkers.

Individuals, groups of all abilities, couples and families locally and beyond who are attracted to the area sometimes specifically now to use the trail – to cycle or walk.

My overarching point is that the Trust committee have tried hard to comply with all appropriate legislation – a matter in itself of large amounts of time, to supply our community and the wider community with a new and valuable resource. They have done this with careful and sensitive community involvement and support and plan to do so going forward. For any such group of volunteers this is a massive and sometimes thankless undertaking. I feel that environment court hearings and legal ramifications very much threatens the enthusiasm any such group can maintain and thus also the long term sustainability of this and probably other projects.

Consequently it seems to me that resource consent application is warranted on the grounds that:

The groups limited financial resources are best spend on maintaining and expanding the current network or trails

The Trusts committee's motivation could well be severely impacted by such action leading to departures of people who are already leading very busy lives and who to date have provided considerable expertise.

The precedent could impact on other such groups of volunteers who would also be reluctant to volunteer for future projects: locally and beyond.

The negative impact the work in question has on the environment is by all accounts less than minimal, once remedial work has been undertaken.

The educational benefits and exposure the trail provides will likely enhance understanding of wetlands and riverbanks and help slow or reverse their loss.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Further to the above, I believe ES should accept the proposed remedial work as offered by the trust and endorsed by the ecological reports and grant the application for retrospective resource consent.

I, ~~am~~ ^{AM NOT} / am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*


I, ~~am~~ / am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~ / do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~ / do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed  Date 26-5-19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

<p>To: The Chief Executive Environment Southland Private Bag 90116 DX20175 Invercargill</p>	<h2 style="margin: 0;">SUBMISSION FORM</h2> <p style="margin: 0;">Submission on a Notified Application for a Resource Consent</p> <hr/>
<p>I: <u>JOHN CUTTRISS</u> (Name(s))</p>	
<p>of: <u>103 HILLSIDE - MANAPOURI ROAD</u> (Address)</p>	
<p>at: <u>027 249 7044</u> (Phone) <u>daleford@xta.co.nz</u> (E-mail)</p>	
<p>Wish to <u>SUPPORT</u> / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:</p>	
<p>Name: <u>Lake Te Anau to Manapouri Trail</u></p>	
<p>And/or Organisation: <u>Fiordland Trails Trust</u></p>	
<p>Application Number: <u>APP-20191150</u> Location: <u>Between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri</u></p>	
<p>My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)</p>	

My submission is in support of the Fiordland Trails Trust App 20191150
2200-2300 Manapouri-Supply Bay Road.

Given that consultants have graded the effects between 'less than minor' and 'minor', any supposed restorative work will cause more negative effects than the current situation. In any project there will be change to the natural environment, but the Trust and their contractors have undertaken this work to a very skilled and professional standard, with minimal disruption to the environment and within a tight budget funded by the local and regional supporters

This current process is nothing but pedantic bureaucratic waste. Environment Southland should be supporting community initiative and stop adding excessive waste of hard earned capital and stress, just to appease serial whingers.

Our community is proud of the work completed by those responsible for constructing this asset, and I would ask for your support and minimal interference.

John Cuttriss
Manapouri

PAGES

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Please stop this process and support the Trust.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, do/~~do not~~ *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.



Yes

Signed

[Signature]

Date

28-5-19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.



ENVIROMENT SOUTHLAND RESOURCE CONSENT APP 20191150

SUBMISSION FROM –

John Frederick Turner

20 Mokonui Street , Te Anau

Phone 03 249 4171--- cell 0274 364 665

Email -Galehillsfarms@gmail.com

I fully support the endeavors of the Fiordland Trails Trust (FTT). The building of trails for the benefit of the public has been an outstanding success and has allowed access to areas to enjoy that were previously precluded.

The background to the application suggests that the consent issue is.

If the construction of the track has **a less than minor or more than minor effect on the adjacent wet land.**

On inspection of the area it is very clear to me that the trail has less than minor effect on the wet land. This is my personal view and with more than 80 hectares of wet land, an area of less than 100 square meters has been affected. Without access to this area by the trail, most people would not know the area exists.

FTT has not knowingly breached the wetland. It is the strict application of the wetland definition that has been an unreasonable influence in my opinion. To put it into context, the fringing of the wetland is a very minor matter.

Ecologist Simon Beale has also expressed a professional opinion who has visited the site on several occasions and has made a well- reasoned assessment of the area. I have been informed that, Environment Southland Consultant Planer and the Wildlife Ecologist have not visited the site but have made a decision on what is called a desk top study. This is totally unreasonable and is unacceptable. Or maybe it suggests the matter is only of a minor nature and does not warrant the expense or the time in which case the matter is of a personal nature. Instead the consent application should be judged on the contribution it is making to our community.

Prior to my semi-retirement in Te Anau in 2016, I have been a farmer in the Northern Southland area for the past 50 years and ratepayer in Te Anau for over 40 years. Having developed hundreds of acres of virgin land into highly producing pasture, I for one, have found there has to be a balance between development and the environment.

In developing the trails, the FTT has always taken this point of view. The success of its developments has been recorded by the usage of the trails and the benefit it has brought to the community.

In judging this application, I would hope that those who have to make the decision give recognition to the many people who have made a time and a financial contribution to this trail. To date there has been no cost to the ratepayer and the trails can be enjoyed free by those that have a little energy and wish to improve their health.

The FTT, does not need to waste time and money on costly consent issues that frustrates all involved.

I wish the Council to make the following decision

Grant the retrospective resource consent without conditions.

I am not a trade competitor of the applicant

I do not wish to be heard in support of my submission

I do not wish to be involved in any pre- hearing meeting that may be held for this application

John Frederick Turner , ONZM, JP.



27th May 2016

It is incredulous that Environment Southland (ES) would firstly serve an abatement notice on Fiordland Trails Trust (FTT) and refuse to discuss the perceived wetland issue and now determines that the application be publicly notified and again without discussion with FTT.

The ES Consultant planner and the Wildlife Ecologist have not even had the courtesy to visit the site. How can you give credence to an assessment where the authors have not been to the site? How can ES gain an appreciation of the fine job done by FTT in avoiding a huge wetland complex to the west of the trail and minimising environmental impact?

The trail has a less than minor effect on the wetland. This is supported by Ecologist Simon Beale who has visited the site on several occasions.

FTT concede that the trail does encroach the edge of the wetland area, however consent was received for the location of the trail from SDC and approved by DOC. The fringing of the wetland is a very minor issue, the trail is located at the best location possible within a road reserve and designed to avoid hundreds of hectares of wetland. FTT were not aware they had breached the wetland. While 30 metres of the trail has been identified as being within the fringe of the wetland an approximate 10 metres maximum could be construed as being on soft soil to the south.

Fiordland Trails Trust had written approval from Dept Conservation, Fish and Game and Iwi for the trail as constructed in anticipation of the granting of a non-notifiable consent

The ES and FTT ecologists raised some minor concerns and differences in their assessments and from their discussions it was agreed to complete the additional minor works to reduce any effects. FTT has always been prepared to make any alterations deemed necessary and it appeared all parties seemed happy with this outcome. From there the understanding was the consent process would be non-notified.

ES then overrode this proposal and have been unreasonable in their determination of this application in making the consent fully notified. The abatement notice should never have been issued. ES refused to discuss with FTT any of the issues and it would seem they have another agenda.

FTT is a charitable trust providing the Lake2Lake trail for the local community and visitors. The numbers of people using the trail and the economic benefits that have emerged since the trail was opened demonstrate the significant asset that the FTT have provided. Furthermore, the FTT is working closely with organisations in controlling noxious weeds, replanting natives along the trail and creating many other social and environmental benefits. ES should be congratulating FTT on the environmental work being undertaken and take into account the above contributions of FTT to the local economy.

It is a sad day when an organisation with such power, ES, refuses to or show a willingness to discuss and further resolve/mitigate the minor effects. Their answer was to issue an abatement notice. This should never have been issued.

Decision

Grant the retrospective resource consent without any conditions.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

GRANT THE RETROSPECTIVE CONSENT WITHOUT CONDITIONS

I, ~~am~~ **am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am** / **am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~ **do not** *(choose one)* wish to be heard in support of my submission.

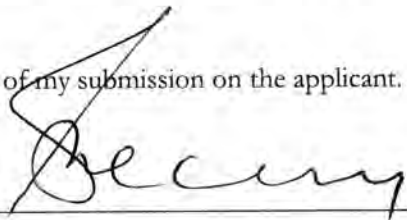
I, ~~do~~ **do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed



Date

13/5/2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

SUBMISSION FORM

I: Mark Lindsay Crawford
of: 118 Aparima Road, RD 1, Otautau 9689
at: 027 2258755 email: westridge118@xtra.co.nz

Wish to support the application of:

Name: Fiordland Trails Trust

Application Number: APP-20191150

Location: Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300

Re: Environment Southland decision for public notification of resource consent application to modify wetland

I am writing to support the Fiordland Trails Trust's application for the above notifiable consent, I have visited the site and it appears to have had a very minimal impact to the surrounding area, approximately 100sq metres of a 37ha wetland (less than minor)

I appreciate Environment Southland's responsibility to follow the statutory process and that they and the Fiordland Trails Trust are working to the betterment of the Community.

I believe there has been a miscommunication/misunderstanding of the option of the two parties walking the proposed trail alignments and that in future both parties will have a better understanding of what is required, in summing up I hope we can achieve a mutually acceptable conclusion to this application and appreciate this opportunity to submit on behalf of the Fiordland TrailsTrust application.

Yours Faithfully

Mark Crawford

I wish Council to approve the Fiordland Trails Trust Application,

I am not a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991)

I do not wish to be heard in support of my submission

I do not wish to be involved in any pre-hearing meeting that may be held for the application

I have served a copy of my submission to the applicant.

Environment Southland
Private Bag 90166
Invercargill 9810
Attn: Consents Department

Re: Fiordland Trails Trust – LTL Leg 6

The following submission is in support of the Fiordland Trail Trust (FTT).

The views expressed in this submission are the personal opinions of the writer and in no way are associated with the organisations I am employed by.

My name is Mark Sutton and I have resided in Te Anau for the past 15 years.

I have been involved with Wildlife, Fisheries and associated land management for the past 42 years within the Southland province. I have held positions with Fish and Game Southland, Waiau Fisheries & Wildlife Trust and QE II National Trust over that period of time.

One of my key areas of work over that period has been related to wetlands of all descriptions, from their development as waterfowl habitat through to the protection of natural wetland systems of various types.

Through my current roles with Waiau Trust and QE II Trust I have been fortunate to have been involved in protecting over 140 areas of natural biodiversity within the Waiau River catchment. The majority of these areas have been wetlands.

Working for these organisations, in addition to my life-long association with wetlands, I feel I have developed a reasonable knowledge of the flora and fauna in the Southland region.

I first visited the section of track in question in early May 2019 at the request of regional Councillor Ross Cockburn. I have since returned to the site on two further occasions to assess the issues associated with the development of the trail and the notified consent process that FTT now faces.

It is my considered view that the area in question is not a wetland. Using the structural classes method (Atkinson 1985) I believe the area is more accurately classified as “shrubland” or “scrub”, or a mixture thereof. The nature of the species present (principally manuka, coprosma and bracken fern) suggests this.

I would describe the area as a historic river or stream channel. There is some wetland well below the constructed trail on the southern side which has a *Carex secta* margin.

The issue relating to the culverts and their potential impact on fish passage may have some relevance (bridges are always better for fish passage). However, these are located less than 150m from the source of the spring, so the greater length of the stream system is still in a

natural state. Additionally, the two culverts have been well positioned within the stream bed and should not pose a problem to most species.

I note with interest in the reports relating to this consent, a lot of emphasis has been placed on the recently released report "Loss of Wetlands since 1990 in Southland NZ". This is a tragic situation that we all face, but to somehow relate the report to the extremely minor issue of FTT's development isn't credible.

The reason I believe we have lost all the wetlands is that landowners simply don't go down the consent process, and therefore "fly under the radar" and do not trigger any consent conditions.

I am also aware of the installation of culverts in a wetland associated with the formation of the 'around the mountains cycle trail' up the Oreti River valley. In that case Environment Southland judged that the installation of the culverts did not amount to drainage of the wetland, so I cannot understand how they reached an entirely different decision in this case, where I personally consider the impacts to be less than minor, and certainly far less than the impacts in the Oreti case.

I am left wondering how FTT have found themselves in this position ?

It is my view that the works relating to the notified consent that the FTT are involved with, are in this instance "less than minor".

Yours sincerely

A handwritten signature in blue ink, appearing to read "Mark Sutton". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mark Sutton.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Murray IAN Hagen (Name(s))
of: 93 Holmwood Road RD 1 Te Anau. (Address)
at: 0212207889 (Phone) (Fax) hagenmb49@gmail.com (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: FTT Resource Consent Application.
And/or Organisation: Fiandland Trails Trust.
Application Number: Location: Lake 2 Lake Trail leg 6 near Manapouri.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

attached.

① This Trail is a major benefit to Ratepayers.

② Trail Trust went down advised avenues on applications, using commonsense on decisions, by counsel advisors.

③ This is an abuse ~~by~~ Environment Southland Staff imposing an added cost on ratepayers over an 35 meter.

"less than minor" incursion. This "less than minor" decision by ~~ES~~ Environm Southland consultants was later changed to "More than minor" without a personal viewing by them!!! because of pressure by ES. Staff!

④ Come on ES. see some sense. and, ~~Staff~~ Save the public (Who funded this Trail.) a lot of hard earned money.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Find in favour of Fioreland Trail Trust.

I, ~~am~~/am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am~~/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/~~do not~~ (choose one) wish to be heard in support of my submission.

I, ~~do~~/do not (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed M J Huges Date _____

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

The Chief Executive
Environment Southland
Private Bag 90116
DX20175
INVERCARGILL

SUBMISSION ON A NOTIFIED APPLICATION FOR A RESOURCE CONSENT

I: Neil James Hodges
Of: 33 Kiwi Burn Place, Te Anau
At: 032497661, email: jocelyn@maxnet.co.nz

Wish to SUPPORT the application of: Lake2Lake Te Anau to Manapouri Trail

Organisation: Fiordland Trails Trust
Application Number: APP-20191150
Location: Between chainage 2200 and 2300 from Manapouri to
Supply Bay Road, Manapouri

My reasons for my submission are:

1. That Environment Southland have let it get to this stage and their inability to come to a resolution on such a trivial matter. This shows a complete lack of accountability in their ability to manage minor issues.
2. Having visited this site on a number occasions it is very hard, if not impossible to see what adverse effect this small section of the trail is having on the ecology on the surrounding area. This small section of the trail has now been constructed for 12 months and there does not appear to be any adverse effect on the ecology or environment on either side of the trail which would lead one to believe that there is and will continue to be no effect. The vegetation on the top side of the trail is a mixture of manuka and other natives which are not usually found in wetlands.
3. This does obviously not appear to even be a wetland but more a spring fed creek and should not even be considered of any great ecological value.
4. I understand Environment Southland ecologist has not even visited the site and based all his opinion of 'more than less than minor' purely on desk top information, which I find an insult to the whole process and have to wonder how this can hold any

credibility. Neither has Sonya Nicol, a planner engaged by Environment Southland, visited the site.

5. As the whole area is rapidly becoming modified by noxious weeds, e.g. broom, barbary, blackberry etc, maybe Environment Southland would be better off putting resources into reducing the impact of these.
6. As an Environment Southland rate payer, this whole process gives me very little confidence in the ability of their employees to make sound rational decisions on our behalf. Their time and resources should be spent of more important issues.

I wish the Council to make the decision to leave the trail as is

I hope that this does not get to the stage where a hearing is required as this will be a gross waste of everyone's time and resources.

I do not wish to be heard in support of my submission

Neil Hodges

30 MAY 2019

Environment Southland Resource Consent**Subject: Fiordland Trail Trust Consent App20191150****My Name:** Rob Turner**Address:** 10 Worsley St, Te Anau, 9600**Email:** etalview@farmside.co.nz**Phone:** 03 249 4144

I wish to support the Fiordland Trails Trust in their endeavour to complete Leg 6 of the cycle trail without any intervention.

The Fiordland Trails Trust has done a great job in building trails from Te Anau to Manapouri. However they have resistance to part of Leg 6 which is the disputed section of the of section of trail.

Since moving to Te Anau in 2015 my wife and I have been supporters and users of the trails built. It is clear that the Fiordland Trails Trust have built a high quality and very efficient cycle trails from Te Anau to Manapouri. However they have had one hiccup in Leg 6 where the integrity of their work has been challenged.

This is a huge surprise as they have used Industry Best Practice on all of their tracks.

I am sure common sense will prevail and that if there are any minor effects, they be able to be promptly resolved.



SUBMISSION FORM

I: Roger Wilson
of: 18 Cathedral Drive, Manapouri
at: 0274 335 353 roger.wilson@findex.co.nz

Wish to support the application of:

Name: Fiordland Trails Trust

Application Number: APP-20191150

Location: Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300

Re: Environment Southland decision for public notification of resource consent application to modify wetland

I write in response to the above notification.

As part of my preparation to respond on the notification I was supplied a copy of Mr Brian McCandless's submission in regard to this matter. Having read Mr McCandless's submission several times I find that I could not have recorded my own views on the matter as nearly as articulately and precisely as Mr McCandless has. I wholeheartedly endorse what he says in respect to this matter.

I have been a holiday home owner in Manapouri for over 20 years and have been an occasional user of the area through which the cycle trail travels, both for the purposes of hiking and hunting. Prior to the opening of the trail Mr McCandless is quite correct in pointing out that the area was virtually inaccessible to the wider public. Equally Mr McCandless is correct in stating that the intrinsic environmental value of the particular area concerned was questionable.

I am of the belief that this whole notification process is the result of the personal antagonistic stance taken by a member of Environment Southland's Council and formerly a person heavily involved in the battle over the location of the proposed cycle trail along the Oreti River. It is obvious to the writer that had the particular gentlemen concerned not been as paranoid over the matter and had he not been in a position to influence Council's officers then this matter would not have been put to public notification involving a group of hardworking individuals in unnecessary grief and expense. I am and will continue to be a keen user of the cycle trail and believe this process is a gross waste of Environment Southland's rate payer monies. Certainly when it comes to Council elections I hope the

public withholds their vote from any member of Council supporting such trivial use of the resource consent process.

I wish Council to approve the Fiordland Trails Trust Application, as modified by their proposals to remediate the effects of the cycle trail.

I am not a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

I do not wish to be heard in support of my submission.

I do not wish to be involved in any pre-hearing meeting that may be held for the application.

I have served a copy of my submission to the applicant.

Signed by: .



Roger Wilson

4 June 2019

Date

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Simon Marwick (Name(s))
of: 104 Govan Drive, Te Anau 9600 (Address)
at: 022 044 0850 (Phone) simonmarwick@gmail.com (E-mail)
(Fax)

Wish to SUPPORT

Name: Lake Te Anau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: **APP-20191150** Location: Leg 6 of the Lake 2 Lake Trail between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri.

on are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

Conclusion:

I submit that the construction of the cycle track will have a less than minor ecological effect on the wetlands in question.

Reasoning:

As I understand it, the question here is, will the cycle track have an ecological impact on the surrounding wet land? The only physical change that could occur because of the trail will be hydrological, more or less water on either side of the trail.

I believe that the use of two large 800mm culverts placed in the existing stream beds will not alter the amount of water on either side of the trail. And therefore, no ecological effect will be produced in the short or long term.

The culverts will have to be kept clear.

the following decision *(Give precise details, including the nature of any conditions sought)*

Nil

trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**, please complete the next statement, otherwise leave blank*

directly affected by an effect as a result of the proposed activity in the application that:

adversely affects the environment; and

does not relate to trade competition or the effects of trade competition.

wish to be heard in support of my submission. *Don't want to be heard.*

wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed

[Handwritten signature]

Date

27 MAY 19

For more information about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant consent for the construction of the 35 metres of the cycle trail, the placement and use of 2 culverts and the use of leg of the Lake 2 Lake Te Anau to Manapouri Trail without conditions.

I also seek wavier from the Council for any fees, including professional fees, give the social, cultural and economic benefits of the trail and the Charitable trust status of the applicant.

I, ~~am~~/**am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/**am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/**do not** *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/**do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Signed _____ Date _____

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

- 4 JUN 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Irene Rosslyn Barnes (Name(s))
of: 22 Cathedral Drive, P.O. Box 9, Manapouri 9643 (Address)
at: 03-249-6609 (Phone) (Fax) (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fiordland Trails Trust

And/or Organisation: _____

Application Number: APP-20191150 Location: Manapouri - Supply Bay Rd. Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

The Wetland under question was unknown to the larger population before the Lake 2 Lake Trail was constructed.
It is not listed as a Regionally Significant Wetland with p SWLP.
The wetland is fed by a spring which, if anything, has been enhanced by the work.
To disturb the track at this stage would cause more damage to the wetland than the current situation.
Although it is acknowledged that several lizard species could live in this area, there have been no confirmed sightings.
The wetland vegetation is of poor quality & is in danger of being checked out by a native creeper.

I do not believe, following several visits, that Policy 33 of the Southland Water & Land Plan has been significantly breached.

There are no willow trees near the wetland except for those on private property.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Considering the reasons for my submission (above) and taking into account the wide ranging benefits to recreational users of the Trail, I would like to see the mitigating work to be simple & achievable, bearing in mind that the Trust members are volunteers (unpaid) who have devoted hours of time to achieving a wonderful recreational facility for locals, visitors, and tourists.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, do/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed

S.R. Barnes

Date

27-5-2019.

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

The Chief Executive
Environment New Zealand
Private Bag 93719
DXN0174
Wellington

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I, Meyers Newisome and Janice Newisome Name
of 9 Manau St PO Box 77 Manapouri 9643 Address
te 03 21496034 Phone meyers.janice@gmail.com Email

With SUPPORT / OPPOSE / about a NEUTRAL submission on (and on) the application of

Name Fiordland Trails Trust

And/or Organisation _____

Application Number 20191150 Location Leg 6 of the Lake 2 Lake Trail

My reasons for my submission are (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

To give retrospective resource consent for wetland modification covering construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri trail.

As residents of Manapouri we have walked this trail numerous times since it opened and the wetland area concerned is a very small section of the whole trail.

It is nice to stand at the culverts and watch the fresh water running thru and see so clearly what lies beneath. It enhances the experience of the trail and does not impede the area at all.

The area concerned is very small and minor and the Trails Trust have done their best to make as little impact as possible.

Explain the Council's role in making the following decisions (You may use details including the nature of any conditions sought)

As we fully support the Trail Trust's retrospective consent application, we request that the Council grant this application.

I am am not (delete one) a trade competitor of the applicant (for the purposes of Section 38B of the Resource Management Act 1991).

If trade competitor chosen, please complete the next statement, otherwise leave blank.

I am/am not (delete one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I do do not (delete one) wish to be heard in support of my submission.

I do do not (delete one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed J. Newcombe Date 1-6-19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland
03 217 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: PATRICIA CUTTRISS (Name(s))
of: 103 HILLSIDE - MANAPOURI ROAD TE ANAU (Address)
at: 024 249 4044 (Phone) daleford@xtra.co.nz (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: Between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

I fully support the Fiordland Trails Trust in their sympathetic development through the 2200-2300 chainage as part of the Lake2Lake Trail.

The track across this area, which has been pocked with springs and modified by slips, weeds and fires in previous decades, has been carefully planned, to have minimal impact.

Consultants who have been making decisions on behalf of ES, have in some instances, never visited the 2200-2300 site. Given that Iwi, DOC and Fish & Game have confirmed their support, ES should also sign off the area in discussion with confidence.

The Fiordland community are so proud of the Trails Trust team. The team have fashioned this wonderful trail with very little impact on the natural environment, but with huge benefits for the health and well being of thousands of people annually.

Trish Cuttriss

Manapouri

I wish the Council to make the following decision (Give precise details, including the nature of any conditions sought)

I INSTRUCT THE COUNCIL TO ALLOW PROPOSED
ACTIVITIES AT KEY 6 OF THE LAKE2LAKE TRAIL
BETWEEN 2200 to 2300 .

I, ~~am~~/am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

*If trade competitor chosen, please complete the next statement, otherwise leave blank.

I, am/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not (choose one) wish to be heard in support of my submission.

I, do/^{MAY}do not (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I WOULD BE SHOCKED IF IT DEVELOPED TO A HEARING.

I have served a copy of my submission on the applicant. Yes

Signed B. CURRAN Date 28.05.2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

and instead the FTT was served with an abatement notice.

A very disappointing process using rate payers' money from Environment Southland.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I wish the Council to **approve** the Fiordland Trails Trust application for retrospective resource consent for wetland modification covering construction of 35m of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail.

I, **am/am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, **do/do not** (choose one) wish to be heard in support of my submission.

I, **do/do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed Rebecca Howe **Date** 29 May 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

20 MAY 2013

Submission on a Notified Application for a Resource Consent

I: JILLIAN AND ROBERT MCBRIDE (Name(s))
of: 35 SANDY BROWN ROAD I R O TE ANAU 9679 (Address)
at: 0272486371 (Phone) (Fax) jillrob@extra.co.nz (E-mail)

Wish to SUPPORT / ~~OPPOSE~~ / submit a NEUTRAL submission on (circle one) the application of:

Name: _____

And/or Organisation: FIORDLAND TRAILS TRUST

Application Number: APP 20191150 Location: Leg 6 of the LAKE TO LAKE TRAIL

BETWEEN CHAINAGE 2200 TO 2300 FROM
MANAPOURI TO SUPPLY BAY ROAD, MANAPOURI

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

JILL AND ROB MCBRIDE WISH TO SUPPORT THE FIORDLANDS TRAILS TRUST.
WE ARE AWARE THAT A 35 metre stretch of the TRAIL HAS RAISED CONCERN THAT IT IS AFFECTING A WETLAND AREA.
WE HAVE CLOSELY INSPECTED THE AREA OF CONCERN ON THE CYCLE TRAIL.
THE STRETCH OF THE TRAIL IN QUESTION HAS BEEN DELIBERATELY POSITIONED TO AVOID THE WETLAND (SWAMP LAKE?) AREA BY TRAVERSING UP HILL OF IT. HOWEVER THERE IS A SMALL AREA OF THE WETLAND UP HILL FROM THE TRAIL. THIS IS ON A SLOPE AND IS DRAINED BY STREAMS.
THE TRAILS TRUST HAVE USED TWO CULVERTS TO ALLOW THE WATER TO FLOW UNDER THE TRAIL, AND ONTO ITS FINAL DESTINATION, THE LARGER WETLAND, SWAMP AREA. IT WOULD APPEAR THAT ANY ADVERSE EFFECTS TO THE ENVIRONMENT ARE LESS THAN MINOR. IT APPEARS THERE HAS BEEN POSITIVE CONSULTATION BETWEEN ENVIRONMENTAL CONSULTANT KELVIN LLOYD, WHOSE HAS BEEN ENGAGED BY ENVIRONMENT SOUTHLAND, AND THE TRAILS TRUST. THE TRAILS TRUST HAVE AGREED TO IMPLEMENT THE MINOR CHANGES RECOMMENDED.
WE ARE INFORMED THAT ENVIRONMENT SOUTHLAND HAS ISSUED

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

A ABATEMENT NOTICE TO APPLY FOR CONSENT TO REMOVE THE SECTION OF THE TRAIL. IN OUR VIEW THIS WOULD CAUSE MORE DAMAGE THAN THE EFFECTIVE USE OF CULVERTS ON THE EXISTING TRAIL.

WE ALSO WISH TO EXPRESS OUR DELIGHT AND SUPPORT FOR ALL THE HARD WORK AND VOLUNTEER HOURS PUT IN BY THE TRAILS TRUST TO PLAN AND FINALIZE THE LAKES TO LAKES TRAIL. THE TRAIL IS A VALUABLE ASSET TO THE COMMUNITY, VISITORS AND HOLIDAY MAKERS. WE USE IT FREQUENTLY AND ENCOURAGE OTHERS TO EXPLORE THE BEAUTIFUL AREAS BESIDE THE WAIAH RIVER THAT WERE NOT ACCESSABLE BEFORE.

I, am/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/do not *(choose one)* wish to be heard in support of my submission.

I, do/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed J. McBride [Signature] Date 30 MAY 2019

Bronwyn Auckram

From: Mikayla Scott on behalf of Facility Manager
Sent: Thursday, 30 May 2019 10:22 a.m.
To: Bronwyn Auckram
Subject: FW: Emailing: IMG_20190530_0001 attached is our submission in support of the Fiordland Trail Trust Application No APP20191150
Attachments: IMG_20190530_0001.pdf; IMG_20190530_0002.pdf

From: Rob & Jill [<mailto:jillrob1@xtra.co.nz>]
Sent: Thursday, 30 May 2019 9:52 a.m.
To: Facility Manager
Subject: Emailing: IMG_20190530_0001 attached is our submission in support of the Fiordland Trail Trust Application No APP20191150

Please confirm that this submission has been received.

Regards

Jill and Rob McBride

Your message is ready to be sent with the following file or link attachments:
IMG_20190530_0001

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

To: The Chief Executive
Environment Southland
Private Bag 90116 DX20175
Invercargill.



SUBMISSION FORM

Submission on a Notified Application for a Resource Consent Application Number: APP-20191150 being Leg 6 of the Lake 2 Lake Cycle Trail between chainage 2200 and 2300.

I: Robert Allan Youldon

of: 18 Freestone Place, P.O. Box 16, Manapouri. 9643.

at: 03 249 6655 0212519441 allanyouldon@xtra.co.nz

Wish to fully SUPPORT Fiordland Trails Trust in this Application.

My reasons for my submission are: I feel the Consent issued by SDC should have been all that is required for this part of the Cycle Trail to be completed.

I wish the Council to make the following decision. To fully grant any consent deemed to be needed for this part of the Cycle Trail, without any undue restriction.

Preamble. I consider the need for this application to be a monumental misuse of Environment Southland Resources. Which are funded by ratepayers. The Consent issued by Southland District Council should have been adequate for purpose.

It could be said the need for ES to require an additional consent to be that of an overzealous organisation too concerned with bolstering their own ego, and somewhat out of touch with reality.

I feel the effect of this Cycle Trail on the wetland to be less than minimal, and therefore should have been granted without the need for a notified Consent. If consent is needed at all.

I also question a possible conflict of interest of the initiator.

Reasons. The wetland in question was virtually inaccessible and unknown before the Cycle Trail was put in opening up the area to the general public.

The Trails Trust should be encouraged and congratulated for opening up this Cycle Trail to all. Not lumbered with additional costs and petty Consents such as this one. The area now opened up will allow ease of access for most people to see, and for to control pest plants that have been allowed to thrive for many years.

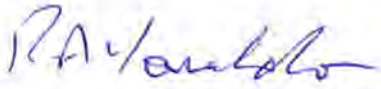
The effect on the wetland will be much less than minor, especially when taking into account the fact that that location is now open for people to see and enjoy. Not hidden away and inaccessible to almost all people.

The conflicting findings of experts should, in my opinion, have been sorted out by communication and NOT at the expense of the Trails Trust.

I do not wish to be heard in support of my submission to save further expense to the Trail Trust.

I do not wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Signed 

Date 27-5-19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800768845.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Roger Henry Stephenson (Name(s))
of: 29 C Bligh Street Te Anau 9600 Southland (Address)
at: 0277494029 (Phone) rhstephenson@xtra.co.nz (E-mail)
(Fax)

Wish to **SUPPORT** / ~~**OPPOSE**~~ / submit a ~~**NEUTRAL**~~ submission on (circle one) the application of:

Name: Fiordland Trails Trust
And/or Organisation: as above
Application Number: APP-20191150 Location: NZTM2000 1180612E &1180593E &N4942084

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

If New Zealand is to continue to be a premier tourist destination and an environmentally acceptable country we must be prepared to provide a realistic balance between landuse and conservation practices.

The Lake 2 Lake trail from Te Anau to Manapouri is providing one of those premier experiences for cyclists and walkers alike.

The data being collected by the Trust shows the popularity of the trail by the public, this includes local people and visitors who are enjoying the hard work and efforts of the Trust.

The Trust ecologist stated in his report that the effects of the trail construction on this section was in his words, "was less than minor".

The Environment Southland ecologist stated in his report that the effects of the trail construction on this section was in his words, "more than less than minor".

The two ecologists discussed their differences and agreed on actions the Trust could take to mitigate the effects of the trail on the Wetlands.

This action should have enabled the Trust to proceed and action the matters that had been agreed upon.

Having to apply for retrospective resource consent for this 35 metres of the Trail is a nonsense, when the two ecologists had discussed their differences and agreed on a plan of action to fix this problem.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

The Council should support this application unreservedly.

I, ~~am~~/~~am not~~ *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, ~~am~~/~~am not~~ *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/~~do not~~ *(choose one)* wish to be heard in support of my submission. If it is held in Te Anau.

I, ~~do~~/~~do not~~ *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes

No

Environment Southland

Signed Roger Henry Stephenson

Date 2 June 2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Rosemary Hoskin (Name(s))

of: PO Box 94, Te Anau 9640 (Address)

at: 03 249 7007 (Phone) 03 249 7303 (Fax) rosie@hoskin.net.nz (E-mail)

Wish to **SUPPORT** / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail

And/or Organisation: Fiordland Trails Trust

Application Number: APP-20191150 Location: between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

See attached pages

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant consent for the construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail without conditions.

I also wish Council waive any fees for the consent, including professional fees, given the social, cultural and economic benefits of the trail and Charitable Trust status of the applicant.

I, am/**am not** *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/**am not** *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/**do not** *(choose one)* wish to be heard in support of my submission.

I, **do**/**do not** *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.



Yes



No

Signed



Date

03/06/2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

I am writing in support of the Fiordland Trails Trust application for retrospective consent to build a 35m section of trail in leg 6 of the trail. Along with literally thousands of people (nearly a thousand a month) I have biked and enjoyed that section of trail. The entire trail is outstanding. It is a huge and very well used asset to the community. On multiple occasions I have biked the trail with whole school classes and at other times I have enjoyed it with both visitors to the area and family.

Being married to the chairman of the Trust I am aware of the very high standard to which the Trust operates. The only reason this volunteer Trust exists is to better the world for the surrounding population. The trust is admirably conscientious, working incredibly hard and wisely to provide a quality asset with as minimal environmental effect as possible. This is patently evident in the completed sections of trail, as well as in their management of donated funds. This diligent group of people has donated thousands of hours of their time to enrich our environment and as a result the trust is held in high regard in the community.

I would like to make three points in my submission.

1. Firstly the Trust has routed this leg of the trail to avoid large tracts of wetland. When they have needed to cross the 'wetland' in question the trail has been built near the western end, where it has only 35 meters to cross. The first part of the crossing is over a small creek (with a culvert), followed by a section of dry gravelly land with manuka/coprosma growing on it. This leaves a 10-15m section which does cross 'wet land' (and contains a culvert). As with all their work the trust have carefully selected the route with the least impact on the environment. It is hard to see this crossing having anything but a less than minor impact on the whole wetland. Water/fish/weeds can pass through the culverts. Perhaps the only true impact on the area is that it can now be seen and enjoyed (once the invasive weeds are removed). Sonya Nicol's report states that the trail may adversely affect the 'amenity value'. Before the trail was made, this area was inaccessible so it is hard to see how the trail can negatively affect the amenity value.

2. The wetland is hardly significant. When biking past the 'wetland' in question it is hard to take this submission entirely seriously. While further west there may be Marsh Wetland (as in Sonya Nicol's report) the trail passes to the East of this type of Wetland. This is obvious when you visit. The East side of the trail has a few Carex Secta on the banks of the creek of which the trail crosses. The rest of this side of the trail is not vegetation consistent with a Marsh Wetland.¹ There are species such as Manuka, Coprosma and Marbleleaf. Marsh wetland aside I have not even noticed a flax on this side of the trail. That this is any type of wetland at all could be debated. There are however plenty of invasive weeds. The thousands of dollars and hours of time spent sorting out this notification would have been much better used in removing the weeds from this wetland, if it really is of such significance. Financial donations up until this point had gone

¹ Johnson/Gerbeaux, Wetland Types in New Zealand 2004

<https://www.doc.govt.nz/documents/science-and-technical/WetlandsBW.pdf>

almost entirely to the physical building and maintenance of the trail. That serious money will now be diverted into admin/submissions is a waste of finite resources.

3. Finally I would encourage consideration to be given to the end outcome of these proceedings. It is obvious the community are using and enjoying this trail. Should the submission be declined the decision makers need to consider what outcome they are hoping for. Is it to remove the trail completely? Any other possible route crosses hundred of meters of true wetland. Or is it to make life so difficult for the Trails Trust that they fold? Farewell the dream of a Lake to Lake trail which is so close to completion? The community is behind this project and it is going so well - beyond expectation. But the people on the Trust are real people with real lives who at some stage will give up spending hours of their time on issues such as these. Fighting legal battles is quite a different pastime to managing a trust, which, with a high level of integrity, have managed to build a beautiful and sensitive bike trail.

In summary it is in the hands of the decision makers to make the work of the Trails Trust as difficult or as easy as one likes. It would be prudent to take into account the 'big picture' of the trail, and of how little an environmental impact it has made to date. To note what a negligible impact the trail has made on this 'wetland' in question. And to consider whether this very short crossing of low value land is worth it to enable the Lake 2 Lake trail to exist. The trail is an awesome community asset. Setting out stumbling blocks in front of the trails trust just makes a hard job even harder - which runs the risk of derailing the entire and future projects. It is hard to see that as a positive end outcome for the Te Anau Basin and Manapouri communities - or the environment. The FTT deserve all the help and support we can give them.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Russell Smith (Name(s))
of: 60 View St Manapouri (Address)
at: 0324 96922 (Phone) Shirrus @ Manapouri.co.nz (E-mail)

Wish to **SUPPORT** / ~~OPPOSE~~ / submit a **NEUTRAL** submission on (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail
And/or Organisation: Fjordland Trails Trust
Application Number: APP-20191150 Location: Between drainage 2200 + 2300 from Manapouri to Supply Bay Road, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

- 1 I believe the consent has already been signed off by Southland District Council and Environment Southland in 2018.
- 2 also the complaint has been assessed by very qualified ecologists and found to be minor or less than minor to the wetland.
- 3 and if any remedial work was required to this section it would cause more damage to the existing wetland.
- 4 as a keen mountain biker having used this trail many, I was not aware that this was a Wetland. It is also not listed as a Regionally Significant Wetland.
- 5 the needs of all users must be considered when decisions of access are made. Each user group has a different way of utilising the resource on which their recreation depends.

1710

I wish the Council to make the following decision (Give precise details, including the nature of any conditions sought)

This is a philosophical base for the recreational
recreational consensus that these resources
can only be protected and properly managed
by Crown Public ownership.
I consider that access to our country
is of utmost importance with roads
tracks and rivers forming the access
framework.
I am thankful to the Fiordland
Trails Trust for their foresight and hard
work to make this trail a reality and
provide asset for the Community and
Tourism.

I, ~~am~~/am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

*If trade competitor chosen, please complete the next statement, otherwise leave blank

I, am/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not (choose one) wish to be heard in support of my submission.

I, ~~do~~/do not (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed

R H Smith

Date

2/6/19.

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland
(03) 211 5115 or 0800 76 88 45.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Shirley Joan Smith (Name(s))
of: 60 View St, PO Box 105, MANAPOURI 9643 (Address)
at: 03 2496922 (Phone) 021 366926 (Fax) shirlzhome60@gmail.com (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Lake TeAnau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: Between chainage 2200 and 2300
From Manapouri to Supply Bay Rd
Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

See attached

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

See attached.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed



Date

2/6/2019.

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

My reasons for this submission are:

1. Consent has already been granted to the Fiordland Trails Trust (FFT) in relation to this minor section of the Lake 2 Lake Trail and they undertook in good faith to redirect that section of the track away from the wetland as far as possible to minimise any supposed damage to the “fish” and indigenous plant life of the area. This was done in consultation with the appropriate authorities.
2. It has been suggested that this work (which has been deemed to be of a “less than minor” breach of Waterways legislation) be removed and a board walk be constructed to enable track users to cross over it. This seems to me that a lot of damage would occur in the removal of the current track and the building of a board walk in order to be compliant for a “less than minor” breach of a 10 metre section of the whole track, not to mention the exorbitant cost.
3. What would the outcome be in a higher than normal rainfall season when the water from the spring was flowing at a higher rate and the lake level was high pushing waves up into the wetland and possible flooding the board walk track?
4. This work, if actioned, would entail the FFT in a lot extra expense. This Trust relies on donations and grants for the building and upkeep of the track and it has been the result of generosity from the local people and hard work from the Trust in applying for Grants. The only people benefitting from this complaint are the consultants and lawyers. Not the people who enjoy riding and walking on the track (including the complainant).
5. The volunteers who maintain this track at their own cost have done their level best to answer and remedy any “less than minor” effect on the wetland. Neighbouring properties have given consent to allow the track to come closer than the allowed meterage to their properties to overcome any problems the track may have caused to the wetland. The wetland is not listed as a Regionally Significant Wetland and there are far more exotic plants causing problems to that particular section of track such as Willows, Broom, Manuka and blackberry than the section of gravel track with the appropriate culverts to allow “fish” to travel up the creek.

I wish the council to make the following decision:

Allow the FFT to keep the current track as is and provide them with finances to help exterminate all exotic trees and shrubs that are currently in that section of the wetland.

The Lake 2 Lake Track is very much appreciated by old and young alike and is used extensively by both locals and tourists and helps to keep all users fit and healthy while appreciating the beauty of the area and native birds, plants and wildlife at close proximity. The health and wellbeing of the thousands of people who use the track is surely more important than the loss of minimal indigenous plants around that small section of track which will regenerate anyway.

I therefore recommend that you do not make the FFT have to go through an expensive and time-consuming Resource Consent process that is not warranted.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Ruth + Max Slee (Name(s))
of: 34 Oraka Street Te Anau 9600 (Address)
at: 03 2498045 ruth.slee@gmail.com (E-mail)

Wish to **SUPPORT** **OPPOSE** **NEUTRAL** submit a **NEUTRAL** submission on (circle one) the application of

Name: Lake Te Anau to Manapouri Trail

And/or Organisation: Fiordland Trails Trust

Application Number: APP-2019/150 Location: Between chainage 2200 and 2300
from Manapouri to Supply Bay Road,
Manapouri.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

We feel that the effects of
the trail construction on
the wetland are being less
than minor, and the trail
should be left the way
it is now.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

[Empty box for decision details]

I, am/am not please use a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991)

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, am/am not please use directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/do not please use wish to be heard in support of my submission.

I, do/do not please use wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed

John Lee Mc. A. Lee

Date

17 0 19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Scotland
(013) 211 3113 or 1960 70 88 45

To the Chief Executive
Environment Southland
PB 90116
Invercargill

I, Sonya Crook of 285 Flora Road Makarewa, Invercargill at 03 2358371

sonyacrook@xtra.co.nz,

wish to support The Fiordland Trails Trust application # APP20191150

Location, between chainage 2200 and 2300 on Manapouri to Supply Bay Manapouri.

My reasons for making a submission are that I am a user of the Lake 2 Lake trail for the purpose of pleasure, fitness and being an avid angler I have used the trail to gain access to stretches of the Waiau River which were previously not easy to access on foot and I am a Manapouri ratepayer.

I am aware that Mr Maurice Rodway has written to Environment Southland complaining about the placement of the two culverts.

I have read the conflicting ecological reports carried out on the wetland area on behalf of the Fiordland Trails Trust and Environment Southland in regards to the wetland area and the placement of two culverts.

I have visited the culvert site after a prolonged period of dry weather conditions and again recently on three occasions immediately after prolonged periods of very heavy rain and observed that there was very little or insignificant change in the height and volume of water draining from the wetland area via the culvert. The water was clear and only fragments of leaf litter were present in the water.

I am concerned that in the Environment Southland Notification Memorandum, the wetland area was deemed to be more than minor in its significance. However, prior to the formation of the trail this wetland area was known to Environment Southland, yet when visiting the site it is over grown and somewhat choked with local weeds, broom, cotoneaster, Darwin's barberry and a stand of large willows on an adjoining property. If, this wetland area is of more than minor significance, then why it has been neglected by Environment Southland? I note that the responsibility for eradicating those invasive weeds now falls upon the Fiordland Trails Trust under their original consent issued by Southland District Council.

To my observation the two culverts do not restrict water from or fish access to the head of the wetland area, nor do they impede the natural habitat down-stream – however the choking, invasive weeds do.

My concerns

- The issuing of an abatement notice by Environment Southland on the Fiordland Trails Trust was heavy handed, unwarranted and publically irresponsible, given that the Trust has been willing to appease all affected parties and has found acceptable solutions to obstacles and problems that have arisen during construction.
- That this retrospective consent application was required to be publically notified, given that the wetland area in question was in a neglected state and the effects of the two culverts are noted as being less than minor in the Beale Consultants 2018 report.
- That community and publically raised funds have been wasted by this notified consent process.
- I have read the online meeting minutes of Environment Southland council and other committees from March 2018 through to those most recently published and I am amazed that this community project has not been reported on in any of those meeting minutes. Whereas, the Invercargill to Bluff cycle trail has been reported on more than one occasion and just recently their work has been applauded in the Environment Southland Council meeting minutes.

Environment Southland Duty of Care

As Mr Maurice Rodway, the complainant is also an Environment Southland Councillor and chairs various committees within the Council, the public have a right to ask for an assurance from the Council

- that, in this matter Environment Southland and Cr Rodway have followed the Councils strict code of disclosure of interest and any other requirements and that these processes have been documented.
- that, during the collection of information and decision making on the abatement notice and resource consent processes that Environment Southland staff and consultants to Environment Southland have not been influenced by Mr Rodway by means, verbally or in writing.

Community opportunities

I see that Environment Southland has information on it's website under the Community Section promoting walking and cycling around Southland.

- I ask that Environment Southland work with the Fiordland Trails Trust to update the ES website community section to include details of Lake 2 Lake trail.

The Lake 2 Lake trail is an untapped opportunity to educate the wider community of users

- I encourage Environment Southland to be proactive and work with the Fiordland Trails Trust to create educational information boards through giving staff time (ES education and science teams) and that ES fund signage resources ie signage boards to highlight areas of educational interest along the length of the trail.

I am in support of

- the two culverts remaining in place and
- that retrospective consent is granted to the Fiordland Trails Trust.

I, am not a trade competitor of the applicant for the purposes of Section 308B of the Resource Management Act 1991.

I, do wish to be heard in support of my submission.

I, do not wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Sonya Crook



4th June 2019

SOUTHLAND CONSERVATION BOARD

TE ROOPU ATAWHAI O MURIHIKU

Submission Form

Submission on a Notified Application for a Resource Consent

To: The Chief Executive
Environment Southland
Private Bag 90116 DX20175
Invercargill

I, Alison Broad, on behalf of the **Southland Conservation Board**:

1. Wish to make a neutral submission to the application of Fiordland Trails Trust Leg 5 Lake 2 Lake Te Anau to Manapouri Multi Use Trail Resource Consent Application for Wetland Modification between Lake Manapouri and Supply Bay Road.
2. The Southland Conservation Board was a submitter to the proposed Water and Land Plan (pWLP) and was generally supportive of the Objectives and Policies, and Rule 74 of the Plan which seeks to protect wetlands in the region. The Board is also supportive of the sustainable use of Crown Land administered by the Department of Conservation.
3. The Board is a statutory body established under the Conservation Act and is able to advocate independently from the Department of Conservation.
4. The reasons for the Board's submission are that the Board wishes to ensure that the Objectives and Policies in relation to wetlands are upheld in this process. We understand these to provide protection for wetlands in the region as many have been lost or modified and reduced in extent in the past. At World Wetlands Day in 2018 the Minister of Conservation, the Hon Eugenie Sage was quoted as saying "*it is vital to preserve the remaining 10 percent (of wetlands). In New Zealand, we have lost 90 percent of our natural wetlands. Large areas of Canterbury, Manawatu, Waikato and the Bay of Plenty historically had extensive freshwater wetlands. In Southland more than 1000 hectares of wetland has been lost since 2007.*" (Radio NZ 4 Feb 2018)
5. Given the vulnerability of remaining wetlands the Board believes it is important to clarify the nature and magnitude of effects on them.

6. The Board wishes the Council to make a decision, based on the evidence it receives, that is consistent with the objectives and policies of the proposed Water and Land Plan and the Regional Policy Statement. If the Council decides to decline the consent the Board would support the construction of approved boardwalks over the wetlands as we believe the effect of these would be minor. In addition we would support conditions that ensure pest plants such as broom, Darwin's barberry, *Cotoneaster* and wilding pines were removed from the area affected by the trail on an ongoing basis.

The Board is not a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

The Board does not wish to be heard in support of its submission.

The Board does not wish to be involved in any pre-hearing meeting that may be held for this application.

Signed



Alison Broad, Deputy Chair

24 May 2019

SERVICED BY THE DEPARTMENT OF CONSERVATION

PO Box 743, Invercargill 9840

CUE on Don Building, 33 Don Street, Invercargill, New Zealand

Telephone (03) 211-2400, Fax (03) 214-4486

Email: southlandconservationboard@doc.govt.nz



Environment Southland
Private Bag 90116
INVERCARGILL

Southland Forest & Bird
c/- Jenny Campbell
P O Box 71
Mossburn 9747



3 June 2019

Application of Fiordland Trails Trust Leg 5 Lake 2 Lake Te Anau to Manapouri

Multi Use Trail Resource Consent Application for Wetland Modification between Lake Manapouri and Supply Bay Road.

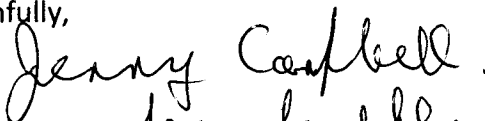
We acknowledge that the work of the Fiordland Trails Trust has a valuable community benefit. Notwithstanding that the following is an assessment of our concerns and recommendations:

- Wetland loss and further damage should not be allowed to continue in Southland
- Wetlands on public conservation land and private land should be given the highest protection from loss.
- The fact that this consent is retrospective means that the Fiordland Trails Trust, land administering agencies and consenting authorities, have not done an adequate job in assessing the effects and protecting the wetland values on the land along the cycleway.
- The effects of the trail on the wetlands are more than minor because of the rare Marsh type wetland (containing carex and other indigenous vegetation). Note we support the assessment by Wildlands Consultants for the reasons outlined in their assessment. Any future application of this type that has the possibility of detrimentally affecting any wetland must be scrutinized adequately. The applicant's assertion that affects are "less than minor" needs to be assessed and not merely accepted.
- While the extent of the wetland affected is small, there are adverse effects on the wetland (including likely impacts upon the hydrological functioning of the wetland), which should have been avoided.
- We would have preferred that this wetland area should have had a boardwalk

created and not been graveled and culverted. However, we believe that the damage to remove the gravel and rectify this would create greater additional adverse effects and so now is not warranted.

- Because the scale is small, the damage can, we believe in this case, be mitigated by additional weed control by the Trails Trust (as stated in the Wildlands Report) and by taking the other actions offered by the Trails Trust.
- We support the Trusts current application subject to mitigation discussed above, and on the condition that any future Trails avoid wetlands or do not lead to any further wetland damage or loss in Southland.
- There is a great opportunity with trails in general to interpret and promote the flora and landscapes the trails go through for the enjoyment and appreciation of all users.

Yours faithfully,

PP. 
Sec. Southland F&B.

Chris Henderson
Chairperson
Southland Branch
Forest & Bird Society

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Ryan Harvey c/o Southland Mountain Bike Club (Name(s))
of: 57 Duncan St Invercargill (Address)
at: 0272445477 (Phone) (Fax) (E-mail)

Wish to **SUPPORT** / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: _____
And/or Organisation: Fiordland Trails Trust
Application Number: APP-20191150 Location: _____

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

The Southland Mountain Bike Club supports the approval of the Fiordland Trails trust consent for a cycle path through the small wetland in the vicinity of Supply Bay Road.

The Southland Mountain Bike Club does not have the expertise to validate the concerns of the Environment Southland Ecologist and outcome of the Section 95 report. But understands that the placement of the causeway has affected the water table of the wider wetland, not just the permitted activity of culvert placement in the modified (deepened water courses).

The Southland Mountain Bike club represents over 250 paying members and the wider cycling community as the region's largest cycling club. We support the granting of the consent for the following reasons;

- The promotion of low carbon tourism and recreational amenity in a growing community.
- The opportunity for exposure to wetland habitat and associated species. This exposure will go some way to educate public about the importance of halting the decline of wetland habitat throughout the region and country.
- Increase in road safety. The promotion of tourism and increase of the importance of tourism part of the regions gross domestic product is increasing the road traffic on the regions roads, with an associated increase in road accidents. Promotion of cycling between Te Anau and Manapouri will assist in the reduction of motorised road traffic. The cycle trail will also provide a fantastic asset that separates cycle and motorised traffic.

The above reasons are in line with the opinion of the Southland Regional Council Ecologist (S.95 report p.11)

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

We would like the Southland regional council to Grant the consent on the following basis;
- Desired action; The FTT to remediate the 'causeway' structure with that of a boardwalk structure of sufficient length to allow the through-flow of the natural water table to ensure that wetland habitat is not reduced to a more than minor extent.
Reason; Boardwalk structures are used extensively to protect sensitive wetland habitat in national parks e.g. the Kepler track between Shallow Bay Hut and Balloon Loop, the Rakiura track, and on the Hump Ridge Track.

- Desired action; The erection of educational signage on the role of wetlands
Reason; The decline of wetland habitat should be halted. This can only be achieved by increasing the understanding of the role of wetland habitat in the general public. There is a unique opportunity for the direct exposure of the public to a wetland environment. This exposure can be enhanced with educational signage to highlight the role of wetlands and their related species.

- Desired action; The FTT is to manage or remediate any invasive species in the wetland.
Reason; To maintain the high amenity value and to minimise any potential effect of the cycle path to a less than minor extent.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*


I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed  Date 4/6/2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

3
ENVIRONMENT SOUTHLAND
27 MAY 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Stuart McNaughton (Name(s))
of: 35 Mohara Avenue, Manapouri (Address)
at: 0274350993 (Phone) jmcaughton@waterforce.co.nz (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Fiordland Trails Trust (FTT)

And/or Organisation: _____

Application Number: _____ Location: _____

* Environment Southland-written as ES.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

After reading in the paper where the FTT has had to reapply for consent from ES I was gravely upset. I have been past the area concerned on a number of times either walking or biking & could see no real harm to the sight. I am lead to believe that the person or person's who complained about the Wetland being effected had been on the track numerous times and may have walked it before it was open to the public. If so why was it no brought to the attention of the FTT then instead of now, as it will no doubt be a much larger cost to the FTT to change if need be. I have read a report that the FTT have had an independant do a sight report after visiting the site but ES didn't except it and have had their own site report compiled. Surely there must be a middle ground. If I had known the trouble this piece of trail would cause I would not have given my consent for the trail to come close to my boundary, making FTT go

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

right through the middle of the Wetland, what would the damage have been like then? Thousands of people have biked or walked the track and I haven't heard any complaints until now. I personally think someone is wanting their name's kept in front of the public and not thinking about letting the public enjoy the beauty of this country which would then let people support you. If a letter happened to go to Fair Go I wonder what the reaction of the country would be to tax payers money being used by ES to stop the track. The country has already marched for Manapouri against a government & council that had goals ahead of the wants of New Zealanders. I am not in favour of ES making the FTI reapply for consent.
Continued on attached paper.

I, **am/am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, **do/do not** (choose one) wish to be heard in support of my submission.

I, **do/do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No *This is my first submission*

Signed *SS* Date 24/5/19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

My questions to ES:

- ① Has ES been on site with an independent to judge the effects of the Wetland and the 35 metre section in question or was this just done from an office?
- ② Is the ES decision being based on the new proposed Water + Land Plan or when the FTT originally approached ES?
- ③ Did the person or person's that noted concerns do so prior to the opening of the track/trail, or after it was opened?
- ④ Has the person or person's got a personal grievance against the FTT and are trying to point score and not worrying about donated public money?
- ⑤ Is the track not on Southland District Council land, so should it not be the Southland District Council and ES fighting this out and the FTT could walk away?

area between Lake Manapouri and the Manapouri/Te Anau road). The Fiordland Trails Trust has lodged an application for additional DOC Community Funding for further weed control work in this area over the next 2 years.

6. The Fiordland Trails Trust have demonstrated the value that they place on wetlands by specifically avoiding them when they selected the route for Leg 6 of the trail. This route was approved and consented by the Southland District Council through a separate resource consent process and was approved by the Department of Conservation. The FTT have indicated their willingness to fill in the water table alongside the trail if this was considered necessary to mitigate any adverse effects.
7. It is irresponsible for Environment South to accept the opinion of a planner and an ecologist who have not visited the site. The ecologist Simon Beale was engaged by FTT and visited the site to make an informed assessment of the impacts. His opinion of a "less than minor impact" should be accepted.

In summary, the Fiordland Trails Trust have acted responsibly in aligning the trail to the best of their ability to minimise any negative impacts on wetland areas. They have spent considerable time, effort and funds in enhancing the natural ecosystem through weed control along the track edge and the block north of Frasers Beach (as described above) as well as weed control in a wetland at Balloon Loop and control of multiple weeds near the Marakura Yacht Club in Te Anau. The wetland in question here is already highly modified and the trail crossing it has caused very little damage to it.

The Lake2 Lake trail provides an excellent opportunity for the public to appreciate our local indigenous vegetation including our wetland ecosystems. The Fiordland Trails Trust should be commended for their efforts in providing this facility.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

I request that the council find in favour of the Fiordland Trails Trust and assess the impact as less than minor.

I am not a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

I do not wish to be heard in support of my submission.

I do not wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed Susan M Marwick **Date** 27 May 2019

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Stephen Hoskin (Name(s))

of: PO Box 94, Te Anau 9640 (Address)

at: 03 249 7007 (Phone) 03 249 7303 (Fax) stephenhoskin@hotmail.com (E-mail)

Wish to **SUPPORT** / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Lake Te Anau to Manapouri Trail

And/or Organisation: Fiordland Trails Trust

Application Number: APP-20191150 Location: between chainage 2200 and 2300 from Manapouri to Supply Bay Road, Manapouri

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

See attached pages

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

Grant consent for the construction of 35 metres of the trail, the placement and use of two culverts and the use of Leg 6 of the Lake 2 Lake Te Anau to Manapouri Trail without conditions.

I also wish Council waive any fees for the consent, including professional fees, given the social, cultural and economic benefits of the trail and Charitable Trust status of the applicant.

Please note, I chair the Fiordland Trails Trust but am submitting as an individual. I also work as a local General Practitioner (hence my interest in the public health benefits of the trail) and chair the Te Anau School Board of Trustees but was not involved in their submission.

I, am/~~am not~~ *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/~~am not~~ *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/~~do not~~ *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/~~do not~~ *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.



Yes



No

Signed

Stephen Horshie

Date

31/05/2019

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

Stephen Hoskin

I wish to support the consent application for three main reasons

Firstly, the consultant planner, Sonya Nicol appears to have given greater weight to the report by Wildlife consultants, despite the fact the author, Kevin Lloyd, explicitly states he has not been to the site whereas it is clear that Simon Beale has. Surely the on-site inspection is going to give richer information to inform the opinion and greater weight should be given to that report. Alternatively, given the difference in opinion, I would expect Sonya Nicol and Michael Durand to visit the site to inform their decisions but it appears neither did.

Secondly, the two ecologists had both agreed the effects of the trail would be less than minor if the Trust undertook the remedial action they agreed to, namely filling in the water table and removing exotic weeds.

Thirdly, it seems Environment Southland has not taken a 'big picture' view of the situation in a number of aspects. For example, even if we ignore the other 18 km of trail the Trust had constructed, the related construction activity was for 5km of trail. The section the Trust has been asked to obtain consent for involves 35m of trail, representing 0.7% of the trail length. It could be argued the relevant distance and percentage are 10m and 0.2% respectively, given the northern culvert is in a creek with dry ground either side.

Most of the related 5km of trail runs alongside wetland. The Trust has clearly made an effort to keep out of wetlands along all areas where it was physically possible. With a creek crossing the path, there was no other option at the point in question. In order to minimise the impact on wetland, the Trust obtained consent from adjacent landowners and the Southland District Council and moved the trail closer to private properties than initially permitted under SDC consenting.

I would encourage those considering these submissions to undertake a site visit *including walking the unofficial but marked route between Supply Bay Road and Manapouri*. (Bring your gumboots). I estimate the total area of wetlands alongside the trail at 50-80 Ha compared to a trail area of 105m² (35m x 3m) or 30m² (10m x 3m) meaning 0.003-0.021%¹ of the wetland along the newly constructed trail has been affected [Figure 1]

¹ 30/800 000 to 77/500 000



Figure 1: The area adjoining the trail is approximately 166Ha. Having walked back and forwards in the area, I estimate 30-50% of the area is wetlands

Another 'big picture' item is that the Trust has undertaken weed control, not only along the trail itself but in areas well beyond including on land under the administration of Environment Southland. Trustees and volunteers have also planted native species along the trail below Golf Course Road and near Queens Reach and has plans to plant more native species below Rainbow Reach Road this August. Surely these Trust activities are of environmental benefit and in keeping with ES plans. Standing on the trail at the area in question shows a variety of weeds including blackberry, broom, exotic grasses and lupin [figures below]. As mentioned, the Trust was willing to clear the adjacent wetland of exotic weeds.



Figure 2: Blackberry and exotic grass immediately alongside the trail



Figure 3: Broom visible from the trail



Figure 4: An aerial photo showing broom either side of the trail and lupin above.

By constructing the trail, the Trust enables people to get out in the natural environment and appreciate its value. Such immersive and emotional experiences can be transformative and result in users who take action to protect our environment. Additionally, the Trust has plans to develop education and interpretation which would further promote conservation values.

There are also other policies relevant to the trail. For example, the Regional Land Transport Plans list the following intended long-term results:

- The network is reliable and resilient.
- Major externalities are reduced (including road risk and the resultant trauma, and carbon emissions).
- Exporting is supported.
- **Tourism is enabled and supported.**
- **Growth is enabled.**
- Non- traditional economic sectors are enabled.
- **There is an increased choice in travel modes.**
- **Community resilience has been enhanced (including climate change adaptation).**

- Decision-making is timely and relevant.
- There is sufficient support and choice of funding to realise the strategy outlined in these plans.

“These intended long-term results are important because, collectively, they will enable our regions to achieve the goal, by ensuring the following three factors that are critical to success in achieving the goal are realised:

- Transport enables and supports economic activity and growth.
- **The transport system adequately meets social needs.**
- **Transport helps to positively shape the future of Otago and Southland**

“The Otago and Southland RTCs [regional transport committees] have two objectives for cycling: to **expand cycle tourism, and to see much larger numbers of people travelling by cycle in urban and peri-urban areas.** They seek two key results:

- The number of people choosing to cycle is sufficient to make a positive contribution towards ensuring a sustainable and accessible transport network
- **The number of people using cycle trails boosts the economy of Otago and Southland.**

“The RTCs are seeking to **increase the number of people choosing to cycle in urban and peri-urban areas and on cycle trails.**

“Making **better provision for cycling** is not just about providing space on the roads; it also means providing connections between trails and cycling tracks on the one hand, and those parts of the road network used by cycling commuters on the other hand.

Urban and rural connections for walking are also important and often done as part of an Approved Organisation’s programme of low cost/ low risk projects. **Cycling contributes positively towards a sustainable and accessible transport network because it is energy efficient, has minimal environmental impacts, is affordable and has associated health and fitness benefits.** Increasing the use of cycling will contribute to improvements in community wellbeing, public health and the transition to a low emissions economy. **The plans seek to encourage and enable higher levels of cycling. Reallocating existing roading space to cycling, and providing for cycling in new roading projects, will help increase recognition of the rights of cyclists to safe road space.** Provision of good quality cycle facilities within the roading corridor, including separate facilities, will play an important role in increasing the levels of cycling within the two regions. Improved land-use planning practices will also assist in greater levels of cycling activity because local services, as well as transport services, will be more accessible by bicycle.

Continued expansion of cycle tourism, through the provision of quality experiences on trails and the **construction of further trails**, will help build this sector of the tourist market, aimed at both overseas and domestic visitors. Providing better connections between trails (although this is not a major focus of this plan) will encourage visitors to remain longer in the south” [boldening mine]

I struggle to see how the Lake2Lake could be a better fit with the Transport Plans. The user numbers speak for themselves with over 45 000 passes in 12 months at the busiest section of trail and over 8700 at its most remote point, south of Queens Reach. The relevant leg 6 near Manapouri was

opened in June 2018 and had clocked up 6129 passes by the end of the 2018, with 1486 passes in December alone.

These numbers are despite the trail being incomplete and the Trust having no formal marketing strategy. Once completed, the trail will enable the safe passage for pedestrians and cyclist all the way from Te Anau to Manapouri without having to go on State Highway 95. The trail starts and finishes close to population centres making it convenient, safe and free to undertake physical activity. Such areas away from vehicles are valuable for enabling activity for those who are not confident or do not feel safe on roads. School groups use the trail, which helps set active lifestyles in motion; aligns with the Southland Cycling Strategy's aim to "support the development of cycling skills"; and with NZTA's Cycle Education System's "winning formula", namely "Regular opportunities to develop bike handling skills and gain experience in off- road environments"

The health benefit of physical activity are summarised by the UK National Health Service²:

- up to a 35% lower risk of coronary heart disease and stroke
- up to a 50% lower risk of type 2 diabetes
- up to a 50% lower risk of [colon cancer](#)
- up to a 20% lower risk of [breast cancer](#)
- a 30% lower risk of early death
- up to an 83% lower risk of [osteoarthritis](#)
- up to a 68% lower risk of [hip fracture](#)
- a 30% lower risk of [falls](#) (among older adults)
- up to a 30% lower risk of depression
- up to a 30% lower risk of dementia

The final 'big picture' point is around process. The Land and Water plan repeatedly states that "*The Southland Regional Council will **restrict the exercise of its discretion** to the following matters" such as considering economic benefit and "the potential benefits of the activity to the applicant, the community and the environment". Environment Southland has exercised discretion in the past such as not prosecuting breaches and not publicly notifying activities. The public notification of this activity has a significant *negative* economic activity on a Charitable Trust trying to deliver a public good. The Trust repeatedly sought to avoid such diversion of its limited resources by requesting meetings with Environment Southland staff and offering remedial work but Council pursued the public process. I therefore suggest Council minimise any further impact on the Trust by waiving all fees associated with this application, including professional fees.*

In summary, there are numerous social and environmental benefits from the Lake2Lake trail in its entirety and – even on its own - the 5km section related to this consent. If we narrow our focus to the 35m in question it appears the environmental effect would still be beneficial and certainly not more than 'less than minor'.

² <https://www.nhs.uk/live-well/exercise/exercise-health-benefits/>

16 May 2019

The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

Submission on a Notified Application for a Resource Consent

I, Sarah Greaney on behalf of the **Te Anau Community Board**

Address: PO Box 5, Te Anau Ph: 027 222 6634 Email: sarahkay@xtra.co.nz

Wish to **SUPPORT** the submission on the application of:

The Fiordland Trails Trust Application Number: **APP-20191150**

Location: Leg 6 of the Lake 2 Lake Trail between chainage 220 and 230 at about NZTM2000 1180612E, N4942051 and 1180593E and N4942084

The reasons for our submission are as follows:

In granting the original Resource Consent the Southland District Council stated that the adverse effect on the environment would be less than minor. It noted that public notification had already been undertaken by the Southland Conservation Management Strategy (2016) and recommended that vegetation clearance be done in conjunction with an ecologist, to ensure minimal impact on the area. Simon Beale, the ecologist engaged by the Fiordland Trails Trust also assessed the impact would be less than minor.

Both the Department of Conservation, Fish and Game, and Te Ao Marama Inc were happy to provide approval for the retrospective resource consent to be granted. They have all subsequently endorsed their initial support and approved the work that has been retrospectively completed since the abatement notice was issued.

Culverts placed within the wetland area are compliant and permitted under the Regional Water Plan and should therefore not be cause for concern. These were installed in discussion with the support of the ecologists who had visited the site.

Given that the work has been completed, the impacts are also already able to be assessed. The ecological assessment by Beale Consultants did not identify an indigenous flora, nor did it believe that the impact was anything less than minor. The report stated that the indigenous ecosystem types and habitats will be maintained as the impact of the trail on the wetland area is less than minor and that the wetland in question was not located within an originally rare ecosystem.

We note that the technical review completed by Wildlands Consultants Ltd who were engaged by Environment Southland uses a high degree of vague language in their report; for example “is likely to cause” and “assessment of imagery indicates the wetland “may only occupy 0.75 hectares””. Given the

lack of certainty and clarity in this technical report, we are not convinced that an accurate assessment of the site has been undertaken by this party, particularly as the author finishes his report by stating he has not visited the site. This report states that the expert is not even sure what flora are actually growing in the wetland location – stating that “it is likely to be...”. Consequently, any credence on the interpretation that the impact be “more than minor” would have to be questioned.

We wish the Council to make the following decision:

We wish the council to provide a retrospective resource consent to the Fiordland Trails Trust in regard to the less than minor modifications to the area described under “location”. The organisation is a not-for-profit entity that has provided a significant amenity to the local communities of Te Anau and Manapouri and should not be made to incur significant unnecessary costs in obtaining consent. They have attempted at all times to work with Environment Southland to achieve make amends since the abatement notice was issued. In notifying the consent, this has been denied.

The Lake2Lake multi-purpose trail is providing both social and economic benefits to Fiordland as has been evidenced by the wide variety and number of users (both local, national and international), and businesses that have been opened. The Te Anau Community Board considers this amenity to be the first “game changing” asset provided in our area for more than 30 years. It gains little direct profit, and yet provides leverage to other businesses to market a year round activity, something which the area has been lacking for many years.

The volunteer trustees have worked tirelessly fundraising to build the trail putting almost every dollar into constructing the trail. The Te Anau Community Board deems that notifying this consent is an unnecessary cost to the Fiordland Trails Trust when the impact on the wetland has been assessed as “less than minor” by the professionals who have actually visited the site.

In addition, the trust has an ongoing plan to maintain the trail, undertake a native planting programme and we believe that their efforts in this area should also be commended.

We are not a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

I do not wish to be heard in support of my submission.

I do wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes

Yours faithfully

Sarah Greaney

Te Anau Community Board, Chairperson

Submission Form

Resource Consent Application for Wetland Modification

Environment Southland

Private Bag 90116

Invercargill 9840

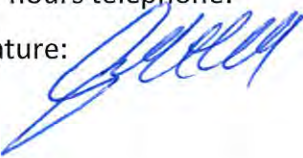
Email: consultation@es.govt.nz

Name or representative: Grant Excell, Principal on behalf of Te Anau School Board of Trustees

Address: 181 Milford Road

Business hours telephone: 03 249 7131

After hours telephone: 021 244 7268

Signature: 

Date: 22/5/19

Te Anau School Board of Trustees Background Information:

Te Anau School Board of Trustees is the governing body of Te Anau School. We support the educational development of students who attend Te Anau School, which includes the New Zealand's Curriculum for Education Outside of the classroom.

Our Submission:

Te Anau School Board of Trustees supports the proposed wetland modification for the Fiordland Trails Trust, Lake Te Anau to Manapouri Multi Use Trail.

The proposed activity is a non-complying activity under Rule 74(c) of the Proposed Southland Water and Land Plan;

Rule 74 – Wetlands

(c) 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 s104B of the Resource Management Act 1991, Council may grant or refuse a resource consent application for a non-complying activity and if granted may impose conditions on the resource consent;

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

Furthermore, non-complying resource consent applications are subject to s104D of the Act;

104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) 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 a proposed plan but no relevant 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.*

(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

The proposed wetland modification by the Fiordland Trails Trust for the purpose of a multi-use trail is contrary to Rule 74(c) of the Proposed Southland Water and Land Plan. Subsequently, under s104D of the Act the application must pass Part A of the Gateway Test, whereby, the effects of the activity on the environment must be no more than minor, before Council can award Resource Consent for the proposed activity.

The Fiordland Trails Trust contracted BEAL Consultants to undertake an Ecological Assessment of Leg 6 the wetland crossing. Simon Beale from BEAL Consultants completed a site visit of the location and concluded: the effected vegetation is ecologically significant, the magnitude of the effect of construction of the trail on the wetland is very low owing to the small area of the wetland affected, and no indigenous flora with a threat classification was observed in the wetland plant communities adjacent the trail. Respectively, a very low effect on the area of the wetland affected by the structure, should be considered to have a no more than minor effect on the environment.

Ecologists Kevin Lloyd undertook an independent assessment of the likely effects of trail construction on the wetland for Environment Southland and made conclusions without the benefit of having

visiting the site. Ecologists Kevin Lloyd's letter dated 26 February 2019, stated that the adverse effects on the wetland may be more than minor, moreover, the letter dated 11 April 2019, states that the ecological effects on the wetland should be no more than minor if these actions (positive effects of weed control over the 2000 meter squared area centred on the wetland and its riparian margins) are undertaken with sufficient care and diligence.

Connectively, if mitigation measures are undertaken ecologists BEAL Consultants and Kevin Lloyd conclude that; the potential effect on the wetland environment should be considered no more than minor.

Respectively, under s104D of the Act if pest control is imposed as a condition in the Resource Consent, the potential effects of this activity on the wetland environment should be viewed as no more than minor. Thus, passing Part A of the Gateway Test, whereby Council can award Resource Consent for the proposed activity.

Moreover, the proposed wetland modification meets Part 5 of the Resource Management Act 1991;

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In the Act natural and physical resources and structures are defined as;

natural and physical resources includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

structure means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

Currently, the existing environment includes the facility of the constructed sections of the Multi Use Trail. The existing Multi Use Trail facility enables the Te Anau community to provide for their social well-being and for their health.

The purpose of the Act can continue to be met with the addition of a structure over the wetland to connect the existing trails. This is because authorisation for the proposed structure would enable the community to fully provide for their social wellbeing and health through a completed Multi Use Trail.

Subsequently, the wetland habitat can be sustained and safeguarded through mitigating the effects of the proposed structure through pest control.

Therefore, because the Fiordland Trails Trust resource consent application for wetland modification meets the purpose of the Act, and can lawfully be awarded by Council under s104D of the Act, the Te Anau School Board of Trustees submits in favour of approving the Fiordland Trails Trust resource consent application for Wetland Modification.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: H. PHILIP HOSKIN. (Name(s))
of: P.O. BOX 94, TE ANAU, 9640. (Address)
at: 027-376-6747. (Phone) - (Fax) coombepark@hoskin.net.nz. (E-mail)

Wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Name: LAKE TE ANAU TO MANAPOURI TRAIL.

And/or Organisation: ESORLAND TRAILS TRUST.

Application Number: APP-20191150 Location: BETWEEN CHAINAGE 2200-2300
FROM MANAPOURI TO SUPPLY BAY ROAD, MANAPOURI.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

PLEASE SEE ATTACHED SUBMISSION.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

GRANT CONSENT FOR THE CONSTRUCTION OF THE 35m OF TRAIL ALREADY IN PLACE, THE PLACEMENT & USE OF THE TWO CULVERTS & THE USE OF THE LAKE TE ANAU TO MANAPOURI TRAIL WITHOUT CONDITIONS.

I WOULD LIKE COUNCIL TO WAIVE FEES FOR THE CONSENT INCLUDING PROFESSIONAL FEES IN VIEW OF THE MANY BENEFITS & CHARITABLE TRUST STATUS OF THE FIORDLAND TRAILS TRUST.

I, am/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, am/am not *(choose one)* directly affected by an effect as a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, do/do not *(choose one)* wish to be heard in support of my submission.

I, do/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant.

Yes No

Signed

P. Hosken.

Date

25-05-2019.

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

I wish to support the Fjordland Trails Trust in the strongest possible terms against the actions taken by ES over the notification about the 35 metres of track and its effects on the adjacent wetland. The basis for ES action seems to be based on an opinion by an ecologist who in his report points out that he has not visited the site. The FTT ecologist on the other hand has a far more informed opinion which has been disregarded. ES seems to have adopted a distant, approach when some local consultation and discussion could have prevented much 'angst'.

Many situations in life demand balance and compromise. FTT appear to have aimed to achieve both. In order to show consideration to a neighbouring landowner they adjusted the line of the cycleway to preserve his privacy. This resulted in a very tiny amount of wetland being above the trail and necessitating the installation of the culverts. They appear to be of a suitable size and at a sensible depth to enable water flow and fish movement. The area of wetland appears insignificant in both area and quality with many exotic weeds.

I understand a general desire to preserve and enhance wetlands along with other types of habitation but instead of balance and compromise ES has taken a very tunnel vision approach almost to the extent of creating a storm in a teacup.

There is huge community support for the efforts of the FTT and if staff or board members communicated with the ratepayers Environment Southland would realise how out of tune they are with the community.

As far as I know, none of the Trust members receives any direct economic benefit from the Trail but the wider community does including bike hire businesses and catering at either end. There are obvious physical and mental health benefits to any physical activity. Please remember that this is also a walking trail and residents in Manapouri use the trail.

The FTT depends on community funds and many hours of volunteer work. Both of these have been seriously drained by the actions of ES. I am somewhat reminded of a comparable waste of public funds by the bodies involved in the dispute over routing the Round the Mountain Cycle Trail.

I urge ES to take into account the massive public benefit of the actions of the FTT compared to the miniscule effect on an insignificant area of wetland. Please rescind any public notices, waive any fees to the FTT and get behind community efforts.

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

SUBMISSION FORM

Submission on a Notified Application for a Resource Consent

I: Wendy and Cameron McDonald (Name(s))
of: 268 Hillside - Manapouri Road (Address)
at: 03 249 6614 (Phone) cam.wendymcdonald@gmail.com (E-mail)

Wish to SUPPORT / OPPOSE / submit a NEUTRAL submission on (circle one) the application of:

Name: Lake 2 Lake Te Anau to Manapouri Trail
And/or Organisation: Fiordland Trails Trust
Application Number: APP 20191150 Location: Between chainage 2200 and 2300 on Leg 6 of the Lake 2 Lake trail.

My reasons for my submission are: (State the nature of your submission and give clear reasons. Continue on attached pages if necessary)

We are writing in support of the Fiordland Trails Trust being granted a retrospective Resource Consent for construction of a trail between chainage 2200 and 2300 as part of Leg 6 of the Lake 2 Lake Trail.

By the time Leg 6 of the trail was under construction, much of the Lake 2 Lake Trail had already been completed, with the Trust and their contractors having displayed an impressive degree of sympathetic sensitivity toward the flora and ecosystems encountered along the way.

The route for Leg 6 was specifically chosen to skirt the Western end of a wetland so as to avoid or lessen any detrimental effect, despite the fact that the area could hardly be regarded as being particularly unique or pristine, having been altered over time by fires, slips and noxious weeds. The track location was consented by Southland District Council and approved by DOC, Iwi and Fish and Game. The two ecologists engaged to assess the track's impact on the wetland, concurred that this was only "minor" or "less than minor".

With the Trails Trust having a proven track record, the mutual consent of the ecological consultants, not to mention overwhelming approval by the thousands of locals and visitors who have already enjoyed the Lake 2 Lake trail, it is absolutely **bewildering** as to why, despite this substantial goodwill, Environment Southland would possibly wish to proceed to a publicly notified consent to have part of the trail removed!!

It is disheartening to consider the potential waste of fundraised money and Trails Trust time which will be wasted if this process continues.

I wish the Council to make the following decision *(Give precise details, including the nature of any conditions sought)*

We ask that the Council let common sense prevail and allow the Fordland Trails Trust to keep the track already constructed between chainage 2200 and 2300 as part of leg 6 of the Lake 2 Lake Trail - and to positively support this project through to completion.

I, ~~am~~/am not *(choose one)* a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank*

I, am/am not *(choose one)* directly affected by an effect ~~as~~ a result of the proposed activity in the application that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/do not *(choose one)* wish to be heard in support of my submission.

I, ~~do~~/do not *(choose one)* wish to be involved in any pre-hearing meeting that may be held for this application.

I have served a copy of my submission on the applicant. Yes No

Signed W. J. Donald. G. Green Date 29-5-19

If you have any queries about this form or its purpose please contact the Consents Division of Environment Southland (03) 211 5115 or 0800 76 88 45.

Our Ref: R4957

26 February 2019

Lacey Bragg
Environment Southland
Private Bag 90116
INVERCARGILL 9840

Dear Lacey

REVIEW OF EFFECTS OF FIORDLAND TRAIL ON WETLAND VALUES

Environment Southland have received a retrospective resource consent application (APP-20191150 W4931) from the Fiordland Trails Trust to modify a wetland due to construction of a multi-use trail on the eastern margin of Lake Manapouri. The trail crosses the wetland approximately two kilometres northeast of Manapouri township. A report accompanying the application determines that the wetland is significant in terms of Section 6(c) of the RMA. The report then goes on to say that the effects of construction of the trail on the wetland will be very low owing to the small area of wetland affected. Environment Southland requires an independent assessment of the likely effects of trail construction on the wetland.

The remainder of this letter comprises technical comments on the likely effects.

Wetland Location and Context

The wetland occurs at the base of small scarp on the eastern shore of Lake Manapouri. It is likely to be a spring-fed wetland as there is no obvious stream channel upstream of the wetland. The wetland occurs in mosaic of fernland, mānuka (*Leptospermum scoparium*) scrub, and Scotch broom (*Cytisus scoparius*). An informal walking track zigzags from the nearby Manapouri - Te Anau Highway to the lakeshore, just south of the wetland.

The application states that the trail crosses approximately 35 metres of the wetland and is formed to a width of three metres. Two streams on each side of the wetland define it and are associated with culverts placed under the trail. A water table has been formed on the upstream side of the trail to direct sub-surface flows from the wetland into the southern culvert.

Ecological Assessment

The ecological assessment (Beale Consultants 2018) accompanying the application classifies the wetland as a marsh wetland, with the dominant wetland plant being purei (*Carex secta*), with

shrubs of mingimingi (*Coprosma propinqua*) and weeping mapou (*Myrsine divaricata*) on its margins. Wet ground between the two streams is occupied by stands of mānuka, shrubs of mingimingi, and the sedge rautahi (*Carex coriacea*) and swamp kiokio (*Parablechnum minus*), and this vegetation also comprises wetland vegetation. The report states that no plant species with a threat classification were observed in the wetland in the vicinity of the track. The report also indicates that one or more lizard species with a threat classification of At Risk-Declining may be present.

We note that one plant species found at the site, mānuka, has a current threat classification of At Risk-Declining, on the basis of the potential threat posed by myrtle rust (*Austropuccinia psidii*). Little weight has been attached to this due to the abundance of mānuka in Southland Region, because myrtle rust has not yet been detected in the lower South Island, and because mānuka is not a species that is commonly infected by myrtle rust in the North Island and northern South Island.

Effects Assessment - Beale Consultants

Beale Consultants (2018) assesses the effects of trail construction on the hydrological and ecological function of the wetland as being less than minor, due to the 120 m² loss of wetland habitat being a small proportion of the total wetland area.

Effects Assessment - Wildland Consultants

In my opinion, adverse effects on the wetland may be more than minor for the following reasons:

- The wetland has been classified as a marsh wetland, a wetland class that has been significantly cleared and modified in most parts of New Zealand.
- Clearance of indigenous wetland vegetation, while representing a relatively small wetland area, increases the cumulative loss of wetland extent, and the effects of this have not been avoided, remedied, or mitigated.
- The trail cuts across the flow of water in the upper part of the wetland, and diverts previously inflowing water into an adjacent stream. This is 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. These effects are likely to cause local changes in wetland vegetation over time, allowing facultative wetland species such as mānuka to increase in abundance at the expense of obligate wetland species such as purei.
- It is not clear if indigenous fish would use the small streams on each side of the wetland, but if so, the culverts installed could potentially provide barriers to fish passage.

Conclusion

The Beale Consultants (2018) report considers the effects on the wetland to be less than minor, but assesses only the area cleared in coming to this conclusion.

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 vegetation over time. Remediation, mitigation, or compensation actions could potentially address these adverse effects.

Please don't hesitate to contact me if you require further input or discussion.

REFERENCE

Beale Consultants 2018: Te Anau – Manapouri multi-purpose trail. Ecological assessment of Leg 6 wetland crossing. Prepared for the Fiordland Trails Trust.

Yours sincerely

A handwritten signature in black ink that reads "Kelvin Lloyd". The signature is written in a cursive, slightly slanted style.

Kelvin Lloyd
Principal Ecologist

Our Ref: 4957b

8 April 2019

Sonja Nicol
Environment Southland
Private Bag 90116
INVERCARGILL 9840

Dear Sonja

REVIEW OF EFFECTS OF THE FIORDLAND TRAIL ON WETLAND VALUES

Environment Southland have received a retrospective resource consent application (APP-20191150 W4931) from the Fiordland Trails Trust to modify a wetland due to construction of a multi-use trail on the eastern margin of Lake Manapouri. The trail crosses the wetland approximately two kilometres northeast of Manapouri township. A report accompanying the application states that the wetland is significant in terms of Section 6(c) of the RMA. The report then goes on to say that the effects of construction of the trail on the wetland are very low owing to the small area of wetland affected. Environment Southland required an independent assessment of the likely effects of trail construction on the wetland, which was provided on 26 February 2019 (Wildland Consultants 2019).

Following this, it was suggested (K. Lloyd, email to Environment Southland, 12 March 2019) that potential fish passage through culverts installed under the trail should be reassessed, a ditch excavated on one side of the formed trail should be filled in, monitoring of the infilled area should be undertaken to check for settling of the substrate (with re-filling if required), and monitoring of subsequent colonisation by rautahi (*Carex coriacea*) should be undertaken. The applicant has agreed to undertake these works and monitoring, and provided photographic evidence that showed fish passage should not be restricted through the culverts. If the infilling work is carried out successfully, this should remedy the adverse hydrological effects on the wetland to the point that they are less than minor.

The residual adverse effects relate to the direct loss of wetland vegetation caused by trail construction.

EXTENT OF WETLAND LOSS

Beale Consultants (2018) assessed the effects of trail construction on the hydrological and ecological function of the wetland as being less than minor, due to the 120 m² loss of wetland habitat being a small proportion (0.3%) of the total wetland area. However, the wetland extent indicated by Beale Consultants (2018) includes non-wetland habitat near the lake, and it is not clear

what area of wetland extent was used to calculate this percentage. Assessment of satellite imagery indicates, however, that the wetland may occupy only approximately 0.75 hectares, and thus the extent of clearance would be 1.6% of the wetland extent.

WETLAND SIGNIFICANCE

The wetland was assessed as being significant by Beale Consultants (2018) in terms of the Representativeness, Rarity, and Ecological Context criteria in the Southland Regional Policy Statement:

- (a) *Representativeness*
 - (i) *Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district or coastal biogeographic region. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biodiversity in some areas.*
- (b) *Rarity/Distinctiveness*
 - (i) *Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the Region, or relevant land environment, ecological district, freshwater environment, or coastal biogeographic region.*
- (d) *Ecological Context*
 - (i) *Vegetation or habitat of indigenous fauna that provides or contributes to: an ecological linkage, ecological corridor or network; buffering function; or ecosystem service.*
 - (ii) *A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a water body, including a river or coastal system, or springs, lakes and streams.*

The assessments against the Representativeness and Rarity criteria are appropriate, but the importance of this wetland in terms of the ecological context criteria is less certain.

PLANNING CONTEXT

The retrospective consent sought has the status of a non-complying activity. As such, there is a relatively high test under Section 104D of the RMA. Before a consent authority can consider to grant or refuse a consent for a non-complying activity, it must be satisfied that either the effects of the activity are no more than minor, or the activities are not contrary to the policies and objectives of the relevant planning documents.

Relevant policies from the proposed Southland Water and Land Plan include:

- Objective 1 *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 14 *The range and diversity of indigenous ecosystem types and habitats within rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.*
- Objective 16 *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.*

Objective 17 *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.*

Objective 18 *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.*

Policy 32 - Protect significant indigenous vegetation and habitat (pSWLP)

Protect significant indigenous vegetation and significant habitats of indigenous fauna associated with natural wetlands, lakes and rivers and their margins.

Policy 33 - Adverse effects on natural wetlands

Prevent the reduction in area, function and quality of natural wetlands, including through drainage, discharges and vegetation removal.

Policy 34 - Restoration of existing wetlands, the creation of wetlands and riparian planting

Recognise the importance of wetlands and indigenous biodiversity, particularly their potential to improve water quality, offset peak river flows and assist with flood control, through encouraging:

1. *the maintenance and restoration of existing natural wetlands and the creation of new wetlands; and*
2. *the establishment of wetland areas and associated indigenous riparian plantings, including on farm, in subdivisions, on industrial sites and for community sewerage schemes.*

CONSISTENCY WITH PLAN OBJECTIVES AND POLICY

Construction of the trail through the wetland would appear to be at least partly contrary to Objective 14 and Objective 17, and contrary to Policy 32 and Policy 33.

ARE THE EFFECTS LESS THAN MINOR?

Residual adverse effects on the wetland are more than minor, for the following reasons. Various matters need to be considered to determine the scale of residual effects:

- The wetland has been classified as a representative marsh wetland, a wetland class that has is one of the most reduced classes of wetland in most parts of New Zealand.
- The wetland is located within a land environment that retains less than 20% of its original indigenous cover nationally.
- Recent research in Southland has shown that the rate of wetland loss has not slowed, with 10.5% of Southland’s remaining wetlands (excluding those in Fierldand on Rakiura) being cleared between 1990 and 2012 (Robertson *et al.*, in press).
- Clearance of indigenous wetland vegetation, while representing a relatively small wetland area, increases the cumulative loss of wetland extent, and the effects of this have not been avoided, remedied, or mitigated.

Overall, even though the extent of wetland loss is relatively small, the residual adverse effects are more than minor, for the reasons set out above.

OPTIONS TO FURTHER REDUCE THE RESIDUAL ADVERSE EFFECTS

A grove of deciduous trees which are almost certainly willows (*Salix* spp.) occur approximately 100 metres upstream of the affected wetland. These are most likely to be crack willow (*Salix fragilis*) but could potentially be grey willow (*Salix cineria*). In either case, they are significant weeds of wetland ecosystems, and are likely spread further downstream, and into the affected

wetland over time. Willow invasion could potentially displace indigenous wetland vegetation and alter the hydrology of the wetland.

Eradication of these willow trees would therefore represent a very positive effect that may reduce the residual adverse effects on the wetland to less than minor. Willows can be drilled and poisoned *in situ*. Willow control sites should be monitored for regrowth and regeneration, with additional control undertaken if required.

Scotch broom (*Cytisus scoparius*) occurs in patches on the wetland margin, and while not likely to have adverse effects on the wetland, are very likely to be having adverse effects on the natural character of the wetland. Control of this Scotch broom could therefore mitigate adverse effects on natural character. Follow-up control would also be needed. Encouraging regeneration of mānuka on wetland margins, or planting it, would help to reduce future invasion of Scotch broom.

CONCLUSION

Remediation of the adverse hydrological effects on the wetland is likely to reduce those effects to a less than minor level. Residual effects of wetland vegetation loss caused by track construction could be addressed by eradication of willow trees. Effects on natural character of the wetland could be mitigated by control of Scotch broom and increasing indigenous plant dominance on the wetland margins.

It should be noted that these conclusions are made without the benefit of having visited the site.

Please don't hesitate to contact me if you require further input or discussion.

Yours sincerely



Kelvin Lloyd
Principal Ecologist

REFERENCES

Beale Consultants 2018: Te Anau - Manapouri multi-purpose trail. Ecological assessment of Leg 6 wetland crossing. Prepared for the Fiordland Trails Trust.

Robertson H.A., Ausseil A-G., Rance B., Betts H., and Pomeroy E. In press. Loss of wetlands since 1990 in Southland, New Zealand. *New Zealand Journal of Ecology* 43: in press.

Wildland Consultants 2019: Review of effects of Fiordland Trail on wetland values. *Wildland Consultants Ltd Contract Report No. 4957*. Prepared for Environment Southland.

Our Ref: 4957c

11 April 2019

Sonja Nicol
Environment Southland
Private Bag 90116
INVERCARGILL 9840

Dear Sonja

REVIEW OF EFFECTS OF THE FIORDLAND TRAIL ON WETLAND VALUES

Environment Southland have received a retrospective resource consent application (APP-20191150 W4931) from the Fiordland Trails Trust to modify a wetland due to construction of a multi-use trail on the eastern margin of Lake Manapouri. The trail crosses the wetland approximately two kilometres northeast of Manapouri township. A report accompanying the application states that the wetland is significant in terms of Section 6(c) of the RMA. The report then goes on to say that the effects of construction of the trail on the wetland are very low owing to the small area of wetland affected. Environment Southland required an independent assessment of the likely effects of trail construction on the wetland, which was provided on 26 February 2019 (Wildland Consultants 2019a).

Following this, it was suggested (K. Lloyd, email to Environment Southland, 13 March 2019) that potential fish passage through culverts installed under the trail should be reassessed, a ditch excavated on one side of the formed trail should be filled in, monitoring of the infilled area should be undertaken to check for settling of the substrate (with re-filling if required), and monitoring of subsequent colonisation by rautahi (*Carex coriacea*) should be undertaken. The applicant has agreed to undertake these works and monitoring, and provided photographic evidence that showed fish passage should not be restricted through the culverts. If the infilling work is carried out successfully, this should remedy the adverse hydrological effects on the wetland to the point that they are less than minor.

The residual adverse effects related to the direct loss of wetland vegetation caused by trail construction, and control of willows (*Salix* spp.) upstream of the wetland, and of Scotch broom (*Cytisus scoparius*) adjacent to the trail through the wetland, were suggested as options to mitigate these residual adverse effects (Wildland Consultants 2019b). The Fiordland Trails Trust noted that the willow trees were on private land, creating difficulty for enforcement in consent conditions, and proposed that instead, the Trust would undertake further pest plant management within the wetland as an alternative option to enhance the wetland.

PROPOSED WEED CONTROL

The Trust proposes to control noxious weed species including gorse (*Ulex europaeus*), Scotch broom, and Darwin's barberry (*Berberis darwinii*) in an approximate 2,000 metre squared area centred on the trail where it crosses the wetland, in order to improve indigenous plant dominance within the wetland and adjacent areas. The Trust would also discuss removal of the upstream willow trees with the landholder.

EVALUATION

The proposed weed control would comprise a positive effect on the indigenous wetland vegetation and vegetation on wetland margins. This positive effect should be sufficient to address the residual adverse effects on the wetland. Performance standards, such as post-operational inspection and reporting, should be considered, to ensure the weed control is effective and that it is not adversely affecting indigenous vegetation.

Ongoing discussion by the Trust with the upstream landholder is supported; if this also enabled the upstream willow trees to be controlled, that would be very positive.

CONCLUSION

In our opinion, the residual adverse effects of wetland vegetation clearance caused by track construction can be addressed by the positive effects of weed control over the 2,000 metre squared area centred on the wetland and its riparian margins. Overall, the ecological effects on the wetland should be no more than minor if these actions, and the actions suggested earlier, are undertaken with sufficient care and diligence.

It should be noted that these conclusions are made without the benefit of having visited the site.

Please don't hesitate to contact me if you require further input or discussion.

Yours sincerely



Kelvin Lloyd
Principal Ecologist

REFERENCES

Beale Consultants 2018: Te Anau - Manapouri multi-purpose trail. Ecological assessment of Leg 6 wetland crossing. Prepared for the Fiordland Trails Trust.

Robertson H.A., Ausseil A-G., Rance B., Betts H., and Pomeroy E. In press. Loss of wetlands since 1990 in Southland, New Zealand. *New Zealand Journal of Ecology* 43: in press.

Wildland Consultants 2019a: Review of effects of Fiordland Trail on wetland values. *Wildland Consultants Ltd Contract Report No. 4957*. Prepared for Environment Southland.

Wildland Consultants 2019b: Review of effects of Fiordland Trail on wetland values.
Wildland Consultants Ltd Contract Report No. 4957b. Prepared for Environment
Southland.